

#### ATTACHMENT B-SUMMARY OF DRAFT ADMINISTRATIVE AMENDMENTS

NOTE: The draft administrative amendments are shown as:

- Strike through is deleted text
- Red text is added text

## SECTION 1-WHAT IS A COMMUNITY PARTICIPATION PLAN?

#### Draft Administrative Amendment

#### **<u>1.1–Introduction</u>**

Canterbury Bankstown Council recognises the uniqueness of its diverse and vibrant community. This Community Participation Plan wants to make sure that Canterbury Bankstown continues to support and enable a rich culture and inclusive community spirit through great urban design.

Community input and participation is crucial for creating great places and thriving communities across Canterbury Bankstown in the face of growth and change. This CPP is an invitation to the community to participate in planning so better economic, social and environmental outcomes can be achieved for today's community and future generations.

There are many pathways for planning approval depending on the size and scale of development, and just as many opportunities for community participation. This CPP provides:

- Guidance on how the community can have a say on different types of planning documents on a general level (for example the Local Environment Plan) to a specific level (for example development applications).
- Transparency and clarity for the community to clearly understand its role in the development assessment and plan making process.

#### 1.2–Where does this CPP apply?

This CPP applies only to the City of Canterbury Bankstown Local Government Area (LGA) and the exercise of its planning functions under the EP&A Act 1979.

This CPP has been developed in accordance with the requirements of the EP&A Act, and the planning framework for Greater Sydney, the South District Plan, Councils Community Strategic Plan and Council's Community Engagement Framework.

#### How did Council develop this CPP?

City of Canterbury Bankstown has undertaken a thorough review of planning related legislative requirements to public participation as well as a review of Council specific guidelines on participation and engagement from the new Council and each of the former Councils (namely their Development Control Plans). This review has resulted in the development of a consolidated process for engaging with the community on planning matters. The development of this CPP is in accordance with the legislative requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the council charter in the *Local Government Act 1993* (LG Act), and Council's own Community Engagement Policy and Framework, as outlined in the figure below.

#### **1.3–What is included in the CPP?**

The development of this CPP is in accordance with the Environmental Planning and Assessment Act 1979, Council's Community Strategic Plan and Council's Community Engagement Policy and Framework, as shown in Figure 1.

Comment No change

<u>Amendment 1</u> proposes to streamline the CPP by removing text that duplicates section 1.3. The text relates to the development of the CPP.

<u>Amendment 2</u> proposes to streamline the CPP by removing text that duplicates section 1.3. The text relates to the development of the CPP.

#### Figure 1: Council's engagement framework



This CPP provides details on both mandatory and best practice approaches to ensure meaningful and timely participation in planning across Canterbury Bankstown for developments and plans where Council is the delegated authority. It also explores opportunities for participation in matters external to Council but recognises this as optional and where the public authority is undertaking appropriate engagement, it would not require Council to take any further action.

This CPP also forms Council's approved 'Submissions Policy' as referenced under Council's Local Planning Panel delegations. This allows Council (as the delegated authority) to direct certain development applications to the Local Planning Panel based on the number of submissions. Referrals to the Local Planning Panel remain as per Council's delegations unless otherwise specified in this document.

#### 1.4-How will the CPP be used?

The CPP integrates Council's planning and community engagement functions. Council's new Planning Framework, Community Strategic Plan (CBCity 2028) as well as the Community Engagement Policy and Framework are described below. While these documents provide general guidance and principles for engaging the community, this CPP specifically focuses on community participation in land use planning as there are certain exhibition requirements that apply to planning under the Environmental Planning and Assessment Act 1979.

This CPP will provide the community with certainty over the level of engagement for certain types of development and planning projects. It will ensure transparency and accountability on planning and development decisions through an appropriate and consistent engagement method and timeframe.

#### Policy Framework

#### Local Strategic Planning Statement (Connective City 2036)

The Local Strategic Planning Statement (LSPS) will interpret the vision captured in CBCity 2028 (Community Strategic Plan), and turn this into a land use planning blueprint to guide the future of Canterbury Bankstown up to 2036. The LSPS will provide the framework for developing a new Local Environmental Plan (LEP) and Development Control Plan (DCP). This provides another way of ensuring the voice of the community is heard and considered in the planning system.

## The Community Strategic Plan (CBCity 2028)

CBCity 2028 is the Community Strategic Plan for the City of Canterbury Bankstown and forms the roadmap and primary reference document for all other plans developed by the Council. The CPP reflects the aspirations of CBCity 2028 and in particular, the community's desire for ongoing participation in decision making. The

Amendment 3 proposes to streamline the CPP by removing text that duplicates section 1.3. The text relates to Council's policy framework as shown in Figure 1.

Amendment 4 proposes to streamline the CPP by removing text that duplicates section 1.3. The text relates to Council's policy framework as shown in Figure 1. CPP ensures that everyone has a chance to be heard on planning matters. Engagement will have particular regard to transcending language, culture, age, mobility or other barriers to active participation (as per the Community Engagement Policy and Framework).

#### **Community Engagement Policy and Framework**

The City of Canterbury Bankstown's Community Engagement Policy and Framework ensures Council delivers a consistent and best practice approach to engagement with the diverse community of Canterbury Bankstown. The Community Engagement Policy outlines when and how community engagement should occur; who should be engaged; and how outcomes that Council is responsible for should be reported. The CPP has been designed to complement the Framework and guide a consistent, best practice engagement in the planning process.

#### SECTION 2-WHAT ARE THE EXHIBITION REQUIREMENTS?

#### **Draft Administrative Amendment**

#### **2.1–Introduction**

This section outlines the exhibition requirements for Council's statutory and strategic planning functions.

STRATEGIC
Plan making
Strategic planning projects such as:
Planning proposals
Development Control Plans
Contributions Plans
Planning Agreements
Local Strategies and Master Plans

This section outlines the exhibition and notification requirements under the Environmental Planning and Assessment Act 1979. It supersedes and incorporates the notification and advertising requirements set out in both the Canterbury DCP and the Bankstown DCP. Where there are discrepancies between the Canterbury DCP and the Bankstown DCP, the more extensive and/or best practice approach has been adopted in this CPP as the minimum requirement. On all levels of government – Commonwealth, state and local - there is an intention to actively involve the community in planning for their places and communities. Participation opportunities include early and upfront engagement during the initial stages of planning, as well as opportunities to provide feedback and input on development assessments and draft plans or policies during formal public exhibition towards the finalisation of the project.

