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5 October 2017

Tim Anderson QC  
Chair, State Planning Commission  
GPO Box 1815  
Adelaide SA 5001  
ADELAIDE SA 5001

by email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

Dear Tim

**Submission on the Community Engagement Charter 2017 Discussion Draft - Outputs from Stage 1**

Thank you for your invitation to submit feedback on the *Community Engagement Charter 2017 Discussion Draft - Outputs from Stage 1* document released for consultation.

At its 3 October 2017 meeting, Council resolved to provide the enclosed feedback on the development of the Community Engagement Charter to the State Planning Commission.

I understand there will be a further consultation rounds, including a formal statutory period of consultation, before the Community Engagement Charter is finalised. Council seeks to participate in any future consultation on the draft Community Engagement Charter.

Yours sincerely

**Terry Buss**  
Chief Executive Officer

Encl  
Submission

CC  
Local Government Association

## City of West Torrens proposed feedback to the State Planning Commission on the Draft Community Engagement Charter

Topic	Feedback
<b>Charter Development Process</b>	<ol style="list-style-type: none"> <li>1. On 17 August 2017, City of West Torrens (Council) provided feedback to the State Planning Commission (Commission) on the preparation of a Community Engagement Charter (Charter) in accordance with the <i>Planning, Development and Infrastructure Act 2016</i> (PDI Act). A copy of this feedback is included as Attachment A.</li> <li>2. Council acknowledges the revised Charter development process published by the Commission in the Draft Charter and in particular supports the addition of two new opportunities to provide formal feedback on the Draft Charter.</li> <li>3. Council acknowledges the Elected Member Workshop held by the Commission in August, however notes that this workshop was prior to the release of the current Draft Charter. Council seeks a further workshop with Elected Members on the Charter which would provide an opportunity to discuss a draft decision making framework. Council seeks future Elected Members workshops to be held at a regional level to maximise participation.</li> </ol>
<b>Role of the Charter</b>	<ol style="list-style-type: none"> <li>1. Council reiterates its previous feedback that local communities have high expectations for engagement in land use planning and development. Although the 2015 Housing Diversity Development Plan Amendment reduced public notification requirements for some types of new development in the West Torrens Council Development Plan, local communities continue to expect engagement at the development assessment stage. This Charter will not meet those expectations given it relates to strategic documents rather than the assessment of development applications.</li> <li>2. In Council's experience this expectation exists irrespective of any community engagement undertaken (beyond existing statutory requirements) at the time new planning and development policy is introduced. Council requests the Commission identifies opportunities and approaches for a planning system-wide approach to work through the disconnect between existing local community expectations and the role of the Charter particularly with regard to development assessment.</li> <li>3. It is noted that the Draft Charter principles primarily reflect a 'transactional' community engagement</li> </ol>

Topic	Feedback
	<p>approach, in that community engagement is undertaken to inform a specific strategic or policy document and that the engaging entity has no ongoing role or relationship with the community.</p> <p>4. In Council's experience, this does not reflect Council's ongoing relationship with its local community. Council has an ongoing role in delivering strategic land use management and planning and undertakes community engagement with local communities for a range of purposes, including for community development, community education and to build relationships and connections across the local community. Council led community engagement also has a role in encouraging active citizenship, fostering community resilience and building community trust with organisations and governments.</p>
<p><b>Principles and Outcomes</b></p> <p><b>Principle 1: Inclusion &amp; participation is genuine</b></p> <p><b>Principle 2: People affected are meaningfully engaged &amp; those interested have an opportunity to participate</b></p> <p><b>Principle 3: Differing</b></p>	<p>1. As a comprehensive body of principles, Council considers the principles in the Draft Charter are relevant and generally appropriate for guiding the approach Council takes to community engagement under the PDI Act. However, Council has the following principle-specific feedback:</p> <ul style="list-style-type: none"> <li>i. It is noted that "genuine" and "meaningful", as used in Principle 1 and 2, can be emotive terms which may be understood different in a range of contexts and by different people. Council suggests that the principle is more specific about the factors that contribute to or detract from engagement being genuine and meaningful. These factors may include inclusivity, non-bias, equality of participation opportunity, early involvement and extent to which engagement informs the decision making process.</li> <li>ii. Council notes that local communities often do not express or evidence any interest in strategy and policy planning projects and questions the extent to which the entity undertaking the engagement is required to raise interest in the community about the proposed strategy or policy document. Further, Council considers that consideration of 'managing expectations' of engagement within the community requires further consideration especially considering private entities will be undertaking engagement in accordance with the Charter than under the existing <i>Development Act 1993</i>.</li> <li>iii. The outcome statement relating to Principle 3 notes that "cooperation between the community, council,</li> </ul>

Topic	Feedback
<p><b>views are acknowledged, respected &amp; considered</b></p> <p><b>Principle 4: People have access to complete information that they can understand, they know about proposals and the impacts of the potential outcomes</b></p> <p><b>Principle 5: Engagement processes make clear the reasons for the outcomes and decisions</b></p> <p><b>Principle 6: Engagement is accountable and improving</b></p> <p><b>Principle 7: Engagement is targeted, flexible, scalable and specific</b></p> <p><b>Principle 8: People recognise that decision</b></p>	<p>governments, stakeholders and planners will result in continuous involvement". Council supports the intent of this statement and seeks the Charter to provide more guidance and structure to how this can be achieved.</p> <p>iv. Council supports the intent of Principle 4 for people to have access to complete information and notes that although its local community is increasingly engaging via online methods, if online methods are used exclusively then a substantial segment of the community is locked out of the process. In relation to the outcome that anyone which registers comments will receive a response before a final decision, it is questioned whether this should in fact be a response after the final decision is made. Further, Council considers that Principle 4 should also apply to the publishing of complete information on the engagement process so the community may be an informed about how and when they may engage in the process.</p> <p>v. Council supports Principle 5 and seeks to clarify that this principle and associated outcome statement relates to the portion of any engagement program undertaken after a decision has been made and that this is to be undertaken as part of a broader engagement process before a decision is made.</p> <p>vi. In relation to Principle 6, Council seeks clarification about what is intended by "improving" in terms of whether this means Council is required to "improve" in each project and against what measure or that the standard of community engagement undertake across the sector and by all actors is "improving". There is an argument for the Commission to take a lead role in implementing Principle 6 to lead the improvement of community engagement practice in strategic and policy planning across South Australia.</p> <p>i. It appears that the proposed wording of Principle 8 is not in fact a principle, but rather an outcome statement that the Commission is seeking to achieve. Council supports the Charter requiring community</p>

Topic	Feedback
<p><b>making often involves interests being supported and others not.</b></p>	<p>engagement processes to identify 'non-negotiables' and enabling local communities to hear differing views held by groups or individuals through the community engagement process.</p> <ol style="list-style-type: none"> <li>2. Council seeks further guidance in the Charter on how the principles will be applied in practice and in particular how their application may be scaled to the specific project circumstances.</li> <li>3. Council notes that a range of terms are used in the principles (and their supporting paragraphs) which require further definition and clarification to assist Council to identify whether it's community engagement approach has achieved the intended principle.</li> </ol>
<p><b>Implementation Measures (Decision making framework, engagement tool kit, evaluation measures)</b></p>	<ol style="list-style-type: none"> <li>1. Council understands the Charter is required to include a decision making framework under the requirements of the PDI Act. Council suggests that this framework includes guidance on: <ol style="list-style-type: none"> <li>i. The identification of potential critical issues and stakeholder analysis to inform the selection of appropriate engagement methods and approaches.</li> <li>ii. Identifying and preparing the community engagement approach and methods including balancing informal, flexible and innovative engagement methods with established formal consultation methods accepted and expected by local communities.</li> <li>iii. The consideration of 'hard-to-reach' communities, including diverse communities, the 'silent majority' and future community members that are not yet in the area.</li> </ol> </li> <li>2. Council also supports the inclusion and adaption of established best practice frameworks, such as the International Association for Public Participation's (IAP<sup>2</sup>) Public Participation Spectrum, to guide community engagement planning.</li> </ol>
<p><b>Implementation and Measuring Performance</b></p>	<ol style="list-style-type: none"> <li>1. Council supports the Commission's intent to measure engagement performance as it builds transparency, improves accountability and document lessons learned for future projects. The Council provides in principle support for the 6 factors (Reach, Impact, Sociability, Tone, Sustainability and Depth) as a framework for developing and measuring an approach to community engagement. However, Council seeks the Draft</li> </ol>

Topic	Feedback
	<p>Charter to provide a stronger link between the 6 factors and the principles so it is clear when all of the Charter principles are achieved.</p> <ol style="list-style-type: none"> <li data-bbox="577 395 2022 564">2. Council is concerned that none of the possible measures investigate the influence the community engagement had on the final decision making. It is understood that community engagement is not the only matter considered in decision making, however its impact on decision making should be measured. For example it would be appropriate to consider whether changes to the project scope or outcomes can be attributed to information provided through the community engagement process.</li> <li data-bbox="577 600 2022 938">3. Further, Council notes the Draft Charter introduces a high level of rigour for measuring performance and data collection relating to community engagement. Although this is supported in principle, Council is concerned that these measures are not scalable and is concerned about its ability to meet these detailed expectations in practice. Council has limited resources available to undertake its broad range of functions and services, including community engagement. Some of the possible measures proposed would likely require substantial resources to measure, possibly equal to the resources otherwise allocated to the delivery of an entire community engagement project. Council is concerned that given their current weighting of importance in the Draft Charter, it would likely result in its limited resources to undertake the engagement program being reallocated to measuring performance after the engagement rather than enhancing the actual engagement.</li> <li data-bbox="577 973 2022 1174">4. Council suggests that the Charter instead focuses organisations undertaking community engagement to consider the 6 factors (Reach, Impact, Sociability, Tone, Sustainability and Depth) during the planning and implementation of a community engagement project to ensure it achieves the principles and expectations of the Charter, rather than the strong emphasis on measurement and analysis after the community engagement has concluded. The Commission may intend for organisations to operate in this way, however the emphasis on measurement in the current Draft Charter does not reflect this priority.</li> <li data-bbox="577 1209 2022 1378">5. It is unclear whether the Commission intends to collate and analyse the community engagement measurement results and evaluation reports. If so, will Council be required to collect and submit standardised data to the Commission? Will this data be made publically available? Will the Commission publish state-wide community engagement data, lessons learned or best practice examples to provide further guidance for organisations undertaking community engagement in accordance with the Charter?</li> </ol>

## **Attachment A**

### **Feedback from the City of West Torrens (Council) to the State Planning Commission (Commission) on the preparation of a Community Engagement Charter in accordance with the *Planning, Development and Infrastructure Act 2016* (PDI Act) - 17 August 2017**

#### **City of West Torrens role in community engagement**

1. As the 'closest' sphere of government to the community, community engagement is an essential aspect of local service delivery and ensures Council's services address community needs, priorities and expectations. Council undertakes consultation with its local community in accordance with the requirements set out in the *Local Government Act 1999*.
2. Council has significant experience, knowledge and skills in undertaking community engagement to facilitate better decision making across a wide range of community matters and further, the local community expects Council to undertake this role. Therefore, it is disappointing that the Commission/DPTI has not taken advantage of this experience by collaborating with councils, elected by their community to represent the community's interests, in the development of the Charter nor provided each council with the opportunity to consider and provide meaningful feedback to DPTI and the Commission on the application of a draft Charter prior to its commencement.

