



03 December 2018

Ms Alison Frame
Deputy Secretary, Policy & Strategy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: FP85

Dear Madam,

Draft Community Participation Plan

Thank you for the opportunity to provide comment on the Draft Community Participation Plan.

At its meeting of 27 November 2018, Council considered a report on the Plan and resolved as follows:

1. *A submission be forwarded to the Department of Environment and Planning in response to the exhibition of their draft Community Participation Plan noting that, whilst there is merit to the exhibited objectives, actions and approach, more is needed to facilitate certainty and confidence in the participation process including:*
 - *A minimum 28 day exhibition timeframe be included for State Environmental Planning Policies, consistent with the timeframe applying to council exhibitions, with consideration of an additional 14 day extension where there is a demonstrated need based on Council reporting timeframes.*
 - *Mandatory referral response timeframes be established for government agencies such as the RMS and TfNSW to provide input to plan making functions.*
 - *Studies and assumptions that underlie Government plan making be readily shared as part of the participation process to facilitate greater understanding of proposed changes and enhance community confidence in decision making.*
 - *A consistent approach be established to ensure Councils are informed of public exhibitions and provided with the correct data before commencement of an exhibition to enable update of critical systems that inform the issue of 10.7 certificates and assessment of development applications.*
 - *A consistent approach be established to ensure affected landowners are advised at the commencement of the exhibition period where changes directly affect what they can do*

on their land i.e. amendment is proposed to the existing land use controls applying to their property.

- *Post exhibition updates be provided to submission authors where decisions are not intended to implemented within a reasonable timeframe of the close of exhibition (say 3 months), explaining the reasons for delay and the next steps.*

2. *A copy of the report be included with the submission to provide context.*

Your attention is drawn to the attached Council report that provides more information and examples of where it is considered improvements could be made to the Department's community participation process and practice. The preparation of the Community Participation Plan provides opportunity for the Department to demonstrate greater transparency and accountability with a consistent approach to notification and your considered response to the concerns and suggestions raised is appreciated.

Should you have any enquiries in relation to Council's submission please contact Janelle Atkins, Principal Planner on 9843 0266.

Yours faithfully



Stewart Seale
MANAGER - FORWARD PLANNING

ATTACHMENT

Council report and resolution 27 November 2018.

ITEM-7	EXHIBITION - DEPARTMENT OF PLANNING AND ENVIRONMENT'S COMMUNITY PARTICIPATION PLAN (FP85)
THEME:	Shaping Growth.
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	27 NOVEMBER 2018 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	PRINCIPAL PLANNER JANELLE ATKINS
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a submission be made to the Department of Planning and Environment in response to the exhibition of the Department's Community Participation Plan.

The submission, as recommended, notes the merit of the exhibited objectives, actions and approach, however suggests that more is needed to facilitate certainty and confidence in the participation process including:

- A minimum 28 day exhibition timeframe for State Environmental Planning Policies consistent with the timeframe applying to council exhibitions;
- Mandatory referral response timeframes be established for government agencies to provide input to plan making functions and the studies and assumptions that underlie such plan making be readily shared;
- Provision of information and data to Councils *prior to* commencement of exhibitions to enable necessary systems to be updated that inform the issue of 10.7 certificates and assessment of development applications;
- Early and targeted notification to landowners where changes directly affect what they can do on their land; and
- Post exhibition updates where decisions are not implemented within a reasonable timeframe, explaining the reasons for delay and the next steps.

The submission is recommended in order to improve engagement with Council as a key stakeholder with knowledge and understanding of issues representative of the local community. The preparation of the Community Participation Plan provides opportunity for the Department to demonstrate greater transparency and accountability with a consistent approach to notification.

Council's experience with the Department's participation process to date highlights a number of areas where improvements could be made. Issues outlined in the report that warrant further thought in the Department's Community Participation Plan include insufficient notification timeframes for State policy changes, insufficient information to properly consider implications, inadequate notification to Shire residents and sometimes limited post exhibition advice about how submissions have been considered.

Of particular concern is the process for preparation of State Environmental Planning Policies (SEPPs) and other State legislative changes that have potential for significant impact at the local level, and in some cases directly impact local landowners. The draft Community Participation Plan proposes discretionary timeframes for the exhibition of SEPPs based on the urgency, scale and nature of the proposal. One example is the November 2017 exhibition of changes to the rules for Site Compatibility Certificates for senior's housing which was notified for just 14 days. Such an approach leaves concerning latitude for insufficient notification where decisions are made at State level without reference to the community it affects. State policies should, at a minimum, be subject to the same requirements for participation as local plans and ensure that the timeframe recognises Council reporting timeframes.

A second key concern is the availability of sufficient information. This is necessary for Council's function as a provider of planning information and in properly having regard to any draft planning instrument when assessing applications. It is also important that supporting studies and assumptions by government agencies are provided in a timely manner as part of the participation process to enable better understanding and full participation by the community. Should this not occur there is likely to be continued and ongoing setbacks to the planning process as has been experienced for the rail precincts over recent years.

In relation to the need for better post exhibition advice a recent example is the Low Rise Medium Density Housing Code that the Department sought to implement more than 18 months after it was exhibited without further consultation as to how it would impact current planning framework. In other cases where change is sought urgently, such as maximum density bands for growth centres, the implementation of exhibited changes are frustratingly and unnecessarily delayed without clear justification. Given the time and resources spent reviewing and responding to State level exhibitions, more advice is needed within a reasonable timeframe on how matters are considered and next steps.

BACKGROUND

Following on from ongoing review of the planning system that commenced in July 2011, amendments to the *Environmental Planning & Assessment Act 1979* (EP&A Act) came into force on Thursday 1 March 2018. Key changes to the Act were briefed to Council and include restructuring and renumbering to a decimal system, new community participation requirements, new strategic planning requirements and approvals and enforcement reforms.

A key component of the planning reforms has been an increased focus on community participation in environmental planning and assessment. The Department of Planning and Environment's draft Community Participation Plan is on exhibition until 6 December 2018 with the Department seeking feedback on how they can improve the draft plan and enhance community participation in the planning system.

REPORT

The purpose of this report is to review the draft Community Participation Plan and provide recommendations for a submission to the Department of Planning and Environment.

1. MANDATORY REQUIREMENTS

Part 2 of the Act sets out mandatory community participation requirements that apply to planning authorities including the Minister for Planning, the Planning Secretary, the Greater Sydney Commission, the Independent Planning Commission, Sydney district planning panels, local planning panels and councils. The requirements relate to:

- Minimum public exhibition periods for certain plans and development applications;
- Public notification of certain decisions and reasons for decisions; and
- Preparation of Community Participation Plans.

All relevant planning authorities are required to prepare a Community Participation Plan (CPP) that sets out when and how they will engage with their communities across all the planning functions they perform. The relevant planning functions include:

- Planning instruments (such as district strategic plans, local strategic planning statements, local environmental plans and development control plans);
- Development consents;
- Environmental impact assessment (where an environmental impact statement is required);
- State significant infrastructure approvals; and
- Contributions Plans.

