COMMUNITY PARTICIPATION
Community participation in the preparation of plans and a vision for their local areas represents a key change in the new planning system. This means that the opportunity for the community to participate at the start of the planning process and on an ongoing basis will be prioritised and integral to setting the vision and ground rules for local areas. It also means there will be a wider range of tools and techniques to interest and engage a representative and sizable proportion of the community in the planning process, while ePlanning will transform paper based consultation methods, planning requirements and development assessment processes.

### Key Changes Proposed for Community Participation

- the preparation of a Community Participation Charter that will form part of the new planning legislation. All planning authorities will be required to act consistently with this when undertaking strategic planning and development assessment.

- the requirement for planning authorities to prepare a Community Participation Plan to describe how the community will be actively engaged in all levels of plan making and development assessment.

- a high level of community participation will be required, in particular for the development of Regional Growth Plans and Subregional Plans, to help set where growth and infrastructure will occur.

- ePlanning will reshape the planning system by transforming paper based development application and assessment processes and traditional methods of consultation into an online environment. Consultation will build on traditional methods for engagement and include 3D interactive models and development guides to enable the community to have their say.

Early and effective community participation in planning is central in the new planning system for NSW. Genuine community participation requires authorities to commit resourcing to planning processes to create a culture that values ideas, knowledge and contributions from all parts of the community. It gives the community opportunities to participate in shaping the future of their areas.
Feedback on the Green Paper

Feedback during the consultation on the Green Paper demonstrated strong support for the proposal to improve community participation in planning. The submissions called for further detail in the White Paper on how the NSW Government proposes to:

- ensure that genuine community participation occurs and informs decision making
- interest and engage a representative and sizable proportion of the community in strategic planning, particularly at the subregional level
- increase opportunities for community participation at all stages of the planning process
- require improved community participation through the Community Participation Charter
- resource the increased level of community participation proposed under the new planning system
- provide information that is easier to understand, improve options on the visual presentation and increase accessibility across a variety of media
- build an electronic planning system with quality accessible information.

This chapter responds to this feedback by providing the details of how the new planning system will enable the community to participate in planning decisions and outcomes through:

- a Community Participation Charter to place in legislation, the principles which will result in the appropriate level of community participation and improved transparency in planning and decision making
- early community involvement to enable effective and early community participation in planning for the future of an area
- use of information technology, social media and electronic planning to simplify and improve community access to planning information and processes.

The new planning legislation will provide these reforms.

UNDERSTANDING THE PLANNING SYSTEM

Community participation is an overarching term covering any of the processes for engaging the community (including industry, businesses, residents, groups and organisations) in plan making and planning decisions. The level and extent of community participation will vary depending on the community, the scope of the plan being prepared and the potential impact of the planning decision.

Community includes anyone who is affected by the planning system and includes individuals, community groups, peak bodies representing a range of interests, businesses, local government, state and commonwealth government agencies.
In the new planning legislation, a Community Participation Charter will inform the appropriate levels of community participation with benefits for all parties as shown in Table 2.

**TABLE 2**
**BENEFITS OF EFFECTIVE COMMUNITY PARTICIPATION IN PLANNING**

<table>
<thead>
<tr>
<th>Benefits to communities</th>
<th>Benefits to people who want to build homes and businesses</th>
<th>Benefits to decision makers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shared sense of purpose, direction and understanding of the need to manage growth and change</td>
<td>Good ideas and solutions to local issues are generated from discussions</td>
<td>Increased credibility, trust and accountability</td>
</tr>
<tr>
<td>Capacity and knowledge building within the community</td>
<td>Conflict and delays to the project are minimised</td>
<td>Access to local knowledge, ideas and expertise</td>
</tr>
<tr>
<td>Better planning outcomes that reflect the aspirations of the community</td>
<td>Reputation and relationships with the local community are developed</td>
<td>Better shared understanding of the strategic drivers for good and effective subregional planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>More support for decisions, therefore decisions are easier to implement</td>
</tr>
</tbody>
</table>
Legislating for improved community participation in planning

A Community Participation Charter will be enshrined in the new planning legislation, and will comprise the following principles:

1. Partnership
   The community is to be provided with opportunities to participate in planning

2. Accessibility
   The community is to have access to information that is easy to read and obtain so that planning issues and decisions can be better understood

3. Early involvement
   The community is to be provided with opportunities to participate in strategic planning at an early stage before decisions are made

4. Right to be informed
   The community has a right to be informed about planning decisions that affect it

5. Proportionate
   Community participation in development decisions is to be proportionate to the significance and impact of the proposed development

6. Inclusiveness
   Planning authorities are to seek the views of the community through participation methods that are inclusive, representative and appropriate to the needs of the community

7. Transparency
   Planning authorities are to make decisions in an open and transparent way and provide the community with reasons for their decisions (including how community views have been taken into account).