#### **Community expectations for community engagement**

1. Following changes made to the West Torrens Development Plan by the Minister for Planning in 2015, to reduce public notification at development assessment stage, Council advises the Commission that its local community expressed is discontent that Council is unable to engage more comprehensively than it is currently permitted to do at development assessment stage through the public notification and representation process. This frustration was evident when the community has expressed its frustration at, what it sees as, very limited community consultation undertaken by DPTI with regard to the ministerial IMMC (Sites) DPA impacting on West Torrens.
2. Council is concerned that the disconnect, between community expectations and the legislated requirements, is likely to be an ongoing issue and could be further exacerbated by the introduction of a Community Engagement Charter that only focuses on community engagement for strategic and policy planning matters and which may be limited in its extent.
3. Council seeks that the Charter addresses community expectations with regard to participation in planning processes by:
  - Clearly documenting that future opportunities for community engagement will be "scaled back when dealing with settled or advanced policy" as set out in the PDI Act and that councils will have limited, if any, opportunity to seek feedback from the community for such matters.
  - Accounting for a 'future community' that may not be readily able to participate at the strategic/policy planning stage in community engagement processes under the Charter.

- Recognising that undertaking 'meaningful' engagement and dialogue with the community is more challenging at the strategic and policy planning level and generally requires the allocation of additional resources and time.
- Undertaking broader community education and awareness building within the wider community regarding planning issues and processes.

### **The Charter in the *Planning, Development and Infrastructure Act 2016***

1. Council supports the requirements for a Community Engagement Charter in the *Planning, Development and Infrastructure Act 2016* (PDI Act). The establishment of a Charter presents an opportunity to 'raise the bar' for statutory public engagement on strategic and policy planning matters.
2. Council supports the application of the Charter to all persons and agencies preparing or amending strategic and policy statutory instruments under the PDI Act.
3. Community engagement undertaken by this Council on Development Plan Amendments and other strategic planning documents regularly exceeds the statutory minimums set out in the *Development Act 1993*. In Council's extensive experience, local community members have an expectation that agencies undertake proactive and early engagement in strategic and policy planning matters that affect them. Therefore, Council requests that the Charter contains requirements:
  - For the undertaking of workshops, meetings and written communication with local community members early in the process to inform the preparation of draft PDI Act instruments.
  - For community materials regarding proposed PDI Act instruments to 'translate' technical planning concepts and documents into plain English. This includes providing information in a way that easily enables potentially affected community members to determine how they may be affected including explaining how the proposed changes may impact the future use of their property.
  - For the release of information on consultation processes led by agencies to build community awareness about the planning process and existing PDI Act instruments and policies.
  - To write to affected community members throughout, and after the conclusion of, formal engagement and decision-making processes on PDI Act Instruments.

### **Process of developing the Charter**

1. Council supports the Commission/DPTI's approach of developing the draft principles and measurable outcomes with the Planning Together Panel comprising members of the public.
2. As councils, and specifically their Elected Members, appear to have been excluded from the process of developing the inaugural Charter by DPTI, Council requests that this be remedied immediately.
3. The proposed single session organised by DPTI with Elected Members from across the state, democratically elected by the community as its representatives, is inadequate and does not accord them or their representative elected body the opportunity to "meaningfully" participate in the process.



4. Council's extensive experience in community engagement should be seen as a valuable contribution to the discussion on the development of new "mandatory requirements" and "performance outcomes".
5. Council seeks the opportunity to comment on draft regulations relating to the Charter prior to their release.

**Requirements for consultation with Council**

1. The PDI Act specifically states that the Charter must provide for consultation with "specifically relevant" Councils. Therefore, Council requests that the Charter provides for an adequate and meaningful opportunity for an elected council to provide a written response in accordance with processes and procedures prescribed pursuant to the *Local Government Act 1999*.
2. Council supports additional consultation beyond an opportunity to provide a written response, including more active and innovative participatory methods. However, this should not be at the expense of an opportunity to provide a written response.
3. Council considers that informal consultation with the Council's Administration is inadequate in meeting the intent of the requirements in the PDI Act.

29 September 2017

State Planning Commission

Via email: [admin@saplanningcommission.sa.gov.au](mailto:admin@saplanningcommission.sa.gov.au)

Dear Sir / Madam

### **Draft Community Engagement Charter (Draft for Consultation)**

The City of Charles Sturt has taken the opportunity to consider the document development through the recent community workshops as a draft of the Community Engagement Charter and provides the following comments for your consideration.

Council commends the State Planning Commission for the development of the Community Engagement Charter, which through the new *Planning, Development and Infrastructure Act, 2016*, provides a new approach to engaging communities at the beginning of the planning process (i.e. establishing strategic directions and policy).

We applaud the use of the community (the Panel) to provide input into the development of the draft Charter. We acknowledge involvement of the Panel has produced a draft document for the Commission to consider in the development of the final Charter.

We believe that the Community Engagement Charter if developed appropriately can achieve sound results in defining the level of engagement sought by the *Act* at the beginning of the planning processes.

### **Objective of the Community Engagement Charter**

With the introduction of the new *Act*, there is potential for confusion as to what the Charter will be used for in the overall planning process. The preparation of the draft final Charter should therefore ensure that its objectives are clear as to its purpose to engage with communities at the policy level and highlight what areas of the planning process it will not apply to.

### **Draft Principles**

The draft principles prepared by the Panel for the Commission's consideration are generally supported and are largely reflective of the principles identified in the *Act*.

Principle 1 refers to '*people influencing decision making*'. As stated above the Charter should clarify what this refers to as it may be construed that it applies to all planning processes that the Charter may not apply to.

Principle 2 states that anyone who registers comments will receive a response in a reasonable time frame. The Charter should clarify what is defined by a '*reasonable time*'. The principle also states that this response will occur before any decision is made on any proposal that has a significant impact on the community. Again, to avoid future conflicts the Charter should define what is meant by a '*significant impact on the community*'.

Principle 4 is supported to ensure the relevant authority can evaluate the success of an engagement process in order to determine the need for improvements for future engagement processes. The timing of this evaluation however, should be considered carefully in the Charter. An evaluation of an engagement process before its conclusion is unlikely to yield the answers as to its ultimate success. In so far as to the outcomes of an evaluation process, the Charter should also be clear as to who will be responsible for this process.

Seeking a flexible and targeted approach to engagement as highlighted in Principle 5 is supported. The City of Charles Sturt has undertaken similar approaches in previous engagements as part of previous Development Plan Amendment (DPA) processes. This often involved firstly preparing an engagement strategy for endorsement which would be tailored to suit the specific DPA process. While addressing the standards required in the *Development Act, 1993* the engagement also included non-statutory engagement techniques such as direct letters to affected property owners, distribution of information brochures, an invitation to speak directly with relevant staff and the use of social media platforms. In developing the Charter the Commission should consider the use of a broad range of engagement options.

Principle 6 refers to people affected to be meaningfully engaged. However, the content under this principle refers to all members of the community having an opportunity to participate. Future engagement at a policy level should be tailored to suit the specific issues. A specific policy amendment may only affect a small section of the community. Wider engagement on a specific policy issue for a particular location may give rise to conflict as persons who may not be directly affected may question that they should have been engaged.

Principle 7 refers to acknowledging, respecting and accommodated differing views. While acknowledging and respecting different views is supported it is questionable whether the decision making authority can accommodate all differing views in its decision making process. The principle also includes a proposed series of measures to address the effectiveness of this principle. One in particular seeks to measure the '*higher percentage of projects/applications getting approved*'. This reinforces earlier comments above that the final draft final Charter should be clear as to its purpose to engage with communities.

### **Mandatory requirements / Performance outcomes**

It is acknowledged that the new *Act* provides the ability for the Charter to establish mandatory requirements as part of different categories of statutory processes. Performance outcomes can also be established where mandatory requirements are not imposed. Information received to date on the draft Charter does not clearly articulate what these categories of statutory processes are or what mandatory requirements or performance outcomes may be established within these categories.

At this stage of the development of the Charter, we believe this level of detail should be developed sooner than later and presented to local government and the community to review and provide feedback. As mandatory requirements these should be considered as the minimum acceptable standards. It is therefore important to have the necessary time to review what these maybe and provide feedback to the Commission as necessary.

It is assumed that the consideration of performance outcomes would involve other engagement techniques not stipulated as mandatory requirements which could be pursued as alternatives if they could achieve the same level of engagement standards. While this is supported, further detail is needed to understand who will approve the use of alternative engagement solutions and whether they can be applied to the preparation or future amendments to all of the described Designated Instruments as identified in the Act.

### **Measurements**

We believe measuring the effectiveness of engagement processes is an important feature to understand not only how well the process has been undertaken but also to assist in the ongoing improvement of these processes. However, in developing measures for the Charter the Commission should consider how readily the measures can be obtained, the allocation of resources required, how the results will be used to improve future engagement processes and how the results will be conveyed to the public.

While the final draft Charter should ensure it can balance the aspirations of the Panel's input it should emphasise that decisions may not always be reflective of some of the views of those consulted. It is therefore important to outline the need to deliver reasons in the decision making process to provide clarity to all that participated in the engagement process.

Thank you once again for the opportunity to provide some feedback on this important initiative. Council looks forward to the opportunity to review a completed version of the draft Charter which may clarify a number of the questions raised in its submission.

Please don't hesitate to contact Jim Gronthos, Senior Policy Planner on 8408 1265 or Craig Daniel, Manager Urban Projects on 8408 1130 should you wish to discuss this matter in further detail.