There are both mandatory and nonmandatory requirements that apply to public exhibition of a development application or plan. The mandatory requirements legally safeguard the community's right to comment on planning that affects them. Non-mandatory requirements reflect best practice in ensuring that the intention to actively involve the community in planning is honoured (for example, it may be worthwhile for Council to extend the notification distribution and/or exhibition to timelines for projects of a sensitive or controversial nature to make sure everyone has a chance to be heard).

## Comment

<u>Amendment 5</u> proposes to provide additional guidance on certain planning matters.

The issue is the CPP currently applies the same exhibition requirements to Council's statutory and strategic planning functions. The day–to– day use of the CPP has found it impractical and resource intensive to implement the same exhibition requirements for Council's statutory and strategic planning functions. For example, the CPP requires a sign to be displayed on the subject land. Whilst this is relevant for development applications, it is impractical to apply the same requirement to citywide strategic planning projects.

This amendment proposes to address this issue by:

- Customising the exhibition requirements for Council's statutory and strategic planning functions.
- Bringing forward the exhibition requirements from Section 3 to Section 2 to make the document easier to read and understand.

This amendment also proposes to streamline the document by removing text that duplicates section 1.3. The text relates to mandatory and best practice approaches to public exhibitions.

# PART A: STATUTORY

#### 2.2-What are the exhibition requirements for development applications?

Public exhibition of a draft planning documents and development applications requires Council endorsement before being released for comment. Exhibition requirements are shown in Tables 4 to 8 below.

Tables 1 to 3 outline the exhibition requirements for development applications and include:

- public exhibition at Council's Customer Service Centres (Bankstown and Campsie) and libraries (Campsie, Riverwood and Bankstown),
- notice on Council's website,
- notification via letter to neighbours and adjoining property owners and occupiers of neighbouring sites,
- for Type B development, a sign exhibited on the land and displayed on a signpost or board, visible from public space,
- In addition, Council is also required to notify the public via an advertisement in the local paper for all planning documents except for smaller scale Development Applications as well as those plans listed in Table 7, though it is considered good practice to do so for key planning and policy documents for Type B development, notification in a local newspaper (online and/or physical version where available).

Engagement activities involving face to face engagement will be held as close as practicable to the site subject of a plan or application.

Development applications that are not subject to Tables 1 to 3 are exempt from this CPP.

In the case of minor development, such as minor subdivisions, shop fit outs and small-scale development that is deemed to have a negligible impact on surrounding sites and residents, the Council officer with the delegated authority may make the decision not to notify such development.

<u>Amendment 6</u> proposes to update the CPP to be consistent with State legislation by removing the need to endorse development applications before being released for comment. State legislation does not permit Council to endorse development applications prior to public exhibition.

<u>Amendment 7</u> proposes to update the CPP to be consistent with State legislation and guidelines.

Changes to State legislation allow exhibition requirements to be met through electronic communication methods. This amendment is consistent with the Department of Planning and Environment's ePlanning program, which is increasing the use of electronic communication methods in planning. It ensures development assessment processes make use of advances in technology and the changing communication preferences of residents.

This transition provides an opportunity to review the non–electronic communication methods, which the day–to–day use of the CPP has found to be impractical and resource intensive to implement. This amendment proposes to address this issue by:

- Maintaining notification letters to occupiers as an option for Council to consider if deemed appropriate, particularly as it results in residents receiving two notification letters as both the property owner and occupier.
- Clarifying that the sign and newspaper requirements apply to Type B development (i.e. development applications that are likely to have a potential impact on a broad scale).
- Removing the need for face-to-face engagement, which State legislation does not require for development applications.

	plic exhibition periods.	-
<b>Development Appli</b>	cation	Minimum publi
		exhibition perio
	elopment consent for designated development	28 days
	elopment consent for nominated integrated development	28 days
	elopment consent for State significant development	28 days
	elopment consent for threatened species development	28 days
	elopment consent for Category 1 remediation work under the SEPP (Resilience and Hazards) 2021	28 days
	elopment consent that is required to be publicly exhibited by the regulations but not covered in Tables 2 and 3 (including modifications)	28 days
	act Statement (under Division 5.1 or 5.2 of the Environmental Planning and Assessment Act 1979)	28 days
lote: If there is an inco	nsistency between this table and Table 2 or 3, this table prevails.	
	irements for Type A development	
Туре А	This applies to development applications that propose relatively small–scaled development, compared to Type B development, for whi	
development	delegated authority and other than for a complying development certificate, for designated development, or for State significant devel	<del>opment.</del>
	Type A development includes modification of existing development and is defined as:	
	Attached dwellings (less than 10 dwellings)	
	Boarding houses (less than 12 lodgers)	
	Build-to-rent housing (less than 10 dwellings)	
	Co-living housing (less than 10 private rooms)	
	Dual occupancies	
	<ul> <li>Dwelling houses, alteration and additions or ancillary structures two storeys or greater in height</li> </ul>	
	<ul> <li>Group homes (less than 12 lodgers)</li> </ul>	
	<ul> <li>Hostels (less than 10 lodgers)</li> </ul>	
	<ul> <li>Manor houses</li> </ul>	
	<ul> <li>Multi dwelling housing (less than 10 dwellings)</li> </ul>	
	Residential flat buildings (less than 10 dwellings)	
	Secondary dwellings	
	Semi-detached dwellings	
	Seniors housing (less than 10 beds and/or less than 10 dwellings)	
	Shop top housing (less than 10 dwellings)	
	Change of uses that may result in impacts to adjoining sites	
	• Any other development not subject to larger scaled development notification and advertising (as per Table 3) and where, in the opi	nion of the
	relevant Council officer is likely to have a significant impact on residential sites.	
Minimum public	14 days	
exhibition period		
Notification letter	Notification letter to property owners and occupiers of neighbouring sites or authorities deemed affected by Council (as shown in Figure	re 3).
requirements		
	The notification letter must include the following information:	
	(a) the address of the development site,	
	(b) the name of the applicant to carry out the proposed development,	
	(c) a description of the proposed development,	
	(d) clear and legible A4 sized plan(s) of the proposed development that depicts its height, external configuration and siting,	
	(e) advice that during the exhibition period, the plans will be available on Council's website and may be inspected during opening hours	s at Council offices
	or at dedicated kiosks in Bankstown, Campsie and Riverwood Libraries,	
	(f) the closing date for written submissions	
	<ul> <li>(g) method of delivery of submissions,</li> <li>(h) reference to political donations form if relevant.</li> </ul>	

Amendment 8 proposes to update the CPP to be consistent with State legislation. The Environmental Planning and Assessment Act 1979 provides mandatory exhibition periods for development applications that propose threatened species development and remediation work.

