

Community Participation Plan

Department of Planning,
Industry and Environment

November 2019



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Minister's foreword

Planning is the process of shaping our neighbourhoods, our cities, our regions and our State. It is a way in which we make choices that will change the future of how and where we live, work and connect with others.

Planning is using what we know about the past and the present to guide decisions about how we use our resources to shape our future and the lives of future generations.

Planning must go beyond deciding where our roads, schools and hospitals should go. It must help us create and maintain the desirable, joyous places our communities expect and deserve. It must be done strategically and thoughtfully with the community at the heart of it.

In 2018 the NSW Government made changes to the *Environmental Planning and Assessment Act (1979)*, the backbone of our planning system, to do just that. These changes are leading us towards a more results and values-led system that focuses on strategic planning that engages and listens to the community.

To deliver a strategic and engaging planning system that reflects what our community wants, we need the community to participate. We want this participation to be as easy and meaningful as possible and we want communities to be involved in planning decisions from the beginning and throughout the process.

This Community Participation Plan sets out in a clear, transparent and easily understood way exactly when, where and how you can have a say in what's happening around you.

This Plan is based on guiding principles that focus on meaningful engagement, participation in all planning matters, accessibility and inclusion, and transparent decision making.

This Plan is our commitment to you that your voice will be heard and help shape your neighbourhood, your State and your future.



The Honourable Rob Stokes MP
Planning and Public Spaces Minister

Secretary's message

Planning is enhanced by understanding what communities need and desire.

That's the basis of this Community Participation Plan. At the Department of Planning, Industry and Environment, we know if we are to achieve the best results for the people of NSW, we must include you in the process as early as possible.

We also realise planning from the outside can seem complicated or daunting.

This Plan is designed to make it easier for you to participate in planning. It outlines the many ways you can participate in the process. And we will use the Plan, and your input, to continue evaluating and improving our community participation methods. I'm adamant this Department will do everything it can to consult broadly so we act with a proper understanding of your values, priorities and concerns.

I want respect, collaboration and communication embedded in our organisational structure, so community participation can thrive.

One way we've improved this is by committing to provide reasons for planning decisions, including consideration of how we considered community views.

And participation in planning must be available to all, so the plan recognises the need to engage with Aboriginal and Culturally and Linguistically Diverse communities. No matter who you are, you should have easy access to a planning system that works for you.



Jim Betts
Secretary

Department of Planning,
Industry and Environment

This plan applies to the planning functions of the Minister for Planning and mine, as the Planning Secretary, as well as those carried out by my Department. This Plan helps us meet the objectives of the EP&A Act, including the need to increase opportunities for community participation in environmental planning and assessment.

We want planning to be a partnership with the people who know their local communities best. While planning can be contentious, this Plan ensures your community views are considered among the many factors informing approvals and the development of plans and projects.

I trust you find this Plan a useful and encouraging guide.

The Community Participation Plan

This Community Participation Plan (CPP) is designed to clearly state how and when the community can participate when the Planning and Public Spaces Minister and the Planning, Industry and Environment Secretary undertake their planning functions. This Plan includes:

- community participation objectives; and
- approaches to community engagement, including minimum and typical public exhibition timeframes.

This Plan has been prepared by the Planning, Industry and Environment Secretary to meet the requirements of the EP&A Act Division 2.6 and applies to:

- planning functions exercised by the Minister administering the EP&A Act (Planning and Public Spaces Minister) and the Planning, Industry and Environment Secretary (and their delegates and nominees); and
- the Planning, Industry and Environment Secretary when exercising consent authority functions on behalf of the Independent Planning Commission under section 4.6 of the EP&A Act.

This Plan is intended to be a reference tool for community members wanting to know how and when the Department invites community participation. It does not outline specific engagement strategies for individual proposals or projects. Specific strategies are prepared on a project-by-project basis, guided by this Plan.

