

Community Participation Plan (CPP) Submission

The Community Participation Plan Exhibition Draft 2018 is disappointing in terms of explaining how the Department of Planning and Environment (DPE) will give effect to the requirements for participation under the Act. This is especially so in the area of strategic plan preparation.

The bulk of the Draft CPP is presented at a very conceptual level. In our view, the plan also needs to include more practical detail about how DPE expects its high-level objectives will be put into place in a practical way. The draft CPP is very concrete in dealing with exhibition periods but says nothing about how other CPP areas of the planning system are to be handled – this is especially so in the areas of the making of strategic plans or planning proposals by proponents.

To give a clear indication of what will be expected of both the proponent and the community; the proposed Community Participation Plan needs to be applied to some concrete case studies that have faced community groups. In light of these concrete examples, the Draft CPP needs to be expanded to include guidelines for how the CPP requirements of the Act are to be implemented.

Section 2.23 (2) of the Environmental Planning and Assessment Amendment Act 2017 sets out the areas that the planning authority must have regard for when preparing a community participation plan. A number of these areas do not appear to be adequately covered in the proposed Community Participation Plan.

For example, “Plan Making” in page 6 of Draft only refers to requirements by DPE and does not deal with other entities/proponents in relation to the process for engagement required by SEARS or SSP study requirements that deal with the need for community engagement / participation.

The Community Participation plan should set out what is required of proponents when they have obligations to consult so that communities know what they can realistically expect. These requirements need to be set out so that DPE can also assess if the obligations from the SEARs or SSP requirements, for example, have been met.

These are essential if Section 2.23 (2) (c) to (f) are to be implemented in strategic plans especially where the proposals are submitted by a proponent rather than undertaken by DPE.

One of the problems REDWatch has previously encountered relates to Sydney University not complying with DGR requirements to consult the community in the preparation of its University Concept Plan. Details of people listed in their report related to another project as the University had not consulted with the named community groups in the preparation of its plan as required under the DGRs. Written advice from the then DG of DPE, advised that there was no statutory obligation for DPE to check the proponent’s compliance with the DGRs before exhibition.

This concrete example, from a strategic planning / concept plan in REDWatch’s area, illustrates one of the concrete areas that needs to be addressed by the CPP to conform with 2.23 (2)f. While this happened prior to the change in the Act we have been unable to verify if this situation has been rectified or if such a breach of SEARs is still possible. We were told that DPE would put a community

engagement person on the assessment team but the staff who made this undertaking left DPE soon afterwards.

It is our view that the CPP needs to address the everyday community engagement and planning activity of DPE. In this case, the CPP should set the level of consultation the proponent is required to undertake so DPE is able to assess the adequacy of the engagement required. This is the practical side of CPP, both the proponent and the community need to know what needs to happen. We would prefer to see this guidance in the CPP rather than dealt with on a case-by-case basis at a project level in the SEARs. Consistency and transparency in the application of CPP principles will be important.

There are also a number of lessons for the CPP in the current Waterloo Metro and Waterloo Estate SSP processes. How do you get that process open and inclusive, easy, relevant, timely and meaningful to use the objectives on page 8-9 of the draft?

One of the major problems we have encountered is that the proponents (NSW Land and Housing Corporation, Transport for NSW – Sydney Metro and UrbanGrowth NSW Development Corporation) say they are prohibited by DPE from releasing the baseline studies undertaken until they are put on formal exhibition with the final proposal.

The result is that the community is engaged in providing input into the planning process without the access to the basic information they need to inform that input. We are being asked to talk about the future of the community, and its services and facilities, without access to current or expected demographics and any community facility studies. This makes a mockery of the requirement that the proponents consult with the community in the preparation of the SSP plan.

The obligation to consult with the community about the plan is undercut by the proponents' belief that DPE do not want this material be not released until the formal exhibition.

We have heard from some in DPE that this is not a requirement and that the proponents seem to be using the DPE as an excuse for not making material available. The proponents say they have been told by DPE that they cannot release material. This situation needs to be clarified in the CPP so communities know who is withholding information from community engagement and why.

To ensure consultation is open and inclusive, easy, relevant, timely and meaningful, DPE should not prohibit the proponent from sharing baseline study material with the community during the plan making and this should be made clear to proponents.

REDWatch argues that DPE's CPP needs to address the issue of access base line studies as part of the community participation process to enable informed participation in plan preparation. Failure to do this, in our view, will lead to problems later in the planning process. Communities will not own outcomes, will feel as they are being treated disrespectfully and believe that the "white wash" continues irrespective of the new CPP.

Robust community participation in the early stages of the planning process is essential if communities are to own the outcomes and if conflict is to be minimised later in the planning and development cycle. In our view, the CPP needs to address the access to information in the plan preparation stage by the proponent.

