

Community Participation Plan 2019

Lane Cove Council





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1. Purpose

This Plan is designed to outline how the community can participate in the planning process and the principles Council will follow in undertaking community engagement activities and consultation for its land-use planning functions.

Under Section 2.21 of the NSW Environmental Planning & Assessment Act 1979 (EP&A Act) Council's relevant planning functions include:

- Planning instrument functions under Part 3,
- Development consent functions under Part 4,
- Environmental impact assessment functions under Division 5.1 if an environmental impact statement is required,
- Contribution plan functions under Part 7,
- Any other function under the Act prescribed by the regulations.





2. Objectives





3. Principles

The following section outlines the principles developed to ensure transparency, collaboration and participation are prioritised in the planning process. Council has a responsibility to make important decisions on behalf of the community, and therefore it must ensure appropriate community input and/or statutory requirements are considered in the process. Having regard to Section 2.23 (2) of the EP&A Act and Council strategies and policies, community participation for planning functions are based on the following principles:

3.1 Respect and Transparency

- Council will consult when needed and use information gathered in a meaningful way
- We will respect your contribution and listen to you
- We will have genuine and open dialogue with the community

- We will engage at a level that is appropriate and considered
- We will share the responsibility, trust and transparency

3.2 Access and Inclusion

- We will seek a diversity of views and perspectives
- We will provide feedback to the community, in a Council report as to how their input contributed in any decision made
- We will endeavour to identify and remove barriers to participation
- We will use a range of opportunities, techniques and methods to encourage participation, and increase awareness and understanding for all who may be affected by or interested in the outcome
- We will work in partnership with relevant community groups, State and Federal government, local government partners, and / or other stakeholders internally within Council

3.3 Clarity

- We will clearly communicate the intention, scope and outcomes of the consultation
- We will use plain language and avoid jargon to provide clear explanation
- We will make information available in accessible formats



3.4 Accountability and Improvement

- We will seek to maintain consistent standards and levels of quality
- We will share results internally and work together to avoid duplication and 'over consultation'
- We will evaluate engagement efforts and consistently seek to learn and improve practice

3.5 Capacity

- We will build the community's capacity to contribute, by educating and empowering both the community and staff so that they may participate in meaningful, two-way collaboration.





4. Timeframes for Community Participation

Table 1 highlights the planning functions, strategies and minimum exhibition timeframes that this CPP applies to, as set out in Schedule 1 of the EP&A Act.

Table 1: Scope of Community Participation Plan	Minimum exhibition timeframe	Council's indicative exhibition timeframes
Draft Community Participation Plan (this plan)	28 days	6 weeks
Draft Local Strategic Planning Statement	28 days	6 weeks
Planning proposal for local environment plans, subject to a Gateway Determination Planning proposals can be prepared to: <ul style="list-style-type: none"> • rezone land to change the uses allowed on the land • administrative amendments to the Lane Cove Local Environment Plan (LEP) 2009 -i.e. addition of heritage items, changes to permitted land uses in certain zones, updates to clauses and maps 	28 days (or as specified by the Gateway Determination, which may find that due to the minor nature of the proposal that no public exhibition is required or only 14 days exhibition is required)	maximum 6 weeks
Draft development control plans and guidelines The Lane Cove Development Control Plan (DCP) and Guidelines provide controls to guide new development, which are considered in the assessment of development applications.	28 days	6 weeks
Draft contribution plans A plan that levies new development for facilities such as transport, community and recreational facilities required to service new development.	28 days	6 weeks



Table 1: Scope of Community Participation Plan	Minimum exhibition timeframe	Council's indicative exhibition timeframes
<p>Reclassification of land</p> <p>Land in Council ownership must be classified for either community or operational use under the Local Government Act 1993. Community land is for land designated for community use such as community halls, libraries and recreational facilities. Operational land serves a commercial or operational function such as offices, work depots or land that is being retained for strategic reasons. When land comes into community ownership, such as new sportsgrounds, it needs to be classified correctly. In addition, Council sometimes reclassifies land that it no longer requires for community use to allow leasing or sale. Example: Reclassification of community land to operational land at various sites across the Council Area.</p>	28 days	6 weeks
<p>Draft Planning Agreements</p> <p>Voluntary agreements between Council and a developer. These agreements require developers to dedicate land, pay monetary contributions or provide any other material public benefit (i.e. conservation or enhancement of natural environment, recreation, affordable housing, community and transport facilities, recurring funding or monitoring of impacts).</p>	28 days	6 weeks
<p>Planning strategies, structure plans or master plans that may result in changes to LEP and DCP through implementation</p>	28 days	6 weeks
<p>Application for a Development Consent</p>	14 days	14 days
<p>Application for modification of development consent that is required to be publicly exhibited by the regulations</p>	14 days	14 days
<p>Application for development consent for designated development</p>	28 days	28 days
<p>Application for development consent for State significant development</p>	28 days	28 days



Table 1: Scope of Community Participation Plan	Minimum exhibition timeframe	Council's indicative exhibition timeframes
Environmental Impact Statement (EIS) obtained under Division 5.1 An EIS prepared for development under Part 5 of the EP&A Act for certain development such as rail and road infrastructure, pipelines and development.	28 days	28 days
Environmental Impact Statement (EIS) for State significant infrastructure obtained under Division 5.2	28 days	28 days
Re-exhibition of any matter referred to in Table 1	Discretionary, but will not be required if environmental impact has been reduced, not increased or remains the same	

Notification

Community consultation will not occur for a Planning Proposal until a Gateway Determination has been issued. All plans described in Table 1 will be notified in accordance with the relevant Council Consultation Strategy (adopted at a Council meeting).