When preparing a Community Participation Plan, a planning authority must have regard to a number of principles which set the standard for how the community should be engaged. These relate to matters such as the community's right to be informed, use of plain language, early engagement, inclusiveness and open and transparent planning decisions.

All NSW planning authorities, including Council, are required to have their Community Participation Plan in place by 1 December 2019. The Department has indicated that further consultation will be carried on the design and implementation of the plans. In light of the forgoing it is anticipated that Council's own Community Participation Plan will be prepared and considered by Council for exhibition mid-2019.

The Department's Frequently Asked Questions is included as Attachment 1 to this report and sets out more information on the legislative context for preparation of CPPs.

2. EXHIBITED COMMUNITY PARTICIPATION PLAN

The draft Community Participation Plan now on exhibition, applies to the exercise of planning functions by the Minister for Planning, the Planning Secretary and the Department itself.

Under the Plan 'the community' includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government and State and Commonwealth government agencies. The draft Community Participation Plan sets out the Department's community participation objectives, their approach to community participation and the role of exhibitions.

A copy of the draft plan is included as Attachment 2 and a summary is provided below:

Community Participation objectives

The Plan sets out five objectives for community participation that have regard to the principles contained in the Act. These objectives are for participation that is: - open and

inclusive, easy, relevant, timely and meaningful. Actions are provided against each objective together with examples of the current practice.

Some of the actions of relevance to Council's experience with the Department's engagement activities include: - keeping the community informed, building strong partnerships, tailoring engagement to suit the context, scale and nature of the proposal and its impacts, ensuring reasonable time to provide input and giving genuine and proper consideration to community input.

Approach to community participation

Three levels of participation are identified and are indicated as being tailored to all planning functions undertaken by the Department. These include a first level of informing the community during the scoping of a proposal, a second level of consulting when a draft is ready for exhibition and a third level of engaging with targeted activities when key issues and concerns are identified.

Once a determination is made the stated approach is to notify the community of the decision and how views were considered. The approach is designed so that even where there may not be consensus on the decision or outcomes, there can be acknowledgement the process was fair with genuine and proper consideration given to community views and concerns.

The role of exhibitions

This section of the draft plan sets out the role of exhibitions, how the community can get involved and how decisions are reached by balancing a range of factors including the objects of the Act, strategic priorities of Government, community input and land use priorities identified in strategic plans. It is noted that exhibition timeframes vary in length with some prescribed in legislation and others at their discretion. The table on non-mandatory timeframes is provided below:

Table 6: Non-mandatory exhibition timeframes	
Draft Legislation, regulation, policies and guidelines	28 days based on the urgency, scale and nature of the proposal
Application for modification of development consent that is required to be publicly exhibited by the regulations	up to 14 days based on scale and nature of the proposal
Plans for urban renewal areas	Commonly six weeks
State Environmental Planning Policies (SEPPs)	Discretionary based on the urgency, scale and nature of the proposal
Re-exhibition of any amended application or matter referred to above	Discretionary based on the urgency, scale and nature of the proposal

The Department's objectives, actions and approach for community participation as set out in the draft plan have merit and are consistent with best practice. However, consistent application is needed on an ongoing basis to facilitate certainty and confidence in the participation process. One of the key concerns is the lack of a minimum timeframe for exhibition of State policies, and further comments on this aspect of the draft plan are provided below.

3. KEY ISSUES FOR THE HILLS SHIRE

In responding to planning reforms over recent years, Council has been supportive in principle of the requirement to prepare Community Participation Plans and engaging the community as early and as broadly as possible in the plan making process. The preparation of Council's Local Strategy and Standard Instrument Local Environmental Plan was assisted

by stakeholder engagement and provided a good understanding of planning issues important to the community. A similar process will be followed for the Local Strategic Planning Statement and new Local Environmental Plan.

Noting the foregoing, the preparation and early exhibition of the Department's Community Participation Plan is commended as it provides the opportunity to commence the dialogue on the detail of how and when the community are engaged at the State level, thereby informing and assisting the preparation of Council's own Community Participation Plan next year.

Council responds to many proposed State policy changes and as such is well placed to provide input to the detail and process of community participation by the Department of Planning and Environment. In the last three years Council has considered reports and made submissions on a number of State policy matters including:

- February 2016 and December 2016 - Low Rise Medium Density Housing Code;
- February 2016 - Precinct Plans Showground, Bella Vista and Kellyville Station Precincts;
- March 2017 - Update of the Environmental Planning and Assessment Act;
- March 2017 - Draft SEPP for Educational Establishments and Child Care Facilities;
- July 2017 - North West Growth Area: Land Use and Infrastructure Plan;
- December 2017 - New rules for Site Compatibility Certificates Seniors Housing SEPP; and
- October 2018 – Western Sydney Aerotropolis: Land Use and Infrastructure Plan.

In addition to exhibitions considered by Council there have been a number of additional exhibitions where submissions have been made at staff level where there has been insufficient information or timeframe for preparation of a report to Council or matters are more minor in nature. A list of Department of Environment and Planning exhibitions considered across the last 3 years is included in Attachment 3.

Council's experience with the Department's participation process to date highlights a number of areas where improvements could be made. Concerns that often arise include insufficient notification timeframes for State policy changes, insufficient information to properly consider implications and inadequate notification to Shire residents where directly affected. Additionally where submissions are made there is often limited advice about how the submission was considered and the Department's next steps. Comments relating to these matters are set out below.

a. Insufficient notification timeframes for State policy changes

For many exhibitions of State policy changes the Department's exhibition timeframe is inadequate and does not recognise the lead times for information review and report preparation to enable consideration at an ordinary meeting of Council.

One example is the November 2017 exhibition of an Explanation of Intended Effect regarding new rules for Site Compatibility Certificates under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Even though the Hills Shire is one of the local government areas most significantly impacted by permissibility of seniors housing at the urban-rural interface and Council had previously raised many concerns regarding this issue, only a 14 day exhibition period was provided. This timeframe was insufficient for consideration by Council and staff requests for an extension of time were not granted by the Department. This meant that a draft submission had to be provided and final Council endorsed position provided after the closure of the exhibition period.

One of the main focus areas of planning reforms has been greater efficiencies and reduction of red tape in the planning system. Creating a situation where two submissions are required is counterproductive and contrary to these objectives. Furthermore, one of the intended benefits of independent hearing and assessment panels as stated by the Department, was to elevate the role of Council to focus on strategic planning that delivers on the community's goals and priorities. In order for Council to be able to best consider the implications for the community of new or amended state policies, realistic timeframes are critical.

Council is subject to a mandatory public exhibition period of 28 days for draft local strategic planning statements, planning proposals (unless less is specified in the Gateway Determination), draft development control plans and draft contribution plans. A similar time frame for State policies would be reasonable and would build greater transparency into decision making, thereby increasing community confidence in the integrity of the planning system.

