

Australian Capital Territory

Planning and Development (Community Consultation) Guidelines 2017

Notifiable instrument NI2017–569

made under the

Planning and Development Act 2007, section 138AF (Community consultation guidelines)

1 Name of instrument

This instrument is the *Planning and Development (Community Consultation) Guidelines 2017*.

2 Commencement

This instrument commences on the day after its notification day.

3 Guidelines

Under section 138AF of the *Planning and Development Act 2007*, I make the Community Consultation Guidelines as set out in the schedule.

Ben Ponton
Chief Planning Executive
31 October 2017

Community Consultation Guidelines



ACT
Government

PRE DA COMMUNITY CONSULTATION GUIDELINES FOR PRESCRIBED DEVELOPMENTS

OCTOBER 2017



Environment, Planning and Sustainable Development Directorate

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INTRODUCTION

PRE-DEVELOPMENT APPLICATION (DA) COMMUNITY CONSULTATION IS AN OPPORTUNITY FOR PROPONENTS OF SIGNIFICANT DEVELOPMENTS TO ENGAGE WITH THE COMMUNITY IN THE EARLY STAGES OF A PROPOSAL AND FOR MEMBERS OF THE COMMUNITY TO PROVIDE CONSTRUCTIVE FEEDBACK ON WHAT THEY THINK ABOUT A DEVELOPMENT.

Early engagement is vital for bringing the community on the development journey and creating a sense of ownership and pride in the future of Canberra. It can provide a developer with useful insights into issues and concerns the community may have about a proposal while the development is in the conceptual stage, and can allow for genuine feedback that can be incorporated into the design of a proposal prior to a DA being lodged.

Pre-DA community consultation does not form part of the statutory public notification process that is undertaken by the planning and land authority in accordance with the Planning and Development Act 2007. Please note that development in Canberra must meet the requirements of the Territory Plan, the ACT's key statutory planning document, before it can be approved.

Pre-DA consultation by the developer is required under Section 138AE of the Planning and Development Act 2007 (the Act) for prescribed developments. A prescribed development (under Section 20A of the Planning and Development Regulations 2008) is:

- a building for residential use with 3 or more storeys and 15 or more dwellings
- a building with a gross floor area of more than 5000 m²
- a development with more than 1 building and the buildings have a total gross floor area of more than 7000 m²
- a building or structure more than 25 m above finished ground level
- triggered by a variation of a lease to remove its concessional status.

Section 138AF of the Act allows the planning and land authority to make guidelines about how a developer must or may undertake the required community consultation.

Some developments are excluded from the requirement for pre-DA community consultation. This includes developments in industrial zones and land in certain areas. More information is available in Schedule 1B of the Planning and Development Regulations 2008.

PURPOSE OF THE GUIDELINES

The aim of the guidelines is to promote a shared understanding of how consultation processes in relation to significant developments should be managed. They aim to:

- encourage partnerships and innovation between industry and the community
- provide clear guidance to proponents on the expected level of community consultation for prescribed developments
- ensure proponents engage with the community as early as possible in the design process
- provide a minimum level of certainty to the community about what they can expect from pre-DA community consultation
- achieve high quality design outcomes
- ensure genuine consultation and engagement occurs.

The guidelines are not intended to stipulate a consultation methodology or be overly onerous. They encourage flexible, innovative and genuine engagement with the community. While the methods of consultation noted in the guidelines are based on generally recognised practices and procedures, it is acknowledged that other methods may be equally appropriate.

GOALS OF CONSULTATION

An effective consultation program does not necessarily mean that all interested parties will be satisfied with the outcome. Rather, it is about ensuring that a proposal has been fully explored, concerns identified and alternatives considered.

BENEFITS OF CONSULTATION

Simply distributing information does not ensure effective consultation and communication. A well-considered and clearly articulated consultation plan will facilitate genuine engagement. It may involve targeted approaches to key stakeholders as well as public engagement.

Benefits of good consultation on development proposals include:

- information exchange between stakeholders and the developer
- sharing of different ideas, perspectives and viewpoints
- opportunities to identify specific areas of misunderstanding, difference and agreement within the community
- an informed understanding about the impacts of the proposed development
- a demonstrated commitment to transparency and accountability
- fostering a sense of ownership and involvement in the process by the parties consulted, who appreciate having their views and alternative options considered and responded to.

