



Friends of Ku-ring-gai

Draft Statewide Community Participation Plan

Submission Guide -Deadline 3 June 2026

The Department of Planning, Housing and Infrastructure (DPHI) has a draft Statewide Community Participation Plan currently on exhibition. Most of the proposed changes, including public exhibition exemptions for most development applications and the short mandated timeframes for exhibition of certain developments are not supported by FOKE.

The points below are presented to assist you in drafting your own submission to the Department of Planning, Housing and Infrastructure. Please use your own words and give any local examples to add impact to your submission.

<https://www.planningportal.nsw.gov.au/draftplans/exhibition/have-your-say-proposed-statewide-community-participation-plan>

Our main objections relate to the following:

Removal of exhibition or objection rights

- **A wide range of developments are exempted from exhibition**, and therefore from public comment. These including: residential flat buildings, shop-top housing, all new single and two storey dwellings, dual occupancies, secondary dwellings, alterations and additions to existing dwellings, alterations to schools and community/health/education infrastructure, demolition (excluding heritage items), strata subdivision, tree removal, change of use of commercial development, industrial retail outlets, bed and breakfast accommodation, and many more developments.
- Neighbours will only be given 7 days' notice before works begin — by which point approval is already granted and cannot be challenged.

These developments are not 'low impact' as stated in the Draft. They must all continue to be exhibited and the community given the opportunity to comment in order to avoid intended and unintended consequences.

This is contradictory to the Draft Community Participation Plan objectives in “*utilising local knowledge and expertise*”, “*empowering local communities in the planning process*”, “*informing decision-making and building confidence in the planning system*”, “*facilitating discussion between stakeholders so they can hear each other's concerns and ideas*”, and “*creating opportunities for upfront discussions that can reduce potential disputes*” (Page 7)

- **Preventing neighbours and interested parties with local knowledge from commenting on developers' applications**, which are notorious for providing misleading or incomplete information. It is rare for a DA to meet all planning controls and local councils do not have the resources to assess compliance at every level. A claim of compliance with planning controls is not, and should not be, a substitute for notification.
- **Removal of local knowledge, local expertise, and local values** from the planning process, which disenfranchises the community and councils in favour of fast-tracking development.
- **Reducing transparency, accountability and integrity of process** by excluding community input and oversight.

- Leaving Councils, or other consent authorities, to make decisions on developments in Table 6 & 7 of the Plan, without community input. This risks the potential for corruption, which is inconsistent with the NSW Independent Commission Against Corruption (ICAC) recommendations contained in its Anti-Corruption Safeguards and the NSW Planning System (2012).
- **Undermining Section 2.23(2) of the EP&A Act, which the Plan says it 'considers', by replacing the current principles-based regime with a one-size-fits-all rule. This negates the key principles of a Community Participation Plan of the Right to be informed, Meaningful engagement, publicly Accessible information and Transparency.**
- Permitting unnotified minor works on heritage buildings with exemption of the "front façade only", overlooking other features such as interiors, gardens, fabric, curtilage and views, that may be integral to the heritage significance. It denies residents, heritage bodies and the National Trust any opportunity to comment before approval.
- Tree removal not being exhibited, which will change the character of an area and create difficulties meeting targets for increasing the tree canopy.

Inadequate and shortened Exhibition periods

- Exhibition periods of 14 days for DAs that are exhibited is insufficient. It is particularly unacceptable for this to apply to regionally significant developments, state significant developments and targeted assessment developments, which typically have large numbers of documents to be read.
- FOKE recommends a minimum of 28 days for public exhibition of all DAs must be mandatory.
- Mandating fixed exhibition and community engagement time frames, which reduces the discretion of local councils to tailor consultation to local constraints and impacts.
- **Ministerial discretion to bypass exhibition.** For both the EP&A Act and Regulation changes, the Minister or NSW Government determines whether public exhibition is required at all and sets the timeframe. This means fundamental changes to the planning rules can potentially bypass community input entirely.
- **SEPP changes, including rezoning, may not be exhibited.** State Environmental Planning Policies — which can rezone land and dramatically change what can be built in an area — only "may be exhibited" unless urgency dictates otherwise. This is discretionary rather than mandatory.
- **Masterplans can bypass normal exhibition.** Urban renewal masterplans may be exhibited for only 42 days, and this can be shortened further based on urgency, scale or nature of the proposal.
- **Government can truncate any process. The plan includes a broad catch-all provision stating that where a government priority or administrative requirement demands immediate action, the usual community participation process may be truncated — with no defined limits on when this applies.**

Taken together, the cumulative effect of these provisions is that a large proportion of everyday development that directly affects residential neighbours — particularly housing — can proceed with minimal or no meaningful opportunity for community input before approval is granted.

