

Public Exhibition - Amendment to Community Participation Plan - Newspaper Advertisements

File No: X036682

Summary

The City of Sydney's Community Participation Plan came into force in November 2019, following approval of the draft plan by Council on 18 November 2019. The Community Participation Plan was prepared following an amendment to the Environmental Planning and Assessment Act 1979 (the Act) requiring all planning authorities, including the City of Sydney, to prepare and adopt a Community Participation Plan by December 2019.

The Community Participation Plan is a single document that sets out all the City's community participation requirements under planning legislation, including the minimum exhibition periods and notification requirements specified in the Environmental Planning and Assessment Regulation 2000 (the Regulations).

The Community Participation Plan only deals with planning matters under the Act, and applies to all planning proposals, contributions plans, draft development control plans, planning agreements and development applications.

On 17 April 2020, the NSW Government amended the Regulations, removing the requirement for councils to notify certain planning matters in newspapers. The Regulations now require these to be notified on a council's website, or the NSW Government's Planning Portal.

The changes to the Regulations also responded to the reduced circulation of many local newspapers, with an increasing number of local newspapers moving online with paywalls, or ceasing printing temporarily or permanently. While this has been especially evident during the Covid-19 pandemic, it has been a growing trend over the last few years.

It is proposed to update the Community Participation Plan in response to the changes to the Regulations and the reduced circulation of local newspapers. The proposed changes will remove the requirement to advertise planning matters in newspapers. The plan continues the opportunity for the community to meaningfully participate and contribute to the planning process through notification on the City's website and notices mailed to neighbours.

Recommendation

It is resolved that:

- (A) Council note the changes to planning legislation by the NSW Government in March 2020;
- (B) Council approve the draft amendments to the Community Participation Plan, as shown at Attachment A to the subject report, for public exhibition for a period of at least 28 days; and
- (C) authority be delegated to the Chief Executive Officer to make minor changes to the draft amendments to the Community Participation Plan to correct any errors or omissions prior to exhibition.

Attachments

Attachment A. Draft Amendments to the Community Participation Plan

Background

1. The Environmental Planning and Assessment Act 1979 (the Act) and the Environmental Planning and Assessment Regulations 2000 (the Regulations) set out how the City must engage with the community on planning matters such as plan making, planning proposals, draft development control plans, voluntary planning agreements and development applications.
2. These legislative requirements require each council in NSW to prepare a Community Participation Plan, and to meet the minimum timeframes specified in the legislation relating to public exhibition periods, and the methods that must be used to notify the community of these proposals.

The City's Current Community Participation Plan

3. The draft Community Participation Plan was exhibited for 28 days from 13 September to 11 October 2019.
4. The Plan was finalised in November 2019, following approval of the draft Community Participation Plan by the Council at its meeting of 18 November 2019.
5. The Community Participation Plan applies to the City of Sydney local government area and the carrying out of the Council's planning functions under the Act and Regulations.

Recent changes to NSW Legislation and Newspaper Distributions

Changes to NSW Legislation

6. At the time that the Community Participation Plan was made, the Regulations required the City to give notice in a local newspaper of the places, dates, and times for inspection for planning matters. The Plan also required notices to be placed in local newspapers for certain development applications received and determined.
7. On 17 April 2020, amendments to the Regulations were made by the NSW Government. The amendments require planning notices and documents covered by the Act and Regulations to be published on a council's website, where the council is the consent authority, instead of a local paper.
8. Where the consent authority is the Minister for Planning and Public Spaces, the Independent Planning Commissions or public authority, the relevant notices and documents will be published on the NSW Planning Portal.
9. Specifically, the amendments relate to the following notices and documents:
 - (a) Draft and approved development control plans, and amendment or repeal of development control plans
 - (b) Draft and approved contributions plans, and amendment or repeal of contributions plans
 - (c) Development applications and applications for modifications of development consents for designated development, State significant development, integrated development and threatened species development

- (d) Notice of the granting of a development consent
- (e) Environmental impact statements and related environmental assessment requirements
- (f) Draft and adopted development plans and the amendment of development plans (in relation to paper subdivision)

