

Community Participation Plan (CPP)

Adoption Date:
Click or tap to enter a date.

Review Date:
Click or tap to enter a date.

Version:
1 (draft)

Responsible Department:
Communications

TRIM Document Number:
<Insert document number>

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1. Purpose

This Community Participation Plan (CPP) outlines how and when Randwick City Council will engage with the community on planning matters, Council projects and other matters of relevance to the local community. It sets out minimum public exhibition timeframes for community consultation. This CPP is a Council-adopted policy prepared as a requirement under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

2. Overview

Randwick City Council recognises the important role that community participation and engagement plays in helping the community have a voice in Council decision-making.

Council recognises and values the insights, skills, knowledge and experience of the local community. These community resources can help Council to understand issues better, involve the community in matters that affect them and ultimately contribute to better decision-making and outcomes.

Randwick City Council is an award-winner and leader in community engagement and was among the first local government authorities to adopt a set of principles and consultation planning guide in June 2008.

Council is a member of the International Association for Public Participation (IAP2) Australasia and uses its practices and participation spectrum as the foundation for Council's engagement activities.

3. Principles

The following are Randwick City Council's community engagement principles which have been developed with regards to s2.23 (2) of the *Environmental Planning and Assessment 1979*. The principles of community consultation practice are based on Council's values of integrity, customer focus, accountability, respect and excellence.

1. Council will apply a **values-based approach** to community engagement that:
 - a. develops out of a strong customer focus and a respect for the community that Council serves
 - b. makes community the focus
 - c. acknowledges the community's right to be advocates for what they want or need
 - d. includes an awareness and understanding by staff of how Council actions impact on the community
 - e. involves honest and straightforward dealing with the community
 - f. provides accurate and timely information to the community
 - g. includes a clear explanation of the decisions and actions of Council at all stages of the consultation process
 - h. incorporates actively listening and acknowledgment of other points of view
 - i. respects individual and cultural differences at all times.
2. The community has a right to be **informed** about matters that affect it.
3. Council will develop effective and on-going **partnerships** with the community and stakeholders to provide meaningful opportunities for community participation

4. Information will be in **plain language**, easily accessible and in a form that facilitates community participation.
5. The community will be given opportunities to **participate** in strategic planning as early as possible to enable community views to be genuinely considered.
6. Community participation will be **inclusive** and Council will actively seek views that are representative of the community.
7. Members of the community who are affected by proposed major development should be **consulted** by the proponent before an application for planning approval is made.
8. Decisions will be made in a **transparent** way and the community will be informed of the outcome with information showing how community views have been taken into account.
9. Community participation methods will be appropriate having regard to the significance and likely **impact** of the project, proposal or development.

4. Scope

This Community Participation Plan applies to Council activities, projects, policies and planning functions. It outlines mandatory and non-mandatory exhibition requirements. Council officers will give consideration to this CPP when developing projects, strategies, policies and plans.

This CPP replaces previous public notification requirements contained within Council's *Randwick Comprehensive Development Control Plan 2013* section A3 – public notification. It also replaces Council's Community Consultation Principles and Consultation Planning Guide adopted in 2008.

This CPP specifically sets out Council's consultation approach for:

1. Local and Regional development applications
2. Applications to modify development consent under Section 4.55 & 4.56 of the Act
3. Review of determinations under Division 8.2 of the Act
4. Planning agreements
5. LEPs and DCPs
6. Council projects and buildings
7. Council activities, policies, projects and plans

State significant developments are not covered by this CPP as they are notified by the NSW Department of Planning, Industry and Environment.

Exempt and complying developments are separately defined under the Act and do not currently provide for community input; however, neighbours must be advised of certain complying developments in accordance with Clause 130AB of the EP&A Regulation 2000.

5. Policy content

5.1. Determining level of impact

The impacts of a Council activity on a community can be potential, real or perceived. The impacts can be beneficial or negative. Impacts may also be different for different groups and individuals in a community.