Recommendation:

- A minimum 28 day exhibition timeframe be included for State Environmental Planning Policies, consistent with the timeframe applying to council exhibitions, with consideration of an additional 14 day extension where there is a demonstrated need based on Council reporting timeframes.

b. Insufficient information to properly consider implications

In a number of cases insufficient information is provided to consider the implications of legislative changes for Council and its stakeholders. Communities are not able to participate fully if relevant information is not shared or is inordinately delayed. A key example is the unavailability of detailed traffic modelling with the exhibition of precinct plans for Showground, Bella Vista and Kellyville stations precincts. In this situation, Transport for NSW has developed a traffic/transport model for the entire rail corridor, however has been unwilling to share the underlying data and assumptions which would assist Council with its responsibility to deliver local infrastructure to accommodate the future growth around the new stations.

Mandatory referral response timeframes for government agencies would assist both Councils and the Department of Planning and Environment to better deliver on their planning functions and go some way to addressing inordinate and debilitating delays in the system. Likewise a process that requires the sharing of supporting studies and assumptions, such as the detailed traffic modelling, will assist understanding of the level of growth that is able to be supported and enhance community confidence that decisions are based on sound data.

A further example of insufficient information is the exhibition of the complex Biodiversity Conservation and Land Management reforms in mid-2017. Apart from the timeframe not allowing the consideration of a report on the matter by Council and denial of an extension of time, the extent of changes was significant. Understanding of the proposed reforms would have been better facilitated by early briefing of Council staff and consultation with holders of biodiversity credits.

Similarly, when a range of draft amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 were exhibited in September this year Council was not informed or provided with any mapping data prior to the commencement of the exhibition period. The draft amendments were primarily housekeeping matters affecting precincts across the North West Growth Area, including additional SP2 Infrastructure land along Terry Road and Mason Road within the Box Hill Precinct to accommodate intersections and road widening.

The late supply of relevant data resulted in Council being unable to accurately identify which properties were affected and meant that all Section 10.7 certificates (formerly s149 certificates) in the Box Hill and North Kellyville release areas needed to be suspended until the data was received. Further, several certificates needed to be re-issued to affected customers. Even when Council requested that the Department provide the data, it contained several errors. It is imperative that Council be informed of public exhibitions, prior to commencement, and be provided the correct data as early as possible to enable Council to update its systems and properly carry out its necessary functions.

Recommendation:

- Mandatory referral response timeframes be established for government agencies such as the RMS and TfNSW to provide input to plan making functions.
- Studies and assumptions that underlie Government plan making be readily shared as part of the participation process to facilitate greater understanding of proposed changes and enhance community confidence in decision making.
- A consistent approach be established to ensure Councils are informed of public exhibitions and provided with the correct data *before* commencement of an exhibition to enable update of critical systems that inform the issue of 10.7 certificates and assessment of development applications.

c. Inadequate notification to Shire residents where directly affected

The aforementioned changes to the Growth Centres SEPP were not initially notified to directly affected land owners. The Department sent Council a request for land owner information some days after this exhibition commenced meaning that these landowners would have received notification well into the exhibition period.

Overall, there does not appear to be a consistent approach to the notification of land owners for State exhibitions and more could be done to ensure those directly affected are properly engaged. A second example is the exhibition of the Draft Coastal Management State Policy in late 2016. The Hills Shire has not until recently been subject to State policies for the management of land within the coastal zone. The exhibition of the Draft State Policy essentially established a new land use planning framework for the management of the Shire's river foreshore and wetland areas. Despite the SEPP applying to land in the vicinity of the Hawkesbury River and nearby creeks, and wetland areas within the rural areas of the Shire, affected landowners were not directly consulted by the Department on the proposed changes.

Recommendation:

- A consistent approach be established to ensure affected landowners are advised at the commencement of the exhibition period where changes directly affect what they can do on their land, that is, amendment is proposed to the existing land use controls applying to their property.

d. Inadequate demonstration of submission consideration

The proposed Community Participation Plan approach to notify the community of the decision and how views were considered is supported, recognising that there are a range of matters to be considered and a full consensus of views is unlikely. A good example of this is the Finalisation Report for the Priority Precincts which has proved helpful in understanding the final plans that were gazetted for Showground, Bella Vista and Kellyville Precincts.

Notwithstanding the foregoing, there is often inadequate advice provided as to how Council's submissions have been considered or the timing of implementation. One example is the exhibition of changes to the density bands for growth centres precincts in May 2017 which have not yet been implemented despite repeated requests from Council to assist in managing residential growth beyond that envisaged in the North Kellyville and Box Hill Precincts.

A second example is the unexpected implementation of the Low Rise Medium Density Housing Code in July 2018, more than 18 months after its exhibition in 2016. Concerns were raised regarding the density of development and infrastructure capacity as well as the need for holistic consideration as part of Council's Housing Strategy within the context of other residential growth being experienced in the Shire. A request for deferral was made by this Council and others, which has been granted until July 2019.

The time and resources spent reviewing and responding to State level exhibitions warrant clear explanation of how comments have been considered, any changes that have been made to draft legislation as a result and the reasons why some suggestions are not taken on board or are significantly delayed.

Recommendation:

- Post exhibition updates be provided to submission authors where decisions are not intended to be implemented within a reasonable timeframe of exhibition (say 3 months), explaining the reasons for delay and the next steps.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Strategic Plan - Hills Future

The recommendations contained in this report provide a number of suggestions to improve community participation by the Department of Planning and Environment on planning matters. These suggestions seek to improve engagement with Council as a key stakeholder with knowledge and understanding of issues representative of the local community. The formulation of a submission is consistent with proactive leadership where our customers are valued and engaged based on transparency and accountability.

RECOMMENDATION

1. A submission be forwarded to the Department of Environment and Planning in response to the exhibition of their draft Community Participation Plan noting that, whilst there is merit to the exhibited objectives, actions and approach, more is needed to facilitate certainty and confidence in the participation process including:
 - A minimum 28 day exhibition timeframe be included for State Environmental Planning Policies, consistent with the timeframe applying to council exhibitions, with consideration of an additional 14 day extension where there is a demonstrated need based on Council reporting timeframes.
 - Mandatory referral response timeframes be established for government agencies such as the RMS and TfNSW to provide input to plan making functions.

- Studies and assumptions that underlie Government plan making be readily shared as part of the participation process to facilitate greater understanding of proposed changes and enhance community confidence in decision making.
 - A consistent approach be established to ensure Councils are informed of public exhibitions and provided with the correct data *before* commencement of an exhibition to enable update of critical systems that inform the issue of 10.7 certificates and assessment of development applications.
 - A consistent approach be established to ensure affected landowners are advised at the commencement of the exhibition period where changes directly affect what they can do on their land i.e. amendment is proposed to the existing land use controls applying to their property.
 - Post exhibition updates be provided to submission authors where decisions are not intended to implemented within a reasonable timeframe of the close of exhibition (say 3 months), explaining the reasons for delay and the next steps.
2. A copy of the report be included with the submission to provide context.

