



Strategic plan

Community Participation Plan

1. ACKNOWLEDGMENT OF COUNTRY

The Independent Planning Commission operates on many different Aboriginal lands throughout the State of NSW. We recognise the Traditional Owners of the land upon which we work, and we show our respect for their Elders, both past and present. The Commission would also like to acknowledge the Gadigal people of the Eora nation, upon whose lands the Commission's head office is currently located.

2. ABOUT THE COMMISSION

The Independent Planning Commission of NSW (the Commission) was established by the NSW Government on 1 March 2018 as an independent statutory body.

The Commission plays an important role in strengthening and maintaining transparency and independence in the decision-making processes for major development and land use planning in NSW.

2.1 KEY FUNCTIONS

The key functions of the Commission are to:

- determine State significant development applications in cases where:
 - there are more than 50 public objections to the proposed development
 - the applicant has made a reportable political donation
 - the relevant local council/s has objected to the proposed development
- conduct public hearings for development applications and other matters, at the request of the Minister for Planning

- provide independent advice on any other planning and development matter, when requested by the Minister for Planning or Planning Secretary. Routine advice matters typically relate to Rezoning Reviews and Gateway Determination Reviews.

The Commission is required to meet specific timeframes for its determinations and routine advice matters. Please see the Commission's website for the current Statement of Expectations from the Minister for Planning.

2.2 OUR VALUES

The Commission's values below are set out in our Strategic Plan and inform all that we do:

Independence – Commissioners are independent and objective in the decisions they make and advice they provide. The Commission and the Office of the Independent Planning Commission that supports the Commission are separate from other government departments and agencies.

Integrity – Our processes are undertaken with a high degree of openness and transparency and in line with ethical conduct.

Engagement – We encourage and facilitate stakeholder participation in decision-making processes and in providing feedback on our policies and procedures.

Quality – The Commission makes fair, timely and robust decisions, and instils a work culture of excellence and continuous improvement.

Timeliness – The Commission delivers timely determinations within the legislative and government policy framework to serve the people of NSW.

3. OUR COMMUNITY PARTICIPATION PLAN

The Community Participation Plan (CPP) sets out how and when the Commission undertakes community consultation, provides other opportunities for meaningful public participation, and is transparent and inclusive when engaging with the community.

A CPP is a requirement of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (see Division 2.6 and Schedule 1 of this Act) that applies to the exercise of planning functions by all NSW planning authorities, including the Commission. We review our CPP periodically and as required under the Act.

Our CPP does not apply to other NSW planning authorities, such as the Minister for Planning, the Department of Planning and Environment (DPE), the Greater Cities Commission or local councils. It also does not apply to the Planning Secretary when exercising consent authority functions on our behalf (under Section 4.6 of the Act) nor to the administrative functions undertaken by DPE on behalf of the Commission. DPE's Community Participation Plan outlines how the community can participate in those processes.

3.1 WHY IS COMMUNITY PARTICIPATION IN COMMISSION PROCESSES IMPORTANT?

The Commission regularly engages with the community, particularly when making determinations that will either approve (with conditions) or refuse State significant development applications.

The level and extent of community participation can vary, depending on the likely impacts of the development, and whether the Commission is the consent authority making the decision, or is providing advice to another consent authority such as the Minister for Planning.

Community participation in Commission processes is important to:

- ensure the Commission exercises its functions in an informed manner
- provide access to community knowledge, ideas and expertise
- build community confidence in the Commission's process and the NSW planning system

3.2 WHO IS CONSIDERED TO BE PART OF THE COMMUNITY?

The Commission welcomes community participation from any of the following:

- anyone affected by, or interested in, a development application or planning matter under consideration by the Commission, including the applicant
- individuals, community, or interest groups
- indigenous communities

- peak industry bodies
- local businesses
- local councils

Not everyone will agree with every decision the Commission makes. The Commission's community participation processes are intended to ensure that the community's views are properly considered through an informative, accessible, transparent and inclusive process.

4. COMMUNITY PARTICIPATION OBJECTIVES

In consideration of community participation requirements of section 2.23(2) of the *Environmental Planning and Assessment Act*, and relevant actions in DPE's Community Participation Plan, the Commission's community engagement activities are guided by the following objectives:

4.1 CLARITY

The Commission aims to inform community members about Commission cases that affect them and how they can participate.