Amendment 9 proposes to update the CPP to be consistent with State legislation by aligning the Type A definition with the SEPP (Housing) 2021. The SEPP introduces build-to-rent housing, co-living housing and manor houses.

Amendment 10 proposes to provide additional guidance on certain planning matters by updating the notification letter requirements to:

- Inform property owners of the notice on Council's website and the potential need to fill out a political donations form.
- Expand the option for Council to notify any other individual, occupier, group, organisation, public authority or similar deemed by Council to have, or likely to have, an interest in the proposed development.

	As a guiding principle, Council will limit neighbour notification to those adjoining sites affected by a proposal as well as sites separated by only a walkway, driveway or laneway. The Council officer with delegated authority may extend the notification distribution area or period at their discretion notify any other individual, occupier, group, organisation, public authority or similar deemed by Council to have, or likely to have, an interest in the proposed development.
ble 3 <sup>.</sup> Exhibition red	quirements for Type B development
ype B	This applies to development applications where a proposal is likely to have a potential impact on a broader scale than Type A development above and
evelopment	other than for a complying development certificate, for designated development, or for State significant development.
	Type B development is defined as:
	Amusement centres
	Attached dwellings (10 or more dwellings)
	Boarding houses (12 lodgers or more)
	Build-to-rent housing (10 or more dwellings)
	Co-living housing (10 or more private rooms)
	Child care centres
	Community facilities
	Development subject to the State Environmental Planning Policy <del>33–Hazardous and Offensive Development</del> (Resilience and Hazards) 2021
	Educational establishments
	Funeral homes
	Group homes (12 lodgers or more)
	Hospitals
	Hostels (10 lodgers or more)
	Hotel or motel accommodation
	Massage parlours
	Methadone clinics
	Multi dwelling housing (10 or more dwellings)
	Places of public worship
	Public entertainment facilities
	• Pubs
	Recreational areas and major recreational facilities
	Registered clubs
	Residential flat buildings and shop top housing (10 or more dwellings)
	Restricted premises
	Seniors housing (10 or more beds and/or 10 or more dwelling)
	Serviced apartments
	Sex services premises
	Complete or substantial demolition of a heritage item
	Complete or substantial demolition of any significant feature of a heritage item
	• Non-residential development in a residential zone requiring a development application (except demolition or strata subdivision or subdivision of an approved dual occupancy or modification of minimal anyironmental impact).
	approved dual occupancy or modification of minimal environmental impact)
	<ul> <li>New building in industrial or business zones</li> <li>Development in an industrial zone that is adjoining or opposite residential zoned land where the hours of operation extend outside the hours of</li> </ul>
	<ul> <li>Development in an industrial zone that is adjoining or opposite residential zoned land where the hours of operation extend outside the hours of 7.00am-7.00pm (except demolition, subdivision, modification of minor environmental impact or where development is located inside a retail shopping complex)</li> </ul>

<u>Amendment 11</u> proposes to update the CPP to be consistent with State legislation by aligning the Type A definition with the SEPP (Housing) 2021. The SEPP introduces build-to-rent housing and co-living housing.

This amendment also updates the reference to state environmental planning policies.



	• Any other development not subject to Type A notification, where in the opinion of the relevant Council officer is likely to have a significant impact o residential sites.
Minimum public exhibition period	21 days from the date of the advertisement in a local newspaper
Notification letter equirements	Notification letter to property owners of neighbouring sites, as shown in Figure 3 and any other individual, group, organisation, public authority or similar deemed by Council to have, or likely to have, an interest in the proposed development.
	<ul> <li>The notification letter must include the following information: <ul> <li>(a) the address of the development site,</li> <li>(b) the name of the applicant to carry out the proposed development,</li> <li>(c) a description of the proposed development,</li> <li>(d) clear and legible A4 sized plan(s) of the proposed development that depicts its height, external configuration and siting,</li> <li>(e) advice that during the exhibition period, the plans will be available on Council's website and may be inspected during opening hours at Council offices or at dedicated kiosks in Bankstown, Campsie and Riverwood Libraries,</li> <li>(f) the closing date for written submissions,</li> <li>(g) method of delivery of submissions,</li> <li>(h) reference to political donations form if relevant,</li> <li>(i) the name of the consent authority,</li> <li>(j) the name and contact number of the relevant Council officer.</li> </ul> As a guiding principle, Council will limit neighbour notification to those adjoining sites affected by a proposal as well as sites separated by only a walkway, driveway or laneway. The Council officer with delegated authority may extend the notification distribution area or period based on the extent of impact considered appropriate for the size and scale of development, and the time of notification if deemed appropriate notify any other individual, occupier, group, organisation, public authority or similar deemed by Council to have, or likely to have, an interest in the proposed development.</li></ul>
ure 3: Notification of	property owners of neighbouring sites to a proposed development site
	Proposed development site Property owners and occupiers of neighbouring sites to be notified

<u>Amendment 12</u> proposes to provide additional guidance on certain planning matters by updating the notification letter requirements to:

- Inform property owners of the notice on Council's website.
- Expand the option for Council to notify any other individual, occupier, group, organisation, public authority or similar deemed by Council to have, or likely to have, an interest in the proposed development.

## 2.3–Can Council extend the engagement for development applications?

There may be exceptional circumstances that require an extension of the notification distribution area for engagement and/or the public exhibition periods.

Council's discretion is required for elevating a project if more consultation is considered appropriate in certain circumstances. In most cases, additional engagement means a wider distribution of advertising and notification rather than longer public exhibition periods, however this is subject to discretion on a case-by-case basis.

