

Post 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. The Community Participation Plan was prepared following an amendment to the Environmental Planning and Assessment Act 1979 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 of City's community participation requirements under planning legislation, including minimum public exhibition and notification requirements specified in the Environmental Planning and Assessment Regulation 2000. It applies to planning proposals, contributions plans, draft development control plans, and development applications.

Amendments to the Community Participation Plan are proposed in response to NSW Government Regulations which came into force on 17 April 2020. These changes remove the requirement for councils to notify certain planning matters in newspapers, and instead now requires these matters to be notified on the council's website, or the NSW Government's Planning Portal.

The amended Community Participation Plan responds to the NSW Government Regulations, as well as recent trends which have seen a reduced circulation of local newspapers, with some ceasing printing temporarily or permanently, and many moving online with paywalls.

As a result of these changes, the draft Community Participation Plan removes the requirement to advertise planning matters in newspapers. It maintains the opportunity for the community to meaningfully participate and contribute to the planning process through notification on the City's website, notices mailed to neighbours and other engagement methods.

The City's draft Community Participation Plan was approved for public exhibition by Council at its meeting of 29 June 2020, and exhibited for 28 days from 22 July to 19 August 2020. A total of six submissions were received, five objecting to the proposed changes, and one in support.

Issues raised in submissions received have been considered, and are addressed in this report and provided in Attachment B. No changes to the draft Community Participation Plan are proposed in response to the public exhibition, and the Plan is recommended for adoption by Council.

Recommendation

It is resolved that:

- (A) Council note the matters raised in response to the public exhibition of the draft Community Participation Plan as shown at Attachment B to the subject report;
- (B) Council approve the draft Community Participation Plan as shown at Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make any minor variations to the draft Community Participation Plan to correct drafting errors prior to the finalisation of the plan.

Attachments

Attachment A. Draft Community Participation Plan

Attachment B. Summary of and Responses to Matters Raised in Submissions

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, planning agreements and development applications.
2. The legislation requires each council in NSW to prepare a Community Participation Plan, 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 Community Participation Plan was finalised in November 2019, following approval by the Council at its meeting of 18 November 2019.
4. 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

5. 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.
6. 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.
7. Where the consent authority is the Minister for Planning and Public Spaces, the Independent Planning Commission or public authority, the relevant notices and documents will be published on the NSW Planning Portal.
8. Specifically, the amendments to the City's Community Participation Plan respond to amended NSW Government Regulations and 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, and
- (f) Draft and adopted development plans and the amendment of development plans (in relation to paper subdivision).

Changes to distribution of newspapers

9. 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 temporary or permanent 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.
10. No return date has been announced for the printed editions of the Inner West Courier and Southern Courier, and it is unlikely these will return to a print on paper format.
11. The Wentworth Courier recommenced publication on 22 July 2020. This paper focusses on Sydney's eastern suburbs and has a limited distribution within the City's boundaries.
12. There has been 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 also not undertaken circulation audits for many years due to dwindling distribution and readership.
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 to meet the requirements of the Plan given the limited availability of local papers in the council area. It retains a dedicated Local Government section on Tuesdays which has been used for the City's notices. Unlike local newspapers however, it has a cover price, also requires an online subscription to view notices, and therefore has limited reach.
14. Removing 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

15. 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.
16. The draft amendments to the Community Participation Plan are in Attachment A of this report. The City can still use 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.

17. The proposed changes will address a shift towards future digital processes and ensure alignment with the City's Community Engagement Strategy adopted in June 2019.
18. 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.
19. The City also continues to send notices to affected occupiers and property owners.

Outcomes of Public Exhibition

20. The draft amendments to the Community Participation Plan were exhibited for 28 days from 22 July to 19 August 2020.
21. The draft amendments were notified on the City's 'Sydney Your Say' website, and a notice was placed in the Sydney Morning Herald.
22. A total of six submissions were received, five submissions opposed the changes, preferring the current method of placing notices in newspapers. One submission supported the removal of the requirement for newspaper notifications. The submissions are described in Attachment B.