ATTACHMENTS

1. FAQs Community Participation Plan (4 pages)
2. Draft Department of Planning & Environment Community Participation Plan (16 pages)
3. List of Department of Planning & Environment Exhibitions considered in last 3 years (3 pages)

FAQs – Community Participation Plan

ATTACHMENT 1

October 2018

This table of frequently asked questions on Community Participation Plans (CPPs) has been composed in response to questions put to the Department of Planning and Environment (the Department). This document will be updated as new questions arise.

No.	Question	Answer
1	What is a CPP?	A CPP is a document that sets out how and when planning authorities will engage with their communities across all of the planning functions they perform. This includes the minimum public exhibition timeframes that are provided in Schedule 1 to the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act). The requirement for a CPP is set out in Division 2.6 of the EP&A Act.
2	Who needs to prepare a CPP?	<p>A CPP needs to be prepared by all relevant planning authorities, including the Minister for Planning, the Planning Secretary, the Department of Planning and Environment, the Greater Sydney Commission, the Independent Planning Commission, councils and any Part 5 determining authorities that are required to prepare an environmental impact statement (EIS).</p> <p>A council's CPP is to include any community participation activities undertaken on behalf of Sydney district panels, regional planning panels and local planning panels.</p> <p>Note: For many public authorities, except for councils, the need to prepare a CPP that would be triggered where they prepare an EIS under part 5 is removed by the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SRD SEPP).</p> <p>The SEPP declares that this infrastructure or other development is State Significant Infrastructure, which means the approvals process is conducted by the Department, and as such is subject to the Department's CPP.</p>
3	What planning functions must be covered in the CPP?	<p>The EP&A Act requires all planning authorities to identify their planning functions and detail how and when they will undertake community participation on each function. The Act specifies the following function for inclusion in CPPs:</p> <ul style="list-style-type: none"> – Planning instruments under Part 3 of the EP&A Act, this includes plan making functions such as community participation plans, district strategic plans, local strategic planning statements, local environment plans and development control plans – Development consent under Part 4 of the EP&A Act, including applications for development consent, applications for State significant development, applications for State significant infrastructure, applications for modifications to development consents. – Contributions plans under Part 7 of the EP&A Act. <p>While the EP&A Act identifies the above planning functions that must be included in the CPP, there are also a range of functions undertaken by</p>



FAQs – Community Participation Plan

October 2018

No.	Question	Answer
		<p>planning authorities that benefit from community participation and may be included. These may include but are not limited to:</p> <ul style="list-style-type: none"> – policies – guidelines – practice notes
4	What are the Community Participation Principles?	<p>When developing their CPP planning authorities are to have regard to a set of community participation principles which are provided in Section 2.23(2) of the EP&A Act. The principles are as follows:</p> <ul style="list-style-type: none"> a) The community has a right to be informed about planning matters that affect it. b) Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning. c) Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning. d) The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered. e) Community participation should be inclusive and planning authorities should actively seek views that are representative of the community. f) 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. g) 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). h) 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.
5	What is the Department's role in the roll out of CPPs?	<p>In addition to the development of our own CPP, the Department will be assisting councils and other planning authorities in the development of their CPPs before the deadline of December 2019. The Department will be doing this through the development of a guideline and an online toolkit.</p>

FAQs – Community Participation Plan

October 2018

No.	Question	Answer
6	How is the CPP different from what councils are already doing with Community Engagement Strategies (CES)?	<p>A CES is prescribed under the <i>Local Government Act 1993</i> and involves the use of social justice principles in planning community engagement. A CES is a broad community participation strategy that covers how a council will engage with their community across all functions (not just planning functions).</p> <p>A CPP is prescribed under the EP&A Act and relates specifically to how and when the community can participate in planning functions. A council may include the community participation requirements of the EP&A Act within their CES.</p> <p>To avoid duplication councils do not need to prepare a separate CPP if the plans and strategies that it prepared under Section 402 of the <i>Local Government Act 1993</i>, including the Community Engagement Strategy (CES), satisfy the CPP requirements. If an existing CES is used to satisfy the CPP requirements it may need to be updated. It will still need to be exhibited for 28 days and published on the planning portal.</p> <p>More information on this matter will be provided in the guidance material and online toolkit. The Department will work with councils across NSW to assist them in complying with their obligations under the EP&A Act.</p>
7	How will the Department monitor and evaluate their CPP?	The Department has developed a set of objectives that have regard to the community participation principles. These objectives are supported by a list of actions that will guide and measure the success of our community participation activities and over time improve community participation in the planning system.
8	How can the community get involved in the CPP?	<p>You can get involved in the development of the Department's CPP by:</p> <ul style="list-style-type: none"> – Visiting the 'Have Your Say' webpage. This webpage provides information and enables you to make a formal submission on the CPP. <p>Submissions close on 6 December 2018.</p> <ul style="list-style-type: none"> – Visiting the CPP exhibition page where you can provide feedback through an online survey. – Emailing the team at legislativeupdates@planning.nsw.gov.au – Calling the hotline on 1300 305 695 and asking to speak to a CPP project team member.

