



Community Participation Plan Submissions Report

November 2019



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Community Participation Plan Submissions Report

First published: November 2019

© State of New South Wales through Department of Planning, Industry and Environment 2019. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (August 2019) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

Executive Summary 1

Submissions Report 2

Background..... 2

Feedback themes..... 2

Overview of and responses to feedback 4

Attachment A 8

Executive Summary

In October 2018, the Department of Planning, Industry and Environment (Department) released the Planning Secretary's draft Community Participation Plan (CPP) for public comment. There were many opportunities for the community and stakeholders to have their say and provide feedback on the draft CPP over a seven-week public exhibition period between 26 October and 19 December 2018.

The invitation to provide feedback attracted interest from a wide range of people including residents from all over NSW, community groups, special interest groups, council and professional industry associations. The feedback was comprehensive and has informed the processes of finalising the Planning Secretary's CPP which:

- genuinely responds to community expectations about how the Department engages
- accurately reflects the Department's approach to engagement
- makes it easier for the community to understand how and when it can participate in the planning functions of the Minister for Planning and the Planning Secretary.

The feedback was provided in many ways, including the following:

- face-to-face in meetings as part of the Department's state-wide council policy roadshow
- at three Community Workshops in Sydney, Paramatta and Newcastle
- online via a survey
- in writing and on social media.

Feedback was given about the draft CPP document, the Department's approach to engaging the community and the CPP implementation program.

Submissions Report

Background

An objective of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is to increase community participation in environmental planning and assessment. A tool to deliver this objective is the requirement for all NSW planning authorities, including the Planning Secretary, Planning Minister and local councils, to develop a CPP by 1 December 2019. This was introduced as part of the updates to the EP&A Act which commenced on 1 March 2018.

The purpose of a CPP is to make it clear to the community how and when it can participate in the plan making and assessment processes that planning authorities have responsibility for.

The Planning Secretary's CPP also applies to the Planning Minister and the Department when acting under delegated authority.

Feedback themes

Feedback received on the draft CPP and at other times during the engagement program, can be summarised as follows:

- Consolidation of community participation requirements and the Department's approach was welcomed.
- Strong support for the commitment to prepare submissions reports for decisions on all exhibited plans, assessments and projects, and proposals.
- Early engagement, sufficient time to respond and an agile approach to community engagement is very important.
- The NSW planning system is difficult to understand and the CPP is an opportunity to provide clarity.
- Being clear up front what the community can and cannot influence is essential to meaningful engagement.
- A focus on engaging hard-to-reach groups is necessary.
- The Department's community participation objectives should reflect best practice engagement.
- The community would like more detail on how the Department engages for different projects.

This submissions report describes how the Department engaged the community to prepare the Planning Secretary's CPP. This report provides an overview of engagement activities undertaken, points raised in formal submissions and other feedback received from the community and other stakeholders. It also explains how the Department has responded to community submissions and feedback to finalise the Planning Secretary's CPP.

Consultation summary

The draft CPP was publicly exhibited between October 25 and December 19. The engagement program adopted a range of strategies to seek feedback from as many interested stakeholders as possible. The decision to exhibit well in advance of the 1 December 2019 deadline was to provide a template for planning authorities to use when preparing their CPP.

Targeted stakeholders

The engagement program identified and targeted the following stakeholders:

- NSW planning authorities and local councils
- community groups and peak bodies with an interest in planning
- stakeholders who expressed an interest in the EP&A Act updates project
- the wider NSW community.

Engagement program

Public exhibition of the draft CPP was announced by the Honourable Anthony Roberts MP, former Minister for Planning, in Parliament on October 25. Consultation in support of the public exhibition included:

Table 1 – Engagement activities

Engagement Activity	Actions taken
Face-to-face meetings	These meetings were held with peak bodies to seek their direct feedback. Organisations we met with included the Nature Conservation Council, Total Environment Centre, Better Planning Network, Lock the Gate, UDIA, Urban Taskforce, Environmental Defenders Office, Property Council of Australia and Local Government NSW.
Community workshops	The workshops stepped through the draft CPP with opportunities for discussion and feedback in relation to each section of the document. The workshops were conducted in: <ul style="list-style-type: none"> • Sydney CBD on 27 November with 19 attendees • Paramatta on 28 November with 6 attendees • Newcastle on 5 December with 15 attendees
Webinars	Webinars, stepping through the CPP measure and highlighting requirements for NSW planning authorities on 5 November, had 97 attendees.
Department Policy Roadshows	Engaged with councils at events in Sutherland Council (33 attendees), Hornsby Council (61 attendees) and Shellharbour Council (61 attendees).
Pop-up events	Engagement with community members at various events during the exhibition period. Events included Norton Street Fiesta, Diwali festival and Parramatta Park, Jindabyne pop up event and Burwood Greek Street Fair.
Online survey	A survey advertised on the website and through social media received 82 responses.
Videos online	Videos on the Department's corporate website and social media channels received 5071 views, and the campaign overall reached a total of 96,963 people.
Ad hoc engagement	Primarily held with local council communities of practice and other government agencies.
Written submissions received during the exhibition period	The Department received 66 written submission to the draft CPP. The respondents were classified as: council – government agency – peak body – industry – community group – individual.

Overview of and responses to feedback

The following sets out what the Department heard during the consultation period, what we changed as a result, as well as why we did not make further changes.