The Council officer with delegated authority will take the following into consideration:

- significant public interest demonstrated through the number of submissions, petitions or interactions between Council and the community,
- formal requests for extension with sound justification for the extension,
- the scale of development,
- the scale and scope of impact of development being greater than the immediately surrounding sites.

If the public exhibition period is due to close on a weekend or a public holiday, Council may extend the public exhibition period to finish on the first available workday. The Christmas period (between 20 December and 10 January, inclusive) is excluded from the calculation of the public exhibition period. Other significant religious or cultural festivities may warrant extended consultation where deemed necessary or appropriate.

#### 2.4–How can the public view development applications?

Plans and information lodged with a development application that is notified in accordance with this CPP will be available for inspection electronically on Council's website and may be inspected during opening hours at Council's Customer Service Centres (Bankstown and Campsie) or at dedicated kiosks in the Bankstown, Campsie and Riverwood Libraries during opening hours. This will include forms, architectural plans, consultant reports and supplementary documentation submitted with the application.

Council is required by legislation to make available extracts of development applications, subject to written consent of the applicant's architect or design professional as per the Commonwealth Copyright Act 1968. Should a model(s) or an artist's impression(s) of the development be lodged with the application, these will only be available for viewing at Council's Customer Service Centre in Bankstown.

#### 2.5–How can the public lodge submissions?

The submissions period is the same as the public exhibition period. Submissions are letters, emails, petitions or similar written representations from individuals or groups of people regarding a certain application.

#### 2.6-How will submissions be considered?

All submissions received within the nominated public exhibition period will be considered. Submissions received after the nominated public exhibition period will be considered where possible. Applications will not be determined prior to the expiry of the nominated public exhibition period.

When making a submission to Council, the submission should:

- Be received by Council on or before the last day of the public exhibition period (unless otherwise specified)
- Be in writing (via mail, email, fax, online form or hand delivered) and addressed to the General Manager, Canterbury Bankstown Council
- Contain the following essential information:
  - the name and address of the person making the submission,
  - the application number and address of the site that is the subject of the development proposal, and
  - detail all reasons for the submission.

<u>Amendment 13</u> proposes to streamline the CPP by removing duplicating criteria.

Amendment 14 proposes to update the CPP to be consistent with State legislation by noting that development applications are available for viewing on Council's website. Changes to State legislation allow exhibition requirements to be met through electronic communication methods.

No change

## 2.7–Is Council obligated to notify the public of outcomes from the assessment?

In addition to the public exhibition requirements, it is also a mandatory requirement that Council – as consent authority – formally notify the public of the outcomes from the assessment of the development application (or modification of a development consent that was publicly exhibited). Council will give notice of the determination of an application to each person who makes a written submission. For a petition, the instigator or if the instigator is unknown, the first name listed on the petition will be advised.

This notice must include (directly or by reference to another document):

- The decision
- The date of the decision
- The reasons behind the determination
- How community views were considered in making the decision.

Upon assessment of the DA and all submissions received, Council will issue a notice of determination. The notice of determination or Council's assessment report will specifically address matters of concern raised in submissions and give reasons for the determination.

Where a matter is referred to an applicable Planning Panel, every effort will be made to advise applicants and objectors of the time and date of the meeting.

The terms of any objection will be summarised in Council's development assessment reporting process. The name and address of the objectors will be withheld in the report, however, persons making submissions should be made aware that details of their submission will be kept on file and may be accessed by other members of the public under the Government Information (Public Access) Act 2009.

2.8-How will Council renotify amended plans to development applications under assessment?

If in the opinion of the relevant Council officer, the amended plans to a development application under assessment will have no additional adverse impact on any adjoining or nearby sites, no notification will be required.

For all other amended plans to a development application under assessment, the development application must be renotified for a minimum seven days. The relevant Council officer may extend the time of notification if deemed appropriate.

## 2.9-How will Council notify consent modifications or reviews?

Applications for a modification to a development consent (section 4.55 or 4.56 of the Environmental Planning and Assessment Act 1979) or a review of a determination will be notified in the same manner as the original development application.

However, if in the opinion of the relevant Council officer a modification application under section 4.55 or 4.56 of the Environmental Planning and Assessment Act 1979 will have no additional adverse impact on any adjoining or nearby sites, no notification will be required.

#### 2.10–Will Council notify owners and occupiers in neighbouring local government areas?

In the instance that a development site adjoins the boundary of a neighbouring Council, a notification letter will be sent to the adjoining Council requesting that Council inform its residents/ratepayers of the proposed development. Alternatively, if deemed appropriate or necessary, a letterbox drop to the affected occupiers may be undertaken and the adjoining Council notified.

#### 2.11-How should Council record participation?

Council has systems setup to manage hard copy and digital submissions. At a minimum, Council commits to:

<u>Amendment 15</u> proposes to provide additional guidance on certain planning matters by clarifying how to respond to petitions that do not identify the instigator.

<u>Amendment 16</u> proposes to provide additional guidance on certain planning matters by clarifying the notification requirements for amended plans.

No change

No change

<u>Amendment 17</u> proposes to streamline the CPP by bringing forward the text on

- Registering each submission (through software or hard copy log)
- Identifying the core issues and responding to these (as they relate to the development application)
- Recording the name and contact details (address or email) for submissions to be official
- Sending an acknowledgement of receipt of submissions
- Outlining how submissions have been considered in the assessment and evaluation of the development application.

The below constitutes a 'unique submission':

- A written submission from an individual household. Submissions from the same household will be considered as a single submission.
- A petition or pro-forma letter (including pro-forma letters with the same contextual content) signed or submitted by multiple persons from different households will be treated as a single submission.

#### PART B: STRATEGIC

#### 2.12-What are the exhibition requirements?

Public exhibition of a draft planning documents and development applications requires Council endorsement before being released for comment. Exhibition requirements are shown in Tables 4 to 8 below. Engagement for these planning documents will include (and will not be limited to)

#### Table 4 outlines the exhibition requirements and include:

- public exhibition at Council's Customer Service Centres (Bankstown and Campsie), and libraries (Campsie, Riverwood and Bankstown)
- notice on Council's website,
- notification via letter to neighbours and adjoining property owners and occupiers, notification in writing to affected and adjoining property owners unless Council is of the opinion that the number of property owners makes it impractical to notify them,
- a sign exhibited on the land and displayed on a signpost or board, visible from public space,
- In addition, Council is also required to notify the public via an advertisement in the local paper for all planning documents except for smaller scale Development
   Applications as well as those plans listed in Table 7, though it is considered good practice to do so for key planning and policy documents, notification in a local
   newspaper (online and/or physical version where available) that circulates in the area affected by the strategic planning project.

