



Burwood ^{Inc.1874}

Burwood . Burwood Heights . Croydon . Croydon Park . Enfield . Strathfield

LAND USE PLANNING COMMUNITY PARTICIPATION PLAN

Public Document
Adopted by Council: 26 November 2019 (Min. No. 90/19)
Ref. No.: 20/17099
Version No.1
Ownership: Strategic Planning

AMENDMENT IN ACCORDANCE WITH LEGISLATIVE CHANGES DUE TO COVID-19

The COVID-19 Legislation Amendment (Emergency Measures) Bill 2020 was passed by the NSW Government in March 2020 to amend a number of Acts to implement emergency measures as a result of the COVID-19 pandemic.

Amongst the changes is the removal of the requirement for planning decision-makers (such as councils) to display physical copies of planning documents at council facilities. These documents will now be available online via the NSW Planning Portal.

To provide certainty, the Secretary of the Department of Planning, Industry and Environment also approved the use of council and state agency websites to display these documents. Councils are no longer required to provide physical copies at their offices.

Current exhibition periods will not be affected, and documentation that is required to be made physically available will be made available online for the duration of exhibition periods.

These provisions are in place for a minimum of six months, extendable up to 12 months. They prevail over what would otherwise be required in this document.

Table of Contents

1.	INTRODUCTION	4
2.	WHAT IS COUNCIL'S COMMUNITY PARTICIPATION PLAN?	5
3.	WHAT IS THE RELATIONSHIP BETWEEN COUNCIL'S COMMUNITY STRATEGIC PLAN, COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY PARTICIPATION PLAN?	6
4.	WHAT PLANNING MATTERS DOES THE COMMUNITY PARTICIPATION PLAN APPLY TO?	7
5.	WHO DOES THIS COMMUNITY PARTICIPATION PLAN APPLY TO?	7
	8
6.	COMMUNITY PARTICIPATION PRINCIPLES AND COUNCIL ACTIONS	8
7.	HOW WILL COUNCIL INVITE THE COMMUNITY TO PARTICIPATE?	9
8.	WHO WILL RECEIVE A NOTIFICATION FOR PUBLIC EXHIBITION LETTER?	9
9.	HOW CAN THE COMMUNITY PARTICIPATE IN A PLANNING MATTER?	13
10.	TIMEFRAMES FOR COMMUNITY PARTICIPATION	14
11.	GLOSSARY	15
	REVIEW	17
	CONTACT	17

1. Introduction

Community participation provides people with the opportunity to have a say and be involved in Council decisions and actions. Participation delivers better planning results for the community.

Council, as a planning authority, undertakes a range of planning functions under the *Environmental Planning and Assessment (EP&A) Act 1979*. A planning authority is required under the EP&A Act to prepare a Community Participation Plan (CPP) when exercising the planning functions.





2. What is Council's Community Participation Plan?

Council's CPP is a document that sets out all of Council's community participation requirements under the EP&A Act. The CPP also establishes the community participation principles which Council will follow when undertaking the community participation.



3. What is the relationship between Council's Community Strategic Plan, Community Engagement Strategy and Community Participation Plan?

The three plans form the engagement framework of Council. Their relationship is as follows:

Name of the Plan or Strategy	Governing Legislation
Community Strategic Plan – <i>Identifies the priorities and aspirations of the community</i>	Local Government Act 1993
Community Engagement Strategy – <i>Engages the community on all Council functions</i>	
Community Participation Plan – <i>Encourages community participation on planning matters</i>	EP&A Act 1979

4. What planning matters does the Community Participation Plan apply to?

Council generally has two major planning functions: policy making and assessment. Each function covers a number of planning matters, which the CPP applies to.