Some activities require more community input than others. There may be resource and time constraints on Randwick Council's consultation activities. It is critical to develop a balanced approach between the demands for community consultation, resources available, significance of an issue for the community and level of influence the community has on a decision.

Council will give consideration to the level of impact in determining our consultation approach.

Matters that have a higher real or perceived impact across Randwick City or impact different population groups or have the potential for high level interest or controversy will be considered 'higher level impact' and the consultation techniques employed will be more substantial. Examples of higher level impact include City-wide strategies or programs, Special Rate Variations, annual budgets and operational plans and long-term planning policies.

Matters that involve smaller changes or improvements of a more local level or that are low risk or are likely to have limited controversy will be considered 'lower level impact' and appropriate consultation techniques will be used to communicate with those most affected. Examples of local level consultations are proposed upgrades to local parks, playgrounds and buildings, streetscape changes and local traffic matters.

5.2. Determining the level of participation

Council uses the International Association for Public Participation (IAP2) spectrum when considering how to set the level of participation.

Setting a level is important as it helps clearly define for Council and the community the role the public can play in a particular consultation and what Council will do with the feedback. It creates a promise or an agreement with the community which helps to underpin the engagement for the project.

For each Council community engagement program (excluding planning matters which are dealt with in section 6.6 and 6.7), Council will determine one of the following goals and promises to the public.

5.2.1. Public participation spectrum


Increasing level of public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	"We will keep you informed."	"We will listen to and acknowledge your concerns."	"We will work with you to ensure that your concerns and aspirations are directly reflected in the decisions made."	"We will look to you for advice and innovation and incorporate this in decisions as much as possible."	"We will implement what you decide."
EXAMPLE CONSULTATION TOOLS	• Websites • Fact sheets • Advertising	• Public comment and FAQs • Exhibitions • Meetings • Surveys	• Workshops • Deliberative polling • Notification of all residents / ratepayers	• Participatory decision-making	• Citizen jury • Plebiscite

Table 1: Public participation spectrum. (Adapted from the IAP2 public participation spectrum, International Association for Public Participation).

5.3. Consultation tools and techniques

There are a wide range of consultation tools and techniques that can be employed to involve the community in public participation. Techniques will be chosen relevant to:

1. The level of impact
2. The level of participation
3. Provisions contained within this CPP
4. Other legislative or mandated requirements

5.3.1. Public notification

Public Notification refers to the range of ways in which members of the public are advised and informed of an issue at hand, to provide opportunities for public feedback on that issue.

Public Notice may include:

1. Written Notice – a letter or an email to specified persons likely to be affected;
2. Published Notice – an advertisement placed in a newspaper or other media;
3. Site Notice – a notice erected on or near the site of a proposal; and
4. Web Page Notice – a notice published electronically on a Council website such as www.randwick.nsw.gov.au or www.yoursay.randwick.nsw.gov.au. Members of the community are encouraged to register with Your Say Randwick to be alerted to Council consultations.

In addition, if a LEP, DCP or Council project or proposal is likely to generate broad community interest, the Council may also undertake consultation measures such as:

5. Consult with relevant interest groups such as Precinct Committees and Chambers of Commerce;
6. Arrange information sessions/presentations, open days or other public forums;
7. Send media releases to media agencies;
8. Use social media channels;
9. Electronic Direct Mail to Council email lists; and/or
10. Advertising through outdoor signage, digital display screens and the like.

To facilitate Aboriginal People's involvement in planning processes, consultation with the relevant groups of the Aboriginal community, including the Aboriginal Land Council may be undertaken in addition to notification. Council's relevant Projects Officer also liaises directly with Aboriginal People in Randwick City, assisting communities to understand the impact of planning decisions upon future generations of Aboriginal People and their cultural connection to Country.

Council may, at its discretion, decide to undertake additional widespread consultation consistent with the consultation impact and level of participation such as:

11. Representative sample surveys (online, face to face or telephone)
12. Pop-up information sessions
13. Deliberative workshops
14. Focus groups
15. Information packs and surveys mailed to ratepayers and residents
16. Online engagement using interactive geo-spatial tools and survey techniques to encourage public participation

For planning matters, Council will use one or more public notice methods depending on the anticipated impacts of the proposed development and consistent with the requirements of the Act. For non-planning matters, Council will refer to the Public Participation Spectrum & the criteria in Section 5.3 to determine the consultation tools and techniques.