We will:

- provide guidance to the public on our processes and what to expect when engaging with us
- keep the community updated by publishing case materials and dates on the website including, where relevant, any statements from the Commission on case progress
- clearly communicate what the community is being asked to comment on and how their feedback will be taken into account.

4.2 ACCESSIBILITY

The Commission aims to ensure that information and engagement processes are easily accessible.

We will:

- aim to hold public meetings and hearings at convenient times and locations and consider holidays and other community events when setting dates
- provide at least two weeks' notice of the commencement of upcoming public meetings and hearings and support speakers to participate
- open public submissions as early as possible to allow as much time for submissions and consideration of community input as the timeframe allows
- recognise community input already provided to the Department of Planning and Environment in its earlier consultations on proposed developments
- make relevant information available in plain English and provide accessible documents in line with the Commission's Multicultural Plan

4.3 TRANSPARENCY

The Commission aims to be fully transparent in its operations by providing as much clear, timely and detailed information to the public as possible.

We will:

- act in accordance with the Commission's [Transparency Policy](#)
- publish transcripts, submissions, correspondence and other case materials on the website in a timely manner so that the community can see what the Commission has received for consideration from other stakeholders and are able to make more informed submissions
- have all public meetings and hearings transcribed and able to be observed at the time they occur, either electronically or by physical attendance
- at the discretion of Panels, invite community observers to site inspections
- explain clearly and concisely in our Statement of Reasons for Decision how the community's views were gathered and taken into account
- where appropriate, and with the consent of the Court and other parties to an appeal, seek public submissions on materially amended forms of development applications in court cases where we participate in a court-directed conciliation process as part of an appeal of a Commission decision.

4.4 INCLUSIVITY

The Commission seeks input from diverse stakeholders who are representative of a full range of relevant interests.

We will:

- hold regular dialogue with key community organisations and peak bodies
- ensure information is accessible and seek input from groups who may find it difficult to participate in standard engagement activities, including young and older people and people with disabilities
- ensure that views of traditional owners are heard in a form and at a venue that is culturally appropriate and consistent with the Commission's processes
- incorporate appropriate practices when engaging with Indigenous and culturally and linguistically diverse communities
- conduct public meetings and hearings in a safe environment
- ensure that methods of community participation are appropriate, giving regard to community needs and the significance and likely impact of the proposed development

If you need specific support for your participation in Commission processes, please email the ipcn@ipcn.nsw.gov.au with your request.

The Commission will also seek feedback on and regularly review the effectiveness of its community participation activities.

5. WHEN AND HOW YOU CAN PARTICIPATE

There are several ways for the community to participate in the Commission's processes.

5.1 KEEP UP TO DATE

You can keep up to date on Commission cases by:

- reading emails from the Commission
- reading local news about upcoming public meetings or hearings
- following Commission social media channels
- regularly checking the Commission's website

5.2 ATTEND EVENTS

You can engage directly with the Commission Panel on a specific matter by:

- speaking at a public meeting or hearing in person or, if the event is electronic, via video conference, telephone or recorded video or audio submission
- watching a public meeting or hearing as an observer to hear the views of other community members and experts
- viewing video recordings of electronic public meetings, hearings or virtual site inspections,
- if a Panel invites you:
 - observing the Panel conduct a site inspection and locality tour as a community representative
 - having a transcribed consultation meeting with the Panel.

5.3 PROVIDE FEEDBACK

The community has the opportunity to raise concerns, express support, or propose conditions for a proposed development by:

- making a written submission on the proposed development, including the DPE's Assessment Report for State significant developments and any recommended conditions of consent
- making a written submission on additional materials (in situations where the Commission seeks further submissions on new information)
- making a verbal submission by presenting at a public meeting or hearing
- through peak representative bodies, raising general matters directly in regular consultations conducted by the Commission Chair

You may also be asked to complete a feedback survey on the Commission's processes following your participation in a Commission event.