Duty to act consistently with the Community Participation Charter

The new planning legislation will place a responsibility on planning authorities to act consistently with the Community Participation Charter when undertaking strategic planning and development assessment. In participating in the business of strategic plans and planning decisions all members of the community (including industry, business, residents, interest groups and organisations) are to:

• act with respect towards other members of the community who are also participating in those activities

• respect different points of view expressed by other members of the community, and

• respect the outcomes of planning activities and decisions made in accordance with the planning legislation, including the Community Participation Charter.

Community participation guidelines

The seven principles constituting the Charter set the framework for the community participation guidelines to be prepared by the Department of Planning and Infrastructure with key stakeholders and community organisations. The guidelines will provide practical guidance for planning authorities, including the:

• success factors for community participation

• details of good practice engagement methods and techniques including resourcing implications.

The guidelines will set out key standards that planning authorities are to meet in preparing their Community Participation Plans.

The guidelines will also set out clear standards of behaviour and expectations for all members of the community (including industry, businesses, residents, interest groups and organisations) who participate in planning activities.

Community participation methods will vary depending on the decision to be made. Sometimes a high level of community participation will be appropriate, for example in the development of Subregional Delivery Plans. Other times there will be a low level of community participation, for example for development that complies with the rules already established upfront from community involvement.

For example, development that is complying development or code assessment which meets all the standards that are set out in Local Plans and development guides developed with the community, will only be notified for information. Community views will not be sought on individual applications. Chapter 6 Development Assessment contains more detail on the proposed notification and consultation requirements for all types of development assessment.

The department will collate and make available real examples of good practice in community participation. The guidelines will also include templates for the preparation and implementation of Community Participation Plans and will explore how community participation for planning will link with the preparation of Community Strategic Plans by councils.
Community participation plans

Every planning authority will prepare one Community Participation Plan, which will set out the community participation methods they will adopt for different planning actions. The Community Participation Plan will describe how the community will be given the opportunity to participate in all types of plan making and development assessment processes undertaken by the authority.

The Community Participation Plan will inform all the activities of the planning authority and should seek to establish long term and ongoing community participation methods. The Community Participation Plan will detail:

- processes for community participation for the various types of plan making and planning decisions undertaken by the planning authority
- how and when the community will be informed of upcoming planning proposals and development applications
- ways in which the community can provide their views and participate
- how the community can access information about planning proposals and decisions.

Councils will not be required to prepare a separate Community Participation Plan if their community engagement strategy (made under the Local Government Act) includes all of the above matters and other requirements in the legislation.

Planning authorities will be able to tailor the details of their plans to reflect the special circumstances of their communities and how they choose to be engaged. They will need to take into account the different cultures and backgrounds within the community and how their different needs will be addressed. Planning authorities will consult with their community in the preparation of their Community Participation Plan and the plan will be publicly exhibited before they are adopted (see figure 5). This should ensure there is a link with the consultation plans for Community Strategic Plans prepared by each local council. The Community Participation Plan will be reviewed and updated periodically.

Improving community access to the plan making process

The new planning legislation will also require the publication of details of how the community can participate in a specific plan making process. At the start of the development of a NSW Planning Policy, a Regional Growth Plan, a Subregional Delivery Plan or a Local Plan, the planning authority will be required to identify:

- project timelines including closing dates for participation and release of papers such as priority setting, options, draft and final plans
- specific opportunities for the community to participate, including community meeting times, online forum details, and contact points through which to access the decision makers
- where to access easy to understand communication materials, the evidence base for decisions and feedback on issues raised for that particular plan making process.

The decision making authority can make changes to the proposed approach as the process progresses and publish any updates.
For example, in response to a community request, the planning authority may choose to hold additional community meetings or extend the consultation period for exhibition of the draft plan.

### Mandatory minimum standards for draft plans

The new planning legislation will set minimum standards for exhibition of draft plans and the consideration of submissions.

All NSW Planning Policies, Regional Growth Plans, Subregional Delivery Plans and Local Plans will have to be exhibited in draft form for a minimum of 28 days, excluding public holidays.

For development assessment, the regulation will require the planning authority to publish on its website details of how, and where, people can have a say about development.

### Continually improving community participation approaches

The effectiveness of community participation in planning will be assessed through a system of monitoring, independent evaluation and annual public reporting.

