

Department of Planning and Environment

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# Draft Community Participation Plan

Kosciuszko National Park Alpine Region

November 2023





# Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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## Acknowledgements

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## 1.1 Purpose of community participation plan

This Community Participation Plan (CPP) outlines the mandatory community engagement requirements on planning matters. The CPP reflects the community participation requirements in planning legislation, including mandatory consultation timeframes.

This CPP applies only to the Kosciuszko Alpine Region under Chapter 4 of the *State Environmental Planning Policy (Precincts – Regional) 2021* (Precincts Regional SEPP) and where planning functions are undertaken by the Minister for Planning and Public Spaces and the Planning Secretary under the *Environmental Planning and Assessment Act 1979* (EP&A Act). This Plan includes:

- community participation objectives; and
- approaches to community engagement, including minimum and typical public exhibition timeframes.

This Plan has been prepared by the Planning Secretary to meet the requirements of the EP&A Act Division 2.6 and applies to planning functions exercised by the Minister administering the EP&A Act (Minister for Planning and Public Spaces) and the Planning Secretary (and their delegates and nominees) within the Alpine Region.

Our community is anyone affected by, or interested in, NSW's planning system, including individuals, community groups, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, peak bodies, businesses, local government, and State and Commonwealth government agencies.

This Plan describes community participation activities undertaken by the Department of Planning and Environment on behalf of the Planning and Public Spaces Minister and Planning Secretary under the EP&A Act. This Plan will be reviewed periodically.

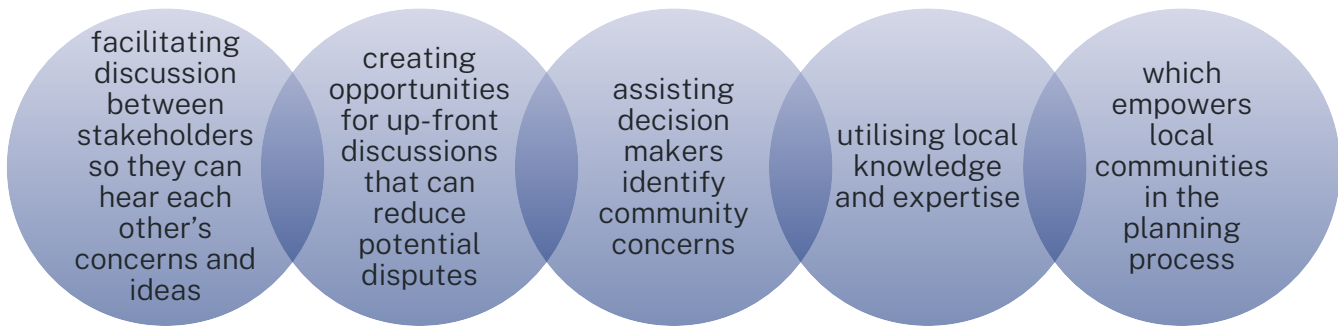
Our approach to preparing this Plan is informed by international best practice, including the International Association for Public Participation.

When implementing the CPP, it will be in accordance with the community participation principles listed in section 2.23 under Division 2.6 of the EP&A Act.

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## 1.2 Community participation objectives

Community participation in planning creates a shared sense of purpose and direction that manages growth while protecting the natural environment and promoting sustainable management of built and cultural heritage, including Aboriginal cultural heritage. It can achieve this by:



The Department considered the community participation principles in section 2.23(2) of the EP&A Act when developing the community participation objectives in this Plan.

The objectives and actions prompting the Department to embed best practice in individual proposals and community participation strategies and evaluate community participation initiatives are set out in **Appendix 1**.

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## 1.3 Public exhibitions

The EP&A Act sets out minimum community participation requirements for the public exhibition of certain planning matters outlined above. During an exhibition period all of the relevant documentation is published on the Department’s website and the community is invited to make a written submission which outlines their views on the draft policy, plan or project. A range of community participation activities may also be undertaken to achieve participation objectives, such as running workshops or focus groups.

At the conclusion of a public exhibition, all submissions are considered when finalising plans, policy initiatives or assessing DAs. In making decisions, consideration is given to the points raised regardless of who the submitter is or the number of submissions.

When determining an application for a proposed development which has been exhibited, the Department is required to notify the community of how submissions were considered in decision-making. The community will also be notified of decisions on policy and planning proposals and reports will summarise issues raised and describe how community views helped the decision to be made.