6. HOW TO PARTICIPATE IN COMMISSION PROCESSES

How to participate in planning decisions or advice matters (when a public meeting or hearing is held)

Keep up to date	<p>If you have previously made an electronic submission to the Department of Planning and Environment (DPE) on a proposed development or on a matter for advice, the Commission will use the email address you provided to the DPE to contact you about how to participate in our process of determining the development application or providing the advice.</p> <p>Through the Commission's website, social media channels, direct email communication and media releases to local news outlets, the community will be notified of:</p> <ul style="list-style-type: none">▪ the date, time and location of the public meeting or hearing▪ whether the event will be held in person, online, or as a mixture of both▪ speaker registration information including opening and closing dates▪ submission information including opening and closing dates <p>The website and the Commission's social media channels will provide updates on the case during the process. If you have made a submission either to DPE or the Commission on a proposed development, the Commission will use the email address you provided in order to notify you of the determination or advice outcome.</p>
Attend events	<p>The Commission can only hold a public hearing if requested to do so by the Minister for Planning. The Panel may choose to hold a public meeting for other cases as appropriate.</p> <p>These events may be held in person, online or as a mixture of both. They may also be livestreamed on the Commission's website and a transcript of the public meeting or hearing (and in some cases a video or audio recording) published on the website. You can register your interest to speak at these events via the Commission's website. The Commission invites video submissions by traditional owners broadcast from or recorded on Country during electronic public meetings or hearings.</p> <p>If you are invited to attend as an observer at a Commission site inspection or locality tour, Commission staff will make arrangements with you directly. The purpose is for the Panel to inspect the physical attributes of the proposed development site and surrounding areas. A Commission Panel may, as it considers appropriate, conduct physical site inspections/locality tours or transcribed stakeholder meetings on Country with traditional owners.</p>
Provide feedback	<p>The Commission will usually open public submissions within a few days of receiving a case.</p> <p>Submissions typically close seven days after the end of a public meeting or hearing and should be submitted via the online 'make a submission' form on the Commission's website. You can provide written, audio or video submissions.</p> <p>In some cases, a Panel may accept additional material outside of the submission period (usually from the applicant or DPE). If the Panel seeks further public submissions on additional materials, previous submitters will be notified and submissions on additional material invited via email at submissions@ipcn.nsw.gov.au</p>
Key resources	<p>Public Hearing Guidelines Public Meeting Guidelines Site Inspection and Locality Tour Guidelines Public Submission Guidelines Transparency Policy COVID Safe Policy Multicultural Plan</p>

How to participate in planning decisions (when a public meeting or hearing is not held)

Keep up to date	<p>If you have previously made an electronic submission to DPE on a proposed development, the Commission will use the email address you provided to the DPE to contact you about how to participate in the Commission's process of determining the development application.</p> <p>Through the Commission's website, social media channels, and direct email communication the community will be notified of submission opening and closing dates.</p> <p>The website and the Commission's social media channels will provide updates on the case during the process. If you have made a submission either to DPE or the Commission on a proposed development, the Commission will use the email address you provided in order to notify you of the determination outcome.</p>
Attend events	<p>When no public meeting or hearing is held, the Panel may choose to hold transcribed stakeholder meetings with key community representatives. Commission staff will contact you should you be invited to participate.</p> <p>If you are invited to attend as an observer at a Commission site inspection or locality tour, Commission staff will make arrangements with you directly. The purpose is for the Panel to inspect the physical attributes of the proposed development site and surrounding areas.</p>
Provide feedback	<p>The Commission will usually open public submissions within a few days of receiving a case and if no hearing or public meeting is held will typically remain open for two to three weeks. You can provide written, audio or video submissions, which should be submitted via the online 'make a submission' form on the Commission's website.</p>
Key resources	<p>Site Inspection and Locality Tour Guidelines Public Submission Guidelines Transparency Policy COVID Safe Policy Multicultural Plan</p>

How to participate in planning advice matters (when a public meeting or hearing is not held)

Keep up to date	<p>You can read the Commission's website for any submission opening and closing dates and other updates on the case.</p> <p>If you have made a submission to the Commission on a case, the Commission will use the email address you provided in order to notify you that the advice has been issued.</p>
Attend events	<p>The Commission Panel may choose to meet with key community members in a transcribed meeting as part of its consultation process.</p>
Provide feedback	<p>If public submissions are sought, they will typically remain open for two to three weeks. You can provide written, audio or video submissions, which should be submitted via the online 'make a submission' form on the Commission's website.</p>
Key resources	<p>Scope of Gateway Determination Reviews Public Submission Guidelines Transparency Policy COVID Safe Policy Multicultural Plan</p>

