

A photograph of three women in a meeting. On the left, a woman wearing a blue hijab and a grey sweater is smiling. In the center, a woman with blonde hair wearing a red turtleneck is also smiling. On the right, a woman with dark hair wearing a pink sweater is looking at a white document held by the woman in red. They are all looking at the document with interest. The background shows a window with a view of a city building.

STRATHFIELD COUNCIL

COMMUNITY PARTICIPATION PLAN

DECEMBER 2019



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1. Introduction and Principles



1.1 Introduction

The Strathfield Council Community Participation Plan (CPP) sets out how Council undertakes community participation in regard to planning and development.

The intention of this plan is to provide a single document that sets out all of the Council's community participation requirements under planning legislation, including all minimum mandatory exhibition timeframes in the *Environmental Planning and Assessment (EP&A) Act 1979* and relates to the planning functions of Council as set out in Schedule 1 of the Act.

This plan replaces the former Part L of the *Strathfield Consolidated Development Control Plan*, which set out controls for notifications for the development process.

1.2 What is the purpose of our Community Participation Plan?

The CPP is intended to provide the community with clear guidelines of how and when Council will undertake community participation for specific types of development and planning proposals to support transparent and clear timeframes and engagement processes.

This CPP is particularly concerned with community engagement in planning and development and incorporates the engagement and notification requirements outlined in the *EP&A Act*.

1.3 What is the new planning framework?

The Strathfield Community Strategic Plan – Strathfield 2030 sets out the strategic direction and vision for the Strathfield Local Government Area (LGA).

The Local Strategic Planning Statement (LSPS) interprets the community vision set out in Strathfield 2030 into a land use planning framework to guide the future of the Strathfield LGA up to 2040. The LSPS provides the framework for developing a new Local Environmental Plan (LEP) and Development Control Plan (DCP).

The planning framework is informed and underpinned by continuous community engagement.

1.4 Where does the CPP apply?

This CPP applies only to the Strathfield Local Government Area 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*, Council's Community Strategic Plan (CSP) and community engagement strategy. The intention of this plan is to consolidate the processes for engaging with the community on planning and development matters.

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1.5 What are the objectives of the CPP?

Council's community engagement objectives are to:

- a) Enhance opportunities for all members of the community to participate in planning decisions to achieve better planning outcomes, in an open and transparent process
- b) Ensure the community understands how they can participate in planning decisions
- c) Ensure that the needs and concerns of the community are identified and addressed whenever possible
- d) Ensure our strategic planning reflects the aspirations of the community
- e) Ensure that Council meets its legislative requirements in regards to community engagement

1.6 Review of CPP

The CPP will be reviewed periodically.

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2. Community Participation

2.1 Why is community participation important?

Community participation is important to create a shared sense of purpose, direction and understanding of the need to manage growth and change, while protecting the natural environment and preserving local character.

Participation assists decision makers to identify public interest concerns, allows stakeholders to hear each other's concerns and ideas, capture local knowledge and expertise and settle issues up-front to reduce potential disputes.

Community engagement can involve a broad range of activities, ranging from informing to active participation, which includes:

- "Informing" - notification of a proposal or that a decision has been made
- "Consulting" - takes place when a project or activities requires input or feedback before a decision is made, such as a draft plan
- "Active participation" - collaboration with or involvement of specific groups or community.

2.2 Our approach to community participation

Council encourages open, transparent, easy, relevant, timely and meaningful opportunities for the community to engage in planning decisions.

The *EP&A Act* established principles to ensure that community participation in planning decisions is clear and easy. These principles are consistent with the International Association for Public Participation (IAP2) and represent best practice engagement for planning matters.

These principles include:

- The community has a right to be informed about planning matters that affect it.
- Council will encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- 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.
- 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).
- 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.

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3. Advertising and Notifications Submissions

3.1 Submissions Period

Unless otherwise stated, the submission period for each application is in line with the notification period (except where an extended notification period is given) commencing one day after the day of the notification letter.

Development applications and accompanying material will be available for viewing on Council's website for a stated number of days. Submissions will be accepted within this time period. If the period finishes on a weekend, the time period is to be extended to the immediately following Monday.