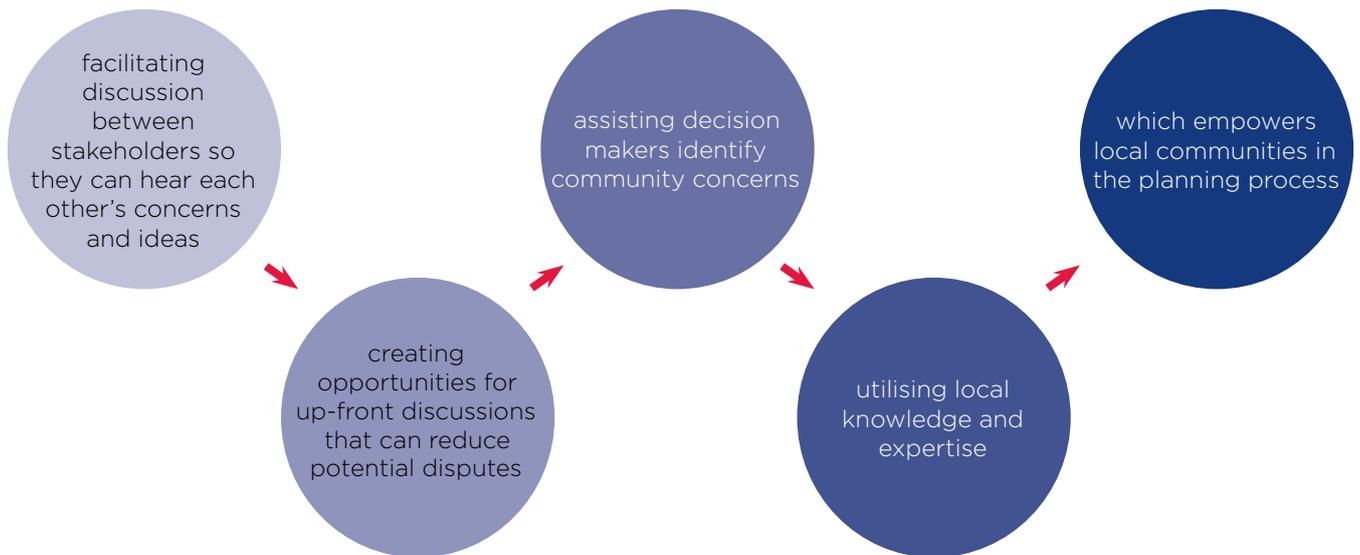
Our community is anyone affected by, or interested in, NSW's planning system, including individuals, community groups, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, peak bodies, businesses, local government, and State and Commonwealth government agencies.

This Plan describes community participation activities undertaken by the Department of Planning, Industry and Environment on behalf of the Planning and Public Spaces Minister and Planning, Industry and Environment Secretary under the EP&A Act. It does not apply to other NSW planning authorities, such as local councils, the Greater Sydney Commission or the Independent Planning Commission, who are required to prepare their own CPPs. This Plan will be reviewed periodically.

Our approach to preparing this Plan is informed by international best practice, including the International Association for Public Participation.

The Department's commitment to community participation

Community participation in planning creates a shared sense of purpose and direction that manages growth while protecting the natural environment and promoting sustainable management of built and cultural heritage, including Aboriginal cultural heritage. It can achieve this by:



Community participation objectives

Community participation does not guarantee consensus. However, with meaningful participation stakeholders can acknowledge a fair process and understand how community views and concerns are considered.

The Department considered the community participation principles in section 2.23(2) of the EP&A Act when developing the community participation objectives in this Plan.

The objectives set the approach for inviting community participation. Each objective contains actions prompting the Department to embed best practice in individual proposals and community participation strategies and evaluate community participation initiatives.

Objectives

Actions

Open and inclusive

- Keep the community informed
- Promote participation
- Seek community input and accurately capture community views
- Build strong partnerships with the community
- Incorporate culturally appropriate practices when engaging Aboriginal Torres Strait Islander and culturally and linguistically diverse communities
- Conduct community participation initiatives in a safe environment

Easy to access

- Outline in advance how and when the community can participate
- Use best practice community participation techniques
- Make relevant information available in plain English and translate information when engaging linguistically diverse communities or people living with disabilities
- Incorporate visual representations to clearly illustrate possible impacts of a proposal
- Ensure information is accessible for groups who find it difficult to participate in usual community participation activities
- Stage events at convenient times and locations

Relevant

- Establish what is up for discussion
- Ensure as many community members as possible can participate
- Recognise previous community input on the project and similar issues
- Tailor activities to the:
 - context, which could include location, type of application, stage of the assessment process, previous engagement undertaken; and
 - scale, nature and known impacts for the proposal
- Adjust activities (if necessary) in response to community interest and participation preferences

Timely

- Start community participation as early as possible, and continue for an appropriate period
- Provide regular project updates to the community
- Ensure the community has reasonable time to provide input
- Facilitate ongoing discourse with local community networks
- Consider holidays and other community events when setting dates for engagement initiatives