Yours sincerely



**Darren Birbeck**  
**Acting Chief Executive Officer**

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**From:** Barb Cowey <BCowey@raa.com.au>  
**Sent:** Friday, 1 September 2017 1:18 PM  
**To:** DPTI:Planning Engagement  
**Subject:** Stage 1 -Discussion Draft of the Community Engagement Charter (YourSAy)  
**Attachments:** RAA\_Community Engagement Charter.docx

Please find attached RAA's submission to the Discussion Draft – Community Engagement Charter

Please do not hesitate to contact us if you have any further questions

Kind regards  
barb

**Barb Cowey**  
**Policy & Research Manager**



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## **Community Engagement Charter**

### **About RAA**

RAA is a trusted independent South Australian organisation representing the interests of nearly 700,000 South Australians. South Australia is currently considered one of the most liveable cities in the world, it is important future developments enhance not hinder this status.

Development of a clear and concise Community Engagement Charter as part of reforming the planning system is supported by RAA.

### **Integrated Mobility Planning**

To deliver outcomes outlined in the 30-Year Plan for Greater Adelaide - 2017 Update, will require extensive community support particularly for outcomes to be successful.

With all development approval processes the greater community support the greater the success of the development. RAA is particularly interested in all forms of mobility integration in planning consultation and engagement on all major developments.

### **Evidence Based Approach**

RAA supports an evidence based approach to planning that is inclusive of community beliefs and values. To achieve the most effective community buy-in we believe the State should be proactive in seeking and providing stakeholder contributions. Where there are controversial development sites an ideal position would be to ensure stakeholders have time to gain feedback from their membership base.

### **Comprehensive Engagement**

Engagement at all levels should not be limited to a single platform or style, this includes gaining feedback and sharing information. While social and electronic media offers a simple and cost effective way to disseminate information, not all sectors of the community are comfortable or engage in electronic communication.

The "Sharing the road" citizen's jury selection was limited to a 15 km radius of the CBD, when considering the whole of state legislative change that has evolved from this consultation it could be argued the consultation was limited and for regional members even discriminatory. In similar consultations Victoria has a model of a split jury, ensuring inclusiveness of regional members, where the metropolitan jury meets and a representative regional location is sourced for regional issues and ideas.

### **Independent Panel**

Establishing an independent panel of stakeholders and community is a positive step. RAA encourages the composition of this panel to be inclusive of regional knowledge, industry sectors, and expertise to cover all elements of the development proposal. Ideally this panel would have the ability to engage specific members based upon the core development.



## Community Engagement Charter

### Active Mobility

RAA has a clear interest in active and safe mobility, integration into the wider transport network and a clear understanding of how all developments will impact on individual's ability to get to where they want to go.

Peoples choices of mobility modes varies from journey to journey, ensuring community have safe and accessible options can encourage less reliance on passenger vehicles, in turn supporting congestion and emission reduction targets. As transport modes are disrupted by autonomous technology, embedding smart technology must be considered in all developments.

As a minimum during consultation traffic modelling should be made public on all significant developments, allowing for independent assessment and engagement.

### Innovation

RAA supports the model of the more you involve, collaborate, and empower the better innovation can be. Embedding a philosophy of innovative engagement will ensure no interest groups are left without a voice.

Thank you for the opportunity to provide feedback to the Discussion Draft. For any further comment please contact Charles Mountain, Senior Manager Road Safety, (08) 8202 4568, or via email [cmountain@raa.com.au](mailto:cmountain@raa.com.au).



**From:** SA Planning Portal [<mailto:dpti.noreply@sa.gov.au>]  
**Sent:** Tuesday, 5 September 2017 1:43 PM  
**To:** DPTI:Planning Engagement <[DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)>  
**Subject:** New Public Submission Lodged.

### Form Information

Site Name: SA Planning Portal  
Page Name: Lodge a Submission  
URL: [http://www.saplanningportal.sa.gov.au/lodge\\_submission](http://www.saplanningportal.sa.gov.au/lodge_submission)  
Submission ID: 348325  
Submission Time: 05 Sep 2017 1:42pm

### Submission Details

Submission type:	Community Engagement Charter
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### Submitter Contact Details

Name:	Dale Sutton
Organisation Name:	
Email:	<a href="mailto:dalewsutton@gmail.com">dalewsutton@gmail.com</a>
Phone:	

### Submitter Address

Street No.:	18
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Suburb:	Onkaparinga Hills
Post Code:	5163
State:	SA

1. Tell us what you like about the discussion draft?:

The layout and length of the document are good. If a Charter is required, keep it really simple.

2. Tell us what you think needs improving? Why?:



It is fine to have principles for engagement, but do not list them in this document - just reference the six Better Together: Principles of Engagement which should be universally used by all State Government departments. Also (and most importantly) do not dictate how engagement must take place. This should be left up to councils who know best how to engage with their communities.

3. What are the three most important things that you think need to be considered when engaging communities on major planning policies?:

Answer 1:	A one-size-fits-all approach to engagement does not work. So having a Charter that dictates a universal engagement approach and techniques is not appropriate.
Answer 2:	Legislation must NOT dictate the engagement approach or techniques. This should be left with councils to determine through working closely with their communities.
Answer 3:	The Local Government Act (1999) already list a whole range of ways councils must engage which is restrictive. Don't add another document to complicate community engagement for councils!

4. How would you know engagement was improving in planning? What would you see changing?:

all parties working more harmoniously together

Additional comments:	N/A
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**I am involved in planning (ie local government, or work as a planning professional)**

5. What do you currently do which aligns with the principles in the discussion draft?:

N/A

Do you evaluate the quality of you engagement?:	<b>Yes</b>
Additional Comments:	N/A

6. How do you use what you learn to improve / inform future engagement processes?:

N/A

**Other comments / submission details**

Planning decisions can have a significant impact on those that live in the area, so I believe stakeholders have the right to be engaged in the planning process in a meaningful way. Local government is the level of government closest to communities, so councils are best placed to determine what engagement (if any) is appropriate for each project. In line with their Public Consultation Policies (legislated requirement) and Engagement Frameworks (best practice) councils should determine the best engagement approach for each project based on the stakeholders identified and their ability to influence the decision. The Community Engagement Charter simply needs to support this approach where councils are empowered and encouraged to engage with their communities around changing planning policies in whatever way they deem appropriate. The foreword of the draft Charter describes 'defining a whole set of new arrangements and techniques that Councils and Government will be required to follow' but I would caution that having set requirements means that councils lose the flexibility to work

closely with their communities in the most appropriate way. Specifying an approach to engagement and defining the techniques councils must use makes the incorrect presumption that councils are not likely to engage appropriately, and that a one size fits all approach is best.

Already the Local Government Act (1999) lists numerous specific instances where council must engage (undertake public consultation) in specific ways, removing the ability for councils to work with their communities in the ways their communities would prefer. Under the Local Government Act (1999) councils are required to undertake particular types and levels of consultation in relation to the following:

- Determining the manner, places and times of its principal office (section 45)
- Adopting or varying a public consultation policy (section 50)
- Altering the Code of Practice relating to the principles, policies and procedures that council will apply to enable public access to Council and Committee Meetings, their minutes and release of documents (section 92)
- Council's Annual Business Plan (section 123)
- Changing or amending Council's rating policy (section 151)
- Adopting Strategic Management Plans (section 122)
- Excluding land from classification as community land (section 193)
- Revoking the classification as community land (section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (section 202)
- Alienating roads (section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (section 232)
- Carrying out representation reviews (section 12)
- Considering a change of status of council or name change (section 13)
- Carrying out commercial activities - Prudential Arrangements (section 48)
- Making Bylaws (section 249)
- Making Orders (section 259).

Adding another document (the Charter) that dictates what councils must do to comply with the Planning, Development and Infrastructure Act 2016 just further complicates community engagement, and will force councils to engage in ways that may not be appropriate for their communities. Instead I would encourage the Charter to:

- (1) leave the engagement approach and process in the hands of councils
- (2) simplify things by referencing the State Government's existing Better Together Principles of Engagement (<http://bettertogether.sa.gov.au/principles-of-engagement>), rather than including new principles in the Charter.

## **Files for Submission**

No files were uploaded in this submission

-----Original Message-----

From: Marjon Martin [mailto:swcityca@gmail.com]

Sent: Wednesday, 13 September 2017 4:44 PM

To: DPTI:Planning Reform <PlanningReform@sa.gov.au>

Subject: Community Engagement Charter Feedback (YourSAy)

Hi

I have read the papers and based on both my life and work experience, a charter such as this would work if those involved with process have an open mind to what they may yet hear. I don't know if any strategy will work 100% of the time as those involved will determine the genuineness of the process.

I think it is useful to revisit how best to engage the community every few years as it seems bureaucracies and/or governments get bogged down with certain prevailing mindsets that are not open to ideas outside of their own.

I hope the Charter will work well.

Cheers

Marjon Martin

14A Weil St

Adelaide

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**From:** SA Planning Portal [<mailto:dpti.noreply@sa.gov.au>]  
**Sent:** Wednesday, 13 September 2017 4:38 PM  
**To:** DPTI:Planning Engagement <[DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)>  
**Subject:** New Public Submission Lodged.

### Form Information

Site Name: SA Planning Portal  
Page Name: Lodge a Submission  
URL: [http://www.saplanningportal.sa.gov.au/lodge\\_submission](http://www.saplanningportal.sa.gov.au/lodge_submission)  
Submission ID: 351072  
Submission Time: 13 Sep 2017 4:38pm

### Submission Details

Submission type:	Community Engagement Charter
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### Submitter Contact Details

Name:	John Best
Organisation Name:	Wattle Range Council
Email:	<a href="mailto:job@wattlerange.sa.gov.au">job@wattlerange.sa.gov.au</a>
Phone:	0417837306

### Submitter Address

Street No.:	1
Street:	(Civic Centre) George Street
Suburb:	Millicent
Post Code:	5280
State:	SA

1. Tell us what you like about the discussion draft?:

it does not go into much detail. that it does apply to Development Assessment processes, these will be prescriptive in the regulations.

2. Tell us what you think needs improving? Why?:

Could the Charter provisions be in 2 or 3 tiers, say tier 1: State Planning Policy, Regional Plans, Planning & design Code, Tier 2: Design Standard, Infrastructure Scheme, Local Heritage place listing. i am sure the actual Draft will address this question.

