



Community Participation Plan

CITY OF CANADA BAY

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Community
participation
in planning
Canada Bay



The City of Canada Bay (the Council) recognises community participation throughout the planning system is not only your right, it also delivers better planning results for the people of Canada Bay.

Our responsibility is to deliver the objectives of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* including the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

Community participation is about how we engage the community in our work under the EP&A Act, including plan making and when making decisions on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system: individuals, community groups, businesses, local government, and State and Commonwealth government agencies.

Why is community participation important?

- It builds community confidence in the planning system
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character
- It provides access to community knowledge, ideas and expertise



1.1 OUR COMMUNITY PARTICIPATION PRINCIPLES

This Community Participation Plan is informed by the following principles:

- (a) The community has a right to be informed about planning matters that affect it.
- (b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- (c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- (d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- (e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- (f) 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.
- (g) Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- (h) Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

1.2 LOCAL POLICY FRAMEWORK

- **Our Future 2036** - is the Canada Bay Community Strategic Plan. A key goal of the plan is to ensure that the community is well informed and eager to engage on issues and decisions that impact them.
- **Canada Bay Community Engagement Policy** - provides a framework for the way Council undertakes community engagement on issues or decisions for which we are responsible.
- **Canada Bay Community Engagement Strategy** - describes how the Council's Community Engagement Policy will be implemented and informs how individual engagement actions plans will be developed and carried out.

This Community Participation Plan seeks to build on the Community Strategic Plan, Community Engagement Policy and policy and Community Engagement Strategy by providing specific guidance in relation to how council will engage with the community on land use planning matters. In the event of an inconsistency, this Plan prevails where the matter relates to engagement in relation to Council's land use planning functions.

1.3 WHAT FUNCTIONS DOES THE COMMUNITY PARTICIPATION PLAN APPLY TO?

The CPP applies to the following planning functions for which Council is responsible:

Policy and plan-making - Strategic planning involves long-term policy and plan making for urban planning matters. The City's strategic planning direction is informed by regional and district policies, plans and guidelines, as well as strategic objectives that are based on Council's community strategic plan.

Local Strategic Planning Statement - Council's Planning Statement links the NSW Government's strategic plans, the City's community strategic plan, and the planning controls that guide development in our City.

Community Participation Plan - This Community Participation Plan describes how and when Council engages with the community on land use planning matters.

Contribution Plans - Contribution Plans are prepared by councils to levy new development to fund additional or improved local public infrastructure needed by the development and used by the whole community.

Local Environmental Plans (Planning Proposals) - Local Environmental Plans are the local planning laws prepared by councils but approved by the NSW Government. They set out what development can take place where, the maximum height and density of development, and what places need to be protected for their heritage value. They are amended by preparing a Planning Proposal.

Development Control Plans - Development Control Plans are guidelines prepared by councils that describe the preferred way to undertake development that is enabled by a Local Environmental Plan to achieve good planning and design outcomes and manage impacts.

Planning agreements - Planning agreements are voluntary agreement entered into by the City and a person, usually a developer, to deliver public benefits. Public benefits may include the dedication of land to Council, monetary contributions, public infrastructure, community facilities, affordable housing, any other material public benefit or any combination of these.

Development assessment - Development assessment or "statutory planning" involves the assessment of a proposal (development application) to use land or undertake building works against planning controls. Development Applications can be determined by Council staff under delegation or by the Local Planning Panel.

The majority of development applications are assessed against:

- the Canada Bay Local Environmental Plan 2013;
- the Canada Bay Development Control Plan or other site/precinct specific Development Control Plan;
- relevant State Environmental Planning Policies; and
- other relevant legislation, such as the *Local Government Act 1993* and the *Roads Act 1993*.

Development applications

Development applications are required for development which is identified in an environmental planning instrument as development requiring consent, which is not identified as "exempt" or "complying" development. They can range from small scale proposals to renovate and extend a house, to new multi-storey commercial towers.