Policy making	A planning policy sets the strategic direction or guidance for development in the Burwood Local Government Area (LGA) and includes the preparation of a: <ul style="list-style-type: none">▪ Local Strategic Planning Statement (LSPS)▪ Local Environmental Plan▪ Planning Proposal initiated by Council▪ Development Control Plan▪ Local Infrastructure Contribution Plan
Assessment	Delegated Council officers assess and make planning decisions on a range of development proposals, including: <ul style="list-style-type: none">▪ Development Applications (DAs) and any modification of a DA▪ Planning Proposals (PPs)▪ Reconsideration of a DA or PP

For non-planning matters, refer to Council's Community Engagement Strategy prepared under the *Local Government Act 1993*.

5. Who does this Community Participation Plan apply to?

The CPP applies to the Council, and is to be administered by delegated Council officers.

The CPP does not apply to other planning authorities, such as the NSW Department of Planning, Industry and Environment (DPIE), the Greater Sydney Commission, the Sydney Eastern City Planning Panel (SECPP) or the Burwood Local Planning Panel (BLPP).

Note:

At the time of writing this CPP, the DPIE has advised that it is considering whether a regulation should be made to remove the obligation for local and regional panels to prepare a CPP, and that if this occurs, Council's CPP will apply to the SECPP and the BLPP.

6. Community participation principles and Council actions

The table below lists the community participation principles having regard to Section 2.23(2) of the EP&A Act and Council actions in implementing the principles.

Table 1: Community participation principles and Council actions

Principles	Actions
Community participation is open and inclusive	<ul style="list-style-type: none"> ▪ State in public notices and notification letters that comments are invited, which does not expressively prohibit anyone from participating
Community participation is easy	<ul style="list-style-type: none"> ▪ Provide planning information in plain language
Community participation is relevant	<ul style="list-style-type: none"> ▪ Tailor community participation activities to match the context, scale and nature of the planning matter, its likely impacts and level of community interest
Community participation is timely	<ul style="list-style-type: none"> ▪ Start community participation as early as possible, and allow for an appropriate period ▪ Allow reasonable time for the community to provide input
Community participation is meaningful	<ul style="list-style-type: none"> ▪ Address all written submissions received in the report to Council on the matter ▪ Advise people in writing of the outcomes of consideration of their submissions ▪ Comply with any statutory obligations ▪ Protect privacy and respect confidentiality

7. How will Council invite the community to participate?

Council will invite the community to participate through public exhibition and will generally advise the community of a public exhibition by one or more of the following methods:

- Sending a notification letter to property owners and maybe non-owner occupiers
- Conducting a letter box drop or mail out
- Providing a public notice in a local newspaper

The notification letter, letter box drop and the public notice will:

- Describe the planning matter
- Provide information on how people can inspect the documents or find out more information
- Advise how people can make comments, if comments are invited
- Specify the period in which the matter is available for inspection and comments



8. Who will receive a notification for public exhibition letter?

The property owners (and non-owner occupiers for DA matters), who in Council's view may have an interest due to proximity, or are likely to be affected by the relevant planning matter, will receive a notification letter from Council.

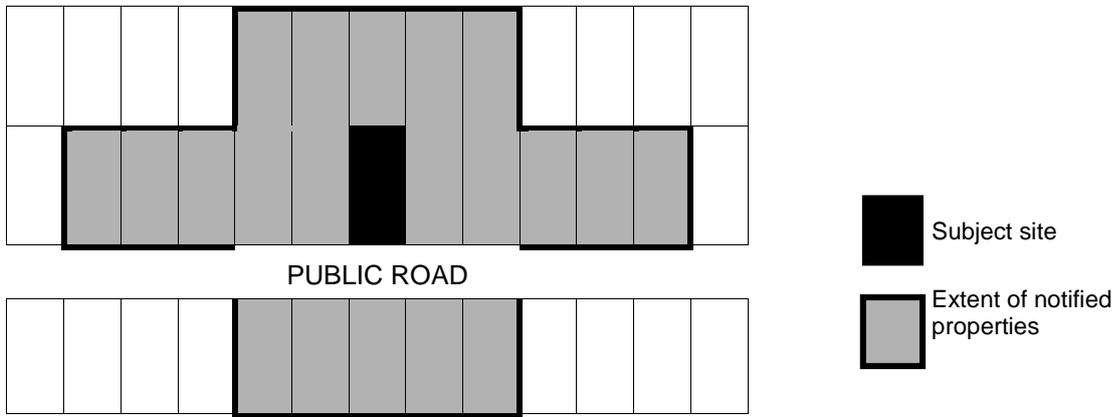
The extent of notification depends on the nature and scale of the planning matter.