Table 4: Public exhibition periods

Planning document	Minimum public exhibition period
Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statement	28 days
Planning proposal for a local environmental plan subject to a gateway determination	28 days – unless otherwise specified in the gateway determination Gateway determination to specify the public exhibition period
Draft Development Control Plan	28 days
Draft Contributions Plan	28 days
Planning Agreement	28 days
Policy or guidelines	28 days
Plans for urban renewal areas and masterplans	42 days
Re-exhibition of any matter referred to above	As per the original public exhibition period

submission recording systems from Section 5 to Section 2.

<u>Amendment 18</u> proposes to update the CPP to be consistent with State legislation, which allow exhibition requirements to be met through electronic communication methods.

This amendment is consistent with the Department of Planning and Environment's publication 'Local Environmental Plan Making Guideline' (December 2021). The Guideline reinforces the Department's ePlanning program, which is increasing the use of electronic communication methods in planning. It ensures strategic planning processes make use of advances in technology and the changing communication preferences of residents.

This amendment also proposes to update the CPP by:

- Removing the need to endorse draft planning documents before being released for comment. State legislation does not permit Council to endorse draft planning documents prior to public exhibition (e.g. planning proposals, DCPs, contributions plans and planning agreements).
- Maintaining notification letters to occupiers as an option for Council to consider if deemed appropriate, particularly as it results in residents receiving two notification letters as both the property owner and occupier.
- Clarifying the minimum notice period for public hearings.

After the exhibition period has ended, at least 21 days public notice is to be given before the public hearing is held (refer to Practice Note 16–001)

Engagement activities involving face to face engagement will be held as close as practicable to the site subject of a plan or application. The Council officer with delegated authority may notify any other individual, occupier, group, organisation, public authority or similar deemed by Council to have, or likely to have, an interest in the strategic planning project.

## 2.13–Can Council extend the engagement for strategic planning projects?

There may be exceptional circumstances that require an extension of the notification distribution area for engagement and/or the public exhibition periods.

Council's discretion is required for elevating a project if more consultation is considered appropriate in certain circumstances. In most cases, additional engagement means a wider distribution of advertising and notification rather than longer public exhibition periods, however this is subject to discretion on a case-by-case basis. The Council officer with delegated authority will take the following into consideration:

- significant public interest demonstrated through the number of submissions, petitions or interactions between Council and the community,
- formal requests for extension with sound justification for the extension,
- the scale of development,
- the scale and scope of impact of development being greater than the immediately surrounding sites.

If the public exhibition period is due to close on a weekend or a public holiday, Council may extend the public exhibition period to finish on the first available workday. The Christmas period (between 20 December and 10 January, inclusive) is excluded from the calculation of the public exhibition period. Other significant religious or cultural festivities may warrant extended consultation where deemed necessary or appropriate.

#### 2.14–How can the public view strategic planning projects?

All plans and information lodged with an application that is strategic planning projects that are notified in accordance with this CPP will be available for inspection electronically on Council's website and may be inspected during opening hours at Council's Customer Service Centres (Bankstown and Campsie)-during business hours or at dedicated kiosks in the Bankstown, Campsie and Riverwood Libraries during opening hours. This will include forms, architectural plans, consultant reports and supplementary documentation submitted with the application. Should a model(s) or an artist's impression(s) of the development be lodged with the application, these will only be available for viewing at Council's Customer Service Centre in Bankstown.

In relation to planning proposals, Council is required by legislation to make available extracts of applications, subject to written consent of the applicant's architect or design professional as per the Commonwealth Copyright Act 1968.

#### 2.15–How can the public lodge submissions?

The submissions period is the same as the public exhibition period. Submissions are letters, emails, petitions or similar written representations from individuals or groups of people regarding a certain strategic planning project.

#### 2.16–How will submissions be considered?

All submissions received within the nominated public exhibition period will be considered. Submissions received after the nominated public exhibition period will be considered where possible.

When making a submission to Council, the submission should:

• Be received by Council on or before the last day of the public exhibition period (unless otherwise specified)

# <u>Amendment 19</u> proposes to streamline the CPP by removing duplicating criteria.

Amendment 20 proposes to update the CPP to be consistent with State legislation by noting that strategic planning projects are available for viewing on Council's website. Changes to State legislation allow exhibition requirements to be met through electronic communication methods.

No change

💊 Be in writing (via mail, email, fax, online form or hand delivered) and addressed to the General Manager, Canterbury Bankstown Council

- Contain the following essential information:
  - the name and address of the person making the submission
  - the name of the strategic planning project
  - detail all reasons for the submission.

#### **2.17–How should the community be kept informed of outcomes from the engagement?**

While the legislation only makes it mandatory to report back to the community on development application determinations, it is good practice to make sure that the community is properly informed of any outcomes from their engagement through clear addressing of their concerns in the assessment process. This helps build trust and may also contribute to better participation in the future as the community can see they are being heard and that their investment of time has been meaningful.

Closing the feedback loop can involve a range of techniques. People who have been actively involved and are directly affected by the plan should be notified of decisions to the relevant matter. For more significant matters, Council may publicise a submissions report, outlining the scope and issues raised in submissions and how issues have been addressed. This is more likely to occur on plan-making projects. To close the feedback loop, the post–exhibition report to Council may include a submissions report that summarises the issues raised in submissions and how the issues have been addressed. The name and address of submitters (not including public authorities) will be withheld in the report, however, persons making submissions should be made aware that details of their submission will be kept on file and may be accessed by other members of the public under the Government Information (Public Access) Act 2009.

Council officers will endeavour to resolve issues raised in submissions received during the public exhibition period. However, in some circumstances this may not be possible and will be addressed as part of the assessment. Any unresolved submissions may then be reported to Council post-exhibition to resolve any outstanding concerns which the community or public authorities may have.