5.4. Preliminary consultation

Good community engagement happens at a point in time where input from the community can help inform and shape a project or a decision. Council may seek to engage with the community early in a project's

development to better understand local issues and use local knowledge and experience to improve a project.

In such cases it is likely that consultation will occur at multiple stages using various techniques throughout a project's development and likely culminate in the exhibition of a plan, proposal or planning-related application.

5.5. Mandatory exhibition timeframes

Consistent with Schedule 1 of the *Environmental Planning & Assessment Act 1979*, the following are minimum mandatory public exhibition requirements. Council may at its discretion decide to conduct public exhibition programs longer than the prescribed timeframes.

A Council public exhibition typically involves hosting the documents online on a Council website and may also involve physical exhibition of some documents in hard copy at specified Council locations.

Council will consider all submissions received within the exhibition period. Late submissions will only be considered in extenuating circumstances, and at the discretion of the Council officer assessing the proposal.

Table 3. Plan making mandatory exhibition timeframes	
Draft community participation plans	28 days
Draft local strategic planning statements	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days (or as specified by the gateway determination)
Draft development control plans	28 days
Draft contribution plans (including growth centres and planned precincts)	28 days
Draft planning agreements	28 days
Special Rate Variations	28 days

Table 3: Plan making mandatory exhibition timeframes

Table 4: Development assessment mandatory exhibition timeframes	
Local and Regional development applications, modification applications and review applications that require notification in accordance with Table 5 of this CCP (except designated, integrated and threatened species development)	14 days
Applications for Designated development	30 days
Applications for Integrated or Threatened species development	28 days
Environmental impact statements obtained under Division 5.1	30 days

Table 4: Development assessment mandatory exhibition timeframes

Notes:

- Applications for state significant development and state significant infrastructure are exhibited by the NSW Department of Planning, Industry and Environment. Therefore they are not covered in this CPP.
- Exempt and complying development are separately defined under the Act and do not currently provide for community input. Therefore they are not covered by this CPP. Notwithstanding, it is noted that neighbours must be **advised** of certain complying developments in accordance with Clause 130AB of the EP&A Regulation 2000.

- Timeframes are in calendar days and include weekends.
- Council may, at its discretion, conduct a longer notification period.
- If the exhibition period is due to close on a weekend or a public holiday, Council may extend the exhibition to finish on the first available work day.
- The period between 15 December and 14 January (inclusive) is excluded from the calculation of a period of public exhibition. Council will not initiate an exhibition/notification period during this time.

5.6. Requirements for notification of development related matters

This section details the consultation tools and techniques that are required for:

- Local and Regional development applications
- Applications to modify an existing consent
- Applications to review a determination

5.6.1. Level of public notification

The level of notification required for development applications (DAs) depends on the land use zone as well as the type and scale of the development. Table 5 details the level of public notification required for each type of development application.

- **Level 1:** applications that are considered to have minimal environmental impact and are not likely to result in any adverse impacts on the broader community or adjoining/neighbouring sites. These applications do not require any formal notification.
- **Level 2:** applications that may impact adjoining/neighbouring sites but are unlikely to have adverse impacts on the broader community. These applications require a written notice to be sent to specified persons likely to be affected.
- **Level 3:** applications that may have impacts on the broader community. These applications require written notices, site notices and published notices.