Section 4.55 modification applications

Under Section 4.55 of the Act, development consents are able to be modified. Applications to modify a development consent are split into three categories, based on the extent of environmental impact:

- Section 4.55(1) - modifications involving minor error, misdescription or miscalculation;
- Section 4.55(1A) - modifications involving minimal environmental impact; and
- Section 4.55(2) - other modifications.

Section 4.56 modification applications

Section 4.56 modification applications are applications made to Council to modify a consent granted by the Land and Environment Court.

Division 8.2 application reviews

An applicant for development consent may request Council review a determination or decision within 6 months of the determination.

Designated development

Designated development is development that is specifically listed by an environmental planning instrument (State or local environmental plan) or Schedule 3 of the Regulation. It generally relates to development that is likely to have significant impacts on the environment or are located in or near an environmentally sensitive area.

Integrated development

Integrated development is development that, in order for it to be carried out, requires development consent and one or more approvals from a NSW Government agency under different acts. In these instances, Council refers the development application to the responsible agency so that there is an integrated assessment of the proposal and the relevant approval is obtained.

1.4 WHO DOES THIS COMMUNITY PARTICIPATION PLAN APPLY TO?

Our CPP applies to:

- **Councillors** who play a significant role in leading and directing community engagement and have a responsibility to ensure that Council's community engagement principles are reflected in the community engagement strategy and individual action plans, and that the input of the community is respected in decision making.

- **Council Officers** who have an important role in developing and delivering effective community engagement opportunities around issues that may impact upon the community. Council officers have a responsibility to ensure that engagement techniques, materials and assessments are undertaken in accordance with this Plan.
- **Community Members** who have a key role in participating in community engagement activities that are of interest to them. Community members should do so with a willingness to take part in a two-way dialogue and be mindful that participation in community engagement does not guarantee an outcome with which the individual may agree.

Our CPP does not apply to other NSW planning authorities, such as the Minister for Planning, the Secretary of the Department of Planning and Environment, or the Independent Planning Commission.

1.5 OUR APPROACH TO COMMUNITY PARTICIPATION

To achieve our community participation principles, we have designed our engagement approach so that even where there may not be community wide consensus on the decision or outcomes, there can be acknowledgment that the process was fair with proper and genuine consideration given to community views and concerns.

To achieve the benefits of community participation in the planning system and to be consistent with our Community Engagement Policy we have tailored our community participation approaches for planning matters based on their potential complexity and impact of issues as set out in the table below:

TABLE 1: COMMUNITY PARTICIPATION PLAN APPROACH

WHAT	HOW
INFORM	
<p>We notify the community of the status of planning matters and decisions including reasons.</p> <p>We provide balanced and objective information to the community.</p>	<p>We inform the community on the reasons for the development decisions and how community views were considered.</p> <p>No response is required from the public.</p>

CONSULT	
<p>We consult with the community and invite them to provide their views and concerns on planning matters.</p> <p>We listen to and acknowledge community concerns and aspirations and provide feedback on how public input influenced the decision.</p>	<p>We consult during the preparation of a draft plan to seek community views.</p> <p>We notify the community on identified development applications after they have been lodged.</p> <p>Through submissions and feedback, we identify key issues and concerns.</p>
ENGAGE/INVOLVE	
<p>We work directly with the community throughout the process to ensure that community concerns and aspirations are understood and considered.</p>	<p>We will engage with the community on a case by case basis when preparing studies and strategies.</p> <p>Through submissions and feedback, we identify key issues and concerns and conduct targeted engagement activities to find solutions to determine the way forward.</p>

It is important to note that the planning process is only one part of an overall project lifecycle in which you can participate. Outside of this standard process, in some circumstances we also undertake post-determination, compliance and enforcement activities to ensure that planning laws and decisions are implemented correctly.

Safety

To achieve the best planning results, we must ensure everyone can participate in a safe and open manner. All community members, stakeholders and our staff have the right to participate in a respectful environment and behave in a manner that supports everyone’s right to present their point of view.