The period may be increased, if the consent authority or council considers that a longer period should be given in the circumstances.

3.2 Making a Submission

Any person is entitled to make a submission which may object or support an application within the notification period, whether or not a notification letter has been forwarded to the person.

Submissions must be made in writing and delivered to the Council either personally, by post, or electronic mail.

All submissions received within the notification period will be considered in the officer's assessment of the application. Council is not bound to adopt or support a submission when making its determination. The officer's assessment will involve consideration of the merits of all relevant matters having regard to section 415 of the Act.

Where possible, submissions should include the following characteristics:

- The reasons for objection or support;
- Submissions must be in writing, be addressed to the CEO, clearly indicate the name(s), address and contact details of the person(s) making the submission, quote the development application number, and clearly state the address of the property;
- Other documents (such as surveys, plans or photographs) may be included in support of a submission;
- Correspondents may suggest ways in which a proposal might be changed to address their concerns;
- If persons who lodge submissions wish their personal information to remain anonymous, a clear request must be including asking Council not to make such information available for public inspection;
- Note: Only one (1) submission will be counted per dwelling. In the case of strata title buildings, this means one submission per unit.

3.3 Notice to Persons Lodging Submissions

In the event that an application is to be determined at a Strathfield Local Planning Panel Meeting, the consent authority is to notify person(s) who have lodged a written submission, prior to the relevant meeting.

3.4 Petitions

Where petitions are received in respect of an application, the principal petitioner or where not nominated the first petitioner will be acknowledged for the purpose of future contact. Only the principal petitioner will be advised of timings regarding the determination of an application.

Contact details including name, address, telephone number and email are to be provided for the principal petitioner.

3.5 Disclosure of Submissions

Submissions are not confidential. Submissions may be accessed by the public through an application to access Council's records under the *Government Information (Public Access) Act 2009*.

3.6 Acknowledgment of Submissions

All submissions received during the assessment period are to be acknowledged within 2 weeks of receipt.

Council's policy is to notify all submitters prior to a Strathfield Local Planning Panel (SLPP) Meeting or other public meeting; and following determination of the application.

3.7 Anonymous Submissions

Anonymous submissions will not be considered.

3.8 Decisions

Once an application has been determined, Council will notify of the decision in the following ways:

- All of those person(s) who made a written submission in respect of an application will be notified in writing.
- A list of development applications approved will be published on Council's website in accordance with Section 4.59 of the Act.

The following information will be provided on Council's website via the DA tracker consistent with the mandatory requirements of Schedule 1 of the Act.

- The decision
- The date of the decision
- The reasons for the decision
- How the community views were taken into account in the making of the decision.
- The decision and the date will be provided in the form of the Notice of Determination, and the reasons for the decision and consideration of community views will be contained within the Assessment Report.



4. Plan Making

4.1 Notification processes for plan making and development assessment (designated, integrated, state and EIS)

Table 1 and Table 2 set out NSW legislative requirements for notification of plan making (table 1) and development assessment for designated development, integrated development, State Significant Development and Environmental Impact Statements (table 2).

The tables set out the minimum standards for notifications. However, notification areas and times may be increased (not reduced) at the discretion of the authorised Council officer, considering the nature and likely impact of the proposal.

For plans or development assessments likely to generate major public interest or have major impacts on the Strathfield Local Government Area, in part or as a whole, Council will utilise a wider range of consultation methods which can include:

- Notify residents via a letterbox drop to an area deemed appropriate by a relevant Council Officer
- Arrange a public meeting, presentation or forum
- Use surveys, consult with community panels or focus groups.