#### 2.18–Will Council notify owners and occupiers in neighbouring local government areas?

In the instance that a development site adjoins the boundary of a neighbouring Council, a notification letter will be sent to the adjoining Council requesting that Council inform its residents/ratepayers of the strategic planning project. Alternatively, if deemed appropriate or necessary, a letterbox drop to the affected occupiers may be undertaken and the adjoining Council notified.

#### 2.19–How should Council record participation?

Council has systems setup to manage hard copy and digital submissions. At a minimum, Council commits to:

- Registering each submission (through software or hard copy log)
- Identifying the core issues and responding to these (as they relate to the strategic planning project)
- Recording the name and contact details (address or email) for submissions to be official
- Sending an acknowledgement of receipt of submissions
- Outlining how submissions have been considered in the assessment and evaluation of the strategic planning project.

The below constitutes a 'unique submission':

- A written submission from an individual household. Submissions from the same household will be considered as a single submission.
- A petition or pro-forma letter (including pro-forma letters with the same contextual content) signed or submitted by multiple persons from different households will be treated as a single submission.

Amendment 21 proposes to provide additional guidance on certain planning matters by clarifying that Council officers will endeavour to resolve issues raised in submissions received during the public exhibition period. However, in some circumstances this may not be possible and will be addressed as part of the assessment. Any unresolved submissions may then be reported post—exhibition to resolve any outstanding concerns which the community or public authorities may have.

No change

Amendment 22 proposes to streamline the CPP by bringing forward the text on submission recording systems from Section 5 to Section 2.



## SECTION 3-WHY IS COMMUNITY PARTICIPATION IN PLANNING IMPORTANT?

#### Draft Administrative Amendment

#### **3.1–Introduction**

Planning helps to define Council's local communities. It impacts on the quality of daily experiences for those who live, study, work or visit Canterbury Bankstown. Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve this experience.

By engaging with the community and seeking to better understand how we live in Canterbury Bankstown, how we connect with each other and what we want the future to be like, we can achieve planning outcomes that are better attuned to community values, concerns, dreams and hopes. Meaningful and authentic community participation creates a shared sense of purpose and understanding of the need to manage growth and embrace change while protecting the natural environment and preserving local character.

The encouragement of greater participation in the planning system will also reduce confusion and ensure a more consistent approach to how people interact (at various levels) with planning matters across Canterbury Bankstown. Council wants to strengthen its relationships and increase engagement within the community, local businesses, Aboriginal and Torres Strait Islander community, community groups and other stakeholders, with a particular emphasis on communities that may be challenged by language, mobility or socio–economic issues that may prevent them from actively participating and being heard. Council also wants to promote shared ownership and strengthen pride within and between neighbourhoods.

#### 3.2–Why does Council engage with the community?

On a broad level Council engages with the community to help build trust and achieve better outcomes. As identified in Council's Community Engagement Policy and Framework, the objectives of good engagement are to:

- identify and understand what is important to the community their needs, priorities and aspirations,
- ensure that Council's services best meet the range of community needs inclusive of cultural and social backgrounds,
- allow a range of voices to be heard, not just those people who are articulate, angry, loud or powerful,
- identify shared values, benefits and outcomes and how Council and community can work together to realise Council's goals, and
- manage risks by understanding and anticipating issues before they escalate.

#### What legislation governs planning in NSW?

Planning in NSW is largely governed by the following two pieces of state legislation:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000.

Other legislation of relevance to Council's planning functions and community participation in planning are:

• Local Government Act 1993 – the principal legislation in NSW governing the establishment and operation of councils

The National Parks and Wildlife Act 1974 provides clarity on Aboriginal heritage consultation requirements).

3.3–What are the principles of community participation?

This CPP considers the principles outlined in the Environmental Planning and Assessment Act 1979, objectives provided in the Department of Planning and Environment's CPP and Council's Community Engagement Policy and Framework.

## Comment

<u>Amendment 23</u> proposes to streamline the CPP by moving the background context from Section 2 to Section 3 to improve the readability of the CPP.

Amendment 24 proposes to streamline the CPP by removing text that duplicates section 4.3. The text relates to the legislation framework.



Table 5: Principles of community participa	ation	
Department objectives (developed	Council's Engagement Policy CPP implementation of objectives and principles	
from EP&A Act 1979 principles)	Principles (developed from IAP2	
	core values)	
Open and inclusive	Collaborative	Explore opportunities in planning where participation is sought, and diverse community groups and
	Respectful	people of all backgrounds can contribute. Identify and implement inclusive engagement techniques
		for people of all abilities.
Easy	Embedded	Prioritise the importance of communicating planning matters in plain English and with visual aids
	Flexible	while identifying diverse and accessible opportunities for participation. This CPP also encourages
		greater digital and electronic engagement.
Relevant	Credible	Identify participation techniques that are relevant to the appropriate planning function and are
		guided by purpose. This CPP also aims to target participation opportunities based on geography and
		where residents reside across Canterbury Bankstown.
Timely	Consistent	Ensure planning matters are communicated early with opportunities for ongoing participation or
		closing of feedback loop.
Meaningful	Evaluated	Consider all community feedback and support ongoing planning education of Council staff and
	Educational	general community through tools, processes and expertise.
Transparent	Credible	Ensure all planning processes are underpinned by the community's right to be informed about the
		planning matters that affect it.

## 3.4–How can we understand different levels of participation?

The International Association for Public Participation (IAP2) defines engagement as 'any process that involves the public in problem solving or decision–making and uses public input to make sustainable decisions'. Engagement or public participation as IAP2 terms the practice, 'includes all aspects of identifying problems and opportunities, developing alternatives and making decisions'. Table 6 outlines the IAP2 spectrum for engagement that has been considered and applied to this CPP.

Table 6: Application of IAP2 spectrum to this CPP

#### Increasing level of public impact

	Inform	Consult	Involve	Collaborate	Empower
Promise to the public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Frequency of use across planning projects	HIGH	HIGH	MEDIUM	LOW	RARE
Application to planning	Focuses on communications, notifications and closing of feedback loop.	Widely used across a variety of projects.	Focused use on complex projects.	Applied to more strategic and 'place making' projects.	This is difficult to achieve within a planning system that has a multilayered policy framework.



