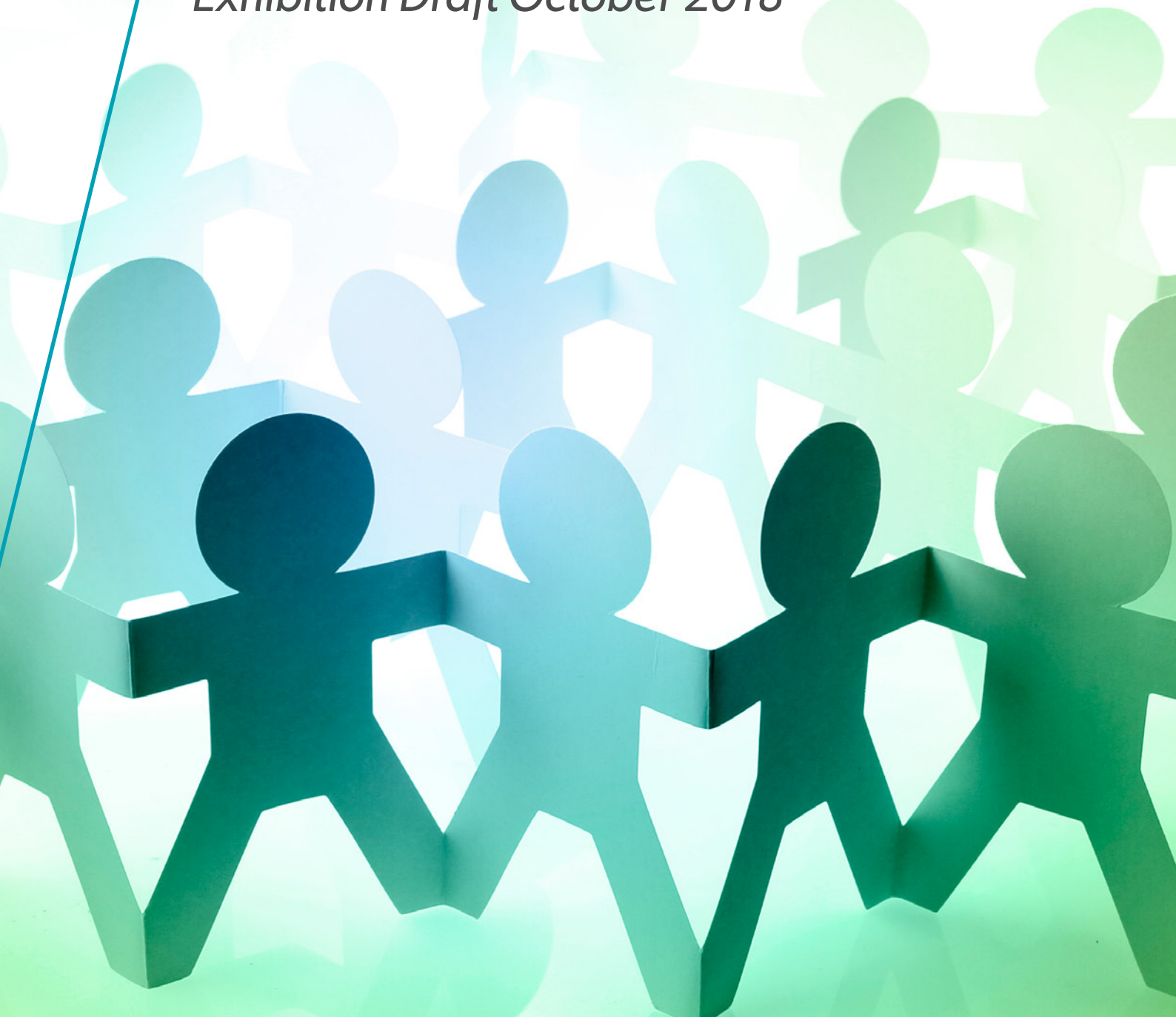


# **Community Participation Plan**

*The Department of Planning and Environment  
Exhibition Draft October 2018*







## October 2018

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## Acknowledgment of Country

The Department of Planning and Environment wishes to acknowledge Aboriginal people as the traditional custodians of this land. Through thoughtful and collaborative planning, we seek to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

## Secretary's message



**Carolyn McNally**  
**Secretary**

Department of Planning  
and Environment

The Department of Planning and Environment is committed to creating great places to live, work and play for communities across New South Wales.