Table 1 – Legislative requirements for notification (plan making)

NAME	NOTIFICATION PERIOD	FORM OF NOTIFICATION
Draft Community Participation Plans (Division 2.6)	Minimum 28 days	E-News Council website
Draft regional or district strategic plans (Division 3.1)	Minimum 45 days	E-News Council website
Draft Local Strategic Planning Statements (Division 3.1)	Minimum 28 days	E-News Council website
Planning proposals for local environmental plans, subject to a Gateway determination	Minimum 28 days, or: a) If a different period of public exhibition is specified in the gateway determination for the proposal – the period so specified, or: b) If the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal – no public exhibition	E-News Council website Public Forum
Draft development control plans (Division 3.6)	Minimum 28 days	E-News Council website
Draft contribution plans (Division 7.1)	Minimum 28 days	E-News Council website

Table 2 – NSW legislative requirements for notification of plan making

NAME	NOTIFICATION PERIOD	FORM OF NOTIFICATION
“Nominated integrated development”: any development requiring approval under the <i>Heritage Act 1977</i> , <i>Water Management Act 2000</i> or <i>Protection of the Environment Operations Act 1997</i>	Minimum advertising period of 28 days (cl. 89 of Regulations)	E-News Council Website
Designated Development	Minimum advertising period of 28 days (cl. 89 of Regulations) For other requirements refer to clauses 77-81 of Regulations	Council website
State Significant Development	Minimum advertising period of 28 days (cl. 89 of Regulations) For other requirements refer clauses 82-85B of Regulations	Council website
Environmental Impact Statement obtained under the Division 5.1 or Environmental Impact Statement for State Significant Infrastructure under Division 5.2	Minimum advertising period of 28 days (cl. 89 of Regulations)	Council website



5. Development Assessment

5.1 Scope

This section sets out the minimum notification requirements for development proposals. Notification areas and times may be increased (not reduced) at the discretion of the authorised Council officer, considering the nature and likely impact of the proposal.

This section applies to:

- Development applications, including tree removal applications;
- Modification of consent applications; and
- Review of determination applications.

5.2 Exclusions

These matters are not publicly notified:

- Building and business identification signage that are considered to have minimal impact on the amenity of the locality and/or traffic safety;
- Development applications for minor works that are considered to have minimal environmental impact, including applications for subdivision; and
- Development applications for the use or change of use of a premises where the proposed use is permitted within the zone or replacing an existing use that has had a previous development consent granted.

5.3 Advertising and Notification of Applications

The objectives of advertising and notification of application is:

- To advise adjoining and nearby landowners/occupiers of proposals lodged with Council.
- To provide the opportunity for public comment on applications, and for participation in the decision making process.
- To establish criteria where notification may, or may not, be required and those persons who will be notified;
- To outline the procedures for notifying owners and/or occupiers of land affected by an application;
- To ensure all stakeholders are aware of the notification process;
- To establish a communication process in relation to the assessment of development applications;
- Ensure there is consistency in the notification of similar applications.

5.4 Persons to be Notified

Notice of an application will be provided to the following:

- All persons who, according to Council's property records, own or occupy land adjoining the application site;
- Any persons who, in the opinion of the Council officer, own or occupy neighbouring land that may be detrimentally affected by the likely impacts of the proposal including, but not limited to loss of views, loss of heritage significance, loss of privacy, overshadowing, hours of operation, noise generation, visual bulk, traffic and parking impacts, and inconsistency with the streetscape;
- Any persons who, in the opinion of the Council Officer, may be adversely affected by works to a heritage item, works in the vicinity of a heritage item, or works in a Conservation Area;
- Where the notified property comprises a strata titled building, the Owners Corporation, owners of strata units (where a mailing address is known to Council), and non-owner occupiers within the building will be notified;
- Any person or group of persons whom Council believes may have an interest in the determination of the application;
- Any public authorities, which Council believes, may have an interest in the determination of the application;
- For notification relating to premises on the border of a Local Government Area, Council will send letters to the adjoining Council except those premises fronting Coronation Parade, Roberts Road and Powells Creek.

Note: For applications likely to generate major public interest or have major impacts on the local government area, in part or as a whole, Council may also:

- Notify residents via a letterbox drop to an area deemed appropriate by a relevant Council Officer; and
or
- Arrange a public meeting, presentation or forum.