FAQs – Community Participation Plan

October 2018

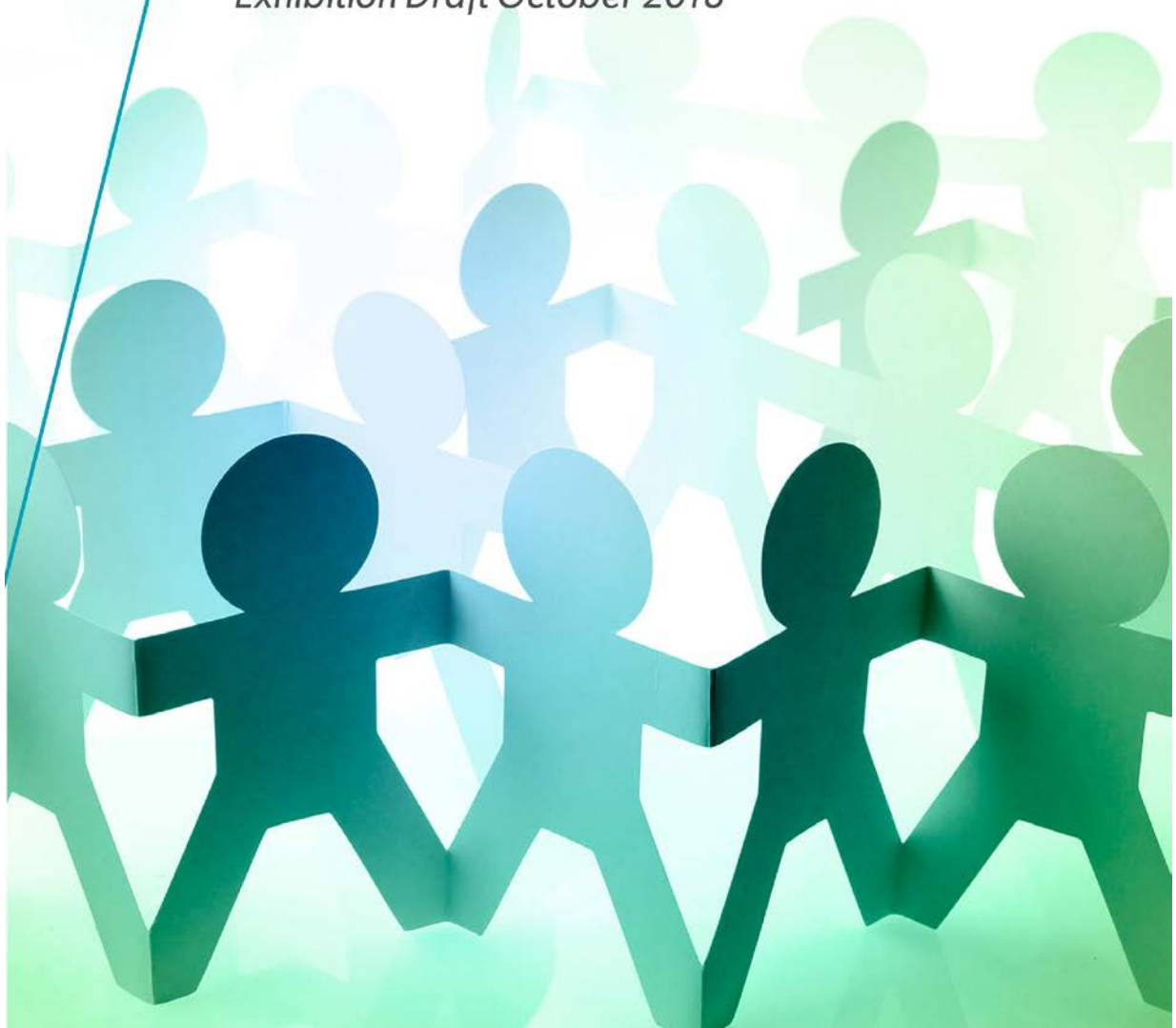
No.	Question	Answer
		<ul style="list-style-type: none">- Visiting any Service NSW centre. Staff will help you access public exhibition documents. Service NSW staff will also answer any questions that you have or connect you to appropriate officer who can.



ATTACHMENT 2

Community Participation Plan

*The Department of Planning and Environment
Exhibition Draft October 2018*





October 2018

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Acknowledgment of Country

The Department of Planning and Environment wishes to acknowledge Aboriginal people as the traditional custodians of this land. Through thoughtful and collaborative planning, we seek to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Secretary's message



Carolyn McNally
Secretary
Department of Planning
and Environment

The Department of Planning and Environment is committed to creating great places to live, work and play for communities across New South Wales.

A driving principle behind this commitment is the understanding that the best planning outcomes are reached when communities are engaged in the planning process at the earliest possible opportunity.

Our draft Community Participation Plan sets out our approach for encouraging community participation and engagement with us as a lead planning authority in NSW. It outlines how we will ensure that communities are given opportunities to have their say on planning assessments, plan making, policies or changes to regulatory frameworks.

In short, it is designed to be an easy-to-use guide for community members to know when and how they can raise their voice on planning decisions that could affect their future.

Our Community Participation Plan also aims to build upon the Department's priority to engage with communities earlier in the planning process. In 2017-18, more than 7000 community members and stakeholders attended our workshops and public meetings. Our social media outreach also reached more than 7.9 million users and received more than 10,000 survey responses.

With the draft Community Participation Plan now open for comment and feedback from community members, we look forward to hearing your thoughts and suggestions on how we can make further improvements to our plans to increase community participation in the planning system.

Community participation in the planning system

The Department of Planning and Environment (the Department) recognises community participation throughout the planning system is not only your right, it also delivers better planning results for the people of NSW.

Ultimately, our responsibility is to deliver the objectives of the The Environmental Planning and Assessment Act 1979 (EP&A Act) including the promotion of orderly and economic use of land, facilitating ecologically sustainable development and promoting social and economic wellbeing.

Community participation is an overarching term covering how we engage the community in our work under the EP&A Act, including legislative reform, plan making and making decisions on proposed development. The level and extent of community participation will vary depending on the community, the scope of the proposal under consideration and the potential impact of the decision.

The community includes anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies representing a range of interests, businesses, local government, and State and Commonwealth government agencies.

Why is community participation important?

- It builds community confidence in the planning system
- Community participation creates a shared sense of purpose, direction and understanding of the need to manage growth and change, while preserving local character
- It provides access to community knowledge, ideas and expertise

1.1 What is our Community Participation Plan?

Our Community Participation Plan (CPP) is designed to make participation in planning clearer for the NSW community. It does this by setting out in one place how and when you can participate in the planning system,

our functions and different types of proposals. This CPP also establishes our community participation objectives which we use to guide our approach to community engagement.



Table 1: What functions does the Community Participation Plan apply to?

Regulatory frameworks and policies	We develop the legislative, regulatory and policy instruments that shape the planning system. This includes making new or amending legislation and regulations, State Environmental Planning Policies (SEPPs), policy discussion and options papers, codes, guidelines and practice notes.
Plan making	Strategic planning is an essential aspect of our work where we set the strategic direction, vision and context for the planning system in NSW. It involves planning for communities which integrates social, environmental and economic factors with the area's special attributes and their future realisation within the planning system. Examples of this work include amendments to or the creation of regional strategic plans, planning proposals for local environmental plans subject to a gateway determination, standard instrument orders, development control plans, contribution plans and plans for urban renewal areas.
Assessments	<p>The Minister for Planning, the Planning Secretary and some officers of the Department all make planning decisions on a range of developments. When making decisions on these developments, consideration is given to whether land use proposals are in accordance with the strategic priorities of the NSW Government, public interest and applicable policies and guidelines.</p> <p>Proposals assessed may be residential developments, port facilities, mining developments, energy generating facilities, transport and social infrastructure projects. In these proposals the planning phase is just one aspect of the overall lifecycle and at other phases engagement may be undertaken by either proponents or other NSW Government agencies. In some instances, we require ongoing engagement as a condition of approval.</p>

1.2 Who does this Community Participation Plan apply to?

Our CPP is a requirement of the EP&A Act (see division 2.6 and Schedule 1 of the EP&A Act) and applies to the exercise of planning functions by the Minister for Planning (and their delegates and nominees), as well as the Secretary when exercising consent authority functions on behalf of the Independent Planning Commission under section 4.6 of the EP&A Act as well as the planning functions undertaken by us. Our CPP will be reviewed on a periodic basis.

Our CPP does not apply to other NSW planning authorities, such as local councils, the Greater Sydney Commission or the Independent Planning Commission. All other NSW planning authorities will prepare a CPP as per the requirements of the EP&A Act.



How the community can participate in the planning system

2.1 Our community participation objectives

The table below illustrates the type of actions we will undertake to deliver our community participation objectives and provides some descriptions of our current practice.