Table 5: Public notification requirements for development applications (DAs)

Level 1 No notification	Level 2 written notice	Level 3 written notice + site notice + published notice*
- Internal fit out of a building in a business or industrial zone (excluding heritage items); - Internal alterations to a dwelling or associated outbuilding (excluding heritage items); - Property boundary adjustment; - Strata and/or stratum Subdivision; - Applications that have insufficient information and are refused for that reason; - Tree works not affecting adjoining properties. - Any other development which in the opinion of the Assessing Officer is of minimal environmental impact or ancillary in nature; and is not likely to result in any adverse impacts on the broader community or adjoining/ neighbouring sites.	Any development that is not listed under Level 1 or Level 3	Residential zones (R1, R2, R3) (new development only) Boarding houses; Commercial premises; Car parks; Community facilities; Child care centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Residential flat buildings; Serviced apartments; Health consulting rooms; Hostels; Hotel or motel accommodation; Recreation facilities (indoor); Recreation facilities (outdoor); Seniors housing; Shop top housing; Service station; Animal boarding and facilities.
		Business zones (B1, B2) (new development only) Amusement Centres; Backpackers accommodation; Boarding houses; Car parks; Educational Establishments; Entertainment facilities; Function centres; Funeral Homes; Hostels; Hospitals; Hotel or Motel accommodation; Passenger transport facilities; Places of public worship; Recreational facilities (indoor); Recreational facilities (outdoor); Registered clubs; Residential care facilities; Residential flat buildings; Restricted premises; Retail premises (excluding shops; kiosks; restaurants or cafes; and takeaway food and drink premises); Service stations; Serviced apartments; Shop top housing; Veterinary hospitals.
		Industrial zone (IN1) (new development only) All development in this zone except for Environmental protection works; Flood mitigation works; Home based child care; Home businesses; Home Occupation (sex services); Kiosks; Neighbourhood shops; Roads; Advertising structures.
		Other zones (RU4, SP1, SP2, RE1, RE2, E2) (new development only) All development in these zones except for footpath dining and trading in the SP zones; Environmental protection works; Flood mitigation works; Roads.
		All zones (new development AND alterations/additions)
		- Sex services premises - Restricted premises; - Registered clubs - Alterations, additions, demolition, damaging or defacing of a building or work that is a heritage item or in a conservation area, except where the development in the opinion of Council will not adversely affect the significance of the item or conservation area - Development relating to conservation incentives under clause 5.10(10) of the Randwick LEP - Non-conforming uses - New commercial development with a gross floor area of 1000m2 or more. - Development requiring consent under a SEPP - Development types requiring a published notice under the EP&A Act or Regulation including: designated, integrated, threatened species and advertised development - Other applications, which in the opinion of the Assessing Officer are of broad community interest.

Table 5: Public notification requirements for development applications

* A development may be exempt from requiring a site notice and published notice, if in the opinion of a Council planning officer, the proposal will not result in adverse impacts on the broader community

Amended applications (Re-notification)

A DA may be amended or varied by the applicant (with the agreement of council officers) before the application is determined. For amendments prior to determination of an application, Council may renotify:

1. Those persons who made submissions on the original application. Note: If the amendments will have a lesser or the same effect as the original application (e.g. internal changes or external changes which cannot be seen from the correspondent's property) then re-notification is not required and submissions on the original application will be considered in the assessment.
2. Any other persons who own adjoining or neighbouring land (including those who were previously notified of the application) who may, in the opinion of Council, be further detrimentally affected by the amendments if carried out.

Applications to modify an existing consent

An applicant may lodge an application to modify a development consent or a deferred commencement consent under Section 4.55 and 4.56 of the Act.

Modification applications will be notified / advertised as follows:

Table 6: Public notification requirements for modification applications	
Modification type	Level of notification
Section 4.55 (1) application	No notification
Section 4.55 (1A) application	No notification
Section 4.55 (2) and Section 4.56 application (excluding designated development)	As per the original application. Note: An application may be exempted from notification and/or advertising where, in the opinion of Council, the proposed changes are not likely to result in any adverse impacts on adjoining or nearby land.
Section 4.55 (2) and Section 4.56 application where the original development application was for designated development	Published notice and Council will also notify or make reasonable attempts to notify each person who made a submission in respect of the relevant DA of the proposed modification by sending written notice to the last address known to the consent authority of the submitter. If the proposed modification may result in impacts that, in the opinion of Council, are not minimal, Council will also send written notices to properties that may be affected by the proposal

Table 6: Public notification requirements for modification applications

Applications to review a determination

Applications made under Division 8.2 of the Act to review the determination of a DA or a modification decision, will be notified and/or advertised in the same manner as the original application. Council will also notify, or make reasonable attempts to notify, each person who made a submission to the original application.

