

Stakeholder and community participation plan for new health services facilities and schools

Division 5.1 of the Environmental Planning and Assessment Act 1979

October 2024





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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1. Introduction

This Stakeholder and Community Participation Plan (SCPP) identifies how and when stakeholders, including the community can participate in the planning process undertaken by NSW Health¹ and the Department of Education², when they consider the impacts of a new health services facility or a new school under Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The community is anyone affected by, or interested in, the activity, 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 and service and infrastructure providers are key stakeholders, who will have an interest in the activity.

Division 5.1 allows a determining authority, such as NSW Health and the Department of Education to self-assess the environmental impacts of activities they are carrying out and/or approving (i.e. these activities do not require development consent under Part 4 of the EP&A Act).

This SCPP does not apply if the activity is complying development or is declared to be State significant infrastructure (SSI) and can no longer be self-determined under Division 5.1.

Public authorities assess the environmental impacts of activities through a review of environmental factors (REF)³, which is prepared in line with the Guidelines for Division 5.1 Assessment. These Guidelines can be found on the Department of Planning, Housing and Infrastructure website. Feedback from stakeholders is a valuable input into the REF.

Under the provisions of the *Transport and Infrastructure State Environmental Planning Plan 2021* (Transport and Infrastructure SEPP), the Department of Education can build new schools and NSW Health can build new health services facilities, without development consent. Instead, these determining authorities are responsible for undertaking an REF for these activities.

It is important that key stakeholders, including the community is part of any decisions around significant hospital and school development being built in the neighbourhood. These uses foster vibrant and thriving communities and contribute to social well-being and economic stimulus with lasting societal benefits. However, they also have the potential to disrupt and impact on existing services and infrastructure, community amenity and local character, particularly on surrounding properties.

¹ Including Health Infrastructure

² Including School Infrastructure NSW

³ The document that records the Division 5.1 assessment

The level of consultation undertaken should reflect the:

- level of potential environmental impact from the activity, including impacts on surrounding properties and the broader community
- anticipated level of community interest.

This SCPP sets out when, where and how stakeholders, including the community can have their say on proposed new health services facilities and schools delivered under Division 5.1 of the EP&A Act. It is based on the principles of meaningful engagement, participation, accessibility, inclusion and transparent decision making.

This SCPP has been prepared by the Secretary of the Department of Planning, Housing and Infrastructure to meet the requirements of Division 2.6 of the EP&A Act.

2. Commitment and principles

The community participation principles set out in section 2.23(2) of the EP&A Act were considered when developing the community participation objectives in this SCPP.

The objectives set out the approach for inviting community participation. Each objective contains actions prompting best practice strategies to consult with the community. With meaningful participation, communities can acknowledge a fair process and understand how community views and concerns are considered.

NSW Health and the Department of Education will consider the objectives and actions below when undertaking engagement with communities on proposals for a new health services facility or new school, delivered under Division 5.1 of the EP&A Act.

Table 1 – Community participation objectives and actions

Objectives	Actions
Open and inclusive	<ul style="list-style-type: none">Identify community groups and other community stakeholders in liaison with council and invite them to participateSeek community input and accurately capture community viewsAdjust engagement activities (if necessary) in response to community feedbackBuild strong partnerships with the communityIncorporate culturally appropriate practices when engaging Aboriginal Torres Strait Islander and culturally and linguistically diverse communitiesEnsure the community has the information it needs and the capacity to participate in a meaningful way

Objectives	Actions
Easy to access	<p>Outline in advance how and when the community can participate</p> <p>Use best practice community participation techniques</p> <p>Ensure genuine engagement by carefully planning activities to meaningfully inform projects</p> <p>Make relevant information available in plain English and translate information when engaging cultural and linguistically diverse communities or people living with disabilities</p> <p>Prepare communication materials that are relevant, concise and easy for people to find and understand</p> <p>Stage events at convenient times and locations</p>
Relevant	<p>Ensure as many community members as possible can participate</p> <p>Tailor activities to the:</p> <ul style="list-style-type: none"> • context, which could include location, type of activity, stage of the assessment process, previous engagement undertaken • scale, nature and known impacts of the proposal <p>Communicate regularly</p>
Timely	<p>Start community participation as early as possible, and continue for an appropriate period</p> <p>Provide regular project updates to the community</p> <p>Ensure the community has reasonable time to provide input</p> <p>Facilitate ongoing conversations with local community networks</p> <p>Notify people when formal decisions are made</p>

