



Huskisson Woollamia Community Voice

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Comment from Huskisson Woollamia Community Voice on the draft Community Participation in Planning

Thank you for the opportunity to comment on the draft “Community Participation in Planning” the purpose of which is to “provide a planned approach to community engagement practices to ensure a high level of dialogue with target audiences” p. 4.¹

The plan indicates that “the purpose of community engagement is:

So the community can participate in the decisions, processes and projects that affect their everyday lives; and

By informing, engaging and working with the community we can strengthen and enhance our relationship with those that live, work and play in the Shoalhaven.” (p. 4)

Comment 1 – goals not addressed

The Huskisson Woollamia Community Voice (HWCV) endorses the purpose of the plan, and the purpose of community engagement. However, we feel the stated goals of a ‘high level of dialogue’, participation ‘in the decisions, processes and projects’, and ultimately ‘strengthening relationships’ are not adequately addressed by the strategies outlined in the plan. We do not agree that a high level of dialogue, and participation in decisions, processes and projects is achieved by simply seeking comment on proposals and DAs, **without a commitment to discuss, or consider the comments received by the community**. This is one of our major concerns and is explored further below.

The draft CPP “specifically applies to:

Plan making and Strategic Planning: this includes Local Strategic Planning Statements, amendments to the Local Environmental Plan, Development Control Plans, Local Infrastructure contributions plans and planning strategies

Development Applications

Community Participation Plans”, p. 6

Comment 2 – outline all participation

It is not clear from the above list whether the draft CPP applies to tourism plans, settlement strategies, growth strategies and other planning functions of the Council. The State guidelines indicated that: “The purpose of a CPP is to provide a **single document** (our emphasis) that clearly states how the community can participate in planning matters. It will combine council’s existing community engagement approach and the minimum public exhibition timeframes of the legislation for planning functions.”² P. 1. We assume that this is a ‘work in progress’ and that the final document will guide all community engagement, and the HWCV advocates that the document continue to be developed to encompass all forms of engagement and/or be clear about what sorts of engagement is not covered.

¹ All quotes are from the draft Community Participation in Planning unless otherwise indicated.

² Community Participation Plans: Guidance material to councils

The draft CPP indicates that it has been built upon the Core Values created by the International Association for Public Participation (IAP2). These are not listed in the draft CPP, but are as follows:

1. Public participation is based on the belief that those who are affected by a decision have a right to be **involved in** the decision-making process.
2. Public participation includes the **promise that the public's contribution will influence the decision.**
3. Public participation promotes sustainable decisions by **recognising and communicating the needs and interests** of all participants, including decision makers.
4. Public participation seeks out and facilitates the **involvement of those potentially affected by or interested** in a decision.
5. Public participation seeks **input from participants in designing how they participate.**
6. Public participation **provides participants with the information they need to participate in a meaningful way.**
7. Public participation **communicates to participants how their input affected the decision.** (our emphases) ³

Comment 3 – views genuinely considered

It isn't clear in the draft CPP how these values have influenced the CPP design. Indeed, other than Value 7 (addressed in our Comment 4 below) the values don't seem to have influenced the CPP design at all. The core IAP2 value of "Public participation includes the promise that the public's contribution will influence the decision" is not included in the SCC draft CPP. And yet one of the aims of the SCC's community engagement plan is to "create greater community ownership, understanding and acceptance of Council decisions" p. 10. To achieve greater community ownership the community will need to trust that the council values and considers community input, and that this input **will** influence where it is possible and appropriate to do so. We ask that there be a commitment to consider community input and an expectation that it will influence SCC's decisions. Other local councils, for example Wingecarribee Shire Council, have not been so restrained in applying the IAP2 values. We remind the Council that the EPA Act says that the CPP

"Should ... provide meaningful opportunities for community participation in planning" and the "community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered"⁴.

As it exists, the draft CPP does not provide meaningful opportunities for community participation in planning, nor does it give confidence that community views will be genuinely considered.

The draft CPP states that

"Notifications (of a decision) must include:

The decision

The date of the decision

The reasons behind the determination as required by the Act/Regs

How community views were considered in making the decision." p. 19.

³ <https://www.iap2.org.au/about-us/about-iap2-australasia/core-values/> accessed 17 Nov 2019

⁴ <https://www.legislation.nsw.gov.au/#/view/act/1979/203/part2/div2.6/sec2.23> accessed 17 Nov 2019

Comment 4 – reasons for decision

We commend the Council for providing reasons for decisions, and how community views were considered in the decision making.

The draft CPP says:

“Certain development and/or activities, based on the site’s circumstances, are also considered minor in nature if they are unlikely to adversely affect other property owners”. P12 and therefore there will be no notification relating to these.

Comment 5 – no notification

Appendix 1, as we understand it, provides a list of developments for which there will be no usual notification. We request that whilst the Council may not notify the community or neighbours, all of the development activities in Appendix 1 will be listed on the DA Tracking site.