A driving principle behind this commitment is the understanding that the best planning outcomes are reached when communities are engaged in the planning process at the earliest possible opportunity.

Our draft Community Participation Plan sets out our approach for encouraging community participation and engagement with us as a lead planning authority in NSW. It outlines how we will ensure that communities are given opportunities to have their say on planning assessments, plan making, policies or changes to regulatory frameworks.

In short, it is designed to be an easy-to-use guide for community members to know when and how they can raise their voice on planning decisions that could affect their future.

Our Community Participation Plan also aims to build upon the Department's priority to engage with communities earlier in the planning process. In 2017-18, more than 7000 community members and stakeholders attended our workshops and public meetings. Our social media outreach also reached more than 7.9 million users and received more than 10,000 survey responses.

With the draft Community Participation Plan now open for comment and feedback from community members, we look forward to hearing your thoughts and suggestions on how we can make further improvements to our plans to increase community participation in the planning system.

# ○ **Community participation in the planning system**

The Department of Planning and Environment (the Department) recognises community participation throughout the planning system is not only your right, it also delivers better planning results for the people of NSW.

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

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

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government, and State and Commonwealth government agencies.

## **Why is community participation important?**

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

### **1.1 What is our community Participation Plan?**

Our community Participation Plan (CPP) is designed to make participation in planning clearer for the NSW community. It does this by setting out in one place how and when you can participate in the planning system,

our functions and different types of proposals. This CPP also establishes our community participation objectives which we use to guide our approach to community engagement.



<b>Table 1: What functions does the community participation plan apply to?</b>	
<b>Regulatory frameworks and policies</b>	We develop the legislative, regulatory and policy instruments that shape the planning system. This includes making new or amending legislation and regulations, State Environmental Planning Policies (SEPPs), policy discussion and options papers, codes, guidelines and practice notes.
<b>Plan making</b>	Strategic planning is an essential aspect of our work where we set the strategic direction, vision and context for the planning system in NSW. It involves planning for communities which integrates social, environmental and economic factors with the area's special attributes and their future realisation within the planning system. Examples of this work include amendments to or the creation of regional strategic plans, planning proposals for local environmental plans subject to a gateway determination, standard instrument orders, development control plans, contribution plans and plans for urban renewal areas.
<b>Assessments</b>	<p>The Minister for Planning, the Planning Secretary and some officers of the Department all make planning decisions on a range of developments. When making decisions on these developments, consideration is given to whether land use proposals are in accordance with the strategic priorities of the NSW Government, public interest and applicable policies and guidelines.</p> <p>Proposals assessed may be residential developments, port facilities, mining developments, energy generating facilities, transport and social infrastructure projects. In these proposals the planning phase is just one aspect of the overall lifecycle and at other phases engagement may be undertaken by either proponents or other NSW Government agencies. In some instances, we require ongoing engagement as a condition of approval.</p>

## 1.2 Who does this community participation plan apply to?

Our CPP is a requirement of the EP&A Act (see division 2.6 and Schedule 1 of the EP&A Act) and applies to the exercise of planning functions by the Minister for Planning (and their delegates and nominees), as well as the Secretary when exercising consent authority functions on behalf of the Independent Planning Commission under section 4.6 of the EP&A Act as well as the planning functions undertaken by us. Our CPP will be reviewed on a periodic basis.

Our CPP does not apply to other NSW planning authorities, such as local councils, the Greater Sydney Commission or the Independent Planning Commission. All other NSW planning authorities will prepare a CPP as per the requirements of the EP&A Act.