Increased Risk of Corruption

- The lack of anti-corruption safeguards. In *Anti-corruption Safeguards and the NSW Planning System* (2012), ICAC identified six safeguards: certainty, balancing competing public interests,

transparency, reducing complexity, meaningful community participation, and expanded third-party merit appeals. The draft Plan weakens five of the six safeguards.

- *"Case-by-case extension"* for exhibition timeframe decisions, made by the assessing authority, creating community uncertainty and mistrust.
- The Plan stating that *"In certain circumstances there may be merit appeal rights for a person who makes a submission to object during the public exhibition of a development application for designated development and some state significant development projects"*, without providing the criteria for those circumstances. These circumstances must be clearly documented in the Plan, otherwise the rights of merit appeal risks becoming subject to the whims of the consent authority or to corruption. **ICAC safeguard 6 calls for expanded third party merit appeals, whereas the draft Plan makes them discretionary.**
- The NSW Government determining if public exhibition is required for amendments to the EP&A Act or the Planning Minister determining if public exhibition is required for the EP&A Regulation. There are no published criteria for public exhibition. Allowing the Minister and Government to decide whether the public sees proposed changes to the Act and Regulations that may expand or limit their own powers could be considered to be a conflict of interest.
- DPHI determining whether a draft Explanation of Intended Effects (EIE) may be exhibited for State Environmental Policies (SEPPs) unless decided otherwise due to the urgency, scale or nature of the proposal. An EIE must be exhibited for all SEPPs.
- Developments where Council is the proponent not having public exhibition and submissions. These must continue to be mandatory, otherwise there is the potential for corruption which is inconsistent with ICAC's recommendations.
- Removing exhibitions and community input from DAs, when the number of submissions may determine who the consent authority would be, which is inconsistent with ICAC safeguards.
- Permitting *"recommended exhibition timeframes"* only, instead of minimum mandatory timeframes, for any State planning, strategic planning and development assessment.
- The usual community participation process being *"truncated"* for any reason, particularly not for *"government priorities"*. This risks lobbyist influence and the potential for corruption which is inconsistent with ICAC's recommendations.
- **Cutting complying development pre-works notice from 14 to 7 days.** That is Insufficient time for interested parties to seek advice, identify non-compliance or contact authorities before works commence.
- Exempting Section 8.2 reviews from exhibition, which ignores the fact that circumstances and information may have changed since the original determination.
- Preventing access to Environmental Impact Statements for any reason, particularly not simply in *"the opinion of the public authority, (to) be contrary to the public interest"*. This risks lobbyist influence and the potential for corruption which is inconsistent with ICAC's recommendations.

Submitters privacy and timeliness

- Providing full name and address on all submissions. Submissions are regularly sought by developers under the *Government Information (Public Access) Act (GIPA Act)*. Councils are renowned for not redacting all identifying information. It is not sufficient that *"a planning authority will adhere to its Privacy Policy"*. It must adhere to the *NSW Privacy and Personal Information Protection Act (PPIP Act)*.
- Requiring that submitters must lodge submissions before the close of the exhibition period. In correspondence from the NSW Planning Minister Paul Scully MP dated 7 April 2026, with regard to the draft Community Participation Plan, the Planning Minister states *"I would like to*

emphasise that if an individual or community group cannot lodge a submission before a public exhibition closes, they can still provide comments and express their views on any application after the public exhibition closes. These comments will still be considered as part of the assessment process before determination". **DPHI must not prepare Plans or Policies that are inconsistent with the departmental Minister's own statements and assurances to NSW Members of Parliament.**

We do not agree with the statements made in the draft Community Participation Plan that it “*ensures communities have a strong voice in the planning system*” or that “*It also encourages planning authorities to consult widely so decisions reflect your values, priorities and concerns*” and “*ensures a transparent and fair planning system so that communities across NSW feel heard and reflected in the spaces that they live and work in*”.

Essentially the Plan delivers the opposite of what it states. This is a nothing less than a centralisation of all Planning powers within the Minister’s Department to the exclusion of the community which will have to live with the impact of its decisions.

DPHI should abide by its own statement that “*Planning should be a partnership with people who know their communities best*”, which are residents, the wider community and local councils.

Please make your submission via the Planning Portal link below.

<https://www.planningportal.nsw.gov.au/draftplans/exhibition/have-your-say-proposed-statewide-community-participation-plan>

You have the option of either sending a submission or completing an online survey.

Thank you for making a submission.