3. What are the three most important things that you think need to be considered when engaging communities on major planning policies?:

Answer 1:	in my opinion and experience any level of consultation will only engage with the people who want to engage or who have a particular interest. in high level policy change the main stack-holders will be industry players, LGA, environmental groups and lobbyist on behalf of industry players, these groups will always want to protect their interests, so the facilitators of engagement will need to be highly skilled, so as not to be swayed.
Answer 2:	lack of understanding of the general public on planning matters. i honestly cant see this changing dramatically, after all i have worked in the system professionally for over 16 years, you explain the system to the people who you engage with, however this is such a small proportion of the public.
Answer 3:	trying to convince people affected by change that the change is for the better. that the decision was made legally and above board.

4. How would you know engagement was improving in planning? What would you see changing?:

all parties working more harmoniously together

Additional comments:	N/A
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**I am involved in planning (ie local government, or work as a planning professional)**

5. What do you currently do which aligns with the principles in the discussion draft?:

we try to engage early, we have been rolling out township plans (10 Year) for all of the 12 towns in our Council area.

Do you evaluate the quality of you engagement?:	<b>Yes</b>
Additional Comments:	<p><b>we use a simple debriefing approach and try and evaluate effectiveness and what improvements we could make. we have tried using survey monkey to get feedback and this give us statistical data, however this is hard to gauge quality.</b></p> <p><b>If so what approaches / techniques do you use?</b></p> <p>we have tried using survey monkey to get feedback and this give us statistical data, however this is hard to gauge quality.</p>

6. How do you use what you learn to improve / inform future engagement processes?:

we try to engage early, we have been rolling out township plans (10 Year) for all of the 12 towns in our Council area.

**Other comments / submission details**

N/A

**Files for Submission**

No files were uploaded in this submission

**From:** SA Planning Portal [<mailto:dpti.noreply@sa.gov.au>]

**Sent:** Wednesday, 20 September 2017 4:57 PM

**To:** DPTI:Planning Engagement

**Subject:** New Public Submission Lodged.

### Form Information

Site Name: SA Planning Portal

Page Name: Lodge a Submission

URL: [http://www.saplanningportal.sa.gov.au/lodge\\_submission](http://www.saplanningportal.sa.gov.au/lodge_submission)

Submission ID: 352499

Submission Time: 20 Sep 2017 4:57pm

### Submission Details

Submission type:

Community Engagement Charter

### Submitter Contact Details

Name:

Myles Somers

Organisation Name:

Berri Barmera Council

Email:

[msomers@bbc.sa.gov.au](mailto:msomers@bbc.sa.gov.au)

Phone:

0417802597

### Submitter Address

Street No.:

19

Street:

Wilson St

Suburb:

Berri

Post Code:

5343

State:

SA

1. Tell us what you like about the discussion draft?:

Generally supportive

2. Tell us what you think needs improving? Why?:

Should align with existing Local Government obligations and policy such as Communication / Public Consultation Policy. LG Act and Review of Council decision process.

3. What are the three most important things that you think need to be considered when engaging communities on major planning policies?:

Answer 1:	Ensure those that wish to be heard can be heard.
Answer 2:	Provide relevant and sufficient information in a manner all community members can understand and feel confident in expressing a view or opinion.
Answer 3:	Review quality of consultation in an environment of continuous improvement -learn from the past.

4. How would you know engagement was improving in planning? What would you see changing?:  
developing understanding in the community of the Planning system

Additional comments:	N/A
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### **I am involved in planning (ie local government, or work as a planning professional)**

5. What do you currently do which aligns with the principles in the discussion draft?:

Local Government Public Consultation and Communication Policy largely aligns with the discussion draft. It appears to me that many Council decisions involve a genuine desire to understand community views.

Do you evaluate the quality of your engagement?:	<b>Yes</b>
Additional Comments:	<b>However the review is not formalised and thus the Charter is supported as it embeds review and continuous improvement-it introduces formal accountability.</b>  <b>If so what approaches / techniques do you use?</b>  To date it largely falls upon the staff wanting to genuinely get better at communicating with the community. We also want to explore new methods of disseminating information.

6. How do you use what you learn to improve / inform future engagement processes?:

Local Government Public Consultation and Communication Policy largely aligns with the discussion draft. It appears to me that many Council decisions involve a genuine desire to understand community views.

### **Other comments / submission details**



I can see the need for the Charter to establish the quality required and have checks in place as changes to Code and Policy can be generated by private interests and are not only facilitated by Councils and State Government. Also JPBs are more legally aligned to the Minister through an Agreement than they are to Councils so I would argue the Agreement with Minister should call up the Charter and other instruments such as Code of Conduct. There may even have to be tighter provisions in place around transparency and information.

It is early days with the Charter and I have no objections to it in principle. It needs to be flexible to meet the need and it should not present onerous task to Joint Planning Boards or Councils if the changes sought are local in nature and impact only a small section of the community. Importantly I think the Commission need to do more work on the balance between setting up realistic expectations for community engagement and ensuring that authorities can make decisions efficiently. It does appear the Charter might build up unrealistic expectations regarding influencing a decision. Code change for example might not be popular but might be completely in the best interests of the community and future generations. If we said no one could build within 500m of coastline in an area identified as being most likely subject to tide surges in 20 years under Climate Change modelling, I am sure there would be plenty of complaints from folk sitting on coastal blocks in that area. Whilst some decisions might be unpopular it does not mean they are not correct.

### **Files for Submission**

No files were uploaded in this submission

Ref: 53494  
Doc ID: 254888



27 September 2017

Tim Anderson QC  
Chair – The State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

By email: [DPTI.planningengagement@sa.gov.au](mailto:DPTI.planningengagement@sa.gov.au)

Dear Commissioner Anderson

**RE: Community Engagement Charter 2017 – Discussion Draft – Outputs from Stage 1**

Thank you for providing Council with an opportunity to review and provide feedback on the work of the Commission and the Planning Together Panel as representatives of these groups collectively progress the preparation of the Community Engagement Charter as described in Section 44 of the *Planning, Development and Infrastructure Act 2016* (the 'Act').

Council recognises that completion of the Charter, whilst a requirement of the Act will also play a key role in ensuring that early components of the Act, not the least the Statutory Instruments, can be prepared on the basis of sound and comprehensive community and professional engagement.

Council officers have reviewed the discussion draft and provide the following comments:

Principles

The eight (8) draft principles are clear and concise and reflect those described in Section 44(3) of the Act.

Implementation and Measuring Performance

Council supports an implementation process which is both scalable and adaptable to the matter being considered. It is clear from experience that interest in a matter from the community is variable and very much depends on the topic of discussion. The use of a detailed and complex engagement process for minor matters is overly burdensome and time-consuming.

It is however noted that in order to be of true benefit, provide opportunity for input and be scalable for both the matter under discussion and the amendment proposed, the desired engagement process must be clearly stipulated in the Charter and in doing so provide for prescriptive engagement processes. The absence of prescriptive processes will be confusing for both practitioners and the community and potentially lead to legal arguments on procedural matters. It is not clear from the draft document as released that the Charter will include prescriptive engagement processes for various activities. It is noted that prescriptive processes can and should be scalable and adaptable as described in the implementation elements and therefore tailored to the topic under review.

Whilst recognising and acknowledging the need to measure the success (or otherwise) of engagement processes, Council is cautious that this will be largely a 'validation' of process and as such will become both time consuming and again could be the cause of protracted legal dispute. Further, it is important to note that effort in an engagement process is not necessarily reflected in the feedback gathered, and placing an unreasonable emphasis on measurement as a means of validating will not result in proactive

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Light Regional Council ABN: 35 455 841 625

**Branch Office**  
12 Hanson Street, Freeling, SA 5372  
Fax: (08) 8525 2441

and successful engagement processes. Council notes that prescriptive engagement processes with clear benchmarks is the most effective means of validation and measurement.

Council looks forward to receiving the next iteration of the Community Engagement Charter.

Please do not hesitate to contact me on telephone 8525 3200 should you wish to discuss the content of this letter further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Chown', written in a cursive style.

**Andrew Chown**  
**Manager, Strategy**

**From:** Tony Kamenjarin <tony.kamenjarin@portenf.sa.gov.au>  
**Sent:** Tuesday, 3 October 2017 1:15 PM  
**To:** Gencarelli, Nadia (DPTI)  
**Cc:** Steve Hooper; Michael Kobas; Tim Hicks  
**Subject:** Draft PAE Submission re Community Engagement Charter\_Discussion Draft  
**Attachments:** Draft Submission to State Planning Commission\_Community Engagement Charter\_Discussion Draft.pdf

Hi Nadia

Thanks for coming in to meet with us this morning.

As discussed during our meeting, please find attached a draft Council submission on the Community Engagement Discussion draft – provided in light of the 9/10 closing date.

Please note that this is a draft submission and that Council will formally resolve its position at a Council meeting to be held next Tuesday (10/10). We will promptly advise of Council's resolution and either confirm that the draft submission has been endorsed as Council's formal submission or forward a revised submission.

Please give me a call if you'd like to discuss further.

Regards

Tony



**Tony Kamenjarin**  
**Urban Planner**  
**City of Port Adelaide Enfield**  
163 St Vincent St (PO Box 110), Port Adelaide SA 5015  
**T:** (08) 8405 6007  
**E:** [tony.kamenjarin@portenf.sa.gov.au](mailto:tony.kamenjarin@portenf.sa.gov.au)  
**W:** [www.portenf.sa.gov.au](http://www.portenf.sa.gov.au)

Please send attachments over 5MB to my Dropbox at  
<https://sftp.portenf.sa.gov.au/dropbox/~40hkKS>

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# Community Engagement Charter - Discussion Draft

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Submission - City of Port Adelaide Enfield

## **Preamble**

The deliberative and consultative approach that the Commission is taking to develop the Community Engagement Charter is welcomed and strongly supported by Council.

The draft principles are a most important part of the Discussion Draft as they set the foundations for the engagement processes that relevant entities must follow when preparing or proposing to amend any of the statutory planning instruments listed under the Planning, Development and Infrastructure Act.

Council considers that the draft principles and their associated outcome statements are generally appropriate and reasonable but has specific comments with respect to proposed Principles 2, 4, 6, 7 and 8.

It also considers that the 'Implementation Measures' part of the Discussion Paper and particularly, the 'Measuring Performance' section warrants further consideration.

Council's comments on these matters are provided in the more specific commentary that follows.

Council looks forward to receiving and reviewing the formal Consultation Draft of the Community Engagement Charter in the coming months.

