

Landcom Community Participation Plan

For relevant planning assessments under Division 5.1
Part 5 of the *Environmental Planning and Assessment Act 1979*

JULY 2022



Creating more affordable
and sustainable communities

Acknowledgment of Country

In the spirit of reconciliation, Landcom respectfully acknowledges the Traditional Custodians of Country throughout NSW and recognises and respects their continuing cultural heritage, beliefs and connection to land, sea and community. We pay our respects to their Elders past, present and emerging. This land always was and always will be traditional Aboriginal land.

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Disclaimer: This Community Participation Plan has been prepared in accordance with the requirements of Division 2.6 and Schedule 1 the Environmental Planning and Assessment Act and will be periodically reviewed. The information contained in this publication is based on knowledge and understanding at the time of writing (July 2022) and may not be accurate, current or complete. While every reasonable effort has been made to ensure this document is correct at the time of printing, Landcom, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document. Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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A message from the CEO

Landcom has a big responsibility – a responsibility to the NSW Government and to communities across the state.

As the NSW Government’s land and property development organisation we are tasked to help the Government achieve its urban management objectives by taking a lead role in improving the supply, diversity and affordability of new housing across the state. Our mission is to create more affordable and sustainable communities. Landcom’s projects, both big and small, shape the neighbourhoods we call home and contribute to the growth of our cities and regions. Understandably, development can be a sensitive public issue and those with an interest in our projects can have mixed views about the impacts they have on their communities.

We are in the business of building the neighbourhoods and communities of tomorrow. It’s a tough business because we can only deliver projects if our stakeholders participate meaningfully as our cities and towns grow and evolve. To build community trust we seek to ensure people know who we are and what we are proposing, and provide meaningful opportunities for them to engage with us as we plan and deliver our projects.

To this end, we are committed to best practice community engagement and continuous improvement in our engagement practice.

This Community Participation Plan describes how and when we will engage communities in relevant planning processes for our projects that are assessed under Division 5.1 of Part 5 of the Environmental Planning and Assessment Act. This may involve a range of development activities such as the delivery of infrastructure like footpaths, cycle paths or some roads. It may also involve activities such as grass cutting, place-making or delivery of temporary community facilities.

We welcome your feedback on these activities, as outlined in this plan.



Alexander Wendler

CEO
July, 2022



Ghostpatrol, Living and Dreaming in this City, 2019, Tallawong Station.
Commissioned by Landcom in 2019 for Sydney Metro Northwest Places Public Art Program.

1. Introduction

1.1 About this Community Participation Plan

This Community Participation Plan aims to make it easy for our community stakeholders to understand how they can participate in planning processes for Landcom’s activities assessed under Division 5.1 of Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act). Division 5.1 allows public authorities like Landcom, to self-assess and grant themselves the right to carry out development activities where those activities do not require development consent under NSW planning legislation.

This Plan complements Landcom’s stakeholder engagement framework, Join In, which guides our overall approach to working with stakeholders, including local communities, on all our projects.

This Community Participation Plan outlines the mandatory community consultation that we are required to undertake when assessing our own development activities under Division 5.1 of Part 5 of the EP&A Act as well as the additional community consultation and engagement which we may undertake, to achieve the best outcomes for both our projects and the community.

Examples of activities which may not require development consent that we might assess under Division 5.1 of Part 5 of the Act

- Grass cutting and/or land clearing
- Maintenance or delivery of essential infrastructure, such as roads, footpaths or cycle paths
- Place-making or delivery of temporary community facilities.

1.2 Why does Landcom need a Community Participation Plan?

The EP&A Act, which sets out the laws under which planning and development in NSW takes place, outlines a number of different planning approval pathways which Landcom must consider to identify the appropriate assessment approach for proposed development activities. The correct planning approval pathway depends on many factors, including the nature, size and scale of proposed activities, and the land on which they are to be carried out.

The main parts of the EP&A Act that relate to development assessment and approval of our projects are:

- Part 4 - Development Assessment
- Division 5.1 of Part 5 - Environmental Impact Assessment.

Given the nature and scale of our projects, the majority of our development proposals are assessed under Part 4 of the EP&A Act with a local council, the Planning Assessment Commission, a Joint Regional Planning Panel or the Minister for Planning and Homes acting as the 'Consent Authority'. Through this process, proposals get placed on public exhibition and independently assessed before a decision is made whether to approve the development. However, from time to time, Landcom exercises its functions as a Determining Authority under Division 5.1 of Part 5 of the EP&A Act. In effect this means that for some projects, we have to assess the environmental impacts of our activities and decide whether to proceed ourselves.