MINIMUM CONSULTATION REQUIREMENTS

The planning and land authority requires, at a minimum, the developer undertake the following:

1. Notify how consultation will occur for the proposal on the ACT Government's community consultation web page. This must be completed before the consultation starts and include details of where the community can get information on the proposal (including a link to an external website), how they can provide feedback (including through an online mechanism or email) and when the consultation will end.
2. Ensure people living in areas immediately surrounding the development and the wider community (as appropriate) are informed of the intended consultation process and consulted on the proposal. Who is advised will depend on the type of proposal and should be reasonable and proportionate to the development. For example, a larger subsection of the community should be consulted about a multi-storey mixed-use development than a small 3 storey residential development. Use of electronic media is encouraged. The local community council should be invited to participate in the process.
3. Ensure people from a diverse demographic (age, gender, race, religion and/or physical abilities as appropriate) have the opportunity to view and make comment on the proposal. It is expected that developers will ensure all interested people have an opportunity to fully understand the proposal and be genuinely engaged. In some circumstances, it may also be appropriate to seek specific input from Indigenous knowledge holders.
4. Conduct face-to-face engagement sessions that are accessible to a diverse cross-section of the community. For example, consider the location, timing, number and type of sessions. Sessions should be tailored to accommodate people with special needs.
5. Make available to the community conceptual drawings with appropriate dimensions/measurements including, at minimum:
 - > a site plan (showing parking areas, access and egress, waste areas and communal spaces)
 - > indicative floor plans
 - > elevations
 - > shadow diagrams if there are likely to be shadow impacts
 - > perspectives
 - > landscaping plans
 - > proposed materials and finishes.

Visual images help the community conceptualise and understand the scale and nature of a development. Providing a range of images from different angles and scales, and of similar developments, can be useful.

6. Make available to the community a plain English statement explaining the proposal, including any departures from the Territory Plan, a response to the zone objectives and key design elements of the proposal. This should focus on key planning issues.
7. Make the documentation required by points 5 and 6 available for the public to view online on the proponent's website or another appropriate location.
8. For development applications to remove the concessional status of a Crown lease, the proponent should make available to the community details of any future development or redevelopment proposals or possible change of use of the site (if available). It is noted that the type of pre-DA community consultation required will depend on the extent of interest in the concessional lease.

Developers are strongly encouraged to undertake two or more phases of consultation for large or significant developments. The first phase may be to hold early discussions around a concept idea where less information is provided, with detailed information provided in a follow up phase. It is expected that if consultation is undertaken across phases, the proponent complies with points 1 to 4, and has consultation information on their website, across all phases.

MINIMUM DOCUMENTATION REQUIREMENTS

Where pre-DA community consultation is required the developer must submit a report to the planning and land authority as part of the DA documentation that, at a minimum:

1. Attaches the approved form declaring that consultation was undertaken in accordance with these guidelines and that the proposal was notified on the ACT Government's pre-DA community consultation website prior to the start of consultation and for the entire consultation period.
2. Provides accurate details of the nature and extent of consultation undertaken.
3. Demonstrates that the consultation process targeted a diverse demographic (age, gender, race, religion and/or physical abilities as appropriate), including how these demographics were targeted.
4. Provides copies of what the community was shown during the consultation process.
5. Provides a summary of how the community responded to the proposal and the main comments.
6. Details how the submitted design responds to the community's concerns and, in particular, the main issues raised, with meaningful changes highlighted.
7. States whether the proposal submitted to the planning and land authority for assessment is substantially the same as that shown to the community. If not, provides detailed reasons for how and why the proposal is different. Where there are significant changes that do not respond to community feedback, further pre-DA consultation is recommended and may be required.
8. For development applications to remove the concessional status of a Crown lease, the consultation report must encompass the requirements of the Social Impact Assessment Guidelines.

This report will be made publicly available through the statutory notification period for the development application.

TIPS FOR UNDERTAKING CONSULTATION

BEST PRACTICE

It is suggested that proponents design a tailor-made consultation strategy for their proposal. The International Association for Public Participation IAP2 Public Participation Spectrum and the ACT Government community engagement guidelines may provide valuable guidance.

TIMING

It is recommended community consultation occur as early as possible to allow the community enough time to genuinely engage and provide feedback. Proponents should avoid, or make allowances for, public holidays, school holidays and the summer holiday (Christmas) shutdown period. Proponents should ensure that the public has adequate time to consider and comment on a proposal depending on its complexity and the issues involved.

TOOLS

A range of tools and materials may be used to alert the community about the proposal and seek feedback, such as:

- **Digital** – including websites, e-newsletters and social media
- **Face-to-face** – including individual and group briefings for key stakeholders and drop in sessions in key public locations such as shopping centres or meeting rooms.
- **Media** – including newspapers, television, radio and social media
- **Community media** – radio and TV community noticeboards
- **Other** – letterbox drops and signage, pamphlets and/or signs at shopping centres and clubs. Letterbox drops are considered an important way of communicating to many members of the community and may be more relevant to some developments and neighbourhoods.

The choice of techniques will depend on a number of factors, including:

- the particular nature and location of the project, and the reasons for stakeholders being involved
- the nature of the stakeholder groups involved and their willingness to participate
- the likely impact that any development will have on the local community and environment.

CONCLUSION

Effective and on-going engagement with the community is an integral part of the proponent's consultation process. It facilitates the dissemination of information, enables input, may assist with the timely resolution of conflicts and can generate innovative and accepted solutions. It is preferable that the concerns of the community are dealt with at the outset of any significant development project, rather than during the assessment process for a development application. Consultation facilitates inclusive planning and development in the ACT and will help meet the needs and desires of the Canberra community now and into the future.



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