Changes to Distribution of Newspapers

10. From the week commencing 13 April 2020, News Corp Australia announced it was suspending the print editions of their community newspaper networks in New South Wales (News Local), Victoria (Leader), Queensland (Quest) and South Australia (The Messenger). For the City this meant the suspension of the local publications that were used for some public notice and development application advertisements. These are the Inner West Courier, Wentworth Courier and Southern Courier.
11. No return date has been announced for the printed editions of these mastheads, including whether these will ever return to a print on paper format. An announcement in The Australian newspaper on Monday 18 May 2020 stated that the company is realigning itself as a “digital publisher of high-quality journalism”, suggesting the printed product at News Corp may be winding down.
12. There is evidence of local papers struggling for some time, for example with the closure of Central Sydney approximately one year ago. The three existing local papers across the City of Sydney local government area have not had audited readerships for many years due to dwindling readers and distribution points.
13. The Sydney Morning Herald is often used for notices and no publishing changes have been announced to date. The Sydney Morning Herald has a wide readership across the Sydney Metropolitan area and has been used to publish most notices given the availability of local papers in the council area. It retains a dedicated Local Government section on a Tuesday which has been used for the City's notices. Unlike local newspapers however it has a cover price, and a partial paywall, and therefore has limited reach.
14. The City has previously negotiated a favourable rate for planning notices for the Sydney Morning Herald, however these prices are still expensive given it is a metropolitan-wide paper. For example, in the 2018/19 financial year, the City's Planning Assessment unit spent \$701,734 on advertising development applications in newspapers.
15. Ceasing the requirement for notification in newspapers, in line with the recent amendments to the Regulations, will result in reduced costs associated with notifying applications for both applicants and the City, contributing to the City's long-term financial sustainability and our ongoing capacity to prioritise and deliver high quality services, facilities, infrastructure and innovative programs for the community.

Draft amendments to the Community Participation Plan

16. The proposed changes to the Community Participation Plan will respond to the changes to the Regulations and availability of local newspapers by removing the requirement to notify planning matters in newspapers. No other changes are proposed.

17. The draft amendments to the Community Participation Plan are in Attachment A of this report. The City can still employ newspaper notification and advertising on occasion for particular matters if needed. These changes mean this will not be a requirement as is currently the case.
18. The proposed changes will address a shift towards digital processes and ensure alignment with the City's Community Engagement Strategy adopted in June 2019.
19. Online services to support community participation in planning matters include:
 - (a) The Sydney Your Say page which features all plans, policies and development applications on public exhibition.
 - (b) Options to subscribe to a weekly newsletter providing details on all development applications that are on exhibition and open for public comment.
 - (c) Options to subscribe to the City's RSS (Really Simple Syndication) feed for updates on Council and committee meetings, and development application and footway usage applications on public exhibition.

Comparison with other councils Community Participation Plans

20. Neighbouring councils such as Randwick, Waverley, Woollahra and North Sydney identify local newspapers as a method of notification for certain development applications, planning proposals and other planning matters in their Community Participation Plans. Some of these plans allow for the notification to be altered at the discretion of a planning officer. Parramatta and Ryde Councils also use similar methods for their community engagement strategies.
21. Inner West Council has adopted communication consultation methods that don't include newspaper notifications. Instead, their notification requirements include publishing the details of planning matters on the Council's website.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

22. 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. This proposed 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:
 - (b) Ensures the community has the information, knowledge, skills and access to contribute to decision making; and
 - (c) Assists in maintaining the City's long-term financial sustainability and our ongoing capacity to prioritise and deliver high quality services, facilities, infrastructure and innovative programs for the community

Social / Cultural / Community

23. The proposed amendments to the Community Participation Plan address recent changes by the NSW Government regarding the public exhibition and notification requirements relating to planning matters, while also recognising the changes to local newspaper circulation. The proposed amendments to the Community Participation Plan will continue to provide effective and practical engagement opportunities.

Economic

24. The proposed amendments to the Community Participation Plan will reduce costs by reducing expenditure on newspaper notifications, especially in the metropolitan-wide Sydney Morning Herald.

Budget Implications

25. The proposed public exhibition and notification processes will simplify the current procedures for planning matters, ensuring notification is effective and efficient, requiring few staffing resources and budgeting for dedicated notifications in newspapers.

Relevant Legislation

26. Environmental Planning and Assessment Act 1979.
27. Environmental Planning and Assessment Regulation 2000.

Critical Dates / Time Frames

28. The Environmental Planning and Assessment Regulation 2000 was amended on 17 April 2020, and therefore the amendment to the Community Participation Plan should be amended to be consistent with the requirements of the Regulations.

Public Consultation

29. Should Council approve the proposal to amend the Community Participation Plan for exhibition and consultation, it is proposed to publicly exhibit the draft amendments to the Community Participation Plan for a period of 28 days with notification on the City of Sydney website and newspapers.
30. Following public exhibition and consultation, issues raised in submissions will be reported back to Council.

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