5.6.2. Procedures for public notification

This section details the procedures for written notices, published notices and site notices for development-related matters.

Written notice procedures

Written notice involves letters being sent in the form of an email or standard mail to properties that may be affected by the proposal.

Council endeavours to provide written notification as soon as practicable after a development proposal is lodged. The notification period will commence from the date stated in the written notice.

Extent of notification

When notifying adjoining land owners of a development proposal, the Council will send letters to owners within a 40m radius measured from each boundary of the development site. This approach is indicated in Figure 1. Tenants/occupiers will not be separately notified.

The notification area may be increased or decreased at the discretion of a Council planning officer, considering the nature and the likely impact of the proposal. For example, where small changes to the rear of a building or property may only be of interest to adjacent owners, only these owners will be notified.

If land is owned by more than one person, a written notice to one owner is taken to be a written notice to all the owners of that land.

When a development proposal is likely to affect owners of land outside Randwick City, the Council will contact the neighbouring Council for details to send written notices out to these persons.



Strata schemes & Community/Neighbourhood Schemes

For strata titled properties, a notice will be sent to the Owners Corporation as well as the owners of each strata unit. Tenants will not be separately notified. For community/neighbourhood schemes a notice will be sent to the Community and/or Neighbourhood Association.

Returned Written Notices

Letters and emails notifying owners are sometimes returned to the Council for various reasons including incorrect addresses. In these cases, Council will check its records and if an address needs correcting, will re-send the letter or email.

The public exhibition period will not be formally extended where a written notification is delayed in this manner. Council may, however, give that person an extension of time to make any submission.

Published notice (Advertising) procedures

A published notice involves an advertisement being placed in a local newspaper. The notification period will begin the day after the published notice first appears in a newspaper, and the notification end date will be displayed in the advertisement.

Site Notice procedures

For all developments that require a published (advertised) notice, Council will erect (and later remove) a site notice at the proposed development site. The site notice will provide a brief description of the proposal and detail the notification end date. If Council is advised of a site notice being removed prior to the end of the notification period, Council will endeavour to install a replacement sign; however, the public exhibition period will not be formally extended.

Additional public notice requirements

Division 5 of the of the EP&A Regulation 2000 details additional requirements for public notification of designated development.

Division 7 of the of the EP&A Regulation 2000 details additional requirements for public notification of nominated integrated development and threatened species development.

5.7. Requirements for notification of planning proposals, draft DCPs and draft planning agreements

When Council receives a proponent-led planning proposal, it will provide details of the proposal and its status on Council's website as soon as practicable. All planning proposals (both proponent and council led) are formally exhibited after gateway determination is granted.

Draft DCPs are exhibited after Council resolves to do so and details will be provided on Council's website.

When Council receives an offer to enter into a planning agreement it is publicly notified as part of and in the same manner as an application for development consent or a planning proposal to which it relates. Council maintains a register of Planning Agreements as required by legislation. The procedures for preparing a planning agreement are set out in Council's (2007) Planning Agreements Policy available on Council's website.

Written notice

For site specific or localised plans, Council will notify owners and adjacent land owners through a written notice. For more comprehensive or extensive proposals and plans, notifying all affected properties is not always feasible as they may apply to the whole city area or significant portions of it. In determining the extent of notification, Council will consider the community likely to be affected by the plan.

Published notice

All planning proposals, draft DCPs and planning agreements will be advertised in a local newspaper and relevant information also placed on Council's website.

The closing date for submissions will be specified in written and published notices.

5.8. Other matters

5.8.1. Pre-lodgement consultation for development applications

Proponents of major developments are strongly encouraged to consult with members of the community who may be affected by a proposal, prior to lodging any application with Council. This allows community views to be considered as early as possible in the design stage and will minimise delays in the assessment and determination process.

