

Community participation plans

This guidance material has been prepared to provide NSW councils clarification on the:

- relationship between a community participation plan (CPP) and a notification development control plan (DCP)
- planning functions that councils should include in its CPP
- steps to be followed to meet the CPP requirements.

Please direct inquiries to: legislativeupdates@planning.nsw.gov.au

Overview

CPPs are required under the *Environmental Planning and Assessment Act 1979* (EP&A Act). A CPP will outline how and when planning authorities engage the community across their planning functions.

All applicable NSW planning authorities (including councils) are required to have their CPP published on the NSW Planning Portal.

What is the relationship between CPPs and notification DCPs?

Currently, councils outline community participation requirements in multiple documents, including a notification development control plan and community engagement plan or strategy prepared under section 402A of the *Local Government Act 1993*. This includes information setting out specific exhibition timeframes (sometimes referred to as notification periods) for types for development applications.

The purpose of a CPP is to provide a single document that the community can access that sets out all of council's community participation requirements under planning legislation, including all minimum mandatory exhibition timeframes.

The expectation is councils will transfer all community participation requirements (sometimes referred to as notification, advertising or submission periods) from development control plans to their CPP or a community engagement strategy prepared to meet the CPP requirement.

Key points to note include:

- Draft CPPs are required to be exhibited for 28 days, with final CPPs published on the NSW Planning Portal.

- The purpose of a CPP is to provide a single document 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.
- Section 2.23(4) of the EP&A Act gives councils the option to prepare a standalone CPP or include the requirements in a community engagement plan or strategy prepared under section 402A of the *Local Government Act 1993*.
- A council's CPP is required to set out mandatory requirements for community participation by councils for the exercise of their planning functions:
 - The requirements include minimum public exhibition timeframes where council is the consent authority, as listed in Schedule 1 of the EP&A Act.
 - The exhibition period is sometimes described as a notification or advertising period.
- The CPP should be clear about what is meant by public exhibition, which could be described as:
 - giving notice to individual land owners/occupiers
 - determining an appropriate exhibition timeframe
 - advertising the exhibition notice, including how submissions can be made
 - making documents publicly available.
- A CPP should include all other non-mandatory community participation commitments including when there will be extended public exhibition or targeted consultation.
- A key legal function of the CPP is to inform the community of the different minimum public exhibition timeframes council sets for different types of development applications:
 - The minimum public exhibition period for all development applications (other than for a complying development certificate, for designated development, for nominated integrated development, for threatened species development or for State significant development) is 14 days, unless a council's CPP identifies a different time-period or states that no public exhibition is required (section 7 of Schedule 1 of the EP&A Act).
 - If exhibition periods are currently set out in council's notification DCP, councils should transfer or refer to this requirement in their the CPP.

- To provide transparency to the community, councils may choose to set out other typical community consultation practices in their CPP:
 - For example, where council notes in a CPP that no exhibition is required for a type of development application, however in practice they typically give near neighbours an opportunity to provide feedback.
 - Where this is included, these practices should be clearly distinguished from the mandatory minimum requirements by clearly identifying they are discretionary.
- To avoid uncertainty in relation to minimum exhibition periods and reduce future amendments required to the CPP, the Department recommends councils include necessary community participation information in their CPP and revoke the community participation requirements from any DCP once the CPP is made.

What planning functions does a council need to include in its CPP?

A council CPP should set out, as a minimum, their relevant planning functions as identified in section 2.21(2) of the EP&A Act. Table 1 below provides a guide to these as of April 2024:

Table 1 Minimum requirements that should be set out in a council CPP

Schedule 1 to the EP&A Act Minimum community participation requirement	Minimum community participation requirement
Draft community participation plans (CPP)	28 days
Draft local strategic planning statements (LSPS)	28 days
Planning proposals for local environmental plans subject to a gateway determination	28 days or: (a) if the gateway determination for the proposal specifies a period of public exhibition – the period so specified, or (b) if the gateway determination for the proposal specifies that no public exhibition is required because of the minor nature of the proposal – no public exhibition.
Draft development control plans	28 days

Schedule 1 to the EP&A Act Minimum community participation requirement	Minimum community participation requirement
Draft contribution plans	28 days
Application for development consent (other than for a complying development certificate, for designated development, for nominated integrated development, for threatened species development or for State significant development)	14 days or: (a) if the relevant community participation plan specifies a period of public exhibition for the application— the period so specified, or (b) if the relevant community participation plan specifies that no public exhibition is required for the application— no public exhibition.
Application for development consent for designated development	28 days
Application for development consent for nominated integrated development or threatened species development	28 days
Application for development consent for category 1 remediation work under State Environmental Planning Policy No 55— Remediation of Land	28 days
Council-related development applications	28 days
Application for modification of development consent that is required to be publicly exhibited by the regulations	14 days or if the relevant community participation plan specifies a period of public exhibition for the application— the period so specified.
Environmental impact statement obtained under Division 5.1	28 days

Important points to note:

- The mandatory requirements in Schedule 1 include any other forms of community participation set out in a CPP that are identified as mandatory requirements.

- Councils are not required to include minimum exhibition timeframes for planning functions that do not apply to them in their CPP.
- Section 17 in Schedule 1 to the EP&A Act states that if a particular matter has a different exhibition or notification period that applies under Part 1 of Schedule 1, the longer period applies.

Council CPP checklist

1. Decide whether to:

Option A: Prepare a standalone CPP

Option B: Rely on or update existing Community Engagement Strategy (CES) prepared as per section 402A of the LG Act (council only). This requires a statement that the document has been prepared to satisfy CPP requirements and acknowledge which sections are being used to satisfy these requirements.

2. Demonstrate regard to the community participation principles outlined in 2.23(2) of the EP&A Act:

Option A: If preparing a standalone CPP, this could be achieved by repeating community engagement principles set out in council engagement strategies to ensure consistency.

Option B: If updating an existing CES, this could be achieved by reference to community engagement principles already set out in that document.

3. Describe how and when the council enables community participation:

Option A: If preparing a standalone CPP, this could be achieved by repeating the community engagement approach set out in council engagement strategies to ensure consistency.

Option B: If updating an existing CES, this could be achieved by reference to the community engagement approach already set out in that document.

4. List minimum public exhibition timeframes for relevant planning functions. This will include moving minimum development application exhibition timeframes from notification DCPs to council's CPP. A list of the relevant planning functions and guidance on the relationship between CPPs and notification DCPs are provided above.

5. Exhibit the CPP for a minimum of 28 days.

6. Contact the Department for assistance with publishing the CPP on the NSW Planning Portal.