Response

We will provide the community with feedback on how we are responding to its input as part of our engagement activities. We will provide reports on the community’s feedback to demonstrate how we have given genuine and proper consideration to their input. These reports summarise the input and describe how community views were considered in reaching a determination. Depending on the timing of a decision, these reports may be published prior, at the time of or following the making of a decision.





Notification and exhibition of plans



Opportunities to participate in the planning system will respond to the nature, scale and likely impact of the proposal or project being considered or assessed.

A regular and valuable way for the community to participate in the planning system is by making a submission on a proposal during an exhibition.

2.1 EXHIBITIONS

A key technique we use to encourage community participation is formal exhibitions. During an exhibition we make available relevant documents that may include a draft of the proposed plan, proposed development or proposed guideline that we are seeking community input on.

How can you get involved in a public exhibition?

- Make a formal submission on an exhibition by going online to www.canadabay.nsw.gov.au, or by writing to the General Manager of Council
- Visit any of Council's Civic Centres and staff will help you access public exhibition documents. Council staff will also answer any questions that you have or connect you to an appropriate planning officer who can help you
- Connect directly with Council staff working on a proposal, policy, plan or project. Contact details will be available on our exhibition website
- Please note that exhibition timeframes vary in length. Some timeframes are prescribed in legislation and others are at our discretion. Details of typical and minimum mandatory timeframes are provided in section 3.3

2.2 FINDING OUT ABOUT AN EXHIBITION

The following methods will be used to advise the community of an exhibition:

TABLE 2: NOTIFICATION AND EXHIBITION PROCEDURES

APPLICATION/PLAN	METHOD
<p>Draft Community Participation Plans</p> <p>Draft Local Strategic Planning Statement</p> <p>Draft Development Control Plans</p> <p>Draft Contributions Plans</p> <p>Draft Planning Agreement</p>	<p>Website - Exhibition will be notified on Council’s website.</p>
<p>Planning Proposals for Principal/ Comprehensive Local Environmental Plans</p>	<p>Notification - Given the LGA Wide nature of the LEP, individual notification to all property owners and occupiers will not occur. Council may write to affected landowners and occupants depending on the nature, scale and potential impact of the proposal and practicality of carrying out the notification.</p> <p>Website - Exhibition will be notified on the Council’s website.</p>
<p>Planning Proposals that have received a gateway determination</p>	<p>Notification - Notice, in writing, is sent to owners and occupiers of adjoining and nearby land (including properties opposite) if in the opinion of Council (or a person having delegated authority to determine the application), the enjoyment of the adjoining land may be affected by the proposed development after construction. Council will assess the extent of the notification based on the size, nature and impact of the proposed development.</p> <p>Website - Exhibition will be notified on the Council’s website.</p>
<p>Development Applications</p> <p>Review of Determinations</p>	<p>Notification - Notice, in writing, is sent to owners and occupiers of adjoining and nearby land (including properties opposite) if in the opinion of Council (or a person having delegated authority to determine the application), the enjoyment of the adjoining land may be affected by the proposed development after construction. Council will assess the extent of the notification based on the size, nature and impact of the proposed development.</p> <p>Website - All notified Development Applications will be published on the Council’s website.</p> <p>Sign - All notified Development Applications will have a sign placed on the development site.</p>

APPLICATION/PLAN	METHOD
Modification to development applications under Section 4.55 (1) of the EP&A Act	No notification
Modification to development applications under 4.55 (1A) & 4.55 (2) of the EP&A Act	<p>Notification - Notice, in writing, is sent to owners and occupiers of adjoining and nearby land (including properties opposite) if in the opinion of Council (or a person having delegated authority to determine the application), the enjoyment of the adjoining land may be affected by the proposed development after construction. Council will assess the extent of the notification based on the size, nature and impact of the proposed development.</p> <p>Website - All notified Development Applications will be published on the Council's website.</p> <p>Sign - All notified Development Applications will have a sign placed on the development site.</p>
Modification to development applications under 4.56 of the EP&A Act.	<p>Notification - Notice, in writing, is sent to owners and occupiers of adjoining and nearby land (including properties opposite) if in the opinion of Council (or a person having delegated authority to determine the application), the enjoyment of the adjoining land may be affected by the proposed development after construction. Council will assess the extent of the notification based on the size, nature and impact of the proposed development.</p> <p>Council will also notify, or make reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person</p> <p>Website - All notified Development Applications will be published on Council's website.</p> <p>Sign - All notified Development Applications will have a sign placed on the development site.</p>