Objectives	Actions
Meaningful	<p>Explain how community views were considered when reaching decisions</p> <p>Be clear about what aspects of a proposal the community can inform and/or influence</p> <p>Ensure responses to community input are relevant and proportionate</p> <p>Give genuine and proper consideration to community input</p> <p>Keep accurate records of community input and participation activities</p> <p>Regularly review the effectiveness of community participation initiatives</p> <p>Integrate community input into the evaluation process</p> <p>Comply with statutory obligations, protect privacy and respect confidentiality</p>

3. Project specific communication plans

There is no one-size fits all approach to stakeholder and community participation. The following factors help determine the level of involvement and influence the stakeholders/community will have and the range of engagement methods to be used:

- the nature, scale and likely impact of the activity
- the location of the activity
- who the stakeholder/community is, and their concerns and interests.

NSW Health and the Department of Education will need to consider the communication requirements required for each project at the scoping stage. The approach may need to change with the project and location.

The consultation approach for a project must consider:

- objectives of communication (i.e. inform, consult, involve, collaborate or empower)
- what and when are the key communication milestones (i.e. announcement and commencement of exhibition)
- who are the stakeholders, community groups and target audiences, what is their level of influence, what is their engagement level, what are their interests and concerns
- identify communication activities, audience for each activity and timing, i.e.:
 - print – advertisement, notices
 - online - webpages, social media, email
 - face-to-face - information sessions, site tours, meetings
- the risks and likelihood of occurrence, using the risk assessment matrix and mitigation measures.

4. Engagement requirements

Early stakeholder and community engagement

Engaging at an early stage of the project allows stakeholders, including communities to follow project progress, builds trust and confidence in the process and decision making, provides access to community knowledge and increases chances of project success.

Early engagement with local, state and Commonwealth agencies will help obtain expert advice, capture historical information, and allow potential issues to be identified, avoided or managed early reducing cost and delays to the project.

In some cases, NSW Health and the Department of Education will commence engagement on the project with adjoining neighbours, communities, local council and key state agencies during early project planning.

Where the public is concerned, early engagement will be planned and undertaken sensitively, with careful thought to the appropriate level and scope of project detail to be discussed, milestones of the project where communities will be further engaged, and if the engagement is to inform, seek feedback, or seek involvement in decision-making.

When engaging with adjoining neighbours, NSW Health and the Department of Education will consider how the development will impact on neighbours, including issues such as privacy, solar-access, views and visual impacts, overshadowing, noise generation, hours of operation, traffic and parking impacts.

Engaging with the community during the scoping and/or design of the project can help community interests be understood. Concerns, values and local knowledge of the area can be obtained to help target detailed studies and inform project design.

Engagement with stakeholders, including the community should continue throughout the project, such as design, construction and operational phases.

Aboriginal and Torres Strait Islander communities

Aboriginal and Torres Strait Islander communities may seek to interact and communicate in different ways, including needing time or consultative processes with community leaders, community members and families.

A flexible approach will be adopted to setting times for communication and consultation, the format in which sensitive information is to be shared and providing safe spaces for participation in the process.

The Connecting with Country Framework (November 2023) provides guidance on good processes that will inform the planning, design and delivery of infrastructure. It emphasises the importance of early engagement with these communities to ensure better educational and health outcomes and to facilitate making decisions that affect Country in partnership with Aboriginal communities.

Public consultation

The level of consultation undertaken should reflect the level of potential environmental impact, including impacts on surrounding properties and the community, and the anticipated level of community interest in a particular development proposal.

It is a requirement under the Transport and Infrastructure SEPP to give written notice of the proposed project, including supporting documents that provide information about the project for a minimum of 28 calendar days before the determining authority makes a determination on the project. The Guidelines for Division 5.1 assessments – Consideration of environmental factors for health services facilities and schools – Addendum (October 2024) specifies the types of supporting documents which may need to be provided.

The consultation timeframe may be extended based on the scale and nature of the activity. Re-exhibition of any amendment or modification may also occur if NSW Health/Department of Education considers the changes are significant enough to warrant this.

As a minimum, NSW Health/Department of Education will write to the following stakeholders informing them of the exhibition:

- neighbouring and nearby property owners and/or occupants in the vicinity of the proposed development that are deemed by NSW Health/Department of Education to be affected by the proposal
- local council of the area within which the proposed activity is located
- relevant state and Commonwealth Government agencies and service providers - a list of stakeholders that must be engaged with, as a minimum, is included in Appendix A.