The Community Participation Plans will provide the chance to evaluate fairness, comprehensiveness and effectiveness on the approach taken. Surveying community participants on planning processes and planning outcomes, provides a measure of the success of the engagement process and a basis for continual improvement.

The Director–General of the Department of Planning and Infrastructure will establish an expert panel to audit Community Participation Plans and make recommendations about these plans, the performance of planning authorities under their plans and good practices in community participation. The Director–General will report on community participation practices and request planning authorities to amend Community Participation Plans that are not effective.
4.2 Early Community Involvement

Achieving early community involvement in planning will be a challenge, however it is critical, as plans will only be delivered if the vision for growth and change is supported by the community and local government and consistent with the targets and objectives of the state, regional and subregional plans in the state’s planning hierarchy.

Planning at the regional and subregional levels can be complex but is where major planning decisions are made and is the best level to achieve multiple objectives. Based on good evidence and community participation, decisions can be made to accommodate population growth, manage change and balance competing land uses.

The most successful community participation approaches internationally have achieved a shared idea of challenges and vision, provide for capacity building for both decision makers and the community, and identify real choices along with consequences for the broad community to consider. These success factors are being applied to the development of strategic plans under the new planning system in NSW.

With a shift to greater community participation early on in the plan making process, there is less need for the community to be involved in development assessment that is consistent with the plans that have already been prepared with community participation.

The opportunities for community participation at each stage of planning are detailed in figure 6. At each stage the scale and type of issues for decision will change. Many issues that were in the past addressed during the development assessment stage will now be dealt with during the detailed strategic planning stages. Planning authorities will be clear with the community about the issues that are on the table for discussion at each stage, the planning outcomes that must be achieved in light of the objectives of the overarching plans in the hierarchy, as well as who will be making the decision.

Decisions taken and solutions developed with community involvement through a strategic plan will not generally be revisited at subsequent stages of planning. For example, at the subregional level, community participation would partner in setting the land use zones and the priority areas to support new growth or to be conserved. Community involvement at that level would not generally alter the priorities for growth set at a regional level. The community’s focus in the development of the Subregional Delivery Plan would be to implement the regional priorities already developed.
Community participation in the development of Subregional Delivery Plans

A high level of community participation is required for the development of Subregional Delivery Plans as they will be the major driver for change in the new planning system. The Subregional Delivery Plans will direct growth and infrastructure priorities. They will be able to change the zoning for major land releases or urban renewal areas. They will be highly evidence based and provide the basis for integrated zoning and development criteria for code based assessment.

The level of community participation for the preparation of Subregional Delivery Plans is termed collaboration in the International Association for Public Participation’s spectrum.

The Subregional Planning Board will develop the Subregional Delivery Plan. Subregional Planning Boards are new planning bodies that will be established to support the new planning system and will provide a partnership with state and local government. The Boards will partner with the public in the consideration of development alternatives and in deciding preferred solutions. In order to do this effectively, trade offs will be clearly identified and addressed. Wherever possible, new visualisation tools (such as 3D modelling) will be used to enable the community to better understand and choose between possible futures for the area.

The Subregional Planning Board will oversee the design of the Community Participation Plan, building on existing structures for community participation that already operate locally. The community participation mechanisms need to be selected and linked to the stages in the preparation of the Subregional Delivery Plan.

Successful real life examples of community participation for regional and subregional planning build long term relationships and the capacity of communities to participate. A successful process has to be reality tested and cost effective. Solutions must consider economic viability whilst being supported by the community.

The effectiveness of the community participation will be monitored and evaluated so that problems can be resolved and confidence in a collaborative planning culture can be strengthened. Evaluation of the community participation process will be conducted after the Subregional Delivery Plan has been adopted by government.

The levels of engagement proposed for the development of subregional and local plans and for decision making are detailed in Table 3.