# Community Engagement Charter - Discussion Draft

Submission - City of Port Adelaide Enfield

## Comments on Principles

No.	Principle	Comment
2	People affected are meaningfully engaged and those interested have an opportunity to participate	<ul style="list-style-type: none"> <li>• The role of Councils in assisting other entities to identify and consult with relevant communities requires clarification.</li> <li>• Councils are especially well placed to understand the nature and diversity of communities but the costs of identifying and consulting with these communities needs to be borne by the entity proposing the planning policy instrument or its amendment rather than by Councils.</li> <li>• In terms of meaningful engagement, the Institute of Public Participation (IAP2) is widely accepted as setting the industry standard for consultation and identifies the following points along a spectrum of increasing impact on decision making: Inform; Consult, Involve, Collaborate; Empower.</li> <li>• Clarifying the intended level of impact on decision making is particularly important as the statutory planning instruments to which the Community Engagement Charter will be applied can be expected to be subject to different levels of community influence. For example, State Planning Policies may be seen as more of an expression of current Government policy than local heritage place listing and the purpose and ability of the community to influence policy around these two different instruments could be expected to differ. As another example, policies for Design Standards for infrastructure are matters that will need to be informed by technical and financial expertise and the need for and purpose of broader community consultation on these policies can be expected to be different from that required for zoning policies under the Planning and Design Code.</li> <li>• Referring to the ideas inherent in the IAP2 spectrum in the Charter itself and using this spectrum when engaging with communities so that they are clear about how they are being consulted and what they can expect will be an important part of the Charter.</li> </ul>

# Community Engagement Charter - Discussion Draft

Submission - City of Port Adelaide Enfield

No.	Principle	Comment
4	People have access to complete information that they can understand, they know about proposals and the impacts of potential outcomes	<ul style="list-style-type: none"> <li>The implications of proposed changes to planning policies can be very significant, particularly for the Planning &amp; Design Code (which in time will replace the current Development Plan). For people to genuinely understand the implications of planning policies, greater explanation of practical on the ground, expected development outcomes will be essential. This may include the use of visualisation tools such as 3D computer modelling and perspectives. Without this, the implications of planning policy and planning policy amendments will remain unclear and remote for many people.</li> </ul>
6	Engagement is accountable and improving	<ul style="list-style-type: none"> <li>The intent of this Principle is to ensure that engagement approaches are appropriate and effective for each situation and that opportunities for improvement are considered. This intent is supported. However, the actual wording of the Principle itself could imply that improvement is mandatory.</li> <li>If a previous consultation process was effective and successful, the next similar process should be able to use that same process without having to necessarily improve it.</li> <li>Alternative wording of the Principle is therefore suggested eg Engagement is accountable.</li> <li>It is noted that the outcome statement for Principle 3 already addresses the issue of continuous improvement.</li> </ul>
7	Engagement is targeted, flexible, scalable and specific	<ul style="list-style-type: none"> <li>The use of the term 'project' in the outcomes statement for this Principle sits awkwardly with the notion of planning policy as there are multiple possible 'projects' that can emanate from planning policy settings.</li> <li>This principle would be improved by redrafting the text from a planning policy frame of reference.</li> </ul>
8	People recognise that decision making often involves interests being supported	<ul style="list-style-type: none"> <li>As there is no associated outcome statement it is difficult to fully discern the intent of this principle.</li> <li>It seems that the issues this principle seeks to address are implicitly covered by the other</li> </ul>

# Community Engagement Charter - Discussion Draft

Submission - City of Port Adelaide Enfield

No.	Principle	Comment
	and others not	<p>principles and if necessary, can be captured more explicitly via minor revisions to those principles and their respective outcome statements.</p> <ul style="list-style-type: none"><li>• As drafted, Principle 8 may also potentially be read to undermine the engagement process by implying that outcomes and decisions have already been made without the community engagement process having being used to inform those decisions.</li></ul>



# Community Engagement Charter - Discussion Draft

Submission - City of Port Adelaide Enfield

## Comments on Implementation Section

Reference	Measuring Performance	Comment
Pgs 12 & 13	"...there are a range of ways that performance can be measured including surveys, capturing the number of responses received, the general tone of feedback and a range of other techniques.	<ul style="list-style-type: none"><li>• Whilst it is clearly important to ensure that the community engagement undertaken when setting or amending planning policies was undertaken properly and was effective, any consultation evaluation that requires follow up responses from the originally consulted community may be seen as 'missing the point' by those whose principal interest was to comment on a planning policy matter (rather than a consultation process) unless the planning policy outcomes are clear.</li><li>• There is often a long period of time between the setting of planning policies and the outcomes of those planning policies becoming clear through the manifestation of on the ground development outcomes.</li><li>• Evaluation measures that require further community input may need to be undertaken quite some time after the policy has been set and may need to be targeted to known areas where new developments have occurred.</li><li>• It will be important to avoid measures that divorce the consultation process from the planning policy outcomes as there is little value in having great processes but poor outcomes.</li><li>• The majority of the possible measures suggested on pages 12 and 13 rely on follow up responses from the originally consulted communities are not consistent with the above comments.</li><li>• Given the PDI Act's requirement for engagement to be undertaken pursuant to the Community Engagement Charter, and the powers available to the Commission, a less prescriptive approach to the evaluation of community engagement processes may be appropriate</li></ul>

5 October 2017

Chairperson Mr Tim Anderson QC  
The State Planning Commission  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
Adelaide SA 5001

Dear Mr Anderson,

**RE: COMMUNITY ENGAGEMENT CHARTER 2017: DISCUSSION DRAFT OUTPUTS FROM  
STAGE 1 SUBMISSION**

The Planning Institute of Australia South Australia (PIA SA) thanks the Department of Planning, Transport and Infrastructure (DPTI) for the opportunity to comment on the Community Engagement Charter 2017: Discussion Draft Outputs from Stage 1.

PIA is the national body representing planning and the planning profession. Through education, communication and professional development, PIA is the pivotal organisation serving and guiding thousands of planning professionals in their role of creating better communities.

**PIAs Principles of Good Planning**

PIA has developed a Policy Position Statement – What is good planning? This position statement includes and encourages active participation of all stakeholders. It states

*‘Good planning is guided by community values, driven at all levels of government, and delivered through the experience of the planning profession through the investment of the private sector and government. Key stakeholders include:*

- 1. Residents and communities - contributing knowledge and local context to shape the planning and design responses;*
- 2. Federal Government - providing direction and guidance on the provision of infrastructure and protection of values of national significance, monitoring the*

*performance of our cities, and delivering microeconomic reform to enable planning systems and processes to work effectively;*

3. *State government - delivering legislation and systems that support local governments and foster social, environmental, economic and cultural wellbeing;*
4. *Local government - empowered to implement planning solutions that are in the best interest of the broader community, and founded on policy and strategy that is informed by evidence and broad stakeholder consultation; and*
5. *Property development and construction industry - investing in our cities, towns, communities and infrastructure that supports liveable communities.'*

This Principle guides all that we do as the peak body representing the views and matters affecting the work of planning professionals across Australia.

It is with this Principle in mind that PIA SA has reviewed the discussion draft of the Community Engagement Charter 2017 – Outputs from Stage 1 (Community Engagement Charter) and offers the following comments for consideration.

### **General comments**

Firstly, PIA SA commends DPTI for preparing the Community Engagement Charter, and for seeking to undertake two stages of engagement with the community through its preparation. This would have been no easy feat and PIA recognises that there are many challenges in preparing a robust and holistic document for broad application.

Overall, the language of the Community Engagement Charter is generally worded in a manner that speaks to professionals or people in the field rather than the general population. In order for the Charter to be digestible by the general population there should be more humanistic language and use of the term 'people' for example.

PIA SA suggest for the purposes of public use that there is some general definition of 'engagement' and even 'charter'. It should not assume that general members of the community know this term in this context, unless this document is intended for professionals only.

Finally, there is no discussion of 'planning' itself in the draft, and the intertwined role of planning and engagement. Is it intended that this Charter would be used more broadly? Or could there be some form of reference or discussion on the role of engagement in achieving good planning outcomes. Further, it is unclear how different elements within the Charter will be used to select an appropriate level and type of engagement strategy

for a given project. PIA SA believes that this clarification and recognition of planning would assist in identifying the purpose / intent of the use of the Charter.

## **Statutory obligations**

The table of statutory obligations is clear and can be easily understood by the community, though PIA questions why is it not mandatory to notify Local Government in all instances. Even if it's purely a notification with no opportunity to respond, as this would assist in providing further opportunities for cross-government information sharing and will enable Local Government to be informed when communicating with their local communities.

PIA suggests the categories be assigned numbers or letters to more easily to distinguish. Additionally, it may be more user friendly to have examples of the types of proposals under each Category in the table, though not essential.

## **Structure of the charter**

This section and the overarching charter is fairly clear and logical, and the engagement toolkit is particularly exciting and useful. PIA members are happy to assist with preparation of this and would be pleased to discuss this further with DPTI staff. It also noted the City of Unley has an excellent example of a community engagement toolkit (prepared for internal use).

## **Principles**

The process of developing the draft Principles has resulted in an authentic and comprehensive set of Principles for community engagement.

The Principles are generally very sound and cover the key elements to proper and genuine engagement with people. Some general comments are as follows:

- The wording could be a bit more 'people friendly'.
- Principle 1 could reference 'in decision-making'
- The wording of Principle 5 is a bit wordy, could consider reorganising the text as follows: 'The reasons for the outcomes and decisions are made clear through engagement processes'
- There is different wording applied across different principles which confuses their individual intent (e.g. genuine and meaningful in Principle 2) – suggest some consistency.

## Outcomes – What do the Principles mean?

The inclusion of this section in the Community Engagement Charter is really important as it provides greater context and understanding of the purpose of the Principles.

The language of the 'Outcomes' section uses a variety of terms, rather than being consistent, and confuses terms like 'community', 'stakeholder' and 'people affected' without any clarity on what these are referring to. It also talks about scale and priorities issues but doesn't give any guidance on what this is. What might be a small issue to one could be a large issue to another.

## Implementation – what level of engagement is required?

The Implementation section is essential to the Community Engagement Charter as it provides a reference point for practitioners when developing a community engagement plan. PIA anticipates that the Implementation section will likely become a 'go to' guide for community engagement practitioners.