Meaningful

- Always explaining at the end of projects how community views were considered when reaching decisions
- Be clear about what aspects of a plan, project or proposal the community can inform
- Have planners and decision makers engage directly with the community
- Ensure responses to community input are relevant and proportionate
- Give genuine and proper consideration to community input
- Keep accurate records of community input and participation activities
- Regularly review the effectiveness of community participation initiatives
- Integrate community input into the evaluation process
- Comply with statutory obligations, protect privacy and respect confidentiality

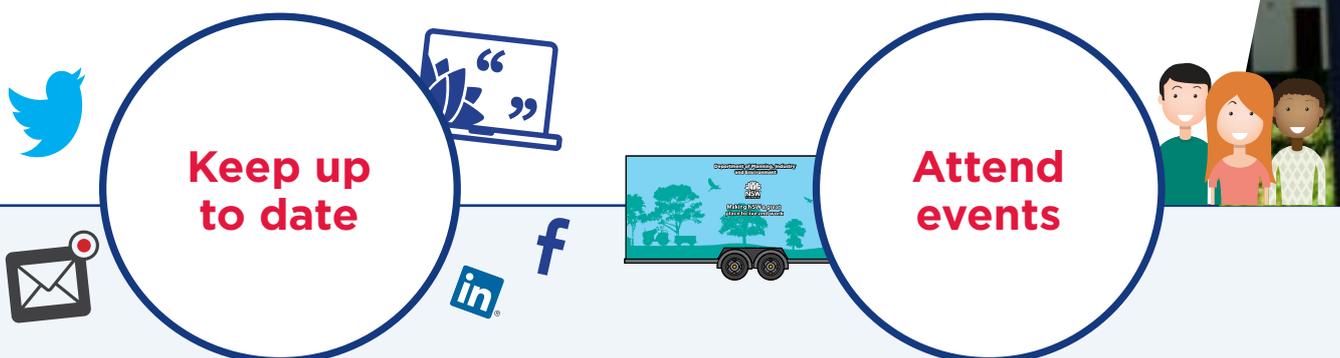
How and when the community can participate

The Department uses a range of engagement methods and communication channels to ensure the NSW community is informed of the planning functions the Department carries out and can have their say on planning matters that affect them. These planning functions are:

- Planning framework matters, such as amendments to the planning legislation and the making of environmental planning instruments;
- Strategic planning matters such as creating or amending regional plans; and
- Assessment of projects that have State and regional significance.

The Department actively seeks community views and tailor engagement programs to capture harder-to-reach audience including the young, people living with disabilities, the elderly, those living in rural areas, Aboriginal and Torres Strait Islanders and culturally and linguistically diverse people. All feedback and submissions received are considered in decision-making and the Department commits to documenting and providing the community with reasons for those decision, including how community views have been considered.

Ways to participate



This can be as simple as:

- reading mailouts, public notices and advertisements (some of these notifications are required by the EP&A Act and the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation))
- signing up for digital updates including the Department's regular newsletter
- following the Department's social media channels
- regularly checking the Department's website and the NSW Planning Portal for updates on plans and projects.

Events include:

- lectures and symposia
- open days
- mobile engagement at festivals
- public meetings and hearings
- walking tours
- information sessions
- digital engagement initiatives
- drop-in sessions
- shopfronts near key sites.



Provide informal feedback

The community can provide informal feedback by:

- contacting project teams (contact details are provided on project and planning proposal websites)
- completing a survey relating to a plan or project
- contacting a community consultative committee, if one is in place
- contacting the Department's compliance team
- feedback sessions and workshops
- online forums
- community reference groups
- online forums
- one-on-one meetings
- comment through social media
- public meetings and hearings.

Provide formal feedback

The community is able to provide formal feedback by making a submission during the public exhibition of a planning proposal or project, or when the Department would like formal submissions on non-statutory plans, policies or guidelines:

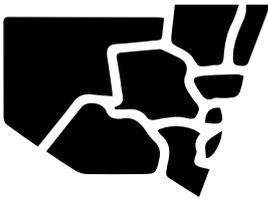
- public exhibition includes a consultation period and provides the community an opportunity to provide support for, suggest amendments to, or raise concerns or objections on a proposed project or plan, policy or project
- the minimum mandatory and typical public exhibition timeframes are set out on page 19.