Notification of property owners and occupiers for DA matters

DA notifications will generally be in accordance with the following diagrams in so far as the diagrams represent a typical land pattern and also at the discretion of delegated Council officers.

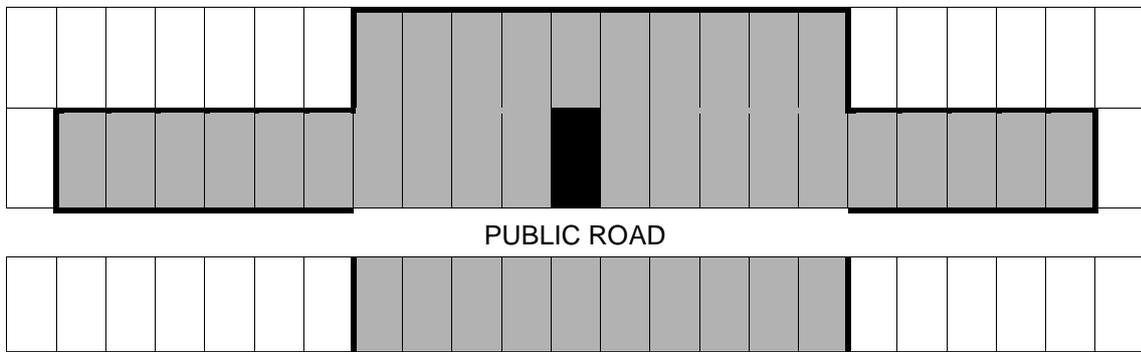
All DAs (other than those specifically listed below)

Notification of 20 properties, comprising five at rear, on each side and opposite.



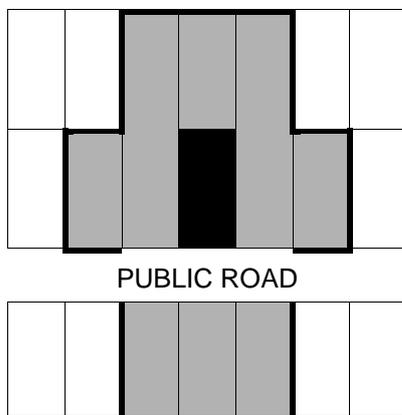
Major DAs of commercial, non-residential, residential, or mixed use developments

Notification of 40 properties, comprising 10 at rear, on each side and opposite.



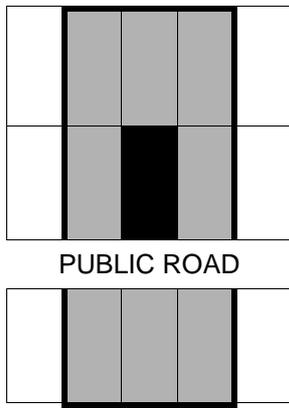
DAs for new two storey houses and first floor additions (including demolition)

Notification of two properties each side, three to the front and to the rear.



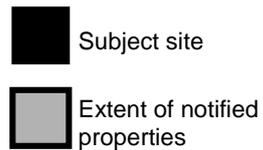
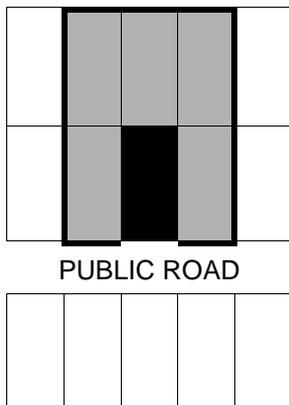
DAs for new single storey houses

Notification of each adjoining property plus three opposite.