### Table 3

<table>
<thead>
<tr>
<th>Stage</th>
<th>Techniques</th>
<th>Who</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STAGE 1</strong>&lt;br&gt;Priority and direction setting</td>
<td>Local newspapers and media, website, displays in council buildings</td>
<td>Wider coverage across the subregion</td>
</tr>
<tr>
<td></td>
<td>Website to provide online response form</td>
<td>Stakeholders and wider community</td>
</tr>
<tr>
<td></td>
<td>Community meetings to identify priorities for future</td>
<td>Stakeholders and wider community</td>
</tr>
<tr>
<td><strong>STAGE 2</strong>&lt;br&gt;Development and visualisation of options</td>
<td>Electronic presentation tools / 3D modelling of options—voting of options</td>
<td>Stakeholders and significant portion of the community</td>
</tr>
<tr>
<td></td>
<td>Social media</td>
<td>Stakeholders and wider community</td>
</tr>
<tr>
<td></td>
<td>YouTube</td>
<td>Stakeholders and wider community</td>
</tr>
<tr>
<td></td>
<td>Industry forum</td>
<td>Stakeholders and experts</td>
</tr>
<tr>
<td><strong>STAGE 3</strong>&lt;br&gt;Draft Subregional Delivery Plan</td>
<td>Community research and consultative panel</td>
<td>Randomly selected group of between 600 and 1200 participants, to be representative of the community</td>
</tr>
<tr>
<td></td>
<td>Community information and feedback sessions</td>
<td>Issues relating more to specific locations or areas facing major change</td>
</tr>
<tr>
<td></td>
<td>Focus groups</td>
<td>Specific groups, for example, home buyers or small business</td>
</tr>
<tr>
<td></td>
<td>Regional / subregional forums</td>
<td>Stakeholders and wider community</td>
</tr>
<tr>
<td></td>
<td>Deliberative workshops / planning days</td>
<td>Local community in areas facing major change/rezoning</td>
</tr>
<tr>
<td><strong>STAGE 4</strong>&lt;br&gt;Final Subregional Delivery Plan</td>
<td>Community information and feedback sessions</td>
<td>Issues relating more to specific locations or areas facing major change</td>
</tr>
<tr>
<td></td>
<td>Website with updated information</td>
<td>Stakeholders and wider community</td>
</tr>
</tbody>
</table>
Electronic planning services (ePlanning) and social media provide the opportunity to improve access and convenience for community participation in planning.

The new planning system will move away from time consuming manual processes and paper based transactions to a one stop electronic service that delivers integrated, intuitive online services, allowing home owners and businesses to perform planning transactions quickly and reliably anytime and anywhere.

The new legislation will enable the establishment of an ePlanning portal (a website that brings together planning information from diverse sources in a unified way) and allows for a range of electronic services to be performed. This could include payment of relevant fees and charges.

The approach will build on the approach to ePlanning services adopted in NSW, Australia and overseas and will seek to create a comprehensive range of services that are easy to use, helpful and encourage greater community participation in planning. This will be developed closely with state agencies and local government.

Not everyone will want to use ePlanning but it will be one of many options available to find out more about planning matters.

### CURRENT EPLANNING EXAMPLES

**United Kingdom Planning Portal**

The United Kingdom planning portal provides an online application service, interactive development guides and bulletins for updating the planning system.

http://www.planningportal.gov.uk

**Victoria Planning Maps Online**

Victoria Planning Maps Online provides an interactive mapping service which allows a user to access planning schemes, zones and overlays by browsing an interactive map. A user can search by area as well as by specific property details. The view of the map can be customised by choosing which overlays and zones are shown. Aerial photography can also be applied in the Melbourne metropolitan area.


**Warringah Council**

Some NSW councils, including Warringah Council, have ePlanning services for their residents. These services include online applications, an application tracking service, property search service and planning information.

Online planning services will be customer focused so that homeowners can perform searches simply by typing in a street address to reveal all applicable development standards at once. It will provide an online register of planning consents tagged to individual properties. It will provide an additional mechanism for the community to visualise, understand, lodge, assess and track planning proposals. These proposals will range from regional growth plans through to an application for household alterations and additions. It will expand, and not reduce, traditional methods for community participation.

The NSW Planning portal will be a one stop shop planning service that provides access to the following services.

**A planning viewer service**—customers can visually identify property based development consents, development standards and zones through a geographic information system and layer based viewer (see figure 8). There will be three-dimensional visualisations of major development proposals available at street level, local council, subregional and regional levels to match information provided in the hierarchy of strategic plans.

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**FIGURE 8**

The Metropolitan Strategy provides high-level strategic growth directions that can be implemented at a subregional level through the Subregional Delivery Plans and at a local level through the Local Plans.

The planning viewer service will show maps of metropolitan Sydney at a larger representative scale so that the directions for growth and major infrastructure and environmental protection areas are identified. For example, the subregional view of South Western Sydney will provide greater detail on the directions for growth for Liverpool as a regional centre and the adjoining South West Growth Centre. At a local level, the proposed zoning and development controls will be available for Leppington. It will also house the register of consents for housing development in this location.
An application lodgement service—customers can lodge electronic applications where planning controls are embedded into the lodgement service, similar to the Electronic Housing Code and BASIX applications in NSW.