Engaging the community

To ensure relevant and meaningful community participation, the Department approaches engagement for the three different types of planning functions differently. For example, when managing the whole lifecycle of planning frameworks and strategic planning projects the Department can invite community participation at all stages. When assessing development applications the Department seeks formal submissions during the public exhibition phase of the project, although pre and post-approval community engagement requirements for applicants can be set.

The community participation approach for planning framework matters, strategic planning and assessment projects and plans is explained in the following sections.

Planning frameworks



Have a say in setting up the overall architecture and controls for planning across NSW.

The planning framework includes the legislative, regulatory and policy instruments that shape the NSW planning system. This includes making or amending legislation and regulations, State Environmental Planning Policies (SEPPs), certain rezoning proposals, State Significant Precinct proposals, development control plans and contribution plans.

The primary instruments in the planning framework that this CPP applies to are:

- **The EP&A Act**, which sets the structure for the NSW planning system. It is the principal legislation regulating land use in NSW and allows plans to be made to guide the process of development and regulate competing land uses. This includes provisions that outline how strategic planning is incorporated into the NSW planning system.
- **EP&A Regulation**, which contain provisions and processes planning authorities must follow when assessing DAs. The EP&A Regulation also contains information about fees, building regulation and certification, including fire safety provisions.
- **SEPPs**, which are environmental planning policies for state significant or state-wide planning matters. They inform how land can be developed and how natural resources can be used, managed and conserved in NSW.



How to participate in planning framework matters

Keep up to date

The Department will notify the community, as required under the EP&A Act and EP&A Regulation, when entering into a planning agreement and when creating or updating a SEPP, and other statutory instruments.

The community will be notified of:

- events the Department will host
- the release of draft or related information
- updates to a project
- public exhibitions
- outcomes and how community feedback was considered when reaching a project decision.

Provide informal feedback

The Department uses informal community feedback, along with social, environmental and economic factors, to identify where planning reforms are needed.

Attend events

In the design and development of policy, legislative and regulatory reform projects the Department engage the community through workshops, community reference groups and other types of feedback sessions.

Provide formal feedback

Once draft proposals have been developed, they may be exhibited through public exhibition. At this point the community is invited to make a formal submission responding to the proposal.



Strategic planning involves developing long-term land use plans. These plans integrate social, environmental and economic factors with the area’s special attributes and their future delivery within the planning system. These plans may inform policy documents, including SEPPs and LEPs, which provide the legal framework for approaches to planning challenges.

Strategic planning includes creating or amending:

- **Regional Plans**, that are developed to support future community needs in regions across NSW and include plans for homes, jobs, community infrastructure and a healthy environment.
- **Plans for new communities in greenfield and urban renewal areas**, that set a new future direction for areas by creating new communities that build on local character and provide choices of housing, work and business opportunities and green spaces.

The community can also participate in strategic planning by engaging with their local council as they develop and update their Local Strategic Planning Statements. The Department is supporting councils preparing these plans.

How to participate in strategic planning matters

The community is generally notified:

Keep up to date

- at the outset of regional strategic plan preparations
- at the outset of greenfield and urban renewal plan preparations
- of project plan updates and opportunities to participate
- once a plan has been finalised with information on how community views were considered.

Provide informal feedback

Community knowledge is critical when developing a strategic plan that delivers a shared vision. Plans for communities in greenfield and urban renewal areas are developed using a placed-based approach, beginning with identification of local character.

Attend events

The Department may also invite community participation through walking tours, digital feedback maps, surveys, drop in sessions and other methods set out previously to develop plans, before they go on exhibition

Provide formal feedback

Once draft proposals have been developed they may be exhibited through public exhibition. At this point the community is invited to make a formal submission responding to the proposal. For some strategic planning functions there are minimum mandatory exhibition timeframes as set out on page 19.



Assessments



Have your say on major projects under assessment.

The Minister for Planning and Public Spaces, the Planning, Industry and Environment Secretary and some officers of the Department acting under delegated authority of the Minister and the Planning, Industry and Environment Secretary make planning decisions on proposed developments.

The Department assess applications for major projects in NSW that are important to the State for economic, environmental or social reasons. This includes applications for State Significant Development (SSD) such as schools, mines, hospitals and energy-generating facilities, and applications for State Significant Infrastructure (SSI) such as large-scale port, rail, water storage or water treatment facilities undertaken by (or on behalf) of public authorities. The Department also assess local development in the NSW ski resort areas and some other local development where the Minister is the consent authority, such as designated development.

When assessing development applications, the Department considers:

- the statutory requirements of the project
- the strategic context
- the likely impacts of the development
- submissions and feedback provided by the community
- the public interest.