Table 2 – Stakeholder response overview

Response theme	Feedback	Feedback response
Overall comments on the draft CPP	The planning system is complex and difficult to understand, the CPP should address this.	The final CPP sets out, from a community member point of view, why they might engage with the different elements of the planning system and how they can engage.
	It was not clear up front who the CPP applies to.	The final CPP clearly states up front who the CPP applies to.
	Encourage the use of accessible engagement techniques.	The final CPP sets out more clearly from a community member's perspective, in plain English, how they can participate with reference to a wide range of engagement tools.
	There is no statement of how the Department's culture supports its commitment to community engagement.	The revised Secretary's message addresses the Department's culture.
	There is not enough clarification on why community participation is important.	The final CPP includes a new section setting out how community participation leads to empowered local communities.
CPP objectives: open and inclusive, timely, easy to access, relevant, timely and meaningful	The objectives align with best-practice community engagement, however, the examples are confusing.	The objectives remain much the same with some additions and examples removed and captured elsewhere in the document and in supporting material.
	Concern around the extent of consideration given to public opinion as the perception is engagement is tokenistic and exhibitions are a "tick a box" exercise.	The final CPP describes how participation is invited for each of the Secretary's different planning functions recognising community interest in more detail. The CPP also commits to being clear about what aspects of a plan or proposal the community can inform. The CPP also commits to providing a report at the conclusion of all exhibitions setting out how community views were considered to ensure transparency in the decision-making process.
	There is insufficient emphasis on early engagement, which is essential for meaningful participation.	Opportunities for early community participation are described for each type of planning function.

Response theme	Feedback	Feedback response
	It is unclear how the Department will assess its engagement.	The objectives were redrafted to ensure they are specific, measurable, attainable, relevant and timely. The objectives were redrafted according to how they will be used to assess engagement activities.
	The CPP does not emphasise enough the importance of targeted engagement with ATSI and CALD communities.	The final CPP included increased recognition of our commitment to effectively engage the CALD and ATSI communities. Case studies illustrating how the Department engages these communities will be published to support the CPP.
DPIE role and approach	The CPP should provide details about engagement programs for specific assessments and projects.	The policy intent is for a CPP to set out the high-level approach to community engagement with details provided in project-specific engagement strategies. The final CPP more clearly sets out the purpose of the document to manage expectations of its use and direct the community to where it can access additional information.
	Feedback provided through social media channels should be considered as formal feedback.	Digital engagement is established as one of many ways to provide informal feedback. It will not currently be considered as a formal submission. This is primarily because feedback via social media channels does not include sharing of full contact details, which are necessary to ensure the legal rights that respondents acquire when making a formal submission.
	The Department's approach is presented as linear, not reflecting best-practice, nor is it customer focused.	The final CPP has described the Department's approach in more detail to show how it does reflect best practice and is customer focused and reflects the CPP's objectives.
	The CPP should specifically address notification requirements.	The final CPP describes notification approaches for different types of plans and projects.
	There is no acknowledgment of IAP2 and the approach looks like a version of IAP2, which is confusing.	IAP2 is recognised in the final CPP. To avoid confusion, the terms "inform, consult and engage" have been replaced with language reflecting how the community can participate, including keeping up-to-date and attending events.

Response theme	Feedback	Feedback response
Closing the loop	The commitment by the Department to report back how community views were considered after exhibition was unclear.	The final CPP includes more references to reporting back in the approach section and the Secretary's message highlights this new commitment.
Exhibition timeframes	Consolidation of minimum mandatory and typical timeframes in one document is welcomed.	Tables of minimum mandatory and typical timeframes from the original draft CPP have been retained in the final CPP. Descriptions of additional mandatory exhibition timeframes set out in instruments other than the EP&A Act are now also included in the document.
	Mandatory exhibition requirements for applications for modification to DAs was unclear.	Requirements to exhibit modifications has been set out in the mandatory minimum timeframe table.
	The CPP should detail what triggers extended exhibition timeframes.	The scenarios that might lead to an extension are too varied to describe and impossible to foresee so the language of a discretionary approach based on the scale and nature of the project has been retained.
	The CPP should allow longer public exhibition timeframes and councils sought special consideration to allow for council meeting timeframes.	The CPP sets out the same minimum mandatory timeframes as per Schedule 1 of the Act and notes the Department will consider extending these timeframes on a discretionary basis.
Implementation	Feedback from Councils.	Clarified through updated FAQs, webinars and other guidance materials provided to councils.
	Confusion around the interaction between the DCP and CPP.	

Conclusion

The issues raised in submissions highlighted the range and diversity of stakeholder interests, all of whom were supportive of greater engagement from the Department to achieve the best possible outcomes for NSW and the planning system.

Based on the feedback received, the Department has made a variety of changes to the draft Planning Secretary's

CPP, in recognition of the importance of community contributions to the planning system and the role of the Planning Secretary in ensuring the planning system is accessible to the community.

Attachment A

Background

The new community participation plans will make it clearer and easier for members of the community to understand how they can participate in planning decisions to achieve better planning outcomes. These CPPs are to be prepared by all planning authorities in NSW, including every council and agency with key planning approval functions.

CPPs will set out how planning authorities engage with their communities across their statutory planning functions. While the plans must meet the minimum requirements for community participation that are set out in Schedule 1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), planning authorities can go beyond the minimum requirements if they decide it is appropriate.

To satisfy the minimum requirements, set out in Division 2.6 of the EP&A Act, a CPP must:

- detail how and when the planning authority will undertake community participation when exercising relevant planning functions in section 2.21 (2) of the EP&A Act
- set out minimum mandatory public exhibition timeframes for relevant planning functions as per Schedule 1 of the EP&A Act (additional typical timeframes can also be included)
- acknowledge the mandatory notification requirements provided in the EP&A Regulation
- have regard to the community participation principles in section 2.23 (2) of the EP&A Act
- be publicly exhibited for a minimum of 28 days and published on the NSW planning portal by 1 December 2019.