A related issue is if a draft preferred plan could be subject to community consultation prior to being lodged with DPE. The proponents tell us that DPE has told them that the consultation on the draft plan is DPE's job and that the proponents should not do it. From the community perspective, REDWatch has argued that a proposal of an 'options testing phase' needs to be further verified by

the community to see if it is correct and to give the opportunity for any issues to be sorted out with the community before the final version is lodged with DPE.

REDWatch has argued this is especially the case when the community is less likely to participate in the formal exhibition process. If the proponent can make changes prior to submission, the community will have better acceptance of the proposal, which should be seen as a win for the planning system. DPE should not discourage that approach nor stand in the road of best practice community participation. In our view, the option to test a draft proposal before submission to DPE should be allowed as part of the strategic planning section of a CPP.

In the concurrent Metro Quarter SSP and SSDA exhibitions, people are faced with an exceedingly complex exhibition. The station and boxes above it have been already approved as part of Sydney Metro's stations SSI approval. The SSP proposes planning controls for the site including a DCP but simultaneously Sydney Metro has lodged its concept SSDA for what sits above the SSI approval. We are faced with a difficult situation in advising public tenants, who do not understand basic planning, let alone these complexities.

While both proposals are supposed to be the same, they are separate and the exhibition processes are done independently within DPE. There needs to be a mechanism within DPE that makes community input on complex planning processes as easy as possible.

The dilemma for our community, and for others where this occurs, is do we encourage people to comment on the SSP planning controls and expect DPE to bring the SSDA approval into line with the SSP. Or, do we get people to comment on the SSDA exhibition knowing that what gets approved there may render the proposed planning controls of only historical interest.

Ideally, when such exhibitions are held simultaneously there needs to be a mechanism within DPE to make the exhibition process, in the words of one of the CPP objectives, "easy". How such exhibitions will be handled should be publically stated and in REDWatch's view contained within the CPP.

During the Metro Quarter Exhibition, UrbanGrowth and Sydney Metro were asked by DPE to undertake information sessions on the proposal, a process REDWatch welcomes especially in light of the inadequacy of their pre-submission consultation.

Unfortunately, the booklets from both bodies do not explain the differences between the two proposals or what issues are assessed in the exhibition. Information just promotes their proposals.

We asked the SSP control group to provide a comparison between the two proposals but this has not eventuated. Ideally, during such complex exhibitions DPE should ensure that the SSDA EIS properly assesses the SSDA against the draft planning controls and highlights any areas where this has not been achieved. This seems not to have been the case in this exhibition.

One of the areas of concern to the community through visioning and options testing has been the need for affordable housing. Provision of 5-10% affordable housing has been highlighted in the UrbanGrowth and Sydney Metro booklets but both omit that the affordable housing may only exist for 10 years. To make exhibitions "easy" DPE should, before exhibition, sign off on a summary statement comparing key issues of related proposals. It is difficult enough for council planners to wade through a few thousand pages of reports and even more so if there are concurrent ones that may contain differences. Voluntary community members find it almost impossible.

Regarding the exhibitions of large documents REDWatch submits that the length of time available for exhibition should be related to the time required to be read and responded to the number of

pages in the proposal. It should also take into account if there are simultaneous exhibitions or other large exhibitions within the local community's area of interest. We have suggested something like the minimum exhibition period for the first 1000 pages and an extra week for every additional 1000 pages or part thereof. It has been suggested to us that 1000 pages a week is still a lot and increments of 500 pages is more reasonable.

Ideally, we would like to have seen the minimum exhibition periods extended to 35 days from 28 days as REDWatch, like many precinct and community groups, meet on a calendar month basis and usually not in January.

Regarding the community participation objectives – Terms such as open, inclusive, easy, relevant, timely and meaningful are only helpful when they relate to an aspect of the planning system and the implications will depend on how they are applied. Using the terms without a context will lead to people saying the principles have not been followed when you are not open, inclusive, easy, relevant, timely and meaningful about everything.

In this regard, we do not find the "Alignment of our Objectives to the Community Participation Principles?" sheet helpful. For example, in relation to strategic planning principle, the colour code only indicates alignment with "easy" and "timely". In Redfern Waterloo, strategic planning we have found "open and inclusive" is crucial as are "relevant" and "meaningful".

Such terms are also subject to the standpoint of the parties involved in the planning process. For REDWatch timely access to information is at plan preparation stage. For DPE it maybe after a proposal has been checked for adequacy and is placed on exhibition. A CPP needs to define what is timely for each of the different aspects of the planning system.