The assessment of the project's merits, including consideration of the community's views, are documented in an Assessment Report. The decision-maker then decides whether the project should be approved or refused, and sets out the conditions under which the project can go ahead (if approval is granted).

How to participate in the planning assessment process

Provide informal feedback

Feedback may be provided through various channels such as written correspondence, verbal discussions, online forums, targeted workshops and site visits.

Attend events

During public exhibition periods the Department conducts targeted engagement activities based on the scale and nature of a project, and the likely interest and impacts. Activities may include information sessions, shopfronts, community reference groups, workshops, site visits or individual meetings.

Provide formal feedback

When an application for a major project is lodged, the application is exhibited and during this period, the community can make a written submission which outlines their views on the project. The written submissions are uploaded to the Department's website and forwarded to the applicant for a response. Issues raised in submissions, and the applicant's response are considered when preparing our assessment report.

Keep up to date

Throughout the assessment process the community will be updated on the progress of an application via the Major Projects website, electronic notifications, mainstream and social media channels and written correspondence where required by legislation. When an application is determined, the community will be notified of the decision and provided with reasons for the decision, including how the community's views were considered and informed the decision-making.

Applicants are strongly encouraged to engage with the community at the earliest opportunity in the assessment process. For some projects, participation requirements are specified in the Secretary's Environmental Assessment Requirements (SEARs). For example, applicants may be required to establish a Community Consultative Committee (CCC) which comprises a group of community members who meet regularly and are kept informed of the status of the project. A CCC can also provide feedback on key issues that arise during the development or implementation of projects.

Community participation may be invited when undertaking post-approval, compliance and enforcement activities to ensure planning conditions are being implemented correctly.

Participation in Independent Planning Commission (IPC) public hearings is outlined in the IPC CPP.

Public exhibitions

The EP&A Act sets out minimum community participation requirements for the public exhibition of certain planning matters (see Tables 1-3). During an exhibition period all of the relevant documentation is published on the Department's website and the community is invited to make a written submission which outlines their views on the draft policy, plan or project. A range of community participation activities may also be undertaken to achieve participation objectives, such as running workshops or focus groups.

At the conclusion of a public exhibition, all submissions are considered when finalising plans, policy initiatives or assessing DAs. In making decisions, consideration is given to the points raised regardless of who the submitter is or the number of submissions.

When determining an application for a proposed development which has been exhibited, the Department is required to notify the community of how submissions were considered in decision-making. The community will also be notified of decisions on policy and planning proposals and reports will summarise issues raised and describe how community views helped the decision to be made.

How to participate in a public exhibition

During a public exhibition period the community can:



Make an online submission via the Department's website or Major Projects website or write to the Department



Access relevant information about the draft plan, policy or project from the Department's website or NSW Planning portal



Visit a Service NSW centre where staff can help you access relevant documents, answer questions or connect you to appropriate Departmental officers

Mandatory minimum public exhibition timeframes in the EP&A Act

The statutory public exhibition timeframe requirements in Table 1 are as per Schedule 1 to the EP&A Act. The only mandatory requirements in this CPP are those set out in Table 1 and Table 2.

Table 1

Planning framework	
Planning function	Exhibition timeframe
Draft Community Participation Plan	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or as specified by the gateway determination which may determine, due to the minor nature of the proposal, that no public exhibition is required
Draft development control plan	28 days
Draft contribution plans	28 days
Strategic Planning	
Planning function	Exhibition timeframe
Draft regional strategic plans	45 days
Assessments	
Planning function	Exhibition timeframe
Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days*
Application for development consent for designated development	28 days
Application for development consent for State Significant Development	28 days
Environmental impact statement for State Significant Infrastructure under Division 5.2	28 days
Application for modification of development consent required to be publicly exhibited by the regulations	14 days*

* NOTE: Where we assess development applications under the SEPP (Kosciuszko National Park—Alpine Resorts) 2007, no public exhibition will be undertaken for proposals that relate to works which are wholly internal to a building or where the site is located more than 50 metres away from a tourist accommodation building.

Additional mandatory public exhibition requirements

Table 2 sets out additional minimum mandatory public exhibition timeframes in the EP&A Act, EP&A Regulation and SEPPs. These are different periods of public exhibition specified for the purposes of clause 7(a) in Schedule 1 to the EP&A Act.