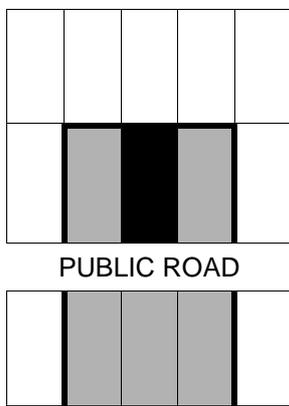
DAs for ground floor alterations and additions

Notification of each adjoining property.



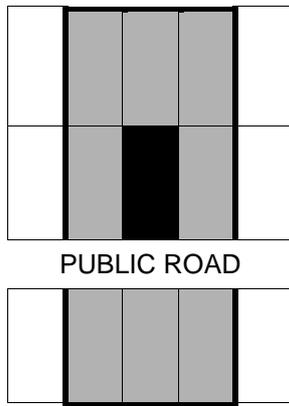
DAs for carports forward of the building line and front fences

Notification of adjoining property on each side plus three opposite.



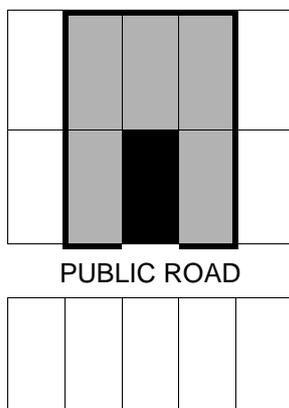
DAs for carports at the side of a building

Notification of each adjoining property plus three opposite.



DAs for swimming pools, garages, rear carports and outbuildings

Notification of each adjoining property.



Notification of property owners for PPs, policies or plans

For site specific PPs, notification letters will generally be sent to the owners of a small number of properties on each side, to the front and to the rear, at the discretion of Council.

For PPs, policies or plans that are not site specific, a notice for public exhibition will be placed in a local newspaper.

Preparation of draft policy documents, such as the LSPS, will also involve face to face consultations, e.g. focus groups. Council may utilise an interpreter service to assist community members with translations and will investigate opportunities for online engagement where possible.

9. How can the community participate in a planning matter?

The community can participate by:

- Inspecting the information or documents on a subject matter in Council's Customer Service Centre, Burwood Library and Community Hub (if so advised), and/or on Council's website www.burwood.nsw.gov.au.
- Using the DA Tracker at <http://ecouncil.burwood.nsw.gov.au/> to view applications submitted and determined, applications on exhibition, and undermined applications
- Attending a focus group or public hearing (if so advised)
- Making a submission in writing, which can be posted, faxed, or emailed to Council
- Answering a survey which may be sent by Council
- Speaking to the elected Council at the open forum of a Council meeting, or when the subject matter is up for deliberation during the Council meeting (prior registration is required).



10. Timeframes for community participation

Section 2.21(2) of the EP&A Act details the types of planning matters that must be considered in the CPP and Schedule 1 of the Act sets a mandatory minimum public exhibition timeframe for most of these planning matters. Council will generally exhibit a planning matter for this mandatory minimum timeframe, which may be extended depending on the scale of the matter and Council's practice on similar matters in the past.

Table 2: Minimum public exhibition periods for policies or plans

Draft Community Participation Plan	28 days
Draft Local Strategic Planning Statement	28 days
Planning Proposal	28 days or as specified in the gateway determination, which takes precedence
Draft Development Control Plan	28 days
Draft Local Infrastructure Contribution Plan	28 days