## 3.5–Why do we need to apply different levels of participation to different scales of development?

Council has identified various scales of development to assist with the application of appropriate participation opportunities. It is important that Council understands the 'scale' of development to appropriately determine the IAP2 level of community participation required. The three primary scales used in this CPP are development assessment, plan making and other matters external to Council are shown in Table 7.

#### Table 7: Primary scales for determining participation levels

	STATUTORY	STRATEGIC	Other matters external to Council
	Development assessment	Plan making	
Why is this	Improve efficiencies - enhancing systems	Opportunities for embedding community in	Advocate for the community
important to	Council has control over	submissions or exhibition of Council led	Opportunity for innovation in community
participation?	Build trust with the community	projects.	participation for project's outside Council's
	<ul> <li>Provide clarity and consistency</li> </ul>		control
	<ul> <li>Involvement in local matters</li> </ul>		
When?	Primarily during exhibition.	Pre, during and post exhibition	During exhibition as part of ongoing advocacy
How?	Decision making in the public interest	Provide a Council managed platform for	Notify the community of the opportunity to
		consolidating community feedback and	submit
		incorporating into Council reporting.	Inform the community on how to make
			submissions
			<ul> <li>Council to advocate on behalf of the</li> </ul>
			community
Example	Submit a response to a development	Attend a workshop or participate in a survey to	Make a submission directly to the external
	application notification.	provide feedback on a plan or design-led	agency or provide feedback to Council for
		process.	consideration in their formal submission.

## SECTION 4-HOW CAN THE COMMUNITY PARTICIPATE IN THE PLANNING PROCESS?

#### **Draft Administrative Amendment**

#### 4.1-Introduction

We will tailor community participation approaches for Council's planning functions to achieve the benefits of community engagement across the planning system. It is also important for Council to have a mix of techniques that cater for a broad audience as well as different information requirements or degrees of project complexity. This section is a guide for engaging on planning matters.

#### 4.2–What are the different types of engagement?



No change

Comment No change

## 4.3–What are the different pathways for planning?

There are many different planning approval pathways in New South Wales. The size, scale and nature of the development will determine which of the assessment pathways is appropriate. For the purposes of this CPP, these pathways have been identified as either Statutory or Strategic:

- Statutory planning manages the assessment of development applications (i.e. can I get approval for my new house design, apartment block, urban renewal site?). The statutory platforms are informed by controls outlined in the strategic platforms.
- Strategic planning sets the desired outcomes and provides direction on how to achieve them (i.e. where are we now and where do we want to be?). The strategic platforms enable development and help manage change. This includes planning proposals, planning controls, contributions plans, and plans for urban renewal sites.

#### **PART A: STATUTORY**

The planning system in New South Wales is supported by legislation, namely the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021. The Environmental Planning and Assessment Act 1979 identifies if Council or another authority, such as a panel of experts or the State Government, will assess the development depending on its scale and nature.

The following participation opportunities have been identified based on:

- Minor Development (Council as delegated authority) Type A and Type B (different types being determined by scale and use see Table 8)
- Medium and Major Development (Local Planning Panel and Sydney District Planning Panel) predominantly Type B.

#### Minor Development – Council as delegated authority

Local development is the most common type of development in New South Wales, with projects ranging from home extensions to medium sized commercial, retail and industrial developments. Council officers determine most local development applications under delegated authority of Council.

An overview of different engagement techniques and their timing is provided in Table 8 for different types of development. Note: Development applications for significant development are determined by the Local Planning Panel, or development identified as being regional significant are assessed by the Sydney District Planning Panel.

Level of participation	When	How pre exhibition	How during exhibition	How post exhibition	Regulatory considerations
INFORM	Notifications during and following exhibition phase (or signage once complying development certificate issued by certifier)	n/a	Letters to adjacent sites. Advertising in the local newspaper and online. Not all development applications are advertised.	Advertising in the local newspaper and online. Notification of outcome to submissions received.	Neighbours (adjacent to the site) are to be notified of the development application in print. It is good practice for all development applications to have a sign placed on site (and this is a requirement for some types of development applications that also would require advertisement in local media). See further detail in Section 2.
CONSULT	At exhibition phase for development applications.	n/a	Online submissions and letters received.	As above	14 days minimum exhibition period for low impact development applications and 28 days minimum for

#### Table 8: Overview of engagement techniques and timing – Minor Development

## No change



			designated development	1
			(potential high impact	1
			development applications).	1
			See further detail in Section	1
			2.	1

#### Medium and Major Development – Local Planning Panel and Sydney District Planning Panel

The Local Planning Panels will determine sensitive and complex development applications. The Local Planning Panel meetings are held in public and are recorded. Matters are referred to the Local Planning Panel under an instrument of delegation.

The Sydney District Planning Panels operate to provide independent, merit-based decision making on regionally significant development. The Panels may also have a role in planning proposals, to undertake rezoning reviews or to act as the planning proposal authority when directed.

Similar to the Local Planning Panels, certain matters are referred to the Sydney District Planning Panels that are deemed regionally significant or have a certain capital investment value. Such development applications are determined by the Panel.

Table 9: Overview of engagement techniques and timing – Medium or Major Development

Level of	When	How	How	How	Regulatory
participation		pre exhibition	during exhibition	post exhibition	considerations
INFORM	Advertised on Council's website and local newspaper.	Council to advertise and promote the opportunity for participation through submissions or public hearing.	n/a	Closing the feedback loop for participants in the process.	The LPP must give reasonable notice to the public of the times and places of its meetings.
CONSULT	Consult at any time with Council to assist with LPP deliberations.	n/a	The LPP may consult with Council to directly request additional information or to discuss specific impacts of proposed development.	n/a	The LPP must consult with Council for a development that may have a significantly adverse impact on the Council.
	Written submission or verbal submissions	An information session to discuss the proposed development with the public.	A member of the public can register to speak to the LPP at the public meeting. A written submission can be sent to Council and will be recorded.	n/a	Permitted at the LPP's discretion.