An application tracking service—customers can track the real-time status of applications based on benchmark timeframes. Planning alerts will be made available to applicants through SMS messaging or emails. This will also include a register of consents that will be made available for the whole of the state.

Guidance and performance information service—customers can access visual and easy-to-understand planning guidelines, and information on the performance of the planning system.

Discussion threads and news—customers and practitioners can access consultation forums, latest planning news and best practice planning initiatives.

Customer support—customers can access support services to help with interacting with the NSW planning portal.

The example in Table 4 demonstrates how the ePlanning services could be used.
STEP 1—FIND
Jim and Carol have been thinking for some time about moving to the Central Coast. Carol finds a property in Moani Street Eleebana on a property website. Their plan is to purchase the house, demolish and build a new house before they sell up in Sydney. Carol wants to know what would be involved.

STEP 3—REVIEW
Jim logs onto the portal and uses the interactive guide to see what is possible. They decide that they want to demolish the existing house and build a new single story house with a garage. They know from the development guide that because of the size and location of the block it should be possible to have their house approved as complying development by either the council or a building certifier.

STEP 2—SEARCH
Using the viewer service Carol finds a property. She can see the property and its relationship to the surrounding area, confirms that the land is zoned residential. She can also see principal development standards (building height and setback).

STEP 4—REPORT
They use the pre–lodgement service and it confirms that the development can be complying development. It provides a report showing the planning requirements.

STEP 5—LODGE
When they are happy with the design and the time comes to get their new house approved they use the lodgement service to fill in the application, upload their site plans and find a certifier. They choose Eric from a number of certifiers available through the site. They pay their fees and lodge their application online.

STEP 6—TRACK
As Eric assesses their application they can track its progress through a dashboard. The service also allows them to upload additional documents or leave comments for Eric.

STEP 7—CONFIRM
Once Eric has determined the application, Jim and Carol get confirmation that it has been approved. They get a copy of their complying development certificate (including the approved plans) through the service. The service also provides a copy to the council for its records. That copy also finds its way onto the central register of consents so that future residents can see what has been approved on the property.

STEP 8—BUILD!
Jim and Carol are now well on their way. All they need is a builder.
Providing legal certainty for ePlanning services

A crucial part of developing ePlanning services will be to provide legal certainty for these planning services. The new planning legislation will facilitate this move to electronic services and it will provide for:

- the role and function of a NSW Planning Portal to allow for a range of electronic services to be performed

- electronic certification of planning spatial datasets so that we can do away with the reliance on paper maps. This means that all planning spatial datasets will be made electronically and publicly available through the planning portal

- the development of an electronic planning certificate to be issued which will show the zoning and development standards that relate to a particular parcel of land

- the development of a system of rights based on registration planning applications. This will be based on registration and an electronic register of consents (similar to that developed by the Land and Property Information formerly known as the Land Titles Office). Application fees will include a licence fee for the use of copyright materials where the Crown statutory licence would not otherwise permit reproduction and use

- all government spatial datasets (that includes planning information and heritage and environmental data) will have legal recognition and meet common quality standards

- electronic landowners consent to facilitate online lodgement of planning applications

- the creation of computerised code assessable development so that the community will be able to access this online

- the information requirements for planning applications to facilitate online lodgement as well as standardised requirements for strategic plans to allow for easy transition to an electronic environment.

1. As separate matter, the government will address copyright and will incorporate changes in privacy, electronic transactions and record management legislation.
4.4 Key Legislation Requirements for Community Participation

The new planning legislation will provide for:

- a Community Participation Charter that will impose a duty on planning authorities to act consistently with the principles of the Charter when undertaking strategic planning and development assessment

- planning authorities to prepare a Community Participation Plan, which establishes a planning culture and practical methods of engagement and partnership setting out how and when planning authorities will provide the community with opportunities to participate in the preparation of policies and strategic plans and development decisions

- the publication of details, timeframes and contact points to enable the community to participate in a specific strategic plan making process

- setting of minimum standards for exhibition of draft plans of 28 days within the Act

- setting of other minimum standards for the exhibition of some development proposals within the Act.

The legislation will also align existing requirements under the Local Government Act 1993 for a Community Engagement Strategy with these new requirements to avoid duplication and simplify requirements for councils.

The Department of Planning and Infrastructure will also publish guidelines on community participation techniques to support planning authorities’ community participation efforts.

The new legislation will enable the establishment of an ePlanning portal to allow for a range of electronic services to be performed, including:

- the electronic certification of planning spatial datasets

- development of an electronic planning certificate and an electronic register of consents with rights arising from registration.