# How the community can participate in the planning system

## 2.1 Our community participation objectives

The table below illustrates the type of actions we will undertake to deliver our community participation objectives and provides some descriptions of our current practice.

These objectives have been developed having regard to the community participation principles set out in Section 2.23(2) of the EP&A Act.

These objectives will be supported by measurable actions that we will use to:

- develop community participation programs
- embed best practice community participation within the Department
- evaluate the effectiveness of our community participation.

Table 2: Community participation objectives		
Objectives	Actions	Examples
<b>Community participation is open and inclusive</b>	<ul style="list-style-type: none"> <li>• Encourage community participation by:               <ul style="list-style-type: none"> <li>- keeping the community informed</li> <li>- promoting participation opportunities</li> <li>- seeking community input</li> </ul> </li> <li>• Build strong partnerships with the community</li> <li>• Ensure community engagement accurately captures the relevant views of the community</li> <li>• Conduct community engagement opportunities in a safe environment</li> </ul>	<ul style="list-style-type: none"> <li>• We engage resident groups to build community partnerships. Through these forums we can unpack what the community is worried about, what it wants a project to achieve and how it might be able to satisfy its wider needs</li> <li>• Planning teams have a presence at community events such as the Easter and Home Shows and Bankstown Bites and takes proposals on statewide roadshows</li> <li>• We facilitate a more formal planning education program, targeted at industry groups that the community can access</li> </ul>
<b>Community participation is easy</b>	<ul style="list-style-type: none"> <li>• Clearly set out the purpose of any engagement and how and when the community can participate in respect of a planning function</li> <li>• Prepare information for the community that is relevant, concise, written in plain English and easy to understand</li> <li>• Use visual representations to it make it easier to understand the possible impacts of a proposal</li> <li>• Use best practice engagement methods and techniques</li> <li>• Ensure information is accessible and seek input from groups who may find it difficult to participate in standard engagement activities (e.g. young and older people; people with disabilities; Aboriginal and Torres Strait Islander people; people from a culturally and linguistically diverse background)</li> </ul>	<ul style="list-style-type: none"> <li>• Community participation opportunities are advertised through channels including email, social media, press releases, advertisements, editorial features and our website</li> <li>• We have interpreters attend community events and our plans, print, social media and digital material is often translated into languages reflecting the relevant communities</li> <li>• We use a range of technology such as 3D models, virtual reality and interactive maps to make it easier to visualise how a plan or project will look and what it will mean for a local community. These tools are particularly effective at engaging younger audiences</li> </ul>



**Table 2: Community participation objectives (cont.)**

Objectives	Actions	Examples
<b>Community participation is relevant</b>	<ul style="list-style-type: none"> <li>Clearly establish the purpose for engagement and tailor engagement activities to match the: <ul style="list-style-type: none"> <li>- context (e.g. location; type of application; stage of the assessment process; previous engagement undertaken)</li> <li>- scale and nature of the proposal and its impacts</li> <li>- level of community interest</li> <li>- community's preferences about how they would like to participate</li> </ul> </li> <li>Adjust engagement activities (if necessary) in response to community input</li> </ul>	<ul style="list-style-type: none"> <li>We target information campaigns and surveys to specific audiences using paid and editorial media as well as organic and paid social media</li> <li>We use short surveys optimised for mobile phones as well as in depth surveys to capture views of different communities</li> <li>Based on community feedback we undertake additional engagement to further understand issues raised during initial consultations</li> <li>Consultation outcomes have helped us better understand what is important to the NSW community and led to the development of new policy initiatives</li> </ul>
<b>Community participation is timely</b>	<ul style="list-style-type: none"> <li>Start community engagement as early as possible, and continue this engagement for an appropriate period</li> <li>Ensure the community has reasonable time to provide input</li> </ul>	<ul style="list-style-type: none"> <li>We use symposiums and lecture series to stimulate thought and provoke conversations about policy projects before the objectives are set</li> <li>We require proponents for major projects to conduct pre-proposal and ongoing community engagement</li> <li>Project updates and community participation opportunities are shared with community members that sign up at an event or on our website</li> </ul>
<b>Community participation is meaningful</b>	<ul style="list-style-type: none"> <li>Explain how community input was taken into consideration, and ensure the response to community input is relevant and proportionate</li> <li>Give genuine and proper consideration to community input</li> <li>Keep accurate records of engagement activities and community input</li> <li>Regularly review the effectiveness of community engagement</li> <li>Integrate community input into the evaluation process</li> <li>Comply with any statutory obligations</li> <li>Protect privacy and respect confidentiality</li> </ul>	<ul style="list-style-type: none"> <li>Our planning teams regularly engage with community groups to ensure that feedback has been understood</li> <li>Provisions of our plans or the proposed development may change in response to community feedback. A building height may be amended, or a project could take an altogether different approach</li> <li>We undertake an annual survey and seek feedback from attendees at community sessions</li> <li>Consultation reports are distributed to community members who participated in the process or signed up for updates as well as other channels such as our website, social and mainstream media</li> </ul>