PIA considers that the six terms used are not immediately clear and translatable to members of the community. Better terms could be used as follows:

- **Impact** - contribution or collaboration could be used instead
- **Tone** - community feelings or emotional gauge or similar is a difficult way of determining impact, it is considered sensitivity or expectation could be used instead, so that it more clearly relates with the intention / definition?
- **Depth** - complexity or understanding could be used instead
- **Sustainability** – could be 'community sustainability' or 'community capacity'. The term 'sustainability' is strongly linked with the environment and I think this muddles the definition.
- **Sociability** – this term is not clearly described. This term seems to refer to community interaction and communication throughout the engagement and decision-making process? This needs to be clearer / better defined so that it can be more readily understood.

PIA also considers diagram or associated images for each element would be really useful so that a quick reference can be made to each and what they are referring to, which would be in a similar format to the IAP2 spectrum for example.

## Measuring performance

PIA questions, overall, how will the responses to these questions be measured? i.e. will there be a standard template survey prepared that can be used at the end of each engagement activity? Will these be available on the SA Planning Portal?

Additionally, who will be the one undertaking the measuring / asking the questions? What will be done with the information? Will, whomever is undertaking this work, need to have some form of qualification or demonstrated experience? Will this link to accredited professionals?

PIA has the following comments to make on following considerations referenced on page 11.

- **Reach -**

- The first three points are good.
- How will the last point 'the engagement was accessible and jargon-free' be measured? Also, what constitutes jargon free?
- Could add 'total number of people contacted, and the percentage of those that participated in the engagement in some way'
- Contingency if it is determined parts of the community missed out?

- **Impact -**

- All points are good.
- Important to measure well and react accordingly. If there is a feeling of "tokenism" then the community will be sceptical of future engagement.

- **Sociability -**

- All points are good.
- This should be a targeted side result of any engagement.

- **Tone -**

- Similar to Impact insofar as it is important to measure well to provide the community with confidence in the process.
- The first point could be a weak measurement of 'tone' though, as not every proposal will result in a community group, and even if so, it will likely only be 1-2 groups.
- The last two points are good.
- Could be 'number of phone calls / responses etc. received'? Or amount / extent of media coverage of the issue?

- **Sustainability –**
  - What does the first point mean ‘Number of engagement plans’? The overall plan itself, or a plan to engagement? etc.
  - In relation to ‘Percentage of plans consistent with Charter Principles’ – will there be a standard template for this?
  - Will the last two points relating to ‘people designing the engagement’ need to undertake some sort of self-reflection to respond to these questions?
  
- **Depth –**
  - The two points are good.
  - Could add a point relating to ‘Percentage of people who believed that they have grown / learnt something from this process’. This would help to understand if the results of the engagement will be long-lasting and beyond a single issue.
  - Maybe add were there opportunities to gain additional information/education?

### **General Comments and Questions:**

PIA and its members have some further questions on the charter:

- How often will the charter be updated or reviewed?
- Any general guidelines / idea on how the Regulations will be worded regarding the statutory development assessment engagement requirements?
- Will individuals or organisations need to ‘sign up’ to the Charter? Or at least demonstrate support for it?
- Will the Charter be a primarily electronic or hard copy document? If the former, then suggest adding links to examples and the tools etc. This would also allow it to be flexible and continuously updated as new best practice benchmarks are established.

## Conclusion

Thank you for your consideration of the above comments.

The Community Engagement Charter will become a robust and valuable framework that will contribute to better engagement outcomes for the community. PIA SA looks forward to continuing to work as a key partner to DPTI through the implementation of the Planning Reform over the coming years.

Should you require any additional commentary, please do not hesitate to contact the PIA SA Office on 8337 8816.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'KORJA' with a stylized flourish extending from the bottom left.

**Kym Pryde RPIA**

PIA SA President



**From:** SA Planning Portal [<mailto:dpti.noreply@sa.gov.au>]  
**Sent:** Friday, 6 October 2017 1:58 PM  
**To:** DPTI:Planning Engagement <[DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)>  
**Subject:** New Public Submission Lodged.

### Form Information

Site Name: SA Planning Portal  
Page Name: Lodge a Submission  
URL: [http://www.sapanningportal.sa.gov.au/lodge\\_submission](http://www.sapanningportal.sa.gov.au/lodge_submission)  
Submission ID: 354679  
Submission Time: 06 Oct 2017 1:57pm

### Submission Details

Submission type:	Community Engagement Charter
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### Submitter Contact Details

Name:	Brett Steiner
Organisation Name:	City of Tea Tree Gully
Email:	<a href="mailto:brett.steiner@cttg.sa.gov.au">brett.steiner@cttg.sa.gov.au</a>
Phone:	83977444

### Submitter Address

Street No.:	571
Street:	Montague Road
Suburb:	Modbury
Post Code:	5092
State:	SA

### 1. Tell us what you like about the discussion draft?:

The overall concept of a Community Engagement Charter is a step in the right direction and provides a documented framework to guide practice for how to best engage communities on planning issues. It may encourage a more consistent community engagement approach across the

different levels of government. The principles (with the exception of principle 8) are ones that are good practice for any community engagement process. The measuring performance section is necessary to ensure what has occurred is validated, however we feel the measures in the current draft need some refinement – further comments on the changes to the measures is included below. We note that the engagement process described on page 4, to get the Community Engagement Charter to this point, has included views from a broad section of stakeholders – we feel this is a positive approach.

2. Tell us what you think needs improving? Why?:

**Principle 8** It is suggested that this principle needs further clarity as to its intention. Is it about making it clear that all views will not be reflected in the final results? If so, it could be incorporated with principles 3 or 5. Also, the word ‘interests’ implies one ‘party’s’ interests could be more important than another’s – which would be in conflict with the seven other principles.  
**Statutory Obligations** This section is somewhat unclear. The table showing category and mandatory requirement is missing the ‘who’. One example is the following: ‘proposals that are generally relevant to councils’ – is this based on the assumption that a council has initiated the proposal or a property owner? If it’s a property owner a mandatory requirement would need to be added to ensure the relevant council is consulted as a stakeholder, as well as the LGA.  
**Glossary of terms** If this charter is intended as information for people with differing levels of understanding we suggest a glossary of terms be included to make it clear what certain terms are referring to. For example on page 6 under ‘what is the role of the Charter’, there should be more details about the six documents in the planning system.  
**Review of engagement process** It’s of some concern that there is no independent review process mentioned in the event the State Planning Commission (SPC) undertakes its own community engagement process. Evaluating its own engagement process could be a potential conflict of interest. The SPC is stated on page 6 as a possible entity to develop and implement engagement strategies.  
**Measuring performance** It’s unclear if the group/agency undertaking the engagement process will be setting their own performance measures or if these will be already set from a list to choose from.

3. What are the three most important things that you think need to be considered when engaging communities on major planning policies?:

Answer 1:	Clear plain English information provided to suit the audience (including information about negotiables and non-negotiables)
Answer 2:	Key stakeholders are identified and consulted
Answer 3:	Early consultation is undertaken to increase opportunity for views to be considered before any decisions or further direction is progressed

4. How would you know engagement was improving in planning? What would you see changing?:

something else

Additional comments:	More people engaged because there is a genuine opportunity for them to understand what is being proposed and potential for them to influence the outcome.
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**I am involved in planning (ie local government, or work as a planning professional)**

5. What do you currently do which aligns with the principles in the discussion draft?:

A few of the principle in the Engagement Charter are similar to what we have in the City of Tea Tree Gully Community Engagement Policy (e.g inclusive, meaningful)

Do you evaluate the quality of you engagement?:	<b>Yes</b>
Additional Comments:	<b>We evaluate each engagement against our policy and individual strategy objectives.</b>  <b>If so what approaches / techniques do you use?</b>  Internal evaluation process by the relevant engagement officer and project manager. Adhoc online survey evaluation with participants - see attached example questions.

6. How do you use what you learn to improve / inform future engagement processes?:

A few of the principle in the Engagement Charter are similar to what we have in the City of Tea Tree Gully Community Engagement Policy (e.g inclusive, meaningful)

**Other comments / submission details**

N/A

**Files for Submission**

Files have been attached to this email

[http://www.saplanningportal.sa.gov.au/lodge\\_submission/submissions\\_files/Attachment\\_-\\_Community\\_Engagement\\_Charter\\_2017\\_submission.docx](http://www.saplanningportal.sa.gov.au/lodge_submission/submissions_files/Attachment_-_Community_Engagement_Charter_2017_submission.docx)

[http://www.saplanningportal.sa.gov.au/lodge\\_submission/submissions\\_files/Evaluation\\_survey\\_example\\_-\\_CTTG.pdf](http://www.saplanningportal.sa.gov.au/lodge_submission/submissions_files/Evaluation_survey_example_-_CTTG.pdf)

**City of Tea Tree Gully**

**Attachment to submission Community Engagement Charter**

We have added a third column below with some comments regarding the measures.

What needs to be measured	Possible measures	Comments re measures
<p><b>Reach</b> Did everyone who is impacted and/or interested have an opportunity to participate?</p>	<ul style="list-style-type: none"> <li>• The number of people engaged</li> <li>• % of people engaged who reported:–               <ul style="list-style-type: none"> <li>○ the size and method of engagement was appropriate for the issue they were engaged on</li> <li>○ they were supported to actively contribute to the engagement</li> </ul> </li> <li>• the engagement was accessible and jargon-free</li> </ul>	<p>While it is easy to calculate number of people engaged, more qualitative measures are more challenging. Respondents could rate accessibility and jargon free language, however it would be challenging for example, for respondents to rate the appropriateness of the methodology if they don't have expertise in this area. Also the number of people engaged needs to be considered in context of the target audience and affected stakeholders and whether those who were identified as key stakeholders were those who participated.</p>
<p><b>Impact</b> Was community input considered in the final decision?</p>	<ul style="list-style-type: none"> <li>• % of people engaged who reported that their views were:               <ul style="list-style-type: none"> <li>○ heard and genuinely responded to</li> <li>○ genuinely considered in the final decision</li> </ul> </li> <li>• % of people engaged who were satisfied with the planning outcome</li> <li>• % of people who understood how and why the final decision was made</li> </ul>	<p>Could ask people to rate whether they felt the process was genuine however this would be interpreted differently by different people. And what is the expectation that respondents as individuals are responded to, rather than themed comments responded to as a group? If a final decision takes some time to be reached or delayed, it may be difficult to re-engage with respondents to ask their views.</p>