Proponents should provide evidence of community consultation when lodging their application.

5.8.2. Submissions

When making a submission to Council, the submission should be emailed to council@randwick.nsw.gov.au. Submissions may also be delivered by hand or mail to our customer service centre; however, Council will only acknowledge receipt of a development related submission if it is emailed to council@randwick.nsw.gov.au.

Where the submission comprises a petition, all future contact will be sent to the head petitioner or, where not nominated, the first petitioner supplying contact details.

Public access to submissions

Submissions are kept on file and may be accessed by applicants and other members of the public under the Government Information (Public Access) Act 2009.

5.8.3. Notification of public meetings

If a development related matter or planning proposal is placed on the agenda for a Randwick Local Planning Panel or Council meeting, the applicant and any person who made a written submission will be notified of the time and date of the meeting.

One person may speak for and one against each agenda item. Further information on public meetings can be obtained from Council's Public Officer or from Council's website.

5.8.4. Notice of decisions

Council will send a letter notifying the determination of a development application to the applicant and each person who made a submission, as soon as possible following the determination.

After reporting the final DCP or LEP to Council, a letter or email will be sent to each person who made a submission, advising of the outcome, as soon as possible following the Council resolution.

A. Definitions

Community participation: Any process that involves the public in problem solving or decision making and uses public input to make sustainable decisions. Community participation is also often called community engagement and community consultation.

Community Participation Plan (CPP): Refers to this document. This document may also be referred to as a 'policy'.

Contribution plans: A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development.

Designated development: The *Environmental Planning and Assessment (EP&A) Regulation 2000* classifies certain developments as designated development. These are generally high impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)

Development application (DA): An application for consent under Part 4 of the *Environmental Planning and Assessment Act 1979* to carry out development but does not include an application for a complying development certificate

Development control plans (DCP): A plan that provides detailed planning and design guidelines to support the planning controls in a Local Environmental Plan

Gateway determination: A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition.

Integrated development: Development (not being state significant development or complying development) that, in order for it to be carried out, requires development consent under the EP&A Act and one or more other Acts

International Association for Public Participation (IAP2): An international member association which seeks to promote and improve the practice of public participation or community and stakeholder engagement, incorporating individuals, governments, institutions and other entities that affect the public interest throughout the world.

Local development: Covers most development assessed by Council. It is the most common type of development in NSW, with projects ranging from home extensions to medium sized commercial, retail and industrial developments. Local developments are notified and assessed by Council; and then determined by delegated Council staff or the Randwick Local Planning Panel.

Local environmental plan (LEP): An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area.

Local Strategic Planning Statement (LSPS): A document prepared by Council which sets a 20-year vision for land use in the local area and details how growth and change will be managed into the future.

Planning agreement: is a voluntary agreement between a planning authority (Council) and a person (the developer) under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

Planning proposal: A document that explains a request or intended effect of a proposed LEP (or LEP amendment) and sets out the justification for the request. A planning proposal may seek to change the planning controls relating to a particular site, area, locality or local government area

Public Participation Spectrum: A guide published by the IAP2 designed to assist with the selection of the level of participation that defines the public's role in a community engagement program. It outlines the promise being made to the public at each participation level. This spectrum is widely considered to be industry best practice amongst government and private sectors.

Regional development: Some types of development are deemed to have regional significance due to their size or potential impacts. Examples include all developments over \$30 million, as well as certain developments over \$5 million and some designated developments. These developments are notified and assessed by council and then determined by the relevant Planning Panel (Sydney Eastern City Planning Panel).

State Environmental Planning Policy (SEPP): An environmental planning instrument developed by the NSW Department of Planning, Industry and Environment that relates to planning matters that are state significant or are applicable across the state.

State significant development (SSD): Some types of development are deemed to have State significance due to the size, economic value or potential impacts. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities. These developments are notified and assessed by the NSW Department of Planning, Industry and Environment.

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