Council will not notify applications for proposals which in its opinion are unlikely to have any impact on the locality. See the table below for a list of these development types:

TABLE 3: APPLICATIONS THAT WILL NOT BE NOTIFIED

DESCRIPTION	CRITERIA	EXAMPLES
Exempt Development	Development Types that fall within the Exempt Development criteria of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Bird Aviaries, garden shed, etc.

TABLE 3: APPLICATIONS THAT WILL NOT BE NOTIFIED (CONTINUED)

DESCRIPTION	CRITERIA	EXAMPLES
Complying Development Certificate applications	Development Types that fall within the Complying Development criteria of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Swimming pools, single storey alterations/additions to dwellings etc.
Maintenance and Minor work applications on Heritage items and in Heritage Conservation Areas.	Minor works that would be Exempt Development (see above Policy reference) except for heritage listing.	Repainting, minor repair works.
Expedited amendments to LEP under 3.22 of EP&A Act.	Amending LEP under 3.22 of the EP&A Act.	Correct error in an LEP, including misdescription, inconsistent numbering, spelling errors, grammatical errors, missing words, formatting changes, etc.
Development Applications for internal building work associated with a residential use.	Nil	Demolition or construction of internal walls. Change in the configuration of rooms.
Development Applications for internal building work associated with non-residential use.	Will not significantly increase the intensity or impact of the use on the locality.	Fire safety upgrade work. Renewal of internal fixtures such as bathrooms.
Development Applications for minor alterations affecting the exterior of a building.	Will not reduce the privacy or the amount of sunlight enjoyed by any adjacent residential properties; and will not adversely affect the streetscape.	Replacement of existing windows; re-tiling of existing roofs; or restoration work not involving additions.
Development Applications for minor single storey alterations and additions to an existing single storey dwelling where topography of site is comparatively level.	Will not reduce the privacy or the amount of sunlight enjoyed by an adjacent residential properties; and will not adversely affect the streetscape.	Single storey additions to the rear of a dwelling on a level site (site and in comparison to adjoining properties) where no additional overshadowing occurs and where windows/doors will not create overlooking issues.
Strata subdivision applications for existing or approved buildings and Torrens Title land subdivisions.	Any development application to strata subdivide a building/s or Torrens Title subdivides an allotment/s of land.	Strata subdivision of an existing residential flat building or a dual occupancy or a commercial building, subdivision of an allotment of land into two lots.

DESCRIPTION	CRITERIA	EXAMPLES
Development applications to fit out or renovate an existing retail, commercial or industrial premises.	Existing, approved use is not materially altered or intensified.	Refurbishment of an existing takeaway food and drink premises.
Development applications to change the use of premises from: <ul style="list-style-type: none"> • A shop to a shop or similar use; or • An office premises to an office premises or similar use; or • Industry to an industry or similar use; or • Light industry to a light industry or similar use (except sex services premises, restricted premises and other sex industry related uses). 	Proposed hours of operation do not exceed 7.00am to 7.00pm and/or previously approved hours; and Property is not in a residential zone; and Proposed use is not likely to have a significantly greater impact on the locality than previously approved use/s.	Change from newsagent to clothing shop; or Change from office for an export agent to office for an accountant; or Change of use for an industrial building from food processing to furniture manufacture.
Development applications for demolition, except in Heritage Conservation Areas or for heritage items.	Building(s) are not located on a boundary and demolition works are carried out in accordance with relevant legislation.	Demolition of a dwelling house containing asbestos where demolition contractor is properly licensed to undertake such works.
Development applications for works to trees on land comprising a heritage item or within a Heritage Conservation Area.	Nil	Tree removal and/or pruning.
Applications to modify a consent under section 4.55 of the EP&A Act.	Will not significantly alter the intensity or likely impact/s of the proposal.	Changes to internal configuration; or changes to a condition regarding payment of fees.
Applications that are rejected due to inadequate information.	Nil	Essential information not submitted with an application.
Amendments to development and other applications that have not been determined.	Changes result in a reduced or similar impact on neighbours.	Development Application is still being assessed by Council and applicant deletes a proposed balcony from the rear of a dwelling; or the internal configuration of rooms is altered whilst the application is still being assessed.

