

Public Exhibition – Draft Community Participation Plan

File No: X025554

Summary

This Draft Community Participation Plan has been prepared to satisfy the City's obligations under the *Environmental Planning and Assessment Act 1979* (the Act) to have a plan in place by 1 December 2019. It is an administrative change to transfer existing advertising and notification procedures for development applications from Sydney Development Control Plan 2012 (the DCP). It also incorporates the consultation requirements set by legislation for strategic planning matters, such as planning proposals and draft development control plans.

Community participation is integral to the planning system. The City is committed to involving the community in planning processes and decisions, establishing effective, fair and consistent consultation processes and increasing transparency in decision-making. Community Participation Plans were introduced in 2018 as part of the wider changes to the NSW planning system to simplify and standardise planning documents across councils.

The Community Participation Plan is a single document that sets out all of council's community participation requirements under planning legislation, including all minimum public exhibition timeframes. It applies to planning proposals, contributions plans, draft development control plans, planning agreements, environmental impact assessments and development applications. The Community Participation Plan only deals with planning matters under the Act. Continuing with existing procedures as an interim provides additional time for the City to conduct a review of advertising and notification procedures with thorough consultation with the community. The Draft Community Participation Plan contains the City's existing community participation procedures as set out in the Act and the DCP.

Recommendation

It is resolved that:

- (A) Council note the *Draft Community Participation Plan* is a transfer of existing advertising and notification procedures for development applications;
- (B) Council note the City will undertake a review of advertising and notification procedures for development applications, including community consultation, before preparing a revised Community Participation Plan for Council's consideration;
- (C) Council approve the *Draft Community Participation Plan*, at Attachment A, for public exhibition for a period of at least 28 days;
- (D) Council approve *Draft Sydney Development Control Plan 2012 – Community Participation Plan Associated Changes*, at Attachment B, for public exhibition concurrent with the Draft Community Participation Plan; and
- (E) authority be delegated to the Chief Executive Officer to make minor amendments to the *Draft Community Participation Plan* and *Draft Sydney Development Control Plan 2012 – Community Participation Plan Associated Changes*, to correct any errors or omissions prior to exhibition.

Attachments

Attachment A. Draft Community Participation Plan

Attachment B. Draft Sydney Development Control Plan 2012 – Community Participation Plan Associated Changes

Background

1. In March 2018, the NSW government amended the *Environmental Planning and Assessment Act 1979* (the Act). The changes were part of reforms designed to simplify the NSW planning system and make it more accessible to the general public. As a result of these changes, Council is required to prepare and adopt a Community Participation Plan by 1 December 2019.
2. The Community Participation Plan relates to planning matters only, and must describe Council's community participation requirements under planning legislation. This includes all minimum mandatory exhibition timeframes for:
 - (a) Strategic planning - local strategic planning statements, local environmental plans, development control plans, contributions plans, community participation plans and planning agreements; and
 - (b) Statutory planning - development applications and environmental impact assessment functions.
3. The Community Participation Plan is intended to work in conjunction with the City's existing Community Engagement Strategy 2019, which details Council's broader community engagement approach including community participation objectives, guiding principles, methods, activities, evaluation and reporting.
4. Currently, the Act and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) set out how the City must engage the community on strategic planning matters such as plan-making, planning proposals and voluntary planning agreements.
5. For statutory planning, the City's approach to the public exhibition and notification of development applications, including minimum legislative requirements, are contained in Schedule 1 of the Sydney Development Control Plan 2012 (DCP 2012).
6. This Draft Community Participation Plan has been prepared to satisfy the City's obligations under the Act to have a plan in place by December 2019. It is a transfer of existing advertising and notification procedures for development applications from DCP 2012 and the Act, environmental impact assessment and a statement of mandatory advertising and notification procedures for strategic planning matters as set by legislation.
7. This approach is consistent with guidance from the NSW Department of Planning, Industry and Environment that the expectation is for councils to transfer community participation requirements from development control plans to the community participation plan.
8. The draft plan is an administrative change to satisfy our legislative obligations, giving the City time to undertake thorough consultation with the community and inform a review of consultation on planning matters.
9. This report also seeks council approval to amend Sydney DCP 2012. With exhibition and notification processes for development assessment transferred from Schedule 1 of DCP 2012 to the Community Participation Plan, Schedule 1 of DCP 2012 must be repealed. The Draft DCP is at attachment B.

