

**Re: Proposed changes to Community Participation Plan**  
**Proposed changes to public exhibition timeframes for certain**  
**residential State Significant Development (SSD) applications**  
**Submission**

**REDWatch Background**

This submission is made on behalf of REDWatch Incorporated (REDWatch). REDWatch was set up in 2004 with the following objects in its constitution:

*REDWatch is a group of community residents and friends from Redfern, Waterloo, Eveleigh and Darlington who support the existing diversity in these areas and wish to promote sustainable, responsible economic and social development.*

*REDWatch recognises the importance of the Aboriginal community to the area.*

*REDWatch has been formed to:*

*1. Monitor the activities of the Government (local, state and federal), the Redfern Waterloo Authority, and any other government instrumentality with responsibility for the Redfern, Waterloo, Darlington and Eveleigh area, to ensure that:*

*(a) The strategy benefits a diverse community*

*(b) Communication and consultation is comprehensive and responsive*

*(c) Pressure is maintained on authorities*

*2. Provide a mechanism for discussion and action on community issues.*

*3. Enhance communication between community groups and encourage broad community participation.*

*This may involve: Holding regular meetings; Holding community forums and other events; Establishing a website; Communicating with the community through other means; Meeting with government representatives and authorities; Cooperating with other community organisations; And any other means the association deems appropriate.*

REDWatch deals with a number of State Significant projects across the suburbs of Redfern, Eveleigh, Darlington and Waterloo, which would be covered by these changes. In each case the projects due to their size and complexity have required extended community participation.

**REDWatch Headline response**

The proposed changes to public exhibition timeframes for certain residential State Significant Sites covered by this exhibition adversely impacts parts of our community's ability to adequately make considered responses to development proposals within our area. This is especially the case for public housing redevelopments dealing with vulnerable people in our area.

REDWatch strongly opposes the change for reasons covered later in our submission.

If the changes are approved, REDWatch requests a number of safeguards be put in place to ensure that if communities have only a 14-day window to make responses that information about proposals be covered by robust pre-lodgement consultation and transparency of the proposal so communities are well aware of the detail of the proposal and can hence respond within the allowed consultation period.

REDWatch also requests that mechanisms be put in place for both the proponent and the department to assess the need for extended exhibition times to ensure meaningful opportunities for community input during the public exhibition of the Environmental Impact Statement (EIS).

**Alignment with local development controls and project size**

The consultation document for the exhibition changes states that the rationale, in part, is that the change is to "assist in streamlining the assessment of housing projects." and that "The proposed changes to the Department's Community Participation Plan will bring the exhibition period for these

residential State Significant Development (SDD) applications, in line with what would typically apply for residential development applications progressing as local development”.

REDWatch notes that within the City of Sydney LGA that the [City's community participation plan](#) specifies a mandatory 28-day exhibition period for DAs over \$50 million, as well as rezoning requests to change to the planning controls. Under the rationale for the alignment with local development this needs to be achieved at both the lower and upper development size especially when State Significant Developments covered by this proposal are by their nature large projects.

The State Environmental Planning Policy (Planning Systems) 2021, in most cases set minimum requirements for developments covered by the proposed change. For Landcom and Homes NSW (Land and Housing Corporation and Aboriginal Housing Office) that is developments more than \$30M (or 75 dwellings); For infill \$30-75M; Build to Rent \$30-50M, Seniors Housing \$20-30Mm, and TODs \$60M.

These are minimum trigger points, so under this proposal projects like the \$3B Waterloo South project or other such public housing redevelopments would also be subject to these reduced statutory exhibition periods. Clearly the application of reduced exhibition times to large complex projects makes it impossible to “retain meaningful opportunities for community input during the public exhibition”.

Any change in exhibition times must ensure that large complex projects are subject to appropriately longer exhibition periods in line with what the Department is retaining for other SSD projects not covered by this proposal.