How to participate when Commission decisions are appealed in the courts

Keep up to date	<p>If you have made a submission either to DPE or the Commission on a State significant development application that is determined by the Commission and later appealed in the Courts, you may be notified by the Commission if the other parties to the appeal have consented to the Commission consulting with members of the public as part of a court-directed conciliation process (a Section 34 Conciliation Conference).</p> <p>The community will be notified of any such submission opening and closing dates on the Commission's website. Otherwise, the Commission does not provide general updates on the website on court appeals of its decisions.</p>
Attend events	<p>The Commission – except in extraordinary circumstances – will not oppose any interested stakeholder joining the proceedings as a party. You may wish to obtain your own independent legal advice, particularly given potential cost consequences of joining proceedings. Observation of proceedings is a matter for the court's processes and is not controlled by the Commission.</p>
Provide feedback	<p>If the Commission is granted permission to seek public submissions on any amended development application before the court, previous submitters will be notified through the email address they provided and submissions on invited via email at submissions@ipcn.nsw.gov.au. The amount of time for which submissions are invited in these circumstances is usually a matter for the court to decide.</p>
Key resources	<p>Section 34 Conciliation Conference Policy Transparency Policy Public Submissions Guidelines</p>

7. POLICY CONTEXT

Several legislative and regulatory requirements, NSW government internal controls, federal government policies and internal governance and policy documents inform, underpin and supplement this Community Participation Plan. These include but are not limited to the following:

- The *Environmental Planning and Assessment Act 1979*
- The Independent Planning Commission's:
 - COVID Safe Policy
 - Indigenous Engagement Statement
 - Multicultural Plan
 - Privacy Statement
 - Public Hearing Guidelines
 - Public Meeting Guidelines
 - Public Submissions Guidelines
 - Scope of Gateway Determination Reviews
 - Section 34 Conciliation Conference Policy
 - Site Inspection and Locality Tour Guidelines
 - Strategic Plan
 - Transparency Policy

8. ENQUIRIES AND COMPLAINTS

We will aim to reply to general enquiries or complaints within 10 working days. If additional time is required to consider your enquiry or complaint, we will contact you to advise when you can expect a response.

For more information about how we handle complaints, please read our [Complaints Management Policy](#) on our website.

9. ANNEXES

A: Community Participation Plan Overview



For more information

Office of the Independent Planning
Commission NSW
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SYDNEY NSW 2000
Phone: (02) 9383 2100
Email: ipcn@ipcn.nsw.gov.au

Method of community participation	COMMISSION DECISIONS or ADVICE MATTERS					GENERAL FEEDBACK to the Commission		COURT APPEALS of COMMISSION DECISIONS	
	Prior consultation by DPE	Public meeting or hearing	Targeted stakeholder meeting	Written submissions	Site inspection / locality tour	Community participant surveys	Peak body consultation meetings	Written submissions	Joining as a party to an appeal
When the Commission makes a planning decision on a state-significant development:									
With a public meeting or hearing	✓#	✓	✗	✓	✓	✓	>	*	*
Without a public meeting or hearing	✓#	✗	?	✓	?	✗	>	*	*
When the Commission provides planning advice:									
With a public meeting or hearing	?#	✓	✗	✓	?	?	>	-	-
Without a public meeting or hearing	?#	✗	?	?	?	✗	>	-	-
What are the community asked to comment on?	<i>#DPE processes are separate to the Commission's - see DPE's Community Participation Plan</i>	<i>The specifics of the State significant development or other planning matter before the Commission</i>			<i>May be invited to attend as observers</i>	<i>The accessibility, independence, and transparency of Commission processes.</i> <i>>Peak body consultations do not relate to specific Commission cases</i>		<i>*The Court will determine the circumstances in which the community may participate, usually on the specifics of material relating to the appeal before the Court</i>	

Key:



The Commission would typically use this method of community participation



The Panel may, at its discretion, invite this method of participation



This method of participation would not typically be used in this case