5.5 The Methods Used to Notify Applications

Development applications requiring notification will be notified in the following forms:

- Letters and/or emails to adjoining and neighbouring land owners/occupiers (written notice);
- A site notice placed on the subject site (site notice);
- Information on Strathfield Council's website; and
- Notice published in Strathfield Council's eNews

5.6 Advertisement of Certain Applications

a) The consent authority, before determining any application to carry out development for the purpose of:

- a hospital/medical centre;
- a boarding house;
- a place of public worship;
- child care centre
- a sex services premises; and
- a restricted premise.

shall give notice of the receipt of the application on Council's website.

b) A published notice referred to (a) shall:

- set out particulars sufficient to identify the land to which the application relates in accordance with Clause 5.7 of this section; and
- be advertised and notified for a period of twenty one (21) calendar days from the date of the publication (excluding public holidays).

c) After expiry of the exhibition period, the consent authority shall consider the application having regard to any written submissions received.

5.7 Notification Content

The notice must contain the following information:

- The address of the land on which the development is proposed to be carried out;
- A description and address of the site to which the application relates;
- A brief description of the proposal that outlines the nature of the development including the number of storeys, number of residential units and/or commercial floor space, and the number of on-site parking spaces where applicable;
- The application reference number;
- The name of the applicant;
- Where and when the application can be inspected;
- The invitation of affected persons to make a written submission;
- The period during which the application can be inspected and submissions may be made;

Note: The written notice will be accompanied by an A4 size notification plan including a site plan and elevations of the proposed development, prepared by the applicant.

5.8 Minimum Notification Area

The notification area is expressed as a minimum and may be increased (not reduced) at the discretion of the assessing officer, considering the nature and the likely impact of the proposal.

For development that is notified, all properties within a 100m radius (measured from the centre of the site of the development application) or seven (7) properties either side of the subject properties and fourteen (14) properties across the road and fourteen (14) properties across the rear, whichever is the greater, are to be notified.

For development applications proposing the construction of, or use a building for a new Boarding House development, all properties within a minimum 500m radius, measured from the centre of the site of the development application are to be notified.

Where a site is partially affected by the 100m or 500m radius, the site shall be considered to be within the radius area and is to be notified of the development application.

The diagram below (Figure 1) shows the land to be notified and represents the minimum notification area for all development applications to which this section applies.