These objectives have been developed having regard to the community participation principles set out in Section 2.23(2) of the EP&A Act.

These objectives will be supported by measurable actions that we will use to:

- develop community participation programs
- embed best practice community participation within the Department
- evaluate the effectiveness of our community participation.

Table 2: Community participation objectives

Objectives	Actions	Examples
Community participation is open and inclusive	<ul style="list-style-type: none"> • Encourage community participation by: <ul style="list-style-type: none"> - keeping the community informed - promoting participation opportunities - seeking community input • Build strong partnerships with the community • Ensure community engagement accurately captures the relevant views of the community • Conduct community engagement opportunities in a safe environment 	<ul style="list-style-type: none"> • We engage resident groups to build community partnerships. Through these forums we can unpack what the community is worried about, what it wants a project to achieve and how it might be able to satisfy its wider needs • Planning teams have a presence at community events such as the Easter and Home Shows and Bankstown Bites and takes proposals on statewide roadshows • We facilitate a more formal planning education program, targeted at industry groups that the community can access
Community participation is easy	<ul style="list-style-type: none"> • Clearly set out the purpose of any engagement and how and when the community can participate in respect of a planning function • Prepare information for the community that is relevant, concise, written in plain English and easy to understand • Use visual representations to it make it easier to understand the possible impacts of a proposal • Use best practice engagement methods and techniques • Ensure information is accessible and seek input from groups who may find it difficult to participate in standard engagement activities (e.g. young and older people; people with disabilities; Aboriginal and Torres Strait Islander people; people from a culturally and linguistically diverse background) 	<ul style="list-style-type: none"> • Community participation opportunities are advertised through channels including email, social media, press releases, advertisements, editorial features and our website • We have interpreters attend community events and our plans, print, social media and digital material is often translated into languages reflecting the relevant communities • We use a range of technology such as 3D models, virtual reality and interactive maps to make it easier to visualise how a plan or project will look and what it will mean for a local community. These tools are particularly effective at engaging younger audiences

Table 2: Community participation objectives (cont.)

Objectives	Actions	Examples
Community participation is relevant	<ul style="list-style-type: none"> Clearly establish the purpose for engagement and tailor engagement activities to match the: <ul style="list-style-type: none"> context (e.g. location; type of application; stage of the assessment process; previous engagement undertaken) scale and nature of the proposal and its impacts level of community interest community's preferences about how they would like to participate Adjust engagement activities (if necessary) in response to community input 	<ul style="list-style-type: none"> We target information campaigns and surveys to specific audiences using paid and editorial media as well as organic and paid social media We use short surveys optimised for mobile phones as well as in depth surveys to capture views of different communities Based on community feedback we undertake additional engagement to further understand issues raised during initial consultations Consultation outcomes have helped us better understand what is important to the NSW community and led to the development of new policy initiatives
Community participation is timely	<ul style="list-style-type: none"> Start community engagement as early as possible, and continue this engagement for an appropriate period Ensure the community has reasonable time to provide input 	<ul style="list-style-type: none"> We use symposiums and lecture series to stimulate thought and provoke conversations about policy projects before the objectives are set We require proponents for major projects to conduct pre-proposal and ongoing community engagement Project updates and community participation opportunities are shared with community members that sign up at an event or on our website
Community participation is meaningful	<ul style="list-style-type: none"> Explain how community input was taken into consideration, and ensure the response to community input is relevant and proportionate Give genuine and proper consideration to community input Keep accurate records of engagement activities and community input Regularly review the effectiveness of community engagement Integrate community input into the evaluation process Comply with any statutory obligations Protect privacy and respect confidentiality 	<ul style="list-style-type: none"> Our planning teams regularly engage with community groups to ensure that feedback has been understood Provisions of our plans or the proposed development may change in response to community feedback. A building height may be amended, or a project could take an altogether different approach We undertake an annual survey and seek feedback from attendees at community sessions Consultation reports are distributed to community members who participated in the process or signed up for updates as well as other channels such as our website, social and mainstream media

2.2 Our approach to community participation

In line with our community participation objective, we encourage open, inclusive, easy, relevant, timely and meaningful opportunities for community participation in the planning system, our planning functions and individual proposals. To achieve this, we design our engagement approach so that even where there may not be community wide consensus on the decision or outcomes, there can be

acknowledgment that the process was fair with proper and genuine consideration given to community views and concerns.

To achieve the benefits of community participation in the planning system, we will tailor the following community participation approaches for all our planning functions:

Table 3: Community participation approach

What	When	How
Level 1: Inform		
We notify the community of proposals, provide accurate and relevant information on the context of the proposal and update information as proposals progress through the planning system	During the early scoping of a proposal we inform you of the intent and seek feedback to shape the project's design. We then update you on the progress of a proposal as it makes its way through the planning system	Media releases, letter mailouts, our website, project websites, social media announcements, emails, newsletters, Service NSW website, project videos, public notices and advertisements, information sessions, technical reports and discussion papers, lectures
Level 2: Consult		
We consult with the community and invite them to provide their views and concerns on a proposal	Once a proposal is designed we release a draft on exhibition to seek your views and concerns. We welcome feedback as a submission in a formal exhibition, or at any other time	Public exhibition, online participation forum, symposium, digital feedback maps, open days, drop in sessions, walking tours, one-on-one engagement with project planners via the phone, email or letter
Level 3: Engage		
We respond to the community's views by conducting targeted engagement to seek specific input reflecting the scale, nature and likely impact of the proposal	Through submissions and feedback, we identify your key issues and concerns and conduct targeted engagement activities to find solutions to determine the way forward	Public meetings and hearings, shopfronts near key sites, community reference groups, people's panels, feedback sessions, workshops and engagement with councils, NSW government agencies expert advisors
Determination		
We notify the community of decisions on proposals and detail how their views were considered in reaching the decision	In reaching a decision we consider your views and concerns, notify you of the reasons for the decision and how community views were considered	Updates to websites, publication of submissions reports, exhibition reports, notice of decisions

It is important to note that the planning process is only one part of an overall project lifecycle in which you can participate. Outside of this standard process, in some circumstances we also undertake post-determination, compliance and enforcement activities to ensure that planning laws and decisions are implemented correctly.

Safety

To achieve the best planning results, we must ensure everyone can participate in a safe and open manner. All community members, stakeholders and our staff have the right to participate in a respectful environment and behave in a manner that supports everyone's right to present their point of view.



Response

We will provide the community with feedback on how we are responding to its input as part of our engagement activities. We will provide reports on the community's feedback to demonstrate how we have given genuine and proper consideration to their input. These reports summarise the input and describe how community views were considered in reaching a determination. Depending on the timing of a decision, these reports may be published prior, at the time of or following the making of a decision.



The role of exhibitions in the planning system

Opportunities to participate in the planning system will respond to the nature, scale and likely impact of the proposal or project being considered or assessed. A regular and valuable

way for the communities to participate in the planning system is by making a submission on a proposal during an exhibition. You can also provide us with feedback at any time.