The Draft Community Participation Plan

10. The Draft Community Participation Plan consolidates information on the exhibition of all relevant strategic and statutory planning matters into a single accessible document. It transfers existing development assessment exhibition and notification procedures and adds public exhibition processes for strategic planning as set by legislation, which have not been as readily available. The Draft Community Participation Plan is at attachment A.

Community participation in strategic planning

11. The public has the opportunity to make submissions on strategic planning matters after they have been endorsed by Council for public exhibition. Minimum mandatory public exhibition requirements for strategic planning matters are set by the Act and the Regulation. For most plan-making functions, such as the draft local strategic planning statement, draft development control plans and draft contributions plans, the minimum public exhibition period is 28 days. For draft local environmental plans the public exhibition period is 28 days, or the period specified in a Gateway Determination issued by the Department of Planning, Industry and the Environment.
12. During the exhibition period, the planning matter is advertised in a newspaper that circulates in the local area and the associated documentation is made available to the public for review on the City's website and at the Town Hall House One Stop Shop and relevant Neighbourhood Service Centres. These measures are consistent with the requirements of the Act and the Regulation, and ensure the public is provided ample time to access, review and potentially make a submission on strategic planning issues. Depending on the nature of the strategic planning change or document, the City will also write to land owners, occupants and businesses that may be affected, which is additional to the legislated requirement.

Community participation in development assessment

13. The Draft Community Participation Plan is a transfer of existing advertising and notification procedures for development applications from the DCP. It represents an administrative interim plan to satisfy our legislative obligations.
14. A small number of minor changes have been made to the existing text of Schedule 1 of the DCP. The changes largely relate to amendments to legislation and include:
 - (a) Updated numbering for modification applications (previously Section 96 applications, now Section 4.55 applications) and review applications (previously Section 82A applications, now Division 8.2 applications) due to changes to the *Environmental Planning and Assessment Act 1979*;
 - (b) Updated text relating to the exclusion of the Christmas/New Year period, reflecting changes to Schedule 1, Part 1 of the *Environmental Planning and Assessment Act, 1979* (Division 3, Clause 16);
 - (c) Additional descriptive information clarifying the process for Section 4.56 modification applications to a consent granted by the Land and Environment Court (previously Section 96(1AA) applications) as required by legislation with no change to the existing process; and
 - (d) Revised text to update the contact details provided in notification letters, site notices and advertising.

Review of community participation practices

15. The City will undertake a review of advertising and notification procedures for development applications and other planning matters before preparing a revised Community Participation Plan for Council's consideration. This review is best informed by consulting with the community first. It will be the first review of advertising and notification procedures in 14 years and will provide the City the opportunity to address potential changes in community behaviours and expectations around planning and engagement and improvements in technology. It will address a shift towards digital processes and ensure alignment with the City's Community Engagement Strategy which was adopted in June 2019.
16. Given the likely interest from the community and other stakeholders, the review and consultation will extend beyond the timeframe for this administrative update. The City will prepare an update for Councillors on the scope of the review and consultation program prior to reporting the Community Participation Plan to Council following exhibition.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

17. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The Draft Community Participation Plan is aligned with Direction 10 - Implementation through Effective Governance and Partnerships, as the plan:
 - (a) ensures members of the community have the opportunity to participate in shaping their city, and
 - (b) ensures the community has the information, knowledge, skills and access to contribute to decision making.

Relevant Legislation

18. Environmental Planning and Assessment Act 1979.
19. Environmental Planning and Assessment Regulation 2000.

Critical Dates/Time Frames

20. The Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 clause 16 (1) requires all NSW councils to prepare and adopt a Community Participation Plan by 1 December 2019.

Public Consultation

21. Should Council approve the Draft Community Participation Plan for exhibition and consultation, it is proposed to publicly exhibit the Draft Community Participation Plan

and associated DCP 2012 amendments for a period of 28 days with notification on the City of Sydney website and in newspapers that circulate widely in the area.

22. Exhibition documents will be available for viewing on the City of Sydney website and the One Stop Shop at Town Hall House.
23. Following public exhibition and consultation, issues raised in submissions will be reported back to Council.

GRAHAM JAHN AM

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