2.3 EXHIBITION TIMEFRAMES

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the Community Participation Plan and Schedule 1 sets a minimum exhibition timeframe for most of these proposals. We will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal. The only requirements in this plan that are mandatory are those set out in the tables below and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act:

TABLE 4: PLAN MAKING MINIMUM NOTIFICATION TIMEFRAMES

Draft community participation plan	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 which may find, due to the minor nature of the proposal, that no public exhibition is required
Draft development control plans	28 days
Draft contribution plans (including growth centres and planned precincts)	28 days
Draft Planning Agreement	28 days

TABLE 5: DEVELOPMENT APPLICATION MINIMUM NOTIFICATION TIMEFRAMES

Application for development consent including integrated development (other than for complying development certificate, for designated development or for State significant development)	<p>The following development will be notified for 21 days:</p> <ul style="list-style-type: none"> • Residential Flat Buildings • Multi Dwelling housing • Shop top housing • Boarding Houses • New business/commercial/industrial development with a gross floor area of greater than 500sqm • New function centres • Alterations and additions and/or extension of late-night trading hours for licensed premises • 24 hour trading • Childcare centres/ schools/ community centres • Change of use for non-residential uses in residential zone • Sex services and restricted premises • Hospitals • Residential Aged Care Facilities • New Place of Public Worship • Marinas <p>All other development will be notified for 14 days, unless otherwise specified in Table 3.</p>
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Application for development consent for designated development including integrated development	28 days
Application for Council related development	28 days
Review of determination	14 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	14 days, unless consistent with criteria specified in Table 3
Application in connection with a draft planning agreement	28 days

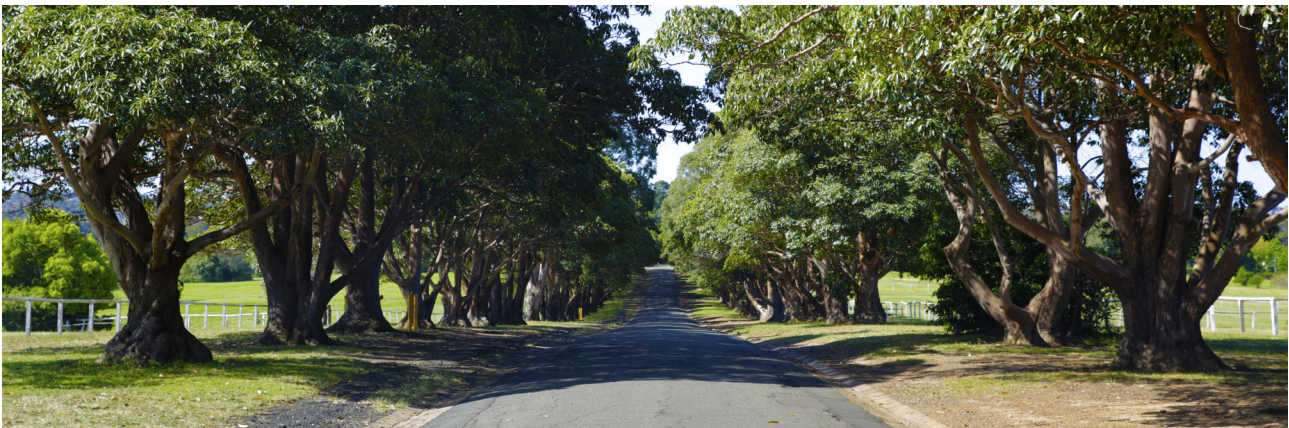
Several of our functions and proposals do not have minimum exhibition timeframes. As a matter of course in line with our community participation objectives, we typically exhibit documents related to the exercise of these functions and proposals for the timeframes described in the table below:

TABLE 6: NON-MANDATORY NOTIFICATION TIMEFRAMES

Re-exhibition of any amended application or matter referred to above	14 days, unless consistent with criteria specified in Table 3
Draft Planning Policy or Strategy	28 days

Key points to note about public exhibitions include the following:

- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday we shall extend the exhibition to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.



2.4 NOTIFICATION OF DECISIONS

Council will publish a notice on its website relating to the granting of development consents that describes the land and the development.

Council will give notice on its website of its decision to approve:

- a Development Control Plan; or
- a Contribution Plan

within 28 days after a decision is made. Where Council resolves not to proceed with a Development Control Plan or a Contributions Plan, the notice will give reasons for the decision.

2.5 GENERAL INFORMATION FOR DEVELOPMENT APPLICATIONS

Who will provide the Notification sign?

Council will provide the Notification sign. The applicant is responsible for placing the Notification sign on the development site.

Where should the Notification sign be placed on Development sites?

The sign is to be prominently placed on the main frontage(s) of the site(s) able to be read from a public place.

When can submissions be made?

Submissions must be lodged within the time specified in the notification letter. This period may be extended by Council.

Submissions must be made in writing and addressed to the General Manager and should state the application number and the specific areas of concern.

Are submissions confidential?

No, submissions are not confidential. It is Council's policy to provide details of submissions to the public. If you want your personal details to remain confidential, you must clearly state this in writing, along with the reasons.

Who can inspect the plans?

Any person can inspect the plans whether the person has or has not been notified.

Consideration of Submissions

Council, or its delegate, will consider all written submissions made within the notification period, before it determines the application. Comments will be considered in conjunction with Council's legal responsibilities to assess applications under the Environmental Planning and Assessment Act.

Quite often Council is required to resolve a number of competing interests in most decisions it makes. In particular circumstances Council may convene a meeting between the applicant and local residents so that both parties might better understand the proposal and issues raised.

Please refer to Councils 'Making a Submission' Fact Sheet for further information. This Fact Sheet is sent out with all notification letters.

Notice of determination of the application

All people who prepared a submission will be advised of Council's determination of the application. Where a petition has been submitted the first signatory only will be advised.

2.6 FEEDBACK

There are many ways for the community to provide feedback or raise questions outside of formal exhibition and we will always consider and respond to your views and concerns.

Contact us

- **Email:** council@canadabay.nsw.gov.au
- **Letter:** Locked Bag 1470, Drummoyne NSW 1470
- **Phone:** 9911 6555 Contact our customer service team, 24 hours, 7 days a week
- **In person:** Civic Centre 1A Marlborough Street Drummoyne, Monday to Friday 8.30 am to 4pm

GLOSSARY

PLANNING TERM	DEFINITION
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
Community engagement	<p>Council's definition of community engagement is based on the United Nations Declaration on Community Engagement (2005).</p> <p><i>Community engagement is a two-way process of dialogue by which the aspirations, concerns, needs and values of our local community and other relevant stakeholders are incorporated into policy development, planning, decision-making, service delivery and assessment. It is viewed as critical to effective, transparent and accountable governance.</i></p>
Community	Council defines community in the broadest possible sense to include City of Canada Bay residents, ratepayers, businesses, community organisations, visitors, neighbouring councils, other tiers of government and other stakeholders with an interest in the City
Designated development	Designated Development refers to developments that are 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 control plans	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
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
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
Planning Proposal	A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) and sets out the justification for making that plan.