### **Size is not the only indicator of complexity and exhibition length needed**

This proposal specifically includes sites owned by entities within Homes NSW including existing Public Housing proposed for redevelopment. These sites have existing communities who are impacted as soon as a redevelopment announcement is made. Public Housing is a government mandated concentration of people with complex histories and issues, which has been referred to as “housing of last resort”. In inner-Sydney almost all allocations are for people with priority housing needs. These people usually have no engagement with the planning system or property market and are difficult to engage.

These communities are directly impacted by a planning proposal and will be relocated and have their existing housing and community dislocated as a result. These communities need at least 28 days to be able to “retain meaningful opportunities for community input during the public exhibition”. In the case of Public Housing redevelopments in our area we have needed to request longer exhibition periods, as well as capacity building. We have also had to request lifting of restrictions on only using the Planning Portal and including to allow submissions being made by mail. We have also had to organise assistance to type people's verbal comments into the portal.

Rezoning of industrial land only has to worry about surrounding communities not an impacted residential community on the site. In this regard it would be useful for the Department to review the experience of the part of the Department that acted as the Planning Authority for the Waterloo South Planning proposal where extended consultation and assistance were required to enable considered community input.

REDWatch is of the view that proposals for redevelopment of existing Public Housing communities should be excluded from the proposed time reduction or if the reduction goes ahead the Department should ensure that there is an automatic minimum 28-day exhibition period which will likely need extending.

It is likely that other sites caught up in this proposed change may have their own issues that mean a 14-day exhibition period is not appropriate. For examples REDWatch has found that proposals covering State-listed Heritage sites like North Eveleigh involve special heritage issues that require longer exhibition times.

### **Reduction to 14 days is impractical**

REDWatch has found that the City of Sydney Council is often unable to prepare its response within the existing 28-day window reducing that period to 14 days which is only 10 working days is not possible. We also note that Council may have other roles relating to planning agreements for community benefits that are impractical within the reduced time proposed.

This proposed reduction also impacts residents and resident groups in the area of the development, who will often seek Council planning clarification on issues connected to an exhibited proposal. Reducing the exhibition period will make obtaining such advice impossible leading to less informed submissions from community groups and institutional stakeholders in particular.

Most community groups meet only on a monthly basis so even 28 days can be problematic in terms of them getting views from their membership / committee time to digest and formulate positions and sign

off from their committees. Unlike Councils they do not have planners and paid workers so their assessment of often very large reports happens when they are not working or doing their day-to-day activities. Even assuming they find out about an exhibition on day one, which would be the exception, turning a response around within 14 days would not be feasible. Given this, we do not believe without major changes in the planning processes that it is possible to “retain meaningful opportunities for community input during the public exhibition” for community groups as well as Councils.

**Department needs to specify what it will do to “retain meaningful opportunities for community input during the public exhibition” if exhibition period is reduced**

The exhibited document makes the claim that the reduction in exhibition time retains “meaningful opportunities for community input during the public exhibition” however it does not specify how this will be ensured. It sounds very much like an assumption that a reduction of 2 weeks will not impact opportunities for the community, as we have shown above it does. There is no assessment of what will need to be done to ensure there is no loss of the communities’ opportunity to comment if the period is reduced.

Any reduction in exhibition times needs to assess what will need to happen to ensure that communities still have meaningful opportunities to comment on the proposal. We have made some suggestions as to what this might look like later in this submission.

As it stands REDWatch cannot support the reduced exhibition period as it lessens meaningful opportunities for community input. This input is essential for communities to have their say on something impacting them, to have trust in the planning system and for their acceptance of the planning outcomes.

**Mechanisms to trigger longer community participation are not currently specified in the Community Participation Plan**

REDWatch notes that “The Department will retain the ability to extend the 14-day period on a case-by-case basis, if appropriate. This ensures the level of public consultation reflects the potential impacts of each project. Longer exhibition periods will be retained for more complex applications that may require more detailed input or advice”.

As far as REDWatch can see the current Community Participation Plan does not currently set out a mechanism for assessing if an extension of exhibition is “appropriate” and should be considered. The criteria used to make such an assessment should be included in the Community Participation Plan. The application of this process will be even more important if a number of complex projects have their exhibition time reduced to 14 days as proposed.