Table 2

Other mandatory	
Planning function	Exhibition timeframe
Clause 89(3)(a) in EP&A Regulation Application for nominated integrated development and threatened species development	28 days
Clause 1231(2)(a) in EP&A Regulation Application for a review under section 8.3 of the Act	A period not exceeding 14 days but otherwise in the same manner as the original application for modification was notified or advertised
Clause 27 of the SEPP (Kosciuszko National Park—Alpine Resorts) 2007 requires development applications for the following types of development within the area subject to the SEPP to be advertised: (a) the erection of a building with a footprint of more than 1,000 square metres, (b) the erection of a new ski-lift line or the extension of an existing ski-lift line, (c) damage to any plant that is part of: (i) an endangered ecological community or a vulnerable ecological community, or (ii) feldmark, short alpine herbfield or snowpatch on land identified as containing such a plant community in any Figure (other than Figures 1 and 11) in the Kosciuszko Resorts Vegetation Assessment, (d) the disturbance of any wetland forming part of an endangered ecological community or a vulnerable ecological community.	28 days



Non-mandatory public exhibition timeframes

For several planning functions there is no legislative requirement for public exhibition. As a matter of course, in line with community participation objectives, the Department typically exhibits documents related to the exercise of these functions and proposals for the timeframes described below.

Table 3

Non-mandatory	
Planning function	Exhibition timeframe
Draft legislation, regulation, policies and guidelines	28 days unless decided otherwise due to the urgency, scale and nature of the proposal
Plans for urban renewal areas	Six weeks unless decided otherwise due to the urgency, scale and nature of the proposal
State Environmental Planning Policies	Discretionary based on the urgency, scale and nature of the proposal
Re-exhibition of any amended application or matter	Discretionary based on the urgency, scale and nature of the proposal
Application for modification of development consent not required to be publicly exhibited by the regulations	Discretionary based on the urgency, scale and nature of the proposal

In addition to the above, the Department may exhibit other proposals in line with community participation objectives. For these functions, there may also be occasions where a government priority or administrative requirement demands immediate action and the usual community participation process will not be followed.

Key points to note about public exhibition

- 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.
- As outlined in Schedule 1 to the EP&A Act, the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- In certain circumstances there may be merit appeal rights for a person who makes a submission to object during a public exhibition of a development application for designated development and some SSD projects.
- Public authorities are not required to make available for inspection any part of an environmental impact statement where publication would, in the opinion of the public authority, be contrary to the public interest due to its confidential nature or for other reasons defined in relevant legislation, such as the Government Information (Public Access) Act 2009.
- When receiving submissions, the Department will adhere to our Privacy Policy and ensure defamation and discrimination laws are not breached.
- The Department always considers the safety of community members, other stakeholders and our staff who have the right to participate in a respectful environment and are expected to behave in a manner supporting everyone's right to present their point of view.

Where to go for more information on planning matters



View the Department's website



Write to the Department at
GPO Box 39, Sydney
NSW 2001



Phone the
Department on
1300 305 695



Write to the Department electronically using our contact us page



Contact your local
Member of Parliament



Contact your local
community group or
planning organisation



Write to the
Planning and Public
Spaces Minister



Contact your
local council



Visit or call a Service
NSW service centre.
Their phone number is
13 77 88 and locations are
available on their website



Glossary

Planning terms and definition

Contribution plans	A plan developed by councils to gain financial contributions from new developments to fund new and upgraded public amenities and/or services required to accommodate the development
Designated development	Designated development refers to high-impact developments (e.g. likely to generate pollution) or those located in or near an environmentally sensitive area
Development control plans (DCP)	A plan providing detailed planning and design guidelines to support LEP planning controls
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 planning proposal authority, generally a council. An LEP sets the planning framework for a Local Government Area
Regional strategic plan	20-year plans addressing community needs for housing, jobs, infrastructure and a healthy environment for a region
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the Department, relating to state significant or state-wide planning matters
State significant development (SSD)	Developments may be declared to have State significance due to their size, location, economic value or potential impacts, for example new schools, hospitals and energy generating facilities
State significant infrastructure (SSI)	SSI includes major transport and services developments with significance and impact beyond the local area, for example rail infrastructure, road infrastructure and water storage and treatment plants
Greenfield and 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• Areas identified as having good access to existing or planned public transport connections, suitable for rejuvenation with new homes and jobs• State significant precincts which are large areas of predominantly State-owned land, within Greater Sydney, identified by the NSW Government as areas for growth because of their social, economic or environmental characteristic