3.1 Exhibitions

A key technique we use to encourage community participation is formal exhibitions. During an exhibition we make available relevant documents that may include a draft of the policy, plan or proposed development that we are seeking community input on. In conducting an exhibition, we receive submissions in accordance with our Submissions Guideline and we adhere to our Privacy Policy and defamation and discrimination laws.

In reaching decisions on proposals that have been exhibited, the Minister for Planning, the Planning Secretary, or the Department balance a wide range of factors to ensure that decisions are in the public interest. This includes considering the objects of the EP&A Act, the strategic priorities of the Government, the community's input, the land use priorities identified in strategic plans and applicable policies and guidelines.

How can you get involved in a public exhibition?

- Make a formal submission on an exhibition by going online to our Have Your Say webpage, or by writing to the Minister for Planning, the Planning Secretary or the Department
- Visit any Service NSW centre and staff will help you access public exhibition documents. Service NSW staff will also answer any questions that you have or connect you to an appropriate departmental officer who can help you
- Connect directly with Department staff working on a proposal, policy, plan or project. Contact details are typically available on our exhibition website
- Please note that exhibition timeframes vary in length. Some timeframes are prescribed in legislation and others are at our discretion. Details of typical and minimum mandatory and typical timeframes are provided in section 3.2



3.2 Exhibition timeframes

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the CPP and Schedule 1 sets a minimum exhibition timeframe for most of these proposals. We will always exhibit a proposal for this minimum timeframe and will consider

an extended timeframe for exhibition based on the scale and nature of the proposal. The only requirements in this plan that are mandatory are those set out in the table below and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act:

Table 4: Plan making mandatory exhibition timeframes

Draft community participation plan	28 days
Draft regional strategic plans	45 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or as specified by the gateway determination which may find, due to the minor nature of the proposal, that no public exhibition is required
Draft development control plans	28 days
Draft contribution plans (including growth centres and planned precincts)	28 days

Table 5: Development assessment mandatory exhibition timeframes

Application for development consent (other than for complying development certificate, for designated development or for State significant development)	14 days
Application for development consent for designated development	28 days
Application for development consent for State significant development	28 days
Environmental impact statement obtained under Division 5.1	28 days
Environmental impact statement for State significant infrastructure under Division 5.2	28 days

Key points to note about public exhibitions include the following:

- A public authority is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of the public authority, be contrary to the public interest because of its confidential nature or for any other reason.
- Timeframes are in calendar days and include weekends.
- If the exhibition period is due to close on a weekend or a public holiday we may extend the exhibition to finish on the first available work day.
- The period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.

Several of our functions and proposals do not have minimum exhibition timeframes. As a matter of course in line with our community participation objectives, we typically exhibit documents related to the exercise of these functions and proposals for the timeframes described in the table below:

Table 6: Non-mandatory exhibition timeframes	
Draft Legislation, regulation, policies and guidelines	28 days based on the urgency, scale and nature of the proposal
Application for modification of development consent that is required to be publicly exhibited by the regulations	up to 14 days based on scale and nature of the proposal
Plans for urban renewal areas	Commonly six weeks
State Environmental Planning Policies (SEPPs)	Discretionary based on the urgency, scale and nature of the proposal
Re-exhibition of any amended application or matter referred to above	Discretionary based on the urgency, scale and nature of the proposal

There may be other proposals not subject to the mandatory exhibition timeframes for which we have the option to exhibit for at least 28 days and engage with the community in line with our community participation objectives. Additionally, there may be some occasions

where a government priority or administrative requirement demands immediate action on proposals that prevents the implementation of our usual community participation process.

3.3 Feedback

There are many ways for the community to provide feedback or raise questions outside of formal exhibition and we will always consider and respond to your views and concerns.

Contact us

- Write to us electronically using our contact us page
- Write to us at GPO Box 39, Sydney NSW 2001
- Phone us on 1300 305 695
- Write to the Minister for Planning
- Contact planners responsible for the proposal and their details may be provided on the Major Projects website
- Visit or call a Service NSW service centre. Their number is 13 77 88 and locations are available on their website
- Contact your local Member of Parliament.



Glossary

Planning term	Definition
Contribution plans	A plan developed by councils for the purpose of gaining financial contributions from new development towards the cost of new and upgraded public amenities and/or services required to accommodate the new development
Designated development	Designated Development refers to developments that are high-impact developments (e.g. likely to generate pollution) or are located in or near an environmentally sensitive area (e.g. a coastal wetland)
Development control plans	A plan that provides detailed planning and design guidelines to support the planning controls in a LEP
Gateway determination	A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition
Local environmental plan (LEP)	An environmental planning instrument developed by a local planning authority, generally a council. An LEP sets the planning framework for a Local Government Area
Regional strategic plan	20-year plans that address the community's needs for housing, jobs, infrastructure and a healthy environment for a DPE Region
State Environmental Planning Policy (SEPP)	An environmental planning instrument developed by the Department, that relates to planning matters that are state significant or are applicable across the state
State significant development (SSD)	Some types of development are deemed to have State significance due to the size, economic value or potential impacts that a development may have. Examples of possible SSD include: new educational establishments, hospitals and energy generating facilities
State significant infrastructure (SSI)	SSI includes major transport and services development that have a wider significance and impact than on just the local area. Examples of possible SSI include: rail infrastructure, road infrastructure and water storage and treatment plants
Urban renewal areas, includes:	<ul style="list-style-type: none"> • Growth centres: Land identified in State Environmental Planning Policy (Sydney Region Growth Centres) 2006, earmarked for the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity • Planned precincts: Identified locations across Greater Sydney with good access to existing or planned public transport connections, suitable for rejuvenation with new homes and jobs • State significant precincts: State significant precincts are large areas of predominantly State-owned land, within Greater Sydney, that are identified by the State Government as areas for growth because of their social, economic or environmental characteristics



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**DEPARTMENT OF PLANNING & ENVIRONMENT EXHIBITIONS
CONSIDERED BY COUNCIL IN LAST 3 YEARS**
ATTACHMENT 3