#### PART B: STRATEGIC

Plan making can be undertaken by Council or by another delegated authority (Department or Panel). A common policy used in plan making is the Local Environmental Plan. A Development Control Plan provides detailed planning and design guidelines to support the planning controls (outlined in the LEP) and is prepared and adopted by Council. Other plan making processes may include plans for urban renewal areas, contribution plans, master plans, Local Strategic Planning Statements and planning proposals.

Table 10: Overview of engagement techniques and timing – Strategic Planning (Council)

Level of	When	How	How	How	Regulatory	
participation		pre exhibition	during exhibition	post exhibition	considerations	

<u>Amendment 25</u> proposes to update the CPP to be consistent with State legislation by noting that strategic planning projects are available for viewing on Council's website. Changes to State legislation allow exhibition requirements to be met through electronic communication methods.



INFORM	Across the entire project timeframe but focused and targeted for participation opportunities.	Factsheets, letters, Have Your Say website and media releases. Information about the project and its purpose.	Project updated on website and promotion of participation opportunities.	Provide feedback and outline next steps through a Council report.	Publicly exhibit <del>and give public notice in a local newspaper on Council's website.</del>
CONSULT	At a specific stage or across a series of project stages.	Workshops	Online survey and opportunities for written submissions.	Notification of outcomes from exhibition.	Provide opportunity for written submissions as a minimum participation opportunity.
INVOLVE	A series of project stages that seek feedback and explain evolving outcomes.	Deliberative workshops	Online survey and opportunities for written submission.	Notification of outcomes from exhibition (and if relevant seeking participation on final issues for clarification).	Provide opportunity for written submissions as a minimum participation opportunity.
COLLABORATE	Multiple opportunities across the project.	Co-design workshops, advisory committees and participatory decision- making.	Online survey and opportunities for written submission.	Workshops or focus groups that seek participation on finalising the plan.	Provide opportunity for written submissions as a minimum participation opportunity.
EMPOWER (not commonly used)	From the inception of the project to its delivery (and where applicable, continuing after adoption of plan)	Citizen juries, ballots and delegated decisions.	Online survey and opportunities for written submission.	Ongoing involvement from participants through the establishment of a place making group.	Projects are bound and informed by regulatory frameworks.

#### **External to Council**

The State Government and other public authorities develop policies that may affect or relate to planning matters in Canterbury Bankstown. These policies include major projects like airports and legislation such as State Environmental Planning Policies.

For these types of development, there are no requirements that Council undertakes engagement, though Council may choose to inform the community of any project it deems of certain interest and importance to the community. This can take the form of simply providing a link to the relevant external webpage on Council's website. Where the public authority is undertaking appropriate engagement, it would not require Council to take any further action.

Some types of development and infrastructure are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Development that is State Significant Development is identified in the State Environmental Planning Policy (State and Regional Development) 2011 (Planning Systems) 2021.

Examples of matters external to Council include:

- Urban renewal strategies and corridors
- Precinct plans and collaboration areas
- Metropolitan and district strategic plans
- State significant development applications
- State significant infrastructure applications
- Critical state significant infrastructure
- Bankstown Airport master plans
- State environmental planning policies
- Statewide planning and design controls.

<u>Amendment 26</u> proposes to update the reference to state environmental planning policies.

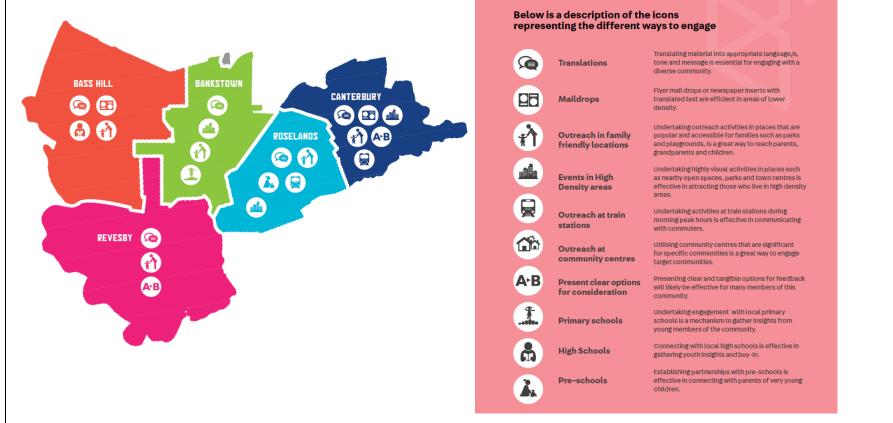


Level of	When	How	How	How	Regulatory
participation		pre exhibition	during exhibition	post exhibition	considerations
INFORM	Advertise or recruit	Promotion of Council-led	Promotion of external	Report back and keep	No legislative requirements
	participation opportunities	participation opportunities.	opportunities.	participants informed.	
CONSULT	Prior to exhibition to help	Workshops or Community	Formal written submissions.	n/a	No legislative requirements
	inform Council's submission	voice panels.			
	or encourage individual				
	submissions.				
	During exhibition or ongoing	n/a	Council's Advisory Groups	n/a	No legislative requirements
	over the life of the project		provide feedback on behalf		
	through advocacy.		of the community,		
			particularly when there is a		
			short exhibition window		
			from external agency.		

## 4.4–What type of engagement techniques can be used for different Canterbury Bankstown communities?

This CPP recognises Aboriginal and Torres Strait Islander communities, along with the fast–growing and culturally diverse network of communities that call Canterbury Bankstown home. It aims to apply the place, story and community values to the planning system to identify participation opportunities and engagement ideas to explore when engaging with the varied communities.

The fact the community is diverse and non-homogenous means Canterbury Bankstown is not driven by one viewpoint but many views from around the world. This CPP recognises the importance in understanding this uniqueness in order to effectively engage with people in the planning system. The map below shows engagement techniques that can be explored for the different communities across Canterbury Bankstown in order to tailor engagement to the needs of the community.





## SECTION 5-HOW SHOULD COUNCIL MEASURE PARTICIPATION?

## Draft Adminisitrative Amendment

## 5.1-Evaluation

Council's Community Engagement Policy and Framework provides an extensive set of evaluation tools to determine the effectiveness of participation. Evaluation should be undertaken throughout the engagement period, to ensure that improvements to the engagement plan can be implemented throughout the process. Refer to the Community Engagement Policy and Framework for an example of an evaluation framework.

## Comment