Requests for extensions are likely to become more frequent and the Department will itself need to assess if a longer exhibition time is required when setting the exhibition length. Publicly accessible guidelines for these decisions should be in the Community Participation Plan so that proponents and the community are aware of the basis on which decisions are made about the length of exhibition required.

**Mechanisms to assist the Department reassess exhibition times**

Communities get a general idea of a proposed project if they access the Preliminary Environmental Assessments when applications are made for SEARs. The first time the community is guaranteed to see details of what is actually proposed on the Environmental Assessment is at the beginning of exhibition. Making the Environmental Assessment available earlier would be one way to prepare communities for public exhibition and lessening the time needed in the exhibition period. In the past however, we have had LAHC, as a proponent, say that the Department would not allow them to make proposals and studies available prior to exhibition.

If the Department moves to reduce exhibition times as proposed, then REDWatch is of the view that SEARs should be strengthened to facilitate community involvement through improved pre-lodgement consultation and proposal visibility. This could be achieved by:

- 1) Requiring the proponent to undertake pre-lodgement consultation including access to studies and the key elements of the proposal that will be exhibited. Robust pre-lodgement consultation should be made mandatory so that the impacted community is well aware of the project and its potential impacts prior to exhibition. This needs to be monitored by the Department, as in the case of a breach of this SEARs requirement by a proponent, we were told they had no power to enforce this.
- 2) Requiring the proponent to assess the community participation requirements of the project. This could be done by a requirement for a Preliminary Social Impact Assessment that identifies the communities impacted by the proposal and what is necessary for those communities to participate meaningfully in a project exhibition.

Administratively the Department should also:

- 1) Make the Environment Assessment and studies publicly accessible at the point of lodgement by the proponent and notify interested parties that an update has been made on the planning portal. The aim of this would be to allow communities the opportunity to see what is being proposed to allow preparation time to best use the exhibition window. This will be especially important if only 14 days is allowed for communities to read and comment on voluminous documents.
- 2) In addition, the Department officers need to use public guidelines to make their own assessment whether it is likely that an extended exhibition period is required and if there is a requirement for any additional action by the proponent or the Department to ensure the community can provide appropriate feedback within the timeframe.
- 3) There also needs to be a basis for the Department to make an assessment in response to a request for an extension as mentioned above as mentioned earlier.

### **In the development process is the 2 weeks saved more important than community input?**

It is argued that this change is to speed up housing delivery. We have argued above that the change will significantly impact community input into assessments. We have further proposed some changes that could be made to work around this shortened period by improving pre-lodgement consultation, visibility of project details and mechanism to assess the need for extended exhibition.

Given the rest of the planning and delivery timeline, and the changes needed to make this change work, the question has to be asked if removing 2 weeks from the community's time to comment on a proposal is going to significantly delay housing delivery? This seems like closing the already small window that the community has to understand a project and comment on it, so that something can be seen to be done rather than to tackle the much more significant issues in housing delivery. We have argued that it may be possible but that to "retain meaningful opportunities for community input during the public exhibition" there will need to be changes made earlier in the process that may actually add time to the planning process.

There is the suggestion that this is to align with exhibition times for some councils. Short exhibition times may be appropriate for small infill, but the projects covered by this change are not small. If the extra 2 weeks is material the proponent can usually submit a proposal via its local council rather than use the SSD or SSI pathway. If this option is not available then for smaller projects, the option could be made for using Council exhibition processes.

### **Need for Improved consultation reports and planning processes across planning lifecycle**

Complex sites will often have a number of exhibitions from master planning to final building DAs and modifications. It is hence very important that the Department ensures that Response to Submission Reports, irrespective of if they are done for the Department or the proponent, accurately reflect what people have said.