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## 1.4 Mandatory minimum public exhibition timeframes

The following are mandatory minimum public exhibition timeframes under the *Environmental Planning and Assessment Act 1979*.

Planning framework	
Planning function	Exhibition timeframe
Draft Community Participation Plan	28 days
Draft development control plan	28 days

Assessments	
Planning function	Exhibition timeframe
Application for development consent (other than for development listed in section 1.6 of the EP&A Act)	14 days
Application for nominated integrated development and threatened species development	28 days
Application for designated development	28 days
Application for development consent for State Significant Infrastructure or Development (SSD or SSI)	28 days
Application for modification of development consent required to be publicly exhibited by the EP&A Regulations	14 days
Application for a review under section 8.3 of the EP&A Act	A period not exceeding 14 days but otherwise in the same manner as the original application for modification was notified or advertised

## 1.5 Non-mandatory public exhibition timeframes

Planning Framework	
Planning function	Exhibition timeframe
Draft legislation, regulation, policies and guidelines	28 days unless otherwise decided due to the urgency, scale and nature of the proposal
State Environmental Planning Policies	Discretionary based on the urgency, scale and nature of the proposal
Re-exhibition of any amended application or matter	Discretionary based on the urgency, scale and nature of the proposal. Refer to Schedule 1 of the Regulation
Application for modification of development consent not required to be publicly exhibited by the regulations	Discretionary based on the urgency, scale and nature of the proposal.

In addition to the above, the Department may exhibit other proposals in line with community participation objectives. For these functions, there may also be occasions where a government priority or administrative requirement demands immediate action and the usual community participation process will not be followed.

### Key points to note about public exhibition

- Timeframes are in calendar days and include weekends. 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 work day.

- As outlined in Schedule 1 to the EP&A Act, the period between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition.
- In certain circumstances there may be merit appeal rights for a person who makes a submission to object during a public exhibition of a development application for designated development and some SSD projects.
- Public authorities are not required to make available for inspection any part of an environmental impact statement where publication would, in the opinion of the public authority, be contrary to the public interest due to its confidential nature or for other reasons defined in relevant legislation, such as the Government Information (Public Access) Act 2009.
- When receiving submissions, the Department will adhere to our Privacy Policy and ensure defamation and discrimination laws are not breached.
- The Department always considers the safety of community members, other stakeholders and our staff who have the right to participate in a respectful environment and are expected to behave in a manner supporting everyone’s right to present their point of view.

## 1.6 How and when to participate in a public exhibition

During a public exhibition period, the community can:

1. Make an online submission via the Department’s website or write to the Department
2. Access relevant information about the draft plan, policy or project from the Department’s website or NSW Planning portal
3. Visit a Service NSW centre where staff can help you access relevant documents, answer questions or connect you to appropriate Departmental officers

## 1.7 Matters not requiring exhibition

Exhibition of a development application that is not otherwise required to be exhibited will be discretionary based on the urgency, scale, and nature of the proposal.

The table below is to serve as a general guide to the types of development that the Department is likely to not be required to be publicly exhibit:

Assessments
Development type
Modification applications (excluding those required to be publicly exhibited by the EP&A Regulation)
Internal building alterations
Alterations and additions to an existing building (including development applications require approval from the NSW Rural Fire Service under S100B of the Rural Fires Act in accordance with Section 4.46 of the EP&A Act)

## Assessments

Change the use of an existing building from a lawful use to another lawful use

Signage

Repair, maintenance or replacement of recreation infrastructure, lifting facility, or snow-making infrastructure (excluding development impacting a biodiversity mapped area)

Development that is otherwise considered by the Department to be consistent with the planning framework, comprising the Snowy SAP Master Plan; SEPP (Precincts-Regional) 2021 and Alpine Region DCP

Subdivision

Demolition

Essential Infrastructure and servicing, including, infrastructure facility

## 1.8 Glossary

**Community participation plan** means a community participation plan prepared and published under Division 2.6 of the EP&A Act

**Designated development** - Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations. Designated development does not include State significant development despite any such declaration.

**Development control plans (DCP)** -A plan providing detailed planning and design guidelines to support LEP planning controls

**Environmental Impact Statement (EIS)** - Development which falls within the category of designated development or State significant development requires an environmental impact statement

**EP&A Act** - sets the structure for the NSW planning system. It is the principal legislation regulating land use in NSW and allows plans to be made to guide the process of development and regulate competing land uses. This includes provisions that outline how strategic planning is incorporated into the NSW planning system.