What needs to be measured	Possible measures	Comments and/or alternative suggested measures
<p><b>Sociability</b> How did people interact with each other, and did the process build community capacity?</p>	<ul style="list-style-type: none"> <li>• The number of opportunities that brought people together</li> <li>• % of people engaged who reported the engagement process had a positive impact on community cohesion</li> <li>• % of people who reported they heard alternative views and opinions that were different than their own</li> </ul>	<p>Would number of opportunities include online opportunities? This would also be dependent on the scale of the project. Does each project necessarily need to build community capacity? Need to define what 'community cohesion' is.</p>
<p><b>Tone</b> What was the level of emotionality and controversy?</p>	<ul style="list-style-type: none"> <li>• The number of self-formed community groups in relation to the project</li> <li>• % of people engaged who: <ul style="list-style-type: none"> <li>○ reported that their views were heard and genuinely responded to</li> <li>○ reported the engagement process had a positive impact on community cohesion</li> </ul> </li> </ul>	<p>Is the desire to have a low or high number of self formed groups?</p>
<p><b>Sustainability</b> Would people participate in similar process in the future?</p>	<ul style="list-style-type: none"> <li>• The number of engagement plans</li> <li>• % of people engaged who understood why they were being engaged</li> <li>• % of plans consistent with Charter Principles</li> <li>• % of engagement processes that: <ul style="list-style-type: none"> <li>○ measured performance using one or more performance measures from this Charter</li> <li>○ demonstrated improved performance through implementing Charter Principles</li> </ul> </li> <li>• % of people designing the engagement demonstrating they: <ul style="list-style-type: none"> <li>○ learnt from the experience</li> <li>○ made process improvements</li> </ul> </li> </ul>	<p>Demonstration of improved performance needs to be measured against some type of benchmark or previous experience.</p>

<p><b>Depth</b> Is there an opportunity for different knowledge and perspectives to be shared? And did people have access to the information they needed?</p>	<ul style="list-style-type: none"> <li>• % of people engaged who reported diverse views were included</li> <li>• % of people who reported they had the right information available to them to contribute to the process.</li> </ul>	<p>This would depend on participants being engaged enough to read outcome reports. Is this about diverse views included in a report or reflected in the final decision/outcome? Could ask people whether the information provided to participate and provide an informed response (too little, too much, just right).</p>
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**Other comments re Measuring Performance** - A question about any of these measures is what is the benchmark for 'success'? That is, at what point, or percentage would the SPC be satisfied with engagement process? What is an acceptable level of satisfaction, agreement, etc.?

# Consultation Evaluation Survey - Valley View public toilets proposal

## During the consultation process

First of all, how satisfied were you with the following aspects of the Valley View public toilets consultation:

	Very satisfied	Satisfied	Neither/nor	Dissatisfied	Very dissatisfied	Unsure	N/A
Provision of adequate notice to get involved with the consultation and have your say	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provision of background information that was clear and easy to understand	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Availability of different ways to provide feedback	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provision of information on Council's website that was easy to find	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do you have any comments on the above?

Where there other ways that you would have liked to provide feedback and have your say? If yes, please provide details.

## Consultation Evaluation Survey - Valley View public toilets proposal

### At the close of the consultation process

And how satisfied were you with the provision of the following after the Valley View public toilets consultation had closed:

	Very satisfied	Satisfied	Neither/nor	Dissatisfied	Very dissatisfied	Unsure
Acknowledgment of your feedback	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Advice on next steps	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clear timeframes for when a decision would be made	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do you have any comments on the above?



# Consultation Evaluation Survey - Valley View public toilets proposal

## Consultation outcomes and Council decision

Finally, how satisfied were you with the following in relation to the Valley View public toilets consultation outcomes and Council decision:

	Very satisfied	Satisfied	Neither/nor	Dissatisfied	Very dissatisfied	Unsure
Provision of information about the decision Council made	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provision of a consultation outcomes report that was clear and easy to understand	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Accessibility of the consultation outcomes report on Council's website	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inclusion of all comments in the report which allowed me to see how my comments compared to others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Clarity around how the community's feedback influenced Council's decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do you have any comments on the above?

Different ways of having your say

Do you have any other comments or suggestions about this consultation or for improving our consultation processes in general?

Thanks very much for your feedback. Please click the 'done' button to submit your comments.

**From:** Sally Roberts [<mailto:sally.roberts@alexandrina.sa.gov.au>]  
**Sent:** Sunday, 8 October 2017 7:10 PM  
**To:** DPTI:Planning Engagement <[DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)>  
**Subject:** Community Engagement Charter Submission

Following a recent workshop with Council where the charter was considered Council wished to express its support for the overall direction and thrust of the charter. In particular they felt that Principle 5 was very critical because if we do this part of engagement correctly it can dispel some of the angst that can occur in the community if they do not understand why a change has occurred or the reasons for it.

It was also identified that further clarification was needed on the varying levels of engagement that would be expected as Council's idea on what is genuine could vary considerably to the expectation of the community. Therefore there does need to be some guidance around this either in the charter or the regulations to the PDI Act.

Some concern was raised with respect to the resource implications of the additional consultation requirements and the need for measuring the performance of the engagement. This should be further considered and documented in the next iteration of the charter.

Council would like to thank DPTI for the opportunity to comment on the charter prior to the formal consultation process commencing.

Please direct any inquiries with respect to this submission to the undersigned.

Regards,

**Sally Roberts**  
Manager Planning and Development  
Alexandrina Council



Phone: (08) 8555 7000  
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Email: [sally.roberts@alexandrina.sa.gov.au](mailto:sally.roberts@alexandrina.sa.gov.au)  
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6 October 2017

The State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

Dear Sir/Madam,

### **Feedback on Preliminary Discussion Draft of the Community Engagement Charter 2017**

Adelaide Hills Council acknowledges that the Community Engagement Charter (the Charter) aims to redefine the way our communities are consulted when planning policy is developed or changed. It is also acknowledged that the Charter is a work in progress and the current consultation is the first of a number of discussions on what the Charter will look like.

Adelaide Hills Council supports the intent in the Preliminary Draft Charter to have a set of principles which set out the desired outcomes that an engagement process should achieve. The application of these principles however is going to be dependent on the community's role in the engagement process.

Additionally Section 45(3) of the *Planning Development and Infrastructure Act 2016* (PDI Act) provides six mandatory requirements for the Charter. It is considered that it should be clarified in which relevant Principle these legislated requirements are encapsulated in the Draft Principles of the Preliminary Charter.

In the transition period for the PDI Act it seems that it is only the State Planning Commission (Commission) who would be utilising the Charter. If this is an incorrect assumption, then clarification is sought on the ways that councils would be involved in the Community Engagement process when formulating planning policy, and the expected use of the Charter.

The Draft Charter details the following principles needing to be achieved for community engagement to be successful, and Council provides the following comments in relation to each of the Principles:

#### Principle 1: Inclusion and participation is genuine

- This Principle is supported but seems to be very similar to Principle 2. It is therefore considered that Principles 1 and 2 should be combined
- It is also considered that the Charter should define what success would look like when it comes to ensuring that community engagement has been genuine
- The Charter should define what mechanisms are needed to ensure that community members from all backgrounds and abilities have an equal and genuine opportunity to be involved. For example, the Charter should clarify that in instances where a community of

interest's first language is not English, that provision will be made to have material and consultation undertaken in their preferred language. Further, if particular focus groups are to be engaged using social media, how will the Charter respond to new forms of social media as they evolve?

- The development of State-wide Policy suggests that consultation will be undertaken with the communities of each of the 68 councils. If this is the case, what role will individual councils play in the engagement process undertaken by the Commission?
- When people's opinions are given, what will the mechanisms be to confirm people have been heard and how will they be advised how their feedback was taken into consideration during the planning policy formulation process? It is considered that the Charter should clarify how this will occur to ensure that the engagement has been genuine.

#### Principle 2: People affected are meaningfully engaged and those interested have an opportunity to participate

- As stated earlier, it is considered that this Principle should be combined with Principle 1
- This Principle seems to indicate there will be dissemination of information and the ability for the community of interest to provide feedback in a number of different ways. It is considered that the Charter should clarify that this is how the process will occur
- The community should have the opportunity to examine the implications and effects of existing and proposed policy to ensure that their input and engagement is meaningful

#### Principle 3: Differing views are acknowledged, respected and considered

- This Principle is supported
- However, it is considered that it should apply to the body undertaking the consultation and those being consulted. The Charter should therefore include a mechanism that reflects how differing views will be given consideration in the final outcome

#### Principle 4: People have access to complete information that they can understand, they know about proposal and the impacts of potential outcomes

- This Principle is supported
- A variety of mechanisms need to be explored for explaining the implications of the proposed policy changes i.e. a written explanation alone may not fully explain the impact of the policy for our communities. In some instances public forums, to present and articulate clearly what policy changes are being considered, should be held and the Charter should clarify this.
- Lastly, it is considered that this Principle should also address the need for non-negotiables to be clearly defined in the information provided

#### Principle 5: Engagement processes make clear the reasons for the outcomes and decisions

- This Principle is supported
- This Principle advocates the provision of feedback to participants which is presumably to be communicated at the time of providing information. The Charter should therefore clarify how such feedback is to be provided to communities who have provided input into the policy formulation process. Further, the Charter should identify the mechanisms for doing this as it will be important to manage people's expectations and the expectation of any potential on-going debate/discussion. For example if someone writes a detailed letter, they may have an expectation that they will receive specific written feedback sent to them personally rather than feedback being provided solely on the SA Planning Portal or councils' website. In order to manage this, the Charter should again clearly articulate how feedback on submissions will be provided.

- It is noted that in some instances certain proposed policy objectives may be put forward that have little or no community support, but are required for strategic purposes and/or to simplify planning processes. For example smaller dwelling allotments might be proposed to encourage urban infill and result in the provision of more affordable housing in certain localities. The community may however see this as impacting on the character of their locality and therefore not support it. It is therefore important that the Charter require in such instances that all information and reasons regarding the proposed policy changes be provided in a clear and concise manner in order to inform the debate on such matters. Further, the Charter needs to articulate that in some instances the greater public good will unfortunately override parochial community interests.