We have argued for example that timely involvement in the review of SEPPs should see interested community groups involved in the same sounding sessions as industry or practitioners rather than being the last one to know that a particular policy is being reviewed.

One objective missing from the list of concern to REDWatch is transparency. It is a bit different to open and inclusive. It is about everyone being able to see how the planning sausage is being made and having confidence that it is being made well.

Waterloo agencies and tenants through the Waterloo Redevelopment Group negotiated a community engagement framework with Land and Housing Corporation (FACS-LAHC) (see attached). It contained some high level principles but it also included what they wanted to achieve, how they would engage with stakeholders and practically what engagement activities they proposed to undertake.

Importantly the FACS-LAHC stakeholder and engagement framework covered the full five areas of the IAP2 spectrum rather than the truncated version proposed in the draft CPP. The FACS objectives were:

- **Inform** - FACS will provide information to stakeholders about the redevelopment and the planning process.
- **Consult** - FACS will obtain ideas and seek input from residents and the community to inform the planning outcomes and provide feedback.
- **Involve** - FACS will work with residents and the community to identify concerns, aspirations and issues and ensure they are considered and understood.
- **Collaborate** - FACS will work together with residents and the community to identify preferred solutions and alternatives, and provide feedback on decisions.

- **Empower** - FACS will work in partnership with the community to build the capacity of residents to enable them to make their own decisions and choices.

For strategic planning, the FACS –WRG approach seems better suited to involving the community and building community capacity to be involved in the discussions about a Master Plan and options.

Key to this was an early push by state-wide and local NGOs (including REDWatch) under the banner of Groundswell Redfern Waterloo to push for capacity building and community development work to be undertaken at arm's length from the proponent. One reason for this was that during an earlier master planning attempt in 2011, FACS-LAHC employed those involved in supporting tenants directly and these people were not seen as being independent of the proponent and were not trusted.

FACS agreed to fund a capacity building position, a community development position and an Aboriginal community liaison role through Groundswell affiliated agencies. Groundswell could provide a buffer between LAHC as proponent / project funder and the implementing agency. These roles have been successful and helped skill people about the planning issues considered in the master plan. It also allowed issues to be dealt with as they arose.

The project produced, with scripting input from public housing residents, a whiteboard animation to explain Waterloo Master Planning to other residents – you can see these in English, Russian and Mandarin on YouTube under [Waterloo Redevelopment Whiteboard Animations](#).

Empowering, collaboration and involvement have been key aspects in the Waterloo master planning, as they should be in other areas where strategic planning is undertaken. DPE would do well to explore this approach to IAP2 in the CPP rather than just lumping the three higher areas into the “engage” category.

Another lesson from the Waterloo strategic planning however was that you can have a good engagement plan but the wheels can still fall off.

Early in the Waterloo consultation, an undertaking was made to run a simultaneous consultation of the SSPs for Waterloo Estate and Waterloo Metro Quarter. Delays in the Estate SSP saw a political decision to decouple the respective SSPs and the undertakings to run the consultation simultaneously fell by the wayside.

The decision, made to speed up the process, saw UrbanGrowth undertake a 3-week pre-submission consultation, which was not consistent with the requirements of working with vulnerable tenants nor with the previously agreed community engagement charter. UrbanGrowth for example blamed DPE for its inability to provide shadow diagrams and other information during the pre-submission consultation. The community saw it as the breaking of undertakings about engagement being transparent and open, and to be undertaken with due consideration of the needs of stakeholder groups.

A different problem arose during the Visioning phase before the projects split. LAHC was handling the engagement, and tenants and other community players were prohibited from dealing directly with UrbanGrowth and its consultants. As a result, there were few opportunities to discuss or input into the preparation of the SSP studies. This was compounded later by the studies not even being made available for review as the proponents argued DPE did not want this to happen.

NGOs were aware, for example, of issues in the Community Facilities Base-line Study as they had been shown some facilities maps that contained errors. They were not able to get access to the full report until the Metro Quarter SSP formal exhibition.

A second, related problem during Visioning was that while LAHC had given undertakings that LAHC would talk with Groundswell agencies about what information they needed for the studies from the visioning process so that the on the ground agencies could advise on how best to engage the community, this never happened. There seemed to be a view that the community engagement consultants were being paid to do this engagement and that they would know better how to do that engagement than non-government agencies working long term with the community that LAHC wished to consult.

For example, an external Aboriginal consultancy was brought in to talk to the local community but they did not understand the complexity of Redfern Waterloo leaving the NGO Aboriginal Community Liaison Officer to try to rescue something from the engagement.

The LAHC framework involved a keep / change / add structure. Groundswell agencies were highly critical of the Visioning process and in a report back to LAHC after the Visioning they used the keep / change / add framework to assess the engagement process.