Table 3: Minimum public exhibition periods for DAs and other matters

DAs (other than for complying development certificate, designated development, State significant development or integrated development)	<ul style="list-style-type: none"> ▪ 10 days for all DAs other than those listed below ▪ 14 days for DAs for residential flat/apartment developments, hospitals, boarding houses, churches or the like ▪ 21 days for DAs for major commercial, non-residential, residential, mixed use developments or the like ▪ No public exhibition is required for DAs deemed of low impact, e.g. DAs for certain change of use
Modification of a DA that has previously been notified but yet undetermined	If required, same period as the original DA
Modification of a DA which has received a development consent	If required, same period as the original DA
Environmental impact statement	28 days
Planning agreement	28 days
Re-exhibition of any plan, DA or matter referred to in Tables 2 and 3	As determined by the elected Council or delegated Council officers

Table 4: Non-mandatory notification and public exhibition

Sending notification letters regarding a panel meeting or a Council meeting	<ul style="list-style-type: none"> ▪ Such letters can be sent out as soon as the date of the meeting is confirmed and should be a week ahead of the meeting where possible ▪ The report on the relevant matter which will be deliberated at a meeting will be made available on Council's website from the Friday before the week of the meeting
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Notes on Notification and Public Exhibition

- Timeframes are in calendar days and include weekends and public holidays.
 - Any public exhibition period taking in the Christmas / New Year break will be extended into January in the following year.
 - Where a property to be notified has a strata scheme, all of the owners and non-owner occupiers as well as the Owners Corporation will receive notification. Notification will be sent to the Owners Corporation only for applications involving minor works, e.g. carports, fences and pergolas.
 - Where a property to be notified is owned by Housing NSW or its successor agency, notification will be sent to all occupants of the property as well as the State Government agency.
 - Where a property to be notified is owned by the Department of Education (public schools) or another school body (private schools), the Principal of the school concerned is also to be notified.
 - Where a planning matter relates to land adjacent to another LGA, Council will notify only the General Manager of the adjoining Council, and not its individual land owners. The notification may not be carried out where it is considered there is an adequate physical separation between the subject land and the neighbouring LGA, e.g. if the subject land has frontage to Coronation Parade or a common boundary with open space adjoining the Cooks River.
 - Where in the opinion of Council, a DA has the potential to cause substantial detrimental impacts on neighbouring properties and their owners/occupiers by:
 - The visual quality of the proposal in the streetscape.
 - Hours of operation.
 - Front and side return fences.
 - Wider public interest, particularly associated with an earlier application.
- the properties notified may be extended beyond that indicated in the diagrams above.
- Where a planning matter is considered to be of major significance in the Burwood LGA, in part or as a whole, notification by letter box drop will be carried out in a broader area deemed appropriate by Council, and optional notification in the local newspaper may be instituted.

11. Glossary

Planning term	Definition
Community	Includes any members of the public, individuals, community groups and peak bodies representing a range of interests.
Community participation	Refers to processes through which communities are involved and provide input in issues which affect them.
Local Infrastructure Contribution Plan	A plan developed by Council seeking financial contributions from new development towards the cost of provision, extension or augmentation of local public amenities and/or services.
Development Control Plan	A plan developed by Council providing more detailed planning and design guidelines to support planning controls in a LEP.

Gateway determination	A decision (which may contain conditions) issued by the DPIE following an assessment of a Planning Proposal to amend or create a LEP.
Local Environmental Plan (LEP)	An environmental planning instrument developed by Council setting the planning framework for the LGA.
Planning agreement	An agreement entered into by a planning authority, such as Council, and a developer. Under the agreement a developer agrees to provide a contribution that is used for or applied towards a public purpose.
Public exhibition	<p>Means a land use planning matter is on display at Council's Customer Service Centre, the Burwood Library and Community Hub (if so advised) and on Council's website, for viewing and comment by the public during a specified period of time. It may include some or all of the following:</p> <ul style="list-style-type: none"> - Giving notice to individual land owners / non-owner occupiers - Determining an appropriate exhibition timeframe - Advertising the exhibition notice, including how submissions can be made - Making documents publicly available

Review

This CPP will be reviewed no later than every four years.

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