



NSW GOVERNMENT
Department of Planning

GUIDELINES FOR MAJOR PROJECT COMMUNITY CONSULTATION

OCTOBER 2007



Introduction

Community and stakeholder consultation is an important component of the NSW Government's environmental assessment process for projects under Part 3A of the Environmental Planning and Assessment Act (EP&A Act). It provides an opportunity for the decisions of Government to be informed by the views and knowledge of the community. Consultation is part of working openly with the community and other stakeholders and providing opportunities for their views and preferences to have input into the assessment process and decision making. The goal of consultation is to strengthen decision making by ensuring all relevant issues are considered.

THE PURPOSE OF THIS GUIDELINE

- To outline what community and stakeholder consultation is expected from proponents prior to, during and after the assessment of their concept or project application
- To assist proponents to meet any community consultation requirements issued by the Director-General of the Department of Planning
- To clarify what is "adequate and appropriate" consultation
- To explain the Department's role in consultation.

The Department considers community and stakeholder consultation valuable because it can:

- Ensure that factual information about a proposal is widely available to people with an interest
- Allow the community and relevant stakeholders to have their say in the assessment process
- Bring new information and ideas to a project
- Avoid unnecessary delays by addressing stakeholder concerns prior to lodgement
- Provide an opportunity for the negotiation of outcomes acceptable to both the proponent and community
- Build important long term relationships in the local community
- Enhance a proponent's reputation in the community.

This guideline does not seek to explain the major project assessment process. A number of publications about this have been prepared to assist proponents and these are available on the Department's website.

The requirement to consult

BACKGROUND

The Department sets out the consultation requirements to be undertaken by the proponent for the project for which it is seeking approval. This is done through the Director-General's requirements (DGRs) for the proponent's environmental assessment.

Once the Department considers a proponent's environmental assessment for a major project or concept plan to be adequate, it must be publicly exhibited for a minimum of 30 days inviting the community to make submissions. An advertisement is placed in relevant newspapers informing the community that the project is on exhibition, providing an officer contact name for the project and informing them where to send their submissions. The environmental assessment is also placed on the Department's website along with other relevant documentation.

If there are a number of agency or community submissions, the proponent is usually required to respond to the issues raised and may amend the project to minimise impacts. Any changes and the response to the issues are documented in a preferred project report. This ensures that the proponent is fully aware of any community or agency concerns, with the proponent provided an opportunity to resolve these issues prior to the Department assessing the project.

The Minister for Planning may appoint a panel of experts to provide independent advice for projects with a high level of public interest or projects with outstanding technical issues. The panel usually holds public hearings so that it can be informed first hand on the community issues. This provides an additional opportunity for the community to provide information and for their views to be considered in the assessment process.

THE DEPARTMENT'S ROLE

The Department:

- Sets out any requirements to consult the community or other stakeholders in the DGRs
- Organises planning focus meetings with other State and local government stakeholders as appropriate so that all government issues are identified upfront and integrated into the DGRs
- Assesses the adequacy of the consultation based on the DGRs as part of its review of the draft environmental assessment prior to its exhibition
- When the proponent's environmental assessment is considered adequate, undertakes the statutory public exhibition process and receives submissions from the public. Submissions are forwarded to the proponent and other relevant agencies and councils for consideration
- Undertakes an assessment of the project taking into consideration any submissions and the proponent's response to the issues raised in the submissions
- Makes recommendations to the Minister to approve (with conditions) or refuse an application
- Maintains a website with information and documents specific to projects.

THE PROPONENT'S ROLE

Proponents are expected to organise, resource and report any consultation processes required by the Department. The proponent should:

- Consult early, particularly where the project is likely to be contentious
- Commit adequate resources to consultation
- Clearly describe who has been consulted and what issues were raised
- Demonstrate how the issues raised during the consultation process have been addressed in the environmental assessment and preferred project report (if required).

"ADEQUATE AND APPROPRIATE" CONSULTATION

The DGRs will often require proponents to carry out "adequate and appropriate" consultation. The extent to which a proponent consults the community and stakeholders when preparing the environmental assessment for a major project or concept plan application will be determined by:

- The nature of the proposal and the extent of its likely environmental, social and economic impacts
- The level of consultation required in the DGRs
- Consultation that occurred prior to making an application to the Minister for approval of a major project or concept plan
- Whether the nature of the development will require on-going consultation once the project is constructed and has commenced operation. Where consultation is appropriate during the operational stages, the Minister may require long-term community engagement as a condition of approval.

THE CONSULTATION PROCESS

The account of the consultation process included in the environmental assessment may be considered adequate if it demonstrates that:

1. Those individuals and organisations likely to have an interest in the proposal had enough opportunity to express their views. The community of interest can be broadly categorised into three groups:
 - a. those directly impacted by the project (eg. neighbouring residents or those located on transport corridors affected by road or rail transport associated with the project)
 - b. individuals and groups likely to have an interest in the local or regional implications of the project (eg. local councils, local members of Parliament and P&Cs, environmental, indigenous, heritage, business and other community organisations in the area)
 - c. organisations with a State and national interest (eg. State and Commonwealth government departments, peak bodies, infrastructure service providers).

The requirement to consult (Cont'd)

2. Information regarding the nature of the proposal had been accurately and widely distributed. Methods of distribution of information may include, but not necessarily be limited to letters to key stakeholders, newsletters, a website, advertisement of consultation events and public displays on the proposal.
3. Community and stakeholder feedback was encouraged and recorded. Methods of capturing feedback may include, but not necessarily be limited to:
 - surveys and feedback forms
 - submissions
 - a database that records issues and comments via 1800 number or similar arrangement
 - meeting minutes.Methods of discussing issues with stakeholders may include, but not necessarily be limited to:
 - drop-in community information centres, displays or open days with project team members available to discuss issues
 - focus groups, community group meetings, feedback sessions, individual and group briefings with key stakeholders and presentations/discussions at organisation meetings.
4. Consultation with community and stakeholders was inclusive and the proponent has:
 - Got to know and understand the communities it needs to engage
 - Acknowledged and respected their diversity
 - Accepted different views, but ensured that dominant special interest groups are not the only voices heard
 - Ensured that participants are aware of what they can and cannot influence

- Aimed for accessibility:
 - Chose engagement techniques that offer opportunities to participate across all relevant groups
 - Considered the timing, location and style of engagement events and strategies
 - Avoided notifying and holding events during holiday periods
 - Avoided jargon and technical language
- Paid particular attention to the needs of groups that tend to be under represented (including indigenous groups and people from linguistically and culturally diverse backgrounds).

REPORT OF THE CONSULTATION PROCESS

The report should include:

- a. A summary of findings
- b. The process including:
 - The objectives of the consultation process
 - When was consultation undertaken
 - The number and type of stakeholders involved (see 1 above)
 - Engagement techniques — how feedback was collected and how discussions with community were undertaken (see 2 and 3 above)
 - An assessment of how well the objectives were met.
- c. An analysis of the issues raised. This should be comprehensive and identify:
 - What issues were raised by particular stakeholder groups
 - How each issue is proposed to be addressed in the environmental assessment
 - Where the proposal has been altered as a result of feedback received.