As part of this notification NSW Health/Department of Education should:

- describe the proposed activity, including its location
- describe the environmental impacts the proposed activity may have and mitigation measures

- provide a link to the exhibition material and advise on the exhibition dates
- provide a link to where ongoing information and project updates will be communicated
- invite submissions and explain how submissions can be made
- provide the contact details of an agency representative who can answer questions, clarify information about the project and its impacts.

A notice at the site will also be provided with the above information, or a link to where this information can be found on the agency's website. Site notices will be placed on the main frontage(s) of the site, in a position where they can be read from a public place.

Advertisement to the wider community in the local or other newspaper may also be undertaken if it is customary to do so in the local government area.

NSW Health and the Department of Education may support the consultation in different ways. Examples include social media posts, information sessions, site tours or meetings with community groups to raise awareness of the consultation process and/or provide information to help the community understand the proposal.

Innovative engagement methods may also be used to respond to changes in the way people engage with news and media, such as use of video, infographics, animations, digital visualisations, online forums and virtual consultation events or spaces.

Consultation of any amended proposal may also occur. The period of further consultation, if required, will be determined by NSW Health/Department of Education and will be based on the nature, scale and likely impact of the amendment. If a community member has provided a submission on the original proposal, they will be notified of any further consultation, along with any other stakeholder/person who may be affected by the amendment.

Nothing in this SCPP limits any consultation obligations arising from other aspects of the agency's business or that may arise under the EP&A Act and EP&A Regulation or any other act or regulation.

How to make a submission

Anyone can make a submission regarding a proposed project. Should a member of the community wish to make a formal submission, it:

- must be in writing directly to the agency
- should indicate who is making the submission - it will be at the discretion of NSW Health/Department of Education whether to consider anonymous submissions
- should include contact details, so the agency can keep the submitter informed about the proposal

- should identify the reasons for support or objection and any impacts, positive or negative, that may arise from the proposal; any specific changes the submitter would like made to the proposal and the reasons why the submitter thinks these changes are important; any matter the submitter feels has not been considered or requires further consideration
- should only relate to planning matters that are capable of being considered under the EP&A Act.

The number of signatories to petitions or form letters received will be clearly reported in the agency's submission report.

Submissions made in relation to a consultation about a project are public documents. As such, they will be published in reports and on the agency's website. Where a submitter does not want their personal information published, their submission should be marked as 'confidential'.

Post-consultation requirements

An important component of stakeholder and community participation is responding to and demonstrating how feedback has informed decision making.

NSW Health or the Department of Education will address submissions received either in the REF or through a separate submissions report. The REF or submission report will identify issues raised in submissions received during the consultation period, including consideration of the issues raised and how issues have been addressed in the assessment of the proposed activity.

It will be at the discretion of NSW Health and the Department of Education whether to consider submissions received outside of the public exhibition period.

NSW Health or the Department of Education may provide updates via their website or other communication channels to keep stakeholders and the community informed on the progress of the proposal, especially if the REF process occurs over a long period of time.

A record of all engagements and consultations undertaken will also be kept.

Publication of documents

Under section 171(4) the EP&A Regulation, certain REFs must be published on the NSW Planning Portal and may also be published on the determining authority's website. NSW Health or the Department of Education will publish all of their REFs covered by this SCPP on the NSW Planning Portal in addition to those required to be published under s171(4).

The information to be published must include supporting documents to the REF such as appendices, supporting reports, the decision statement and the submission report (if a separate one to the REF was prepared).

The NSW Planning Portal allows users to search for and access REFs that have been made publicly available.

Depending on the project, documentation may be published prior, at the time or within 14 days of the making of a decision, but no later than 14 days prior to the commencement of construction works.

Stakeholder and community notification

NSW Health or the Department of Education will notify stakeholders, including the community at different stages of the process and for different reasons, such as to:

- inform during early project planning, if appropriate
- inform that public consultation has commenced
- respond to a submission made, if appropriate
- inform on the progress of a proposal, if appropriate
- inform on the decision made
- inform of the start of construction works
- inform of the operation of any new hospital or school.