## 2.2 Our approach to community participation

In line with our community participation objective, we encourage open, inclusive, easy, relevant, timely and meaningful opportunities for community participation in the planning system, our planning functions and individual proposals. To achieve this, we design our engagement approach so that even where there may not be community wide consensus on the decision or outcomes, there can be

acknowledgment that the process was fair with proper and genuine consideration given to community views and concerns.

To achieve the benefits of community participation in the planning system, we will tailor the following community participation approaches for all our planning functions:

Table 3: Community participation approach		
What	When	How
<b>Level 1: Inform</b>		
<b>We notify the community of proposals, provide accurate and relevant information on the context of the proposal and update information as proposals progress through the planning system.</b>	During the early scoping of a proposal we inform you of the intent and seek feedback to shape the project's design. We then update you on the progress of a proposal as it makes its way through the planning system	Media releases, letter mailouts, our website, project websites, social media announcements, emails, newsletters, Service NSW website, project videos, public notices and advertisements, information sessions, technical reports and discussion papers, lectures
<b>Level 2: Consult</b>		
<b>We consult with the community and invite them to provide their views and concerns on a proposal</b>	Once a proposal is designed we release a draft on exhibition to seek your views and concerns. We welcome feedback as a submission in a formal exhibition, or at any other time	Public exhibition, online participation forum, symposium, digital feedback maps, open days, drop in sessions, walking tours, one-on-one engagement with project planners via the phone, email or letter
<b>Level 3: Engage</b>		
<b>We respond to the community's views by conducting targeted engagement to seek specific input reflecting the scale, nature and likely impact of the proposal</b>	Through submissions and feedback, we identify your key issues and concerns and conduct targeted engagement activities to find solutions to determine the way forward	Public meetings and hearings, shopfronts near key sites, community reference groups, people's panels, feedback sessions, workshops and engagement with councils, NSW government agencies expert advisors
<b>Determination</b>		
<b>We notify the community of decisions on proposals and detail how their views were considered in reaching the decision</b>	In reaching a decision we consider your views and concerns, notify you of the reasons for the decision and how community views were considered	Updates to websites, publication of submissions reports, exhibition reports, notice of decisions

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



## Safety

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



## Response

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

# **The role of exhibitions in the planning system**

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

way for the communities to participate in the planning system is by making a submission on a proposal during an exhibition. You can also provide us with feedback at any time.

## **3.1 Exhibitions**

A key technique we use to encourage community participation is formal exhibitions. During an exhibition we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on. In conducting an exhibition, we receive submissions in accordance with our Submissions Guideline and we adhere to our Privacy Policy and defamation and discrimination laws.