When Landcom exercises these Division 5.1 functions, we are required to consider to the fullest extent possible all matters likely to affect the environment associated with the activity. If our assessment concludes that the proposed activity is likely to have a significant effect on the environment, an environmental impact statement needs to be prepared and publicly exhibited, so the community has an opportunity to participate in the planning process.

We are required to comply with the community participation requirements in Division 2.6 of the EP&A Act that require us to have a Community Participation Plan outlining how we will invite the community to participate in our assessment of the

environmental impacts, when we exercise our planning functions as a Determining Authority under Division 5.1 of Part 5 of the EP&A Act.

A **Determining Authority** is typically a public authority, such as Landcom, who carries out an activity, or gives approval to an activity. For some proposed development activities Landcom must exercise its functions as a Determining Authority under Division 5.1 of Part 5 of the EP&A Act.

An **activity** is typically infrastructure development or other type of development which doesn't require development consent and is not exempt development.

1.3 Activities where this Community Participation Plan applies

When we exercise our Division 5.1 functions, we must fully consider all matters likely to affect the environment by reason of the activity. This may include engaging the community to help us identify the potential economic, social or environmental impacts of proposed activities, particularly when assessing larger or more complex projects or when the activities may affect sites with features that are valued by the community.

If our assessment concludes that activities are likely to have a significant impact on the environment, we must prepare and exhibit an environmental impact statement and invite members of the community to participate in the planning process in accordance with our Community Participation Plan – see Section 3 for more information, including on exhibition timeframes.



2. Our invitation to Join In

Landcom's stakeholder engagement framework, Join In, includes an Engagement Charter which outlines our commitment to engagement excellence, continued learning and improvement, and the principles that guide our engagement practice. You can access this Charter on our website.

2.1 Our role

Landcom is the NSW Government's land and property development organisation. We are a State Owned Corporation working with government and the private sector to deliver exemplary housing projects that also deliver social and economic benefits to the people of NSW.

Landcom helps the NSW Government achieve its urban management objectives by taking a lead role in improving the supply, diversity and affordability of new housing. We have a big responsibility – a responsibility to the people of New South Wales, through our Government –

to deliver more affordable, vibrant, connected and sustainable places to live, and to increase opportunities for people to own their own home.

As a Government organisation, our role is to recommend the best balance between sometimes divergent interests and the Landcom Corporation Act 2001 requires us to consider the interests of the community in which we work. We seek the input of all those that have a stake in the outcomes of what we do, to enable the Government to make better decisions.

2.2 Our commitment

To succeed, we need meaningful participation of the many people and groups who have a stake in the evolution of our cities and state, including the communities who know them best.

We acknowledge that sometimes there will be circumstances beyond our control, and other pressures, such as budget, timing or resourcing, that result in less than ideal processes. But that won't happen for want of commitment or effort on our part.

We are committed to stakeholder engagement and to continued learning and improvement in our engagement practice, to help achieve our mandate.

2.3 Our understanding of engagement

We understand 'engagement' to be about actively working with stakeholders, including individuals, groups and organisations, in our projects or planning processes. Productive engagement relies on effective communication, which requires clarity about its purpose, the context and the audience.

Our projects are all different which is why we engage in different ways depending on specific project and community needs. This means our engagement takes many forms and ranges from informing stakeholders about a project, to obtaining input and feedback, or including stakeholders in decision-making.

Meaningful community engagement leads to improved outcomes for an activity through sharing of information which informs project planning, delivery and operation.

2.4 Our stakeholders

Stakeholders are all individuals, groups and organisations that have an interest, will be directly impacted, or have an ability to influence outcomes of a project or process. They include those with different interests including, for example, political, government, industry, business, media, environmental, social and community interests.

In generic terms 'community' is a stakeholder, but communities are diverse. They include groups of people united by at least one common characteristic, such as geography, shared interests, experiences, values or attitudes.

Community and business, government, industry and internal stakeholders (our Board and staff) all have different interests and needs relating to our projects, which is why we engage them differently.

2.5 Our guiding principles

Our approach to engaging stakeholders is underpinned by a number of principles, which are widely accepted and promoted by engagement advocates in Australia and around the world and which align with the Community Participation Principles outlined in Section 2.23 (2) of the EP&A Act and in Table 2.

Our engagement activities are assessed against these principles to support our commitment to continued learning and improvement in our engagement practice.