This illustrates another key aspect required in the CPP. There has to be a feedback loop to DPE and DPE staff have to reflect on and learn from engagements especially in the important strategic planning space.

A few years ago at the time of the proposed Hazzard planning changes, when UrbanGrowth Central to Eveleigh (C2E) was set up, REDWatch agreed with DPE and UG NSW that we would try to do strategic planning differently. Roberta Ryan was contracting for DPE at the time so she and myself, on behalf of REDWatch, went onto a committee to talk about how best to engage with the community about C2E. One of the useful things for DPE from that exercise was that we organised two bus trips for interested DPE staff around the C2E corridor conducted by a UG NSW planner and myself, as a resident representative, providing an overview of the area under consideration and some of the issues that needed to be considered.

The wheels fell off the model after a while when the C2E manager changed but one of the learnings from that time was also that consultants' tendering requirements need also to be taken into account when changing the way community participation is undertaken. In this case, there was resistance from the architectural consultant to having someone other than the party that engaged him in the room. There was also resistance from the engagement consultant who said they did not tender for extra time to do engagement differently – they only tendered based on doing what they had done previously.

Consideration needs to be given to how changes in community participation through a CPP and associated changes in implementation requirements are made visible early in the project cycle so more than a tick the box engagement can be resourced.

A key part of successfully delivering a CPP will be taking proponents and consultants on the journey. An academic engagement practitioner in a forum summed up the problem a few years ago. She said that finding out what the community thinks is the easy bit, getting the proponent to think they can learn something from the community and that engagement will improve their project is a much more difficult challenge. The CPP and its associated resources needs to work on all angles of the engagement problem.

REDWatch is of the view that DPE should also draw on material, which has been used previously to great effect. In particular, we suggest that DPE explore the possibility of resurrecting the Landcom Stakeholder Consultation Workbook as a resource that can be used by proponents and consultants

to understand why community participation is useful for the proponent, rather than just another hoop to jump through. The old workbook also provides ideas for proponents on the kinds of engagement tools that might be usefully used in different circumstances. It was removed from the internet after Landcom was transformed into UrbanGrowth but it can be found online at <https://docplayer.net/18967683-Stakeholder-consultation-workbook.html>.

Community Participation is not new. There is a long history and good resources around that can be updated to current circumstances. We would also refer DPE to an article by Dr Wendy Sarkissian at <https://innersydneyvoice.org.au/magazine/leading-practice-community-engagement-some-ideas-for-urbangrowth-nsw/> for some other suggestions on best practice.

For some time, communications and public relations people have dominated in the community participation space. There is a need to rediscover some of the community development and participatory planning processes that have worked well in the past. Selling a message or a plan is a different process to a community conversation about a development. Too much engagement starts from the proponent selling their plan rather than hearing from the community about what they know and can contribute to a jointly accepted outcome.

In the Redfern Waterloo experience a key aspect of a CPP, is the capacity of people to participate and make informed input. Recently, the Health Department has been working with the community on issues of equity, especially how marginalised communities can access services. This is very relevant to community participation in public housing and other vulnerable communities. Providing time, encouragement and capacity building are key elements in gaining participation from these communities.

Wendy Sarkissian likes the Capire's Engagement Triangle because it includes the goals of Informing decisions, building capacity and strengthening relationships. In our experience in working in Redfern Waterloo, this model is especially relevant for working with public housing communities.

We have primarily focused on how the proposed CPP deals with strategic planning, as this is a key area if the planning system is to achieve community buy-in early in the planning process. It is also an area of much community unease and distrust. In REDWatch's view, it is also an area that is currently not well handled in the draft CPP.

REDWatch would like to see the CPP recast to include practical guidance for communities, proponents and consultants. This needs to show how Division 2.6 of the Act is to be put into practice to ensure community participation obligations are open and transparent to everyone involved in the planning process. This includes DPE, which needs to be able to assess if the participation requirements have been met.

A well-rounded CPP is important also because other consent authorities will take guidance from DPE for their own CPPs. Unless greater guidance is provided, REDWatch fears that the CPP will be so theoretical / non-specific / high level that it will become another tick the box exercise rather than deliver real participation.

Finally, REDWatch is happy to share its experience in this area with DPE and we are happy to participate in workshops and discussions around community participation with a view to establishing best practice community participation and a clear CPP.

Thank you for the opportunity to comment on the Draft CPP

Yours Faithfully

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REDWatch is a residents and friends group covering Redfern Eveleigh Darlington and Waterloo (the same area covered historically by the Redfern Waterloo Authority). REDWatch monitors government activities in the area and seeks to ensure community involvement in all decisions made about the area. More details can be found at www.redwatch.org.au.