All development applications described in Table 1 will be notified in accordance with Council's *Notification of Development Applications Policy*: <http://www.lanecove.nsw.gov.au/YourCouncil/HowCouncilWorks/Pages/CouncilPolicies.aspx>

Extended Notification Periods – DAs

Any development application received during the period between 11 December and 18 January (inclusive), will have an extended period of public exhibition apply.

For all other matters, the period between 20 December and 10 January (inclusive) will be excluded from the calculation of a public exhibition.

Exemptions

In certain circumstances, Council may reduce or dispense with notification. Notification may be dispensed with, except in relation to heritage items or heritage conservation areas, when:

1. Council is of the opinion an amended or substituted application (including applications under s4.55 or s8.2 of the Environmental Planning and Assessment Act) varies in a minor respect from the original application that was previously notified.
2. Council is of the opinion the development is of a minor nature that will not adversely affect the amenity of adjoining land or the locality.
3. The application is for an adhoc or temporary use and in the opinion of Council will not adversely affect the amenity of the locality.



5. Undertaking Community Engagement

The principles and methods Council will follow in community engagement and consultation can be found in Council's *Community Engagement Policy POLICY-CS-02*:

<http://www.lanecove.nsw.gov.au/YourCouncil/HowCouncilWorks/Pages/CouncilPolicies.aspx>

During an exhibition, Council will make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on.

In conducting an exhibition, Council will receive submissions in accordance with our Submissions Guideline and we adhere to our Privacy Policy and defamation and discrimination laws.

To qualify as a submission, the submission must:



Be in writing by email or letter



Be submitted within the nominated exhibition time period



Reference the application, policy or plan being exhibited



Be based on planning grounds in support or objection to the proposal



Include the name, address and daytime telephone of the author

In reaching decisions on proposals that have been exhibited, Council balances a wide range of factors to ensure decisions are in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of the Government, community input, land use priorities identified in strategic plans and any other applicable policy and guideline.

Submissions received during the public exhibition period will be collated and issues raised will be considered and reported to either Council or a relevant consent authority.

Responses to the issues raised in the submissions will also be considered in the relevant report to show how these issues have been addressed for consideration.

For Development Assessment functions reasons will be provided in relevant reports.



6. Glossary

Term	Definition
EP&A Act	means the <i>NSW Environmental Planning and Assessment Act 1979</i> .
Community	those who have an interest in the local government area which can include the following – residents, ratepayers, visitors, schools, community/sporting/church groups, users of Council’s services, local businesses and developers.
Council official	includes Councillors, staff of council, Administrators, Council committee members, conduct reviewers and delegates of Council.
Engagement/Consultation	activities and opportunities for stakeholders to provide input, feedback, advice and ideas on a subject matter that Council is dealing with. For the purposes of this Plan these words are interchangeable terms.
Stakeholder	an individual or group which has a specific interest in one or more aspects or impacts related to a project. Described in Council’s <i>Community Engagement Policy</i> : http://www.lanecove.nsw.gov.au/YourCouncil/HowCouncilWorks/Pages/CouncilPolicies.aspx
Target audience	the particular group of people, identified as the intended recipients of an engagement or consultation strategy.
Notification methods	Council will use, but not be limited to, a number of different methods in undertaking engagement activities. These are described in Council’s <i>Community Engagement Policy</i> : http://www.lanecove.nsw.gov.au/YourCouncil/HowCouncilWorks/Pages/CouncilPolicies.aspx



Term	Definition
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.
Regional Strategic Plan	Sets the stage for housing, jobs, infrastructure, and a healthy environment on a regional basis across NSW.
District Strategic Plan (in Greater Sydney)	Bridges the gap between regional and local planning. They plan for the district's infrastructure, liveability, productivity and sustainability.
Local Strategic Planning Statements	These documents set out the 20 year vision for land use in a local area, including the special character and values that are to be preserved and how change will be managed.
Environmental Planning Instrument (EPI)	A statutory planning document which has legislative weight, it includes a SEPP or LEP but not a DCP.
Planning Proposal authority (PPA)	The authority responsible for carrying out the Local Environmental Plan amendment process. They are usually the Council for a local government area, but can be the Planning Secretary, a Sydney district or regional planning panel – if directed to do so by the Minister.
Local Planning Panel (LPP)	A panel of appropriately qualified people independent of Council. The functions of the panel include: <ul style="list-style-type: none"> a) Performing the functions of Council (as the consent authority) for the purposes of Development Assessment; b) To advise the Council on any Planning Proposal, prior to submitting it for a Gateway Determination; c) To advise the Council on any other planning or development matter determined by Council and referred to the Panel.
Local environmental plan (LEP)	An environmental planning instrument (and legal instrument) that establishes through zoning and development standards how and where development should occur. An LEP sets the planning framework for a Local Government Area.
Planning Proposal	A planning proposal is a document that explains the intended effect of a proposed local environmental plan (LEP) amendment and sets out the justification for making that plan.



Term	Definition
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.
Development control plans (DCP)	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP.
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. Referred to as a Section 7.11 Contributions Plan.
Consent Authority	As defined by the NSW Environmental Planning and Assessment Act 1979. The authorities responsible for carrying out specific development assessment functions vary depending on the types of 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).
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:	<ul style="list-style-type: none"> • Growth centres: Land identified in State Environmental Planning Policy (Sydney Region Growth Centres) 2006, earmarked for the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity. • 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. • 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.



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