**EP&A Regulation** - contain provisions and processes planning authorities must follow when assessing DAs. The EP&A Regulation also contains information about fees, building regulation and certification, including fire safety provisions

**Gateway determination** - A gateway determination is issued following an assessment of the strategic merit of a proposal to amend or create an LEP and allows for the proposal to proceed to public exhibition

**Integrated development** is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more approvals from other public authorities.

public authority mean has the same meaning as undersection 1.4 of the EP&A Act and includes:

- a public or local authority constituted by or under an Act, or



- a Public Service agency, or
- a statutory body representing the Crown, or
- a Public Service senior executive within the meaning of the *Government Sector Employment Act 2013*, or
- a statutory State owned corporation (and its subsidiaries) within the meaning of the *State Owned Corporations Act 1989*, or
- a chief executive officer of a corporation or subsidiary referred to in paragraph (e), or
- a person prescribed by the regulations for the purposes of this definition.

**Regional strategic plan 20-**year plans addressing community needs for housing, jobs, infrastructure and a healthy environment for a region

**State Environmental Planning Policy (SEPP)** - An environmental planning instrument developed by the Department, relating to state significant or state-wide planning matters

**State significant development (SSD)** - Developments may be declared to have State significance due to their size, location, economic value or potential impacts, for example new schools, hospitals and energy-generating facilities

**State significant infrastructure (SSI)** - SSI includes major transport and services developments with significance and impact beyond the local area, for example rail infrastructure, road infrastructure and water storage and treatment plants

## Appendix 1 – Community Participation – Objectives and Department actions

Each Objective contains actions prompting the Department to embed best practice in individual proposals and community participation strategies and evaluate community participation initiatives.

Objectives	Actions
Open and inclusive	<ul style="list-style-type: none"> <li>• Keep the community informed</li> <li>• Promote participation</li> <li>• Seek community input and accurately capture community views</li> <li>• Build strong partnerships with the community</li> <li>• Incorporate culturally appropriate practices when engaging Aboriginal Torres Strait Islander and culturally and linguistically diverse communities</li> <li>• Conduct community participation initiatives in a safe environment</li> </ul>
Easy to access	<ul style="list-style-type: none"> <li>• Outline in advance how and when the community can participate</li> <li>• Use best practice community participation techniques</li> <li>• Make relevant information available in plain English and translate information when engaging linguistically diverse communities or people living with disabilities</li> <li>• Incorporate visual representations to clearly illustrate possible impacts of a proposal</li> <li>• Ensure information is accessible for groups who find it difficult to participate in usual community participation activities</li> <li>• Stage events at convenient times and locations</li> </ul>
Relevant	<ul style="list-style-type: none"> <li>• Establish what is up for discussion</li> <li>• Ensure as many community members as possible can participate</li> <li>• Recognise previous community input on the project and similar issues</li> <li>• Tailor exhibition to the:               <ul style="list-style-type: none"> <li>○ context, which could include location, type of application, stage of the assessment process, previous engagement undertaken; and</li> <li>○ scale, nature and known impacts for the proposal</li> </ul> </li> <li>• Adjust activities (if necessary) in response to community interest and participation preferences</li> </ul>
Timely	<ul style="list-style-type: none"> <li>• Commence community participation as early as possible, and continue for an appropriate period</li> <li>• Ensure the community has reasonable time to provide input</li> <li>• Facilitate ongoing discourse with local community networks</li> <li>• Consider holidays and other community events when setting dates for engagement initiatives</li> </ul>

Objectives	Actions
Meaningful	<ul style="list-style-type: none"><li>• Always explaining at the end of projects how community views were considered when reaching decisions</li><li>• Be clear about what aspects of a plan, project or proposal the community can inform</li><li>• Have planners and decision makers engage directly with the community</li><li>• Ensure responses to community input are relevant and proportionate</li><li>• Give genuine and proper consideration to community input</li><li>• Keep accurate records of community input and participation activities</li><li>• Regularly review the effectiveness of community participation initiatives</li><li>• Integrate community input into the evaluation process</li><li>• Comply with statutory obligations, protect privacy and respect confidentiality</li></ul>