

16.9 ADMINISTRATIVE AMENDMENTS TO COMMUNITY PARTICIPATION PLAN

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Attachments: 1. **Community Participation Plan**  

Link to Community Strategic Plan:	26. Our Civic Leadership CL2 Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies.
Cost to Council:	Minor amendments to be undertaken in house by staff
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The staff report on administrative updates to the *Community Participation Plan* be received.
2. That the Community Participation Plan be amended in accordance with administrative items identified in this report and placed on public exhibition. Following the public exhibition, the matter be reported back to a Council Meeting for consideration and adoption.

BACKGROUND

The *Community Participation Plan* (CPP) details how Council will engage the community on strategic planning and development assessment matters. The CPP includes the notification and advertising requirements for planning proposals, amendments to the Development Control Plan (DCP), and different development assessment types.

Council’s current CPP was adopted in 2019 (**Attachment 1**) and does not reflect changes which have since occurred in relation to legislation and policies/procedures since that time. Section 2.24 of the *NSW Environmental Planning and Assessment Act 1979* (the Act) requires CPPs to be periodically reviewed.

This report generally outlines areas of administrative changes which are required due to these changes. As an interim measure, these changes are proposed to be made as soon as practicable noting that a broader comprehensive review of the CPP is still required but may take a longer time frame.

It is proposed to make the interim amendment with the required administrative changes and to exhibit it before presenting this matter back to a Council Meeting for consideration.

REPORT

There have been several changes which have occurred since the adoption of the CPP in 2019 which affect Council’s approach to community consultation. These changes are summarised below:

NSW Environmental Planning and Assessment Act Regulation 2021 (The Regulation)

The Regulation sets out the community consultation requirements for a broad range of planning matters in relation to strategic planning i.e., Local Strategic Planning Statements (LSPS), Community Participation Plans (CPP), Planning Proposals (PP), Development Control Plans (DCP) and Contributions Plans (CP).

The Regulation also sets out the community consultation requirements for development applications (DAs) including State Significant Development (SSD), Designated Development, Integrated Development, modifications, and reviews of determinations of development etc.

State Environmental Planning Policy Resources and Energy 2021 (the SEPP)

Clause 2.19 of the Resources and Energy SEPP requires an additional layer of consideration as part of the development assessment process in relation to determining the compatibility of new development with mining, petroleum production or extractive industry.

A previous Class 4 matter in the Land and Environment Court (LEC) confirmed that approved haulage routes associated with SSD-scale extractive industries must form part of this assessment.

The current CPP does not address this matter.

Goulburn Mulwaree Local Environmental Plan (LEP) 2009

Clause 5.10 (8) of the *Goulburn Mulwaree Local Environmental Plan 2009* specifies in relation to Aboriginal places of heritage significance:

*(8) **Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—*

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

The CPP does not address this matter or the procedure as to how this is undertaken.

NSW Planning Portal (the Portal)

Since the adoption of the CPP, many components of the planning process are now undertaken via the Portal.

In relation to strategic planning, the Portal is required to be used for the publication and exhibition of most strategic matters. The Council's LSPS, DCP and CP must be published on the Portal.

Planning proposals must be lodged on the Portal with the exhibition of planning proposals undertaken on the Portal or via Council's web site. Increasingly the Portal is being used as the main point of reference for all planning matters.

Similarly, DAs must be lodged on the Portal and there is capacity for public exhibition of DAs on the Portal in addition to Council's web site.

Newspaper Advertising

The requirements for newspaper advertising have dropped from the Act or Regulations for a range of strategic planning and development assessment matters. The focus for exhibitions is now largely on a range of methods as per below (depending on the scale and nature of the matter:

- Direct written notification of affected landowners (as applicable).
- Council web site
- NSW Planning Portal.

The expense for newspaper notices is currently either recovered from planning fees or if not associated with an application paid for by each business unit. Given the State's investment in the Planning Portal and Council's investment in its web site, it is considered an unnecessary duplication where no longer required by legislation. However, there will still be a need from time to time depending on the nature of a planning matter or project to advertise via newspaper.

Proposed Amendments to CPP

It is proposed to amend the CPP as follows:

- Include the minimum exhibition requirements from the Act, Regulations, SEPPs or LEP for planning matters (both strategic and development assessment). Noting that Council may go beyond these requirements should it be appropriate to do so.
- Remove all references to the Goulburn Post.
- Incorporate existing procedures or processes in relation to exhibitions in relation to Aboriginal cultural heritage or extractive industries including haulage routes, and reflecting Council's policy on Council as a developer/landowner in relation to DAs.
- Clarification of matters to be notified for DAs (such as ancillary development/existing use rights) in Appendix 2.
- Clarification that submissions are to be made during the exhibition period.
- Typographical or other editing errors.

Comprehensive Review of CPP

This report is flagging that a comprehensive review of the CPP is required, however will take a longer time frame to fully cover the content. This comprehensive review may also take on broader content outside of planning matters that is currently covered in Council's Engagement Strategy.

This interim review has been identified as an operational requirement as currently Council is paying for advertising which goes above and beyond requirements. This additional advertising is still specified in the CPP and if missed risks exposure to risk of litigation where due process is not followed. The cost of the additional advertising means that cost must either be put back on proponents or absorbed by the Council. The NSW Government is clearly setting up the NSW Planning Portal to be a single point of reference for all planning matters including, applications, publications, and exhibitions. It will be less confusing in the future for all communications to direct interest members of the public to both the online exhibition notices and the exhibition content.

CONCLUSION

As identified in this report there are several changes which have occurred since the adoption of the CPP in 2019 that affect the public exhibition requirements for a range of Council planning matters. In the interests of reducing duplication and cost and to ensure the CPP is consistent with planning procedures it is recommended that the CPP be amended and exhibited. Once exhibited the amended CPP and community feedback will be presented to Council for determination.

A broader and more comprehensive review of the CPP following the adoption of the new Community Strategic Plan is proposed.