Topic/Item	Exhibition Dates	Council Report	Council Submission
Discussion Paper - Options for Low Rise Medium Density Housing as Complying Development (FP85)	01/12/2015-31/01/2016	09/02/2016	15/02/2016
Proposed Amendments to Growth Centres SEPP - Mt Carmel Road (FP183)	03/12/2015-01/02/2016	23/02/2016	26/02/2016
Priority Precincts Showground, Bella Vista and Kellyville (FP215)	06/12/2015-28/02/2016	23/02/2016	26/02/2016
Draft Medium Density Code and Medium Density Design Guide (Amending Exempt/Complying Codes SEPP) (FP58 & FP85)	12/10/2016-23/12/2016	22/11/2016	15/12/2016
EP & A Act Planning Legislation Updates, Draft Bill (FP85 and FP95)	09/10/2017-10/03/2017	28/02/2017	20/03/2017
Draft SEPP (Educational Establishments and Child Care Facilities) (FP85)	03/02/2017-07/04/2017	14/03/2017	28/03/2017
SEPP (Infrastructure) Review 2007 (FP58 and FP85)	03/02/2017-07/04/2017	28/03/2017	05/04/2017
North West Priority Growth Area: Land use and Infrastructure Implementation Plan (FP142)	15/05/2017-04/07/2017	27/06/2017	03/07/2017
Review of Complying Development in Greenfield Areas (FP 58)	16/05/2017-07/07/2017	27/06/2017	03/07/2017
Options Paper Short Term Holiday Letting in NSW (FP58)	21/07/2017-31/10/2017	10/10/2017	Report received No submission
Review of EP&A Regulation 2000 (FP85)	29/09/2017-24/11/2017	14/11/2017	24/11/2017
Proposed Amendment to the Seniors Housing SEPP, proposed new rules for Site Compatibility Certificates (FP58 and FP231)	10/11/2017-24/11/2017	28/11/2017	01/12/2017
Proposed Amendment to SEPP (State and Regional Development) 2011, Schedule 2 State significant development in the Sydney Metro Northwest Corridor (FP58 and FP50)	08/06/2018-06/07/2018	26/06/2018	03/07/2018
Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Implementation Plan (FP85)	21/08/2018-02/11/2018	09/10/2018	18/10/2018

**DEPARTMENT OF PLANNING & ENVIRONMENT EXHIBITIONS
CONSIDERED AT STAFF LEVEL IN LAST 3 YEARS**

Topic/Item	Exhibition Dates	Council Submission
Proposed changes to minimum lot sizes for semi-detached dwellings in residential areas of the North West and South West Priority Growth Areas (FP183)	30/11/2015-15/02/2016	24/01/2016
Review of SEPP 19 Bushland in Urban Areas (FP85)	20/06/2017-03/07/2017	07/07/2017
State Environmental Planning Policy Review Program (FP58)	20/05/2016-10/05/2016	15/06/2016
North West Priority Growth Area: Draft Land Use Strategy and Explanation of Intended Effect for SEPP Amendments (FP 183) (Prior to public exhibition)	May-16	24/06/2016
Simplified Housing Code (FP58)	14/06/2016-12/08/2016	11/08/2016
Draft Coastal Management SEPP (FP58)	11/11/2016-21/01/2017	28/02/2017
Precinct Planning for Vineyard (Stage 1) (FP85)	12/12/2016 28/02/2017	- 07/03/2017
Draft EP&A (Eplanning) Regulation 2017 (FP85)	Feb-17	27/03/2017
Proposed amendment to SEPP (Exempt & Complying Codes) 2008 for Recycling equipment as exempt development (FP 58 and FP 85)	March 2017- 26/04/2017	26/04/2017
Draft Vegetation SEPP, Draft Biodiversity Conservation and Land Management Reforms (FP58)	10/05/2017-21/06/2017	22/06/2017
Proposed change to Planning Rules for Outdoor Advertising and Signage (SEPP 64) (FP 58)	05/05/2017-30/06/2017	30/06/2017
Proposed amendment to SEPP (ARH) 2009 - Boarding Houses (FP85)	29/03/2018 16/04/2018	- 17/04/2018
Retail in NSW (FP58)	03/04/2018-18/05/2018	15/05/2018
Housekeeping Amendment to SEPP (Exempt and Complying Codes) 2008 (FP58 and FP85)	20/06/2018 18/07/2018	- 18/07/2018

Miscellaneous SEPP amendments - North West Growth Area, SEPP SRGC 2006 (FP58 and FP183)	07/09/2018-28/09/2018	5/10/2018
Proposed Special Infrastructure Contribution for the North West Growth Area (FP183 & FP142)	24/09/2018-02/11/2018	02/11/2018

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 November 2018

- c. Part B Section 5 – Residential Flat Buildings;
- d. Part B Section 6 – Business; and
- e. Part B Section 7 – Industrial.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Mayor Dr M R Byrne
Clr B L Collins OAM
Clr R Jethi
Clr J Jackson
Clr M G Thomas
Clr E M Russo
Clr F P De Masi
Clr A N Haselden
Clr Dr P J Gangemi
Clr A J Hay OAM
Clr S P Uno
Clr R M Tracey

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr R A Preston

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR JETHI AND SECONDED BY COUNCILLOR DE MASI THAT items 7, 8, 11, 12, 13, 15, and 16 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

709 RESOLUTION

Items 7, 8, 11, 12, 13, 15, and 16 be moved by exception and the recommendations contained therein be adopted.

ITEM-7

EXHIBITION - DEPARTMENT OF PLANNING AND ENVIRONMENT'S COMMUNITY PARTICIPATION PLAN (FP85)

710 RESOLUTION

1. A submission be forwarded to the Department of Environment and Planning in response to the exhibition of their draft Community Participation Plan noting that, whilst there is merit to the exhibited objectives, actions and approach, more is needed to facilitate certainty and confidence in the participation process including:
 - A minimum 28 day exhibition timeframe be included for State Environmental Planning Policies, consistent with the timeframe applying to council exhibitions, with

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 November 2018

consideration of an additional 14 day extension where there is a demonstrated need based on Council reporting timeframes.

- Mandatory referral response timeframes be established for government agencies such as the RMS and TfNSW to provide input to plan making functions.
- Studies and assumptions that underlie Government plan making be readily shared as part of the participation process to facilitate greater understanding of proposed changes and enhance community confidence in decision making.
- A consistent approach be established to ensure Councils are informed of public exhibitions and provided with the correct data *before* commencement of an exhibition to enable update of critical systems that inform the issue of 10.7 certificates and assessment of development applications.
- A consistent approach be established to ensure affected landowners are advised at the commencement of the exhibition period where changes directly affect what they can do on their land i.e. amendment is proposed to the existing land use controls applying to their property.
- Post exhibition updates be provided to submission authors where decisions are not intended to implemented within a reasonable timeframe of the close of exhibition (say 3 months), explaining the reasons for delay and the next steps.

2. A copy of the report be included with the submission to provide context.

ITEM-8 **PROPERTY DEALINGS RELATING TO DEVELOPMENT MATTERS**

711 RESOLUTION

1. Council consent to the cancellation of a positive covenant from the title of Lot 11 DP 1238469 (No. 181-191 Boundary Road, Maraylya), and the associated request document/ dealing be authorised for execution under Council seal.
2. Council consent to the cancellation of a restriction from the title of Lot 1 DP 880471 (No. 49 Halcrows Road, Glenorie), and the associated request document/ dealing be authorised for execution under Council seal.
3. Council consent to the release of a 2.5 metre wide easement to drain water from the title of Lot 1 DP 718923 (No. 15-17 Old Northern Road, Baulkham Hills), and the Section 88B instrument associated with the plan of easement creating the new easement called for by Development Consent 19/2015/HB be authorised for execution under Council seal.