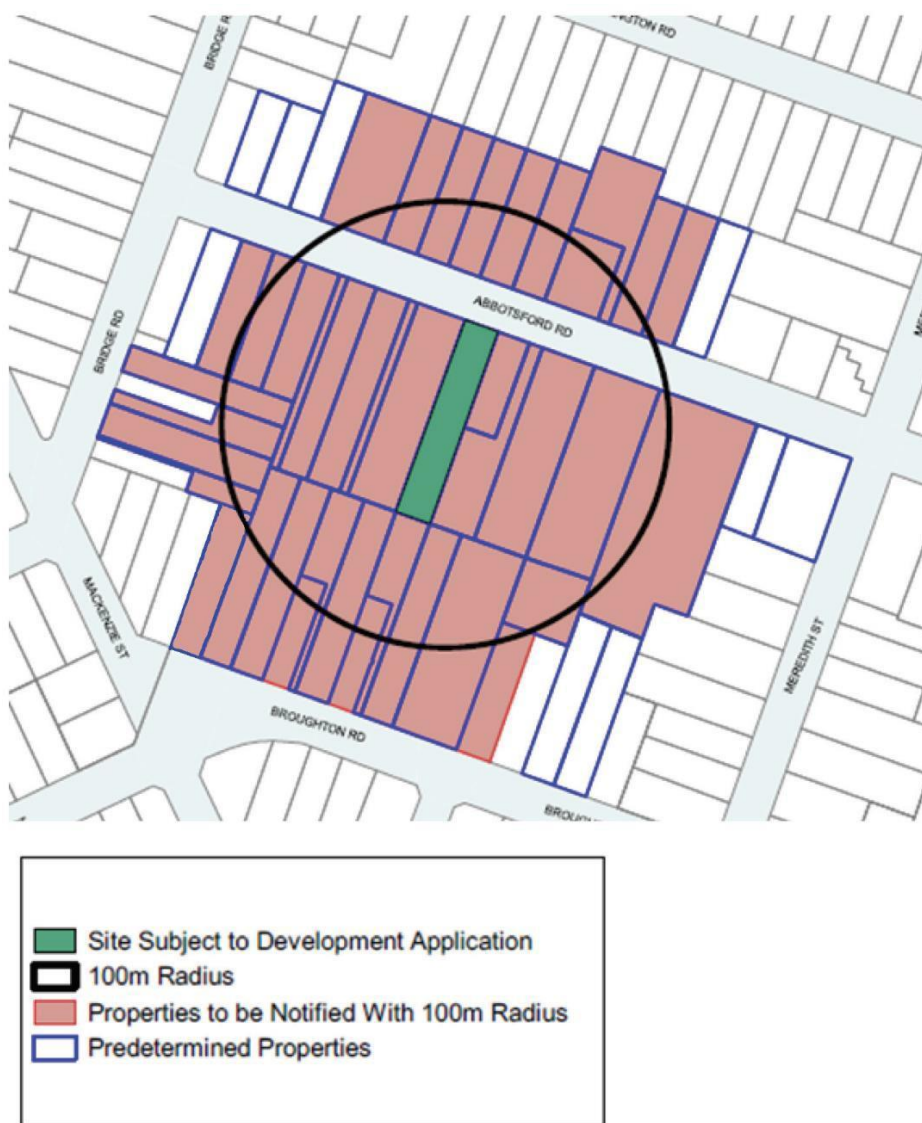


Figure 1 – Minimum notification area

5.9 Advertising and Notification Requirements

There are two (2) categories of public exhibition procedures for the purpose of this section, based on the anticipated impacts of the proposed development on its environment.

The two (2) categories of public exhibition procedures are:

- Category A – 14 days notification
- Category B – 21 days notification

CATEGORY A	CATEGORY B
Relates to all development types to which this section relates to excluding development to which Category B relates.	<ul style="list-style-type: none">• Relates to the following development types:• New residential flat buildings and additions greater than 3 storeys• New boarding house• New tourist and visitor accommodation• New hotel or motel accommodation• New bulky goods premises• New restricted premises• New sex services premises• New place of public worship• New seniors housing• New hospital/medical centre• New educational establishment• New child care centre• Mixed-use development: new and additions greater than three (3) storeys• Commercial development: new and additions greater than three (3) storeys• Other major non-residential development

Note: the notification period may be altered at the discretion of the Council officer following consideration of the nature and likely impact of the proposal or the circumstances of the case.

5.9A Council-Related Development

Despite the notification period specified in Clause 5.9 of this policy, a council-related development is to be notified for 28 days in accordance with Schedule 1, Clause 9B of the *Environmental Planning and Assessment Act 1979*.

Note: ***council-related development*** means development for which the council is the applicant, developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

5.10 Notification Periods

The notification period for all notified development commences one day after the date of the written notice. Development that is notified only for fourteen (14) days is not advertised.

The notification period for all 'advertised development' commences from the day of publication on Council's website.

During the Christmas holiday period, notification will occur in accordance with the Environmental Planning and Assessment Act 1979, Schedule 1 and exclude the days between 20 December and 10 January (inclusive).

5.11 Extension of Advertising and Notification Periods

The period for advertising and notification of applications to which this section applies may be extended in the following instances:

- During traditional holiday periods (e.g. the period from 20 December and 10 January is excluded from the calculation of a period of public exhibition); and
- Where the consent authority or its officers consider the form of development to warrant an extended consultation period.

5.12 Amendments, Modifications and Reviews

Where an application is amended prior to its determination, the application shall be readvertised or notified when the amended application is considered likely to result in additional environmental impacts. In this instance, Council will re-notify:

- Those persons who lodged a written submission to the original application;
- The originally notified area;
- Any additional persons who own/occupy neighbouring land that may, in the opinion of Council's officer, be adversely affected by the amended proposal.

Amended applications that are considered to result in a lesser impact on the environment are not required to be readvertised or renotified.