Can you also be more specific about where:

Complying Development and
Section 96 Consent Modifications

sit in relation to this clause.

The draft CPP indicates that “the exhibition timelines for projects of a sensitive or controversial nature” p. 13 may be extended.

Comment 6 – extended consultation

The HWCV recommends a commitment that any project of a sensitive or controversial nature will have an extended consultation period to double that mandated, along any plan of a long term and significant nature such as the Local Strategic Plan. The community doesn’t have the benefit of having seen the document develop over several months – they have just 4 weeks to get their heads around the document and its implications. Whilst it is unrealistic to delay these planning processes too much, if the plan can be done with community support it should result in less angst and time used later.

The draft CPP outlines its mechanisms of engagement as:

“Engagement can be undertaken in a variety of ways and within a scale ranging from informing (low level of engagement) through to collaboration (high level of engagement). Council adopts the IAP2 spectrum in the development of engagement planning and processes. In most cases engagement with Council will sit **between Inform and Consult**. In some cases Council also collaborates directly with the community where the ability to partner in the decision making process can be achieved.” P.

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Comment 7 – plan for the full spectrum of participation

In the IAP2 spectrum of community participation⁵ there is no ‘**between**’ inform and consult. These are the two bottom levels of public participation, that is, the two forms of public engagement planned to be used ‘most’ by SCC require the least involvement from the public. The other levels of public participation are involve, collaborate and empower. In this sense the draft CPP reads as an effort to collect public comment without a commitment to consider it. The HWCV requests an outline and example of situations where the Council might collaborate directly with the community. The HWCV also requests use of a broader range of community engagement such as: face to face

⁵ https://www.iap2.org.au/wp-content/uploads/2019/07/IAP2_Public_Participation_Spectrum.pdf

engagement, surveys, workshops, and citizen committees and others as described in the earlier SCC community engagement policy⁶. Additionally the draft CPP does not mention existing strategies of engaging with the community such as community reference groups, advisory committees, representative groups or community boards, organisation of community forums or how the community might link in with existing or new engagement activities.

The HWCV requests that greater resources are given to community engagement, so that there can truly be a dialogue and the relationship with the community is strengthened.

Comment 8 – improving notification of DAs

The Environmental Planning and Assessment Act 1979 No 203, requires that “Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning”⁷. We congratulate the SCC on its DA Tracking site, interactive maps and Get Involved pages – these are significant efforts to communicate transparently. On matters that receive numerous comments the DA Tracking site and type of documents can be hard to understand, e.g. what is the difference between a ‘submission’ and a ‘mayoral –submission’? Can an explanation of the different types of submissions be provided?

Additionally, current DAs approved after notification and advertising can be substantially modified by the applicants request without being again referred to neighbours, notified to CCBs or revealed to the general public. The results can overturn an original balanced approval, they can be a blot on the landscape, a safety problem, even a cost to the taxpayer to rectify.

The HWCV therefore requests that any proposed change to an approved DA will always require that:

- 1) The neighbouring property owners, general public and the local CCB MUST be notified of the specific proposed changes, as if the change requested was a new application, and
- 2) Adequate time must be allowed
First for affected or concerned persons to assess, discuss and register any objection, and
Second for assessing staff to adequately consider and evaluate the proposed change and the public response and
- 3) Any resulting decision-varied or not, MUST be communicated to responding parties and posted publicly on the DA tracking website IMMEDIATELY after the decision is made to maintain the party’s rights to appeal the decision.

Comment 9 – avoid summer holiday period

The HWCV requests that Council refrain from setting the deadline for feedback on any policies and documents that affect our Community between mid-December to mid-February. This time of year is a busy holiday period, encompassing Christmas, New Year, Australia Day and school holidays. It is very difficult for community members, particularly if you have children or are employed in the tourism industry, to respond during this time.

⁶ <http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=POL12/31> accessed 17 Nov 2019

⁷ <https://www.legislation.nsw.gov.au/#/view/act/1979/203/part2/div2.6/sec2.23> accessed 17 Nov 2019

Comment 10 – Add CCBs to recipients of Level 1 notification

In the Community Consultation matrix (pp 16-17) we request that Level 1 notifications include the CCBs as issues such as 'it may impact on character of neighbourhood', and 'may have environmental impacts' are issues that are relevant to more than direct neighbours.

Comment 11 – significant environmental issues

The level of notification table suggests that development applications that raise significant environmental issues or major environmental issues will result in level 2 and level 3 notifications respectively. If a development application will result in significant or major environmental issues then it should be rejected – you don't the community to tell you that!

Evaluation

Comment 12 – evaluation strategy

No detail has been provided in the draft CPP regarding Evaluation. Council needs to be more specific here as otherwise evaluation is not likely to occur. It would be useful to collect some data that allowed comparison across different projects. At the very least you should know how you will evaluate for DA consultation and planning consultation as you have mapped out how this will occur, now is the appropriate time to map out how you will monitor and evaluation.