Landcom's Stakeholder Engagement Principles

We aim to be:	This means:	Examples in practice of engaging community stakeholders:
Collaborative	Working with stakeholders with an interest in delivering positive project outcomes	<p>Identifying community groups and other community stakeholders in liaison with local councils and inviting them to participate</p> <p>Seeking to understand the needs, aspirations and concerns of active community stakeholders</p> <p>Seeking feedback from community stakeholders on how they would like to participate</p> <p>Adjusting engagement activities (if necessary) in response to community feedback</p>
Purposeful	Planning and resourcing engagement to support project delivery	<p>Ensuring genuine engagement by carefully planning activities to meaningfully inform our projects</p> <p>Scaling engagement to be commensurate with the context, scope and impact of projects</p> <p>Evaluating our engagement activities</p>
Proactive	Engaging stakeholders early and throughout project planning and delivery and making it easy for them to participate	<p>Preparing communication materials that are relevant, concise and easy for people to find and understand</p> <p>Communicating regularly and providing status updates on projects</p> <p>Using a mix of engagement activities, including face-to-face and online</p> <p>Giving people enough time to understand and participate meaningfully</p> <p>Engaging early before finalising project plans</p>
Accountable	Being clear about the purpose of engagement, level of influence and how the influence has shaped recommendations and decisions	<p>Clearly explaining the purpose of engagement and how and when people can participate</p> <p>Reporting the feedback we receive and explaining how we considered it to shape our projects</p> <p>Notifying people when formal decisions are made</p>
Inclusive	Engaging stakeholders with different needs and interests	<p>Translating communication materials into different languages</p> <p>Using interpreters at engagement events</p> <p>Advertising engagement opportunities in community language papers</p> <p>Tailoring engagement activities to identify a range of community views, including those of people who may find it difficult to participate in standard activities (e.g. younger and older people; people with disabilities; Aboriginal and Torres Strait Islander people; people from culturally and linguistically diverse backgrounds)</p>

Table 1 – Landcom's engagement principles

	Landcom's Stakeholder Engagement Principles				
Community Participation Principles in the EP&A Act	Collaborative	Purposeful	Proactive	Accountable	Inclusive
The community has a right to be informed about planning matters that affect it			✓		✓
Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning	✓			✓	
Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning			✓		✓
The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered		✓	✓		
Community participation should be inclusive and planning authorities should actively seek views that are representative of the community					✓
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			✓		
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)				✓	
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		✓		✓	

Table 2 - Alignment of Landcom's engagement principles with legislated community participation principles

3. Community engagement opportunities for activities that will significantly affect the environment

This section identifies where the community could be engaged during the process for planning, assessing and approving an activity that requires an Environmental Impact Statement (EIS). Opportunities are identified to clearly show those WE MUST action (i.e. statutory requirements) and those WE MAY action (i.e. voluntary).

When we say WE MUST, actions are required under the EP&A Regulations and we must undertake them before making any decisions under Division 5.1. When we say WE MAY, actions are voluntary and we may decide to undertake them to align with our approach to engaging stakeholders.

Stage in process

Community engagement opportunities during environmental assessment

Project design and preparation of Environmental Impact Statement, Species Impact Statement &/or Biodiversity Development Assessment Report documenting environmental assessment for the proposed activity

In assessing to the fullest extent possible matters that are likely to affect the environment associated with a proposed activity we are required to prepare an EIS.

If the proposal is likely to significantly affect threatened species we must also prepare a Species Impact Statement (SIS) and may sometimes also prepare a Biodiversity Development Assessment Report (BDAR).

If the only likely significant environmental effect is on threatened species, we do not need to prepare an EIS, but the same requirements for EISs instead apply to the SIS and BDAR.

WE MAY (voluntary)

Consult with the community during the scoping and/or design of the project to understand community interests, concerns and values and obtain local knowledge of the area to help target detailed studies and inform design of the proposal.

Use different communication channels like mailbox drops and social media posts to help raise community awareness and invite participation.

Invite community feedback through different channels such as written correspondence, verbal discussions, targeted workshops or focus groups, online forums and site visits.

Stage in process

Community engagement opportunities during environmental assessment

Exhibition and assessment of the proposed activity

As the Determining Authority we cannot make a determination on an activity unless we have:

- assessed the EIS prepared in accordance with Division 5 of the EP&A Act
- provided the EIS to the Planning Secretary before placing it on public exhibition
- placed the EIS on public exhibition
- considered any submissions received through the public exhibition
- provided copies of submissions at least 21 days before making a determination to the Planning Secretary and if required to the Environment Protection Authority
- obtained other necessary consents, concurrences and approvals (a consent, licence, or permission) and considered report findings, recommendations and advice received from other relevant NSW or federal government agencies or authorities.

WE MUST (mandatory)

Exhibit the EIS* for at least 30 days** during which time we will make it:

- available to download from our website and from the relevant local council's website
- available to inspect at our main office in Parramatta and at the Department of Planning and Environment's office during normal office hours.

Post a notice on the NSW planning portal about the exhibition of the EIS.