It is common to find submissions from Council and Government to be dealt with in detail in Response to Submissions reports. However, community submissions are often dealt with generally, maybe highlighting the issues raised most often regardless of whether be they in scope or not. To keep people engaged in the ongoing planning process it is important for Response to Submission reports to report all the issues raised and how they have been considered.

In the case of the Waterloo South rezoning, tenants could not find the concerns they raised referenced in the sub-contracted Submissions Report despite being told by the Department that they would, in line with the Community Participation Plan, see what they said and how the Department was responding. Tenant concerns about this were raised to the Department in a letter on behalf of the Waterloo Redevelopment Group following the release of the submissions report.

It is important in the planning-sausage-factory that the Department exercises oversight of the way that the Community Participation Plan is being honoured both by the Department, as well as by proponents. The Departments "commitment to community participation" set out in the Community Participation Plan needs to be visible in the way the planning system operates and not just be nice words in a policy.

### **Include a Public Housing Redevelopment in Community engagement case studies**

In our earlier submissions on the Community Participation Plan in 2018 and regarding the introductions of Social Impact Assessments, REDWatch suggested that case studies should be made available by the Department on the best practice elements of community engagement in the planning system. We suggested that a case study on a public housing redevelopment like Waterloo would be an appropriate case study. We note that the department has some community engagement case studies on its website, however none of these case studies deal with an existing residential area where there is a rezoning and redevelopment proposed is being done by a public landlord. A case

study on Waterloo South could also demonstrate to proponents, as well as the community, how community engagement can be modified by the Department to deal with vulnerable public housing communities in complex redevelopments.

One of our concerns with the Department's Community Participation Plan is its focus on what the Department itself does. The Community Participation Plan should also cover what the Department expects of proponents in their community participation when they seek the Department's requirements for a rezoning or a SSD.

In our 2018 submission we proposed that the Department explore the possibility of resurrecting the Landcom Stakeholder Consultation Workbook as a resource that can be used by proponents and consultants to understand why community participation is useful for the proponent, rather than just another hoop to jump through. The old workbook also provides ideas for proponents on the kinds of engagement tools that might be usefully used in different circumstances. It was removed from the internet after Landcom was transformed into UrbanGrowth, but it can still be found online on the REDWatch website at <http://www.redwatch.org.au/issues/partnership/050900landcom>. It needs some updating, but the concept for a practical guide is sound.

## **Conclusion**

REDWatch can not support the proposed exhibition time change and proposes that the existing 28 exhibition period be retained for these projects. The reduction of the exhibition period from 28 days to 14 days will limit community participation, especially on very large or complex projects.

Should the change proposed proceed then REDWatch has proposed that a number of changes should be made to SEARs, the Community Participation Policy and Departmental Administrative arrangements.

In REDWatch's view reduced exhibition times would necessitate changes to ensure greater pre-lodgment consultation as well as visibility of the proposal prior to exhibition so that communities can prepare to make comments within the smaller timeframe.

In addition, there is a need for mechanisms to be in place to assess if an exhibition requires an extended exhibition period. The proponent should make such an assessment in their proposal possibly through a Preliminary Social Impact Assessment. The Department should also have its own process to determine if a longer exhibition period is required along with any modifications to the usual consultation process.

REDWatch has also suggested that a public housing example be added to the Community Engagement Case Studies on the Department's website and that the Department look at mechanisms to ensure that the Community Participation Plan is being followed, especially in relation to Submission reports. As part of this REDWatch suggests that guides like the Landcom Stakeholder Consultation Workbook be considered to help improve community consultation processes.

A key area of agreement is that there should be "meaningful opportunities for community input during the public exhibition", but currently we believe that cannot be delivered with the exhibited proposal.

Thank you for the opportunity to comment on this proposal.

Yours Faithfully,

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*REDWatch is a residents and friends group covering Redfern Eveleigh Darlington and Waterloo (the same area originally covered by the Redfern Waterloo Authority). REDWatch monitors government activities in the area and seeks to ensure community involvement in all decisions made about the area. More details can be found at [www.redwatch.org.au](http://www.redwatch.org.au).*