Community participation plan

Information session

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Community Participation Plans

- Updates to the Environmental Planning and Assessment Act 1979 (EP&A Act) came into force on 1 March 2018
- An objective of the EP&A Act is to increase community participation in environmental planning and assessment
- A tool to deliver this object is the community participation plan
- All NSW planning authorities including councils must finalise a CPP by 1 December
Why is community participation important?

It can:

- Empower local communities
- Allow stakeholders to hear each other’s concerns and ideas
- Capture local knowledge and expertise
- Settle issues up-front to reduce potential disputes
- Assist decision makers to identify public interest concerns
As per Division 2.6 of the EP&A Act CPP must:

• Clearly state who it applies to
• Detail how and when a 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
• Reinforce that a reason for the decisions are given for DA determinations as per Schedule 1 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
Options for councils

Do you have a Community Engagement Strategy?

Yes

Does your CES meet the CPP requirements?

Yes

Use DPE’s CPP as a guide to update your CES

No

Use DPE’s CPP as a guide to develop your CPP

No

CPP requirements covered
Options for councils

• When amending an existing engagement document:
  o State that this document has been prepared to satisfy the requirements of a CPP under the EP&A Act and identify which sections are being used to meet the requirements
  o Only updated sections need to be exhibited for 28 days

• For standalone CPP’s:
  o Clearly note that the document relates to planning only
  o Use our exhibition draft CPP as a template
Minimum exhibition timeframes

• A key function of the CPP is to set out the public exhibition timeframes
• Councils must list the minimum mandatory timeframes for the planning functions that apply to them in Schedule 1
• Exhibition timeframes in Schedule 1 can be exceeded
• A CPP can set specific timeframes for certain functions, including DAs
• Councils should only provide timeframes for planning functions they perform
• It is essential to clearly differentiate between mandatory and non mandatory timeframes
• DPE received positive feedback on the tables in our exhibition draft
### Table 5: Development assessment mandatory exhibition timeframes

<table>
<thead>
<tr>
<th>Description</th>
<th>Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application for development consent (other than for complying development certificate, for designated development or for State significant development)</td>
<td>14 days</td>
</tr>
<tr>
<td>Application for development consent for designated development</td>
<td>28 days</td>
</tr>
<tr>
<td>Application for development consent for State significant development</td>
<td>28 days</td>
</tr>
<tr>
<td>Environmental impact statement obtained under Division 5.1</td>
<td>28 days</td>
</tr>
<tr>
<td>Environmental impact statement for State significant infrastructure under Division 5.2</td>
<td>28 days</td>
</tr>
</tbody>
</table>
Other points to note

- Information should be presented in plain English
- A council’s CPP is to apply to the determination roles undertaken by their district, regional and local planning panels
- The Department does not need to approve a CPP before it is published
- An online toolkit that will provide templates, engagement ideas and tools for councils is being developed
Notifications

- DA notification requirements relating are in the regulations as referred to in Schedule 1
- CPPs should state that councils notify as per the regulations
- Many councils describe notification requirements in their DCP
- We encourage councils to move this material into their CPP
- We are looking at removing the requirement to include this information in a DCP to support consistency in presentation of this information.
- The Department is also looking into whether notifications requirements be updated to make online rather than newspaper publication the trigger
- Be mindful of this potential change when drafting notification text. Avoid committing to newspaper publication as it may change
The Department’s CPP

- Currently finalising our CPP
- Recommend using the Department’s Draft CPP as a template
Which planning functions are covered by the Secretary’s CPP?

- **Regulatory frameworks – setting the NSW planning framework**
  - State Environmental Planning Policies, policy discussion and options papers, codes, guidelines and practice notes

- **Plan making and strategic planning – plans for areas**
  - Regional and district plans, standard instrument orders, development control plans, contribution plans and plans for urban renewal areas

- **Assessments – assessing plans for individual sites**
  - Residential developments, port facilities, mining developments, energy generating facilities, transport and social infrastructure projects
Alignment of our Objectives to the Community Participation Principles?

**The Departments community participation objectives**

- **Community participation is open and inclusive**
  - The community has a right to be informed about planning matters that affect it.

- **Community participation is easy**
  - Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.

- **Community participation is relevant**
  - Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.

- **Community participation is meaningful**
  - The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.

**Community Participation Principles in the EP&A Act**

- **Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.**

- **Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.**

- **Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).**

- **Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.**
How we will describe our approach in the final CPP

• The Department provides the community ways of participating by:
  o Informing the community through multiple channels
  o Engaging the community using best practice methods
  o Seeking formal feedback during the Department’s formal public exhibitions
Questions
Contact:

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