Welcome written submissions from the community on the EIS.

Consider issues raised in submissions as part of the assessment process.

Provide a submissions report detailing our response to issues raised in submissions in response to exhibition of a SIS or BDAR.

WE MAY (voluntary)

Support the exhibition in different ways like mailbox drops to adjoining residents or the local community, social media posts, information sessions, site tours or meetings with community groups to raise awareness of the exhibition and/or provide information to help people understand technical findings detailed in the EIS.

Confirm in writing when we have received submissions.

Consult further with the community if required on submissions to seek further information on the proposed activity, its impacts and/or ways to manage impacts.

Stage in process**Community engagement opportunities during environmental assessment**

Decision on the proposed activity

Once we have obtained any other necessary approvals (a consent, licence, or permission) and where required, considered report findings, recommendations and advice received from other relevant NSW or federal government agencies or authorities and met all legislative requirements we can decide whether the activity can proceed.

In order to avoid, minimise, rectify or manage environmental impact we may modify the activity, place conditions on the activity or choose not to approve the activity.

In making a decision about whether to proceed we consider to the fullest extent possible all environmental impacts of, and the merits of, the proposed activity balanced against a range of factors to ensure the decision is in the public interest.

WE MAY (voluntary)

Provide updates via our website or other communication channels to keep the community updated on the planning process – especially if the assessment process occurs over a long period of time.

Communicate the outcome of the assessment via our website and sometimes via other communication channels like e-newsletters to people who have registered interest in the project. We will summarise reasons for our decision and how community views were taken into account.

Write to individuals, groups and organisations who made submissions to advise the outcome of the assessment.

* As a public authority we may withhold part of an EIS, but only if we believe its release is contrary to the public interest because of its confidential nature or for any other reason.

** The period between 20 December and 10 January (inclusive) is excluded from the calculation of the public exhibition period. 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 business day.

The above is a summary of the planning process for activities requiring an EIS. Please refer to relevant legislation for comprehensive and current requirements. Legislation prevails to the extent of any inconsistency with this Community Participation Plan.



Terminology

Review of Environmental Factors – A document prepared by or on behalf of a proponent under clause 156(3) of the EP&A Regulations to record the Division 5.1 assessment of likely environmental effects associated with a proposed activity.

Environmental Impact Statement – A detailed document prepared by or on behalf of a proponent to accompany a proposed activity under Part 5 when a proposed activity is likely to have a significant effect on the environment.

Species Impact Statement – A statement prepared in accordance with the Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017 that describes the species being affected by a proposed activity on land which contains critical habitat or will impact endangered species.

Biodiversity Development Assessment Report – A document required under the Biodiversity Conservation Act 2016 to document impacts to biodiversity values associated with a proposed activity.

3.1 Making a submission

During public exhibition of an EIS we must welcome submissions from all interested community individuals, groups and organisations. Submissions are a way for community stakeholders to provide comment on a proposal for us to consider before deciding whether or not to proceed with the proposal.

Any person can make a submission regarding a proposed activity to which an EIS relates. Where possible, submissions

should be in a letter form (handwritten or typed), but we may also accept digital form (email or video) submissions.

We generally consider petitions and form letters as one submission, but to ensure transparency we will always clearly report the number of signatories to petitions or form letters we receive.

Guidance for making a submission

If you wish to make a submission, we provide the following guidance. To ensure we clearly understand your views about the proposed activity and can consider how to respond we ask that your submission:

- be clearly labelled with a reference to the proposal it relates to
- clearly state whether you support or oppose the proposal
- include specific reasons why you support or oppose the proposal
- include any specific changes you would like made to the proposal and the reasons why you think these changes are important
- be signed and dated
- include your name and contact details. Please clearly mark your submission as 'confidential' if you do not want your personal information to be published.

Submissions made in relation to public exhibition of an EIS regarding a proposed activity are considered to be public documents. As such, they may be published in reports or on our website. Therefore, it is important you only include information relevant to the proposal in your submission.

Where you do not want your personal information published your submission should be marked as '**confidential**'.



4. Feedback

We encourage community involvement in all of our projects and value feedback that might help us communicate and engage better. There are many ways for the community to provide feedback and ask questions outside of formal public exhibition processes.

Contact us

Landcom

Email info@landcom.nsw.gov.au

Phone (02) 9841 8600

Mail PO Box 237, Parramatta NSW 2124

Visit Level 14, 60 Station Street, Parramatta during business hours

Or write to the Minister for Planning and Homes or contact your local Member of Parliament.



Useful references

Department of Planning and Environment,
Guidelines Division 5.1 assessments, February 2022.

Further information on community participation plans can be found on the Department of Planning and Environment's website.

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