Once a decision has been made by NSW Health or the Department of Education, it will report on this decision to its stakeholders. This will include writing to:

- deemed to be affected property owners and/or occupants or people who have been actively involved or engaged in the process
- stakeholders and other persons who made a submission
- the local council of the area within which the proposed activity is located
- relevant state and Commonwealth Government agencies and service providers

This notification will include:

- the decision
- the date of the decision
- reasons for the decision
- how stakeholder and community views were considered and informed the decision-making, including how issues raised during public exhibition have been considered
- when works and operation of the hospital or school are anticipated to commence

- where to find more information, such as a copy of the REF, etc.

In the case of a petition received during consultation period, the main author will be notified of the decision.

5. Enquiries and complaints handling

NSW Health and the Department of Education will make available on their websites the contact details of a representative who can answer questions about the project received from stakeholders, including members of the public.

Complaints should be made in writing directly to NSW Health or the Department of Education.

NSW Health and the Department of Education will aim to reply to complaints within 10 working days. If additional time is required, the agency will contact complainants to advise when a response can be expected.

For more information about how complaints are handled, please contact the relevant agencies at the following contacts.

NSW Health <HI-Info@health.nsw.gov.au>

Department of Education <schoolinfrastructure@det.nsw.edu.au>

NSW Health and the Department of Education will keep a register of complaints linked to each proposal to ensure key issues are documented.

6. Freedom of information

The NSW Government is committed to improving openness, transparency and ease of access to information. These agencies will aim to release as much government information as possible on a proposal, through their website, on the NSW Planning Portal or by request.

The *Government Information (Public Access) Act 2009* (GIPA Act) establishes a proactive, more open approach to gaining access to government information in NSW.

Restrictions apply to accessing information only when there is an overriding public interest against disclosure of information.

Under the GIPA Act there are four ways that information can be made available to the public:

- open access information via the internet
- proactive push of information into the public domain via other channels
- release in response to an informal request
- a formal application process for information not publicly available.

More information on the right to access information can be found on the below webpages.

NSW Health < [Government Information Public Access Act \(GIPA\) \(nsw.gov.au\)](https://www.nsw.gov.au/gipa) >

Department of Education < [education.nsw.gov.au/rights-and-accountability/information-access](https://www.education.nsw.gov.au/rights-and-accountability/information-access) >

Community members should contact the agency directly if they want access to information on a proposal that is not found on their website.

Appendix A – list of government agencies

Agency	Reason for engagement
Civil Aviation Safety Authority	Development proposing a helicopter landing site or on land that contains or is adjacent to an aviation facility
Department of Planning, Housing and Infrastructure	<p>Development on land affected by coastline hazard, coastal hazard, coastal erosion hazard, land in a foreshore area, subject to a biobanking agreement or a property vegetation plan</p> <p>Development near a major hazards facility as defined under the <i>Work Health and Safety Regulation 2017</i></p> <p>Development near a high pressure dangerous goods pipeline</p> <p>Development comprising the clearing of native vegetation on certain land within the growth centre subject to Clause 4.25A of <i>State Environmental Planning Policy (Precincts - Western Sydney Parklands) 2021</i></p> <p>Development on Crown land</p>
Department of Climate Change, Energy, the Environment and Water	<p>Development impacting State heritage</p> <p>Development near or in critical habitat, threatened species, populations or ecological communities, or their habitats, ecologically sensitive area, declared area of outstanding biodiversity value, wilderness area, environmentally sensitive land/area</p> <p>Development on contaminated land, impacts from noise or air pollution, requiring removal of waste during construction or operation, chemical storage</p> <p>Development near national parks or other reserved land</p>
Director of the Observatory	Development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map, found on the department's website
Minister for Energy and Environment	Development adjacent to land reserved under the <i>National Parks and Wildlife Act 1974</i> or acquired under Part 11 of that Act

Agency	Reason for engagement
Rail authority for the rail corridor	Development on land immediately adjacent to a rail corridor
Rural Fire Service	Development on bushfire prone land
Safe Work NSW	Development adjacent or near to a major hazards facility
State Emergency Services	Development on flood liable land
Subsidence Advisory NSW	Development on land in a mine subsidence district within the meaning of the <i>Coal Mine Subsidence Compensation Act 2017</i>
Transport for NSW	Development that impacts the transport network
Utility providers	As appropriate for the specific site
Western Parkland City Authority	Development within the Western City operational area under the <i>Western Parkland City Authority Act 2018</i> , Schedule 2 with a capital investment value of \$30 million or more