Summary of key issues raised in submissions

Notification method

23. In response to the public exhibition five submissions raised objections to the proposal, preferring the current method of placing planning notices in newspapers.
24. Two of the submissions stated they were subscribers to the Sydney Morning Herald, finding it useful and easier to check the notices regularly in the paper compared to searching for these on the Council's website.
25. There was also concern that notification letters mailed to neighbours about planning matters may not be received.
26. One submission raised concerns that continuing to place notices in newspapers was good for people who were not confident internet users.
27. Another two submissions stated that notification emails be more frequent and that exhibition periods commence on the date of the notification emails.
28. One of those submissions stated that there be an option to subscribe to postcode specific DA notifications on public exhibition.
29. The sixth submission supported the proposed changes, and questioned the benefits of placing notices in newspapers, including the costs involved.

Response to issues

30. Placing notices in the Sydney Morning Herald comes at a financial cost for both the community and the City and has limited reach given the paywall.
31. Currently, individual online subscriptions for the Sydney Morning Herald start at \$3.50 per week, or \$180 a year, alternatively \$160 if you purchase an annual subscription. Without having an online subscription, digital public notices from the City can't be viewed in the Sydney Morning Herald. Alternatively, an individual print of the paper costs \$3.40 and more for the Saturday edition.
32. It is noted that Roy Morgan research from March 2020 found that the average readership across Australia for the Sydney Morning Herald on weekdays is around 370,000, with the Saturday edition having an average readership of around 460,000.
33. With regards to the City's costs of newspaper notifications, in the 2018/19 financial year, the City's Planning Assessment unit spent \$701,734 on advertising development applications in newspapers, despite negotiating costs down. Notifications by the Strategic Planning and Urban Design unit would be on top of this cost. These are funds that could be used more effectively by the City for the community.
34. The City's Community Engagement Strategy 2019 outlines the different ways the City engages with the community, including alternative engagement methods to newspaper notices which are now only likely to reach a small proportion of the community. These methods include holding dedicated public meetings, workshops, consultations and surveys. The City also provides face-to-face customer service at the Town Hall House One Stop Shop and our three neighbourhood service centres (with the exception of the current Covid-19 circumstances).
35. The notification and advertising process for development applications requires letters to be mailed out to properties in the vicinity of the site subject to a development application and site-specific planning proposals. The extent of notification is dependent on the scale or potential environmental impact of the proposal. A site notice is also placed on the primary (and sometimes secondary) frontage of the site of a development application.
36. With the exception of the current Covid-19 circumstances, members of the community usually have the option to view hard copies of development applications and other planning matters by visiting the One Stop Shop at Town Hall House, or their local neighbourhood centre, where customer service staff can print documents and provide assistance. Submissions are generally provided in writing, either by email, or a letter, which can be posted, or hand delivered.
37. Ceasing newspaper notifications is also consistent with the approach being taken by other councils and NSW Government agencies. The City's intent is that our community engagement methods are effective, transparent and accessible to all members of the community. This includes using the City's dedicated 'Sydney Your Say' website. Other engagement methods include the option to subscribe to a weekly newsletter providing details on all development applications and planning matters that are on exhibition and open for public comment, as well as option to subscribe to the City's RSS (Really Simple Syndication) feed for updates on Council meetings, development applications and footway applications on public exhibition at the time they are published on the web.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

38. 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 amendment to the City's Community Participation Plan aligns with the following strategic directions and objectives:
- (a) Direction 10 - Implementation through Effective Governance and Partnerships -
 - (i) Ensures members of the community have the opportunity to participate in shaping their city
 - (ii) Ensures the community has the information, knowledge, skills and access to contribute to decision making; and
 - (iii) 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

39. 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

40. 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.

Financial Implications

41. The proposed public exhibition and notification processes will simplify the current procedures for planning matters, ensuring notification is effective and efficient, requiring fewer staff resources and less budget for notifications in newspapers.

Relevant Legislation

42. Environmental Planning and Assessment Act 1979
43. Environmental Planning and Assessment Regulation 2000

Critical Dates / Time Frames

44. 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.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Inaara Jindani, Cadet Planner