In reaching decisions on proposals that have been exhibited, the Minister for Planning, the Planning Secretary, or the Department balance a wide range of factors to ensure that decisions are in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of the Government, the community's input, the land use priorities identified in strategic plans and applicable policies and guidelines.

### **How can you get involved in a public exhibition?**

- Make a formal submission on an exhibition by going online to our Have Your Say webpage, or by writing to the Minister for Planning, the Planning Secretary or the Department
- Visit any Service NSW centre and staff will help you access public exhibition documents. Service NSW staff will also answer any questions that you have or connect you to an appropriate departmental officer who can help you
- Connect directly with Department staff working on a proposal, policy, plan or project. Contact details are typically available on our exhibition website
- Please note that exhibition timeframes vary in length. Some timeframes are prescribed in legislation and others are at our discretion. Details of typical and minimum mandatory and typical timeframes are provided in section 3.2





## 3.2 Exhibition timeframes

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the CPP and Schedule 1 sets a minimum exhibition timeframe for most of these proposals. We will always exhibit a proposal for this minimum timeframe and will consider

an extended timeframe for exhibition based on the scale and nature of the proposal. The only requirements in this plan that are mandatory are those set out in the table below and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act:

**Table 4: Plan making mandatory exhibition timeframes**

<b>Draft community participation plan</b>	28 days
<b>Draft regional strategic plans</b>	45 days
<b>Planning proposals for local environmental plans subject to a gateway determination</b>	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required
<b>Draft development control plans</b>	28 days
<b>Draft contribution plans (including growth centres and planned precincts)</b>	28 days

**Table 5: Development assessment mandatory exhibition timeframes**

<b>Application for development consent (other than for complying development certificate, for designated development or for State significant development)</b>	14 days
<b>Application for development consent for designated development</b>	28 days
<b>Application for development consent for State significant development</b>	28 days
<b>Environmental impact statement obtained under Division 5.1</b>	28 days
<b>Environmental impact statement for State significant infrastructure under Division 5.2</b>	28 days

Key points to note about public exhibitions include the following:

- A public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.
- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

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

<b>Table 6: Non-mandatory exhibition timeframes</b>	
<b>Draft Legislation, regulation, policies and guidelines</b>	28 days based on the urgency, scale and nature of the proposal
<b>Application for modification of development consent that is required to be publicly exhibited by the regulations</b>	up to 14 days based on scale and nature of the proposal
<b>Plans for urban renewal areas</b>	Commonly six weeks
<b>State Environmental Planning Policies (SEPPs)</b>	Discretionary based on the urgency, scale and nature of the proposal
<b>Re-exhibition of any amended application or matter referred to above</b>	Discretionary based on the urgency, scale and nature of the proposal

There may be other proposals not subject to the mandatory exhibition timeframes for which we have the option to exhibit for at least 28 days and engage with the community in line with our community participation objectives. Additionally, there may be some occasions

where a government priority or administrative requirement demands immediate action on proposals that prevents the implementation of our usual community participation process.

### 3.3 Feedback

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

#### Contact us

- Write to us electronically using our contact us page
- Write to us at GPO Box 39, Sydney NSW 2001
- Phone us on 1300 305 695
- Write to the Minister for Planning
- Contact planners responsible for the proposal and their details may be provided on the Major Projects website
- Visit or call a Service NSW service centre. Their number is 13 77 88 and locations are available on their website
- Contact your local Member of Parliament.



# Glossary

Planning term	Definition
<b>Contribution plans</b>	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
<b>Designated development</b>	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)
<b>Development control plans</b>	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
<b>Gateway determination</b>	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
<b>Local environmental plan (LEP)</b>	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area
<b>Regional strategic plan</b>	20-year plans that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPE Region
<b>State Environmental Planning Policy (SEPP)</b>	An environmental planning instrument developed by the Department, that relates to planning matters that are state significant or are applicable across the state
<b>State significant development (SSD)</b>	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
<b>State significant infrastructure (SSI)</b>	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
<b>Urban renewal areas, includes:</b>	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 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</li> </ul>