When an application is withdrawn and a subsequent application made, the new application will be readvertised or notified as if the previous application had not been made. Submissions received in relation to the superseded application will not carry over to the new application.

5.13 Section 4.55 and 4.56 Applications

An applicant may amend a development consent under Section 4.55 and 4.56 of the Act in the following ways. An applicant may amend a development consent under Section 4.55 of the Act in the following ways:

- Section 4.55(1) applications involving correction of minor errors and misdescriptions;
- Section 4.55(1A) applications involving minimal environmental impacts;
- Section 4.55(2) applications involving other modifications; and
- Section 4.56 applications received in relation to consents granted by the Land and Environment Court.

These Section 4.55 and 4.56 modification applications will be notified as follows:

- Section 4.55(1) applications will not be advertised or notified.
- Section 4.55(1A) applications will not be advertised or notified, unless the modification relates to a condition or requirement that arose from a previous submission. In this regards, all previous submitters will be notified.
- Section 4.55(2) applications will be advertised and/or notified for a maximum of 14 days or in the same manner as the original application. All previous submitters will be notified.
- Section 4.56 applications will be advertised and/or notified for a maximum of 14 days or in the same manner as the original application. All previous submitters will be notified.

5.14 Section 8.2 Reviews

Pursuant to Section 8.2 of the Act, an applicant may request the Council to review a determination of an application within 6 months of the determination date, however sufficient time must be available for Council to be able to review, assess and determine the application within 6 months of the determination date.

Applications for a Section 8.2 review of determination will be re-advertised and re-notified in the same manner as the original application even if the development application is amended and is considered to have a lesser impact on the surrounding area than the original development application.

Those persons who lodged a written submission to the original application will also be notified of a Section 8.2 review application.

5.15 Other Provisions

b) NSW Land and Environment Court Appeals

Where an application is subject to an appeal in the Land and Environment Court (the Court), Council will notify:

- Those persons who lodged a written submission to the original application; and
- Any other person(s) who own/occupy adjoining or neighbouring land who may, in the opinion of Council, be adversely affected by the proposed development.

In the event the Court makes a determination on an application, Council will send notice of the determination to each person(s) who lodged a written submission with respect to the application.

c) Cost of Advertising and Notification

The fees and charges associated with the advertising and notification of applications is available on Council's website:

<http://www.strathfield.nsw.gov.au/council-documents/fees-and-charges/>

5.16 Section 8.2 Reviews

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Applications for a Section 8.2 review of determination will be re-advertised and re-notified in the same manner as the original application even if the development application is amended and is considered to have a lesser impact on the surrounding area than the original development application.

Those persons who lodged a written submission to the original application will also be notified of a Section 8.2 review application.

5.17 Other Provisions

d) NSW Land and Environment Court Appeals

Where an application is subject to an appeal in the Land and Environment Court (the Court), Council will notify:

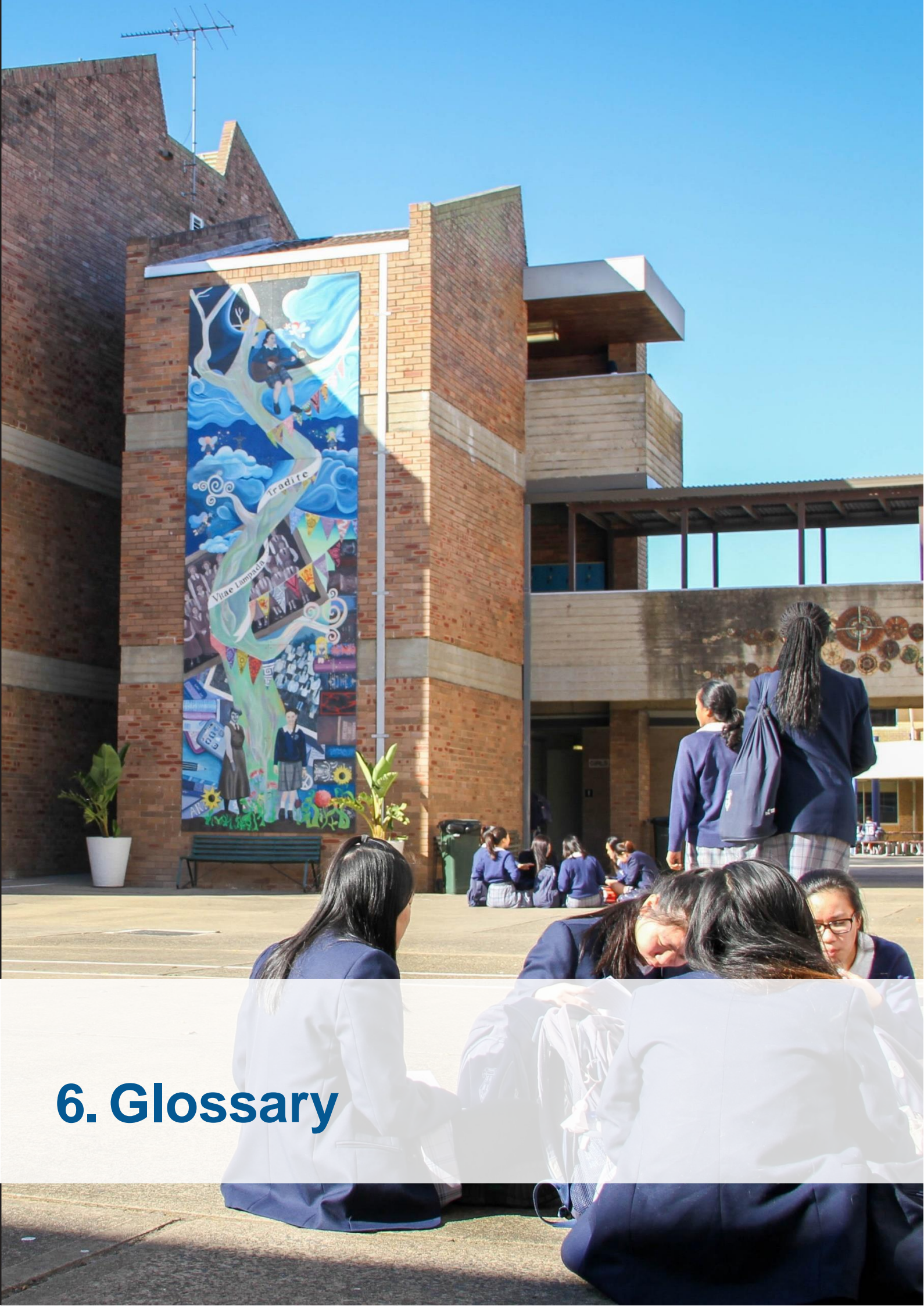
- Those persons who lodged a written submission to the original application; and
- Any other person(s) who own/occupy adjoining or neighbouring land who may, in the opinion of Council, be adversely affected by the proposed development.

In the event the Court makes a determination on an application, Council will send notice of the determination to each person(s) who lodged a written submission with respect to the application.

e) Cost of Advertising and Notification

The fees and charges associated with the advertising and notification of applications is available on Council's website:

<http://www.strathfield.nsw.gov.au/council-documents/fees- and-charges/>



6. 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
Development Application	A development application is a formal request of council to build or carry out development
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 or flood zone)
Development Control Plans (DCP)	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
Regional Strategic Plan	20-year plans that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPE Region
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the Department, that relates to planning matters that are state significant or are applicable across the state
State Significant Development (SSD)	Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities
State Significant Infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants
Urban Renewal Areas, includes:	<p>Growth centres: Land identified in State Environmental Planning Policy (Sydney Region Growth Centres) 2006, earmarked for the establishment of vibrant, sustainable and livable neighbourhoods that provide for community well-being and high quality local amenity</p> <p>Planned precincts: Identified locations across Greater Sydney with good access to existing or planned public transport connections, suitable for rejuvenation with new homes and jobs</p> <p>State significant precincts: State significant precincts are large areas of predominantly State-owned land, within Greater Sydney, that are identified by the State Government as areas for growth because of their social, economic or environmental characteristics</p>



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