Principle 6: Engagement is accountable and improving

- This Principle is supported
- Including evaluation by the community is commendable in this Principle
- It is unclear however whether the 'improving' part of this Principle relates to a desire to review and refine an engagement plan during consultation or as 'lessons learnt' post the engagement process, which are then used in subsequent engagement. Hence this needs to be clarified in the proposed Charter
- If an engagement plan is to be one of the tools or mechanisms to be used, it is unclear if the intent of this Principle is to have the Engagement Plan agreed to by the Commission prior to such a process being undertaken. Further, it is unclear if a post consultation evaluation report will be a requirement. If so, it should be clarified to whom this report is to be provided. Therefore the proposed Charter should clarify and address these issues
- 

Principle 7: Engagement is targeted, flexible, scalable and specific

- This Principle is supported
- However, the 'fit for purpose principle' must apply in such instances and be reflected in the need for an engagement plan which should also incorporate review stages in the engagement process. This would ensure that the engagement process is tailored, targeted and flexible to achieve the desired outcomes and again how this is to be achieved should be articulated in the Charter
- The engagement for the initial development of the Planning Design Code, Regional Plans and Design Standards are expected to be far more extensive than for a Local Heritage place listing or a planning policy change in five years' time and this should be recognised in the Charter development
- Managing flexibility may be challenging in an engagement process and some clarity around how this is to be achieved should be included in the proposed Charter

Principle 8: People recognise the decision making often involves interests being supported and others not

- It is considered that this Principle could be combined with Principle 5 rather than being a separate one. However, the principle is again supported
- If retained as a separate principle rewording should be considered and as mentioned in the comments for Principle 5, the Charter needs to articulate that in some instances the greater public good will unfortunately override parochial community interests.

In summary, our Council supports the proposed principles on which to develop the draft Community Engagement Charter subject to the clarifications on the points raised above being addressed. It is noted that the role of the Charter is clear in the Draft Discussion document. However the term 'genuinely' is used through-out the document and whilst the intent is for the engagement to be meaningful, the measurement of 'genuine' engagement is subjective. It is

therefore considered that the Charter should have specific guidelines around how genuine engagement is to be measured or stipulate a set of minimum standards for such engagement in order to ensure it achieves the desired results.

Lastly, other factors that should be considered in this instance are the cost and resource implications for the delivery of the proposed engagement process, and the evaluation of this. Proactive and varied engagement methods are resource intensive and are likely to be beyond what many councils currently have. Therefore the proposed Charter should clarify where the scope and cost of such engagement processes is beyond the resource capacity of a council, that the Commission will provide assistance in such an instance.

The Adelaide Hills Council welcomes the opportunity to be further involved in the preparation of the final draft of the Community Engagement Charter and thanks the Commission for the opportunity to provide comment at this juncture.

Should you have any further queries in this regard, then please do not hesitate to contact Marc Salver, Director Strategy & Development on 8408-0522.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'P. Bice', is written over a light blue horizontal line. The signature is fluid and cursive.

**Peter Bice**  
**Acting Chief Executive Officer**



**From:** "Broom, Arron (DEWNR)" <[Arron.Broom@sa.gov.au](mailto:Arron.Broom@sa.gov.au)>

**Date:** 6 October 2017 at 5:01:20 PM ACDT

**To:** "Allen, Anita (DPTI)" <[Anita.Allen@sa.gov.au](mailto:Anita.Allen@sa.gov.au)>

**Cc:** "DL:DEWNR E&SD Planning & Assessment" <[DLDEWNRSDPlanning&Assessment@sa.gov.au](mailto:DLDEWNRSDPlanning&Assessment@sa.gov.au)>

**Subject:** DEWNR Feedback - Community Engagement Charter [DLM=For-Official-Use-Only]

### For Official Use Only

Hi Anita,

I understand the person leading this process has left. Could you please accept or forward DEWNR's feedback to the relevant person.

DEWNR recognises the significance of the Discussion Draft of the Community Engagement Charter as a key component of the planning reform, and appreciates the opportunity to contribute. We provide the following comments for consideration:

There is not a clear alignment and reference to the South Australian Government's "Better Together Guide", which is the government's agreed approach to engaging the community in decisions. This might be perceived as a duplication, and be confusing to others. We recommend the Planning Commission consider adapting and applying "Better Together" to this process. More clarity in this regard would be appreciated. We assume the Community Engagement Charter was prepared in consultation with the relevant DPC team responsible for "Better Together"?

While we acknowledge this is an early draft, some detailed feedback:

- We acknowledge that the principles were developed by the Planning Together Panel, but they are not clearly written and do not stand alone without the outcome statements.
- Principle 8 (not informed by the community/Planning Together Panel) has no explanation/outcome statement.
- In some instances, the 'possible measures' proposed in the Measuring Performance section (p. 12) do not relate well to the aspect to be measured. For example, under "Tone", some of the possible measures are a repeat of those under "Impact".
- The Commission 'undertaking engagement of behalf of an entity and then recovering costs' (paragraph on p.6) may have potential to become unwieldy in practice and does not seem to bode well for the spirit of cooperation that the Charter is trying to engender. Perhaps this could be reconsidered, the State Planning Commission could instead refuse to authorise the commencement of a particular project (e.g. an amendment to the Planning and Design Code) until the respective entity has designed and implemented an appropriate engagement strategy in accordance with the Charter.
- Further information/clarity under "Statutory Obligations" (p.7) would be helpful. Is 'impact assessed' development covered?

Again, we note the significance of the Charter - putting consultation and participation at the forefront of the planning process - and appreciate the work undertaken to date. If the State Planning Commission requires further feedback or would like to meet, please contact the Planning and Assessment Team in the first instance.

Regards

**Arron Broom**

A/Senior Policy Officer – Planning and Assessment Unit  
Economic and Sustainable Development Group  
Department of Environment, Water and Natural Resources  
P (08) 8463 6238

Unit email: [DEWNRPlanning&Assessment@sa.gov.au](mailto:DEWNRPlanning&Assessment@sa.gov.au)

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Australian Institute of  
Landscape Architects

## *Institute Response to Community Engagement Charter 2017 Discussion Draft*

9 October 2017

The Australian Institute of Landscape Architects – South Australian Chapter (AILA SA) is pleased to provide a response on the Community Engagement Charter 2017 Discussion Draft to the State Planning Commission. AILA SA has previously provided industry contribution towards the Planning Reform, Planning Development and Infrastructure (PDI) Bill, 30 Year Plan for Greater Adelaide Update and the Design Guidelines. AILA SA remains keen to engage collaboratively with the State Government and its agencies to build stronger communities and promote a more prosperous and sustainable future for South Australia.

### **Overview**

AILA SA is part of AILA, the growing national advocacy body representing almost 3,000 active and engaged landscape architects. Committed to designing and creating a better Australia, landscape architects have the skills and expertise to solve macro issues with innovative, integrated solutions. Landscape architects contribute leadership, creativity and innovation as they strive to collaborate to achieve better health, environmental, social and economic outcomes. From citywide strategies to the redesign of local parks, landscape architects are building stronger communities through making places and spaces more sustainable and productive.

### **Community Engagement Charter 2017 Discussion Draft**

AILA SA supports the establishment of the Community Engagement Charter to set the requirements for engaging with the community on preparation and amendments to the State Planning Policies, Regional Plans, Design Standards and Infrastructure Schemes, as well as Planning and Design Code Establishment and amendments.

The high-level state strategies or policies set many of the long term directions that affect the quality of life for local residents within communities across South Australia. Often the language and complexity of these documents leave communities ignorant to the potential change.

In addition, the historic impact of changes to planning policy have often only truly been understood when local development is occurring and it exceeds the local community's perception. At this point, any 'engagement' is a negative experience and prejudices future community engagement.

It is likely this historic context has informed a sense of 'stand and defend' in the tone of the current document. AILA SA would encourage the Commission to champion authentic engagement that enables the community to active contribute ideas towards greater outcomes in the development of the charter.



### **Community Engagement Principles**

AILA SA supports the eight draft principles and the process undertaken to develop the 7 + 1. However, AILA SA encourages further revision in the wording to strengthen the links between engagement and better outcomes. Engagement should not be limited to a process, but rather a collaborative means to inform the outcome and improved decision making.

For example, the following amendments could reflect a more positive tone towards Engagement:

*'Principle 1: Inclusion and participation is genuine and the feedback is considered in the final outcomes.'*

*'Principle 5: Engagement Process contributed to the outcomes and informed the decision making process.'*

*'Principle 8: People recognise the opportunity to input into the decision making process, without guaranteeing a certainty of outcomes.'*

### **Implementation**

Community engagement, if appropriately planned, funded and implemented, should be an open and transparent process that engages the community, design team and decision maker in advancing better outcomes. AILA SA supports the Charter as an appropriate instrument to establish realistic expectations on all parties to achieve meaningful engagement that suits the scale of change.

The IAP2 Spectrum is utilised by our members and the wider planning and design professions to set the expectations of engagement. The Commission is encouraged to work with the framework of IAP2 Spectrum.

AILA SA understands that the Commission may be subject to negative submissions that label the Engagement Charter as another layer of bureaucracy to slow project delivery and add financial cost to projects. However, AILA SA would support the Commission in undertaking further research to demonstrate the potential long-term efficiencies and cost saving from early engagement if it informs better design outcomes, positive community support, and avoids unnecessary delays and cost later to the project because of legal complications, negative media and increased project risks.

AILA SA values the acknowledgment of 'Tone' in the document. The Charter must promote engagement as a positive and valued process that is able to help shape better outcomes for all. Engagement must begin early in the formation of proposals and be ongoing as ideas are developed, tested and ultimately finalised. The Charter should encourage greater community participation, not from concern, but from the opportunity to contribute to positive change.

### **Measure Performance**

AILA SA supports the Charter's aspiration to achieve better outcomes, decisions, projects and policies. The Engagement Charter will be applied to major strategy and policy that are intended to improve the quality of life for all within South Australia. The charter should capture the opportunity for positive change, to achieve higher order strategic aims through local directions and outcomes.



Importantly, the Commission is encouraged to view the process of engagement as the most genuine means to build transparency and accountability, rather than limit it to an evaluation (perceived to be after the fact). AILA SA believes that engagement should not be a “one-off” step in the life span of projects, but part of an ongoing and iterative process. The most successful measure of performance is not an assessment of if engagement was undertaken, or how many people attended particular events. The possible measures listed are understandably quantitative, but do not demonstrate ‘how’ engagement has influenced the decision-making process.

The day-to-day experience of our members reflects that more effective and meaningful engagement can achieve better planning decisions if the outcomes of the engagement process can be transparently and accountably demonstrated in informing the final outcomes.

### **Role of Design in the Engagement Process**

Landscape Architects use design as an important tool in effective engagement. To quote the cliché, ‘A picture is worth a thousand words’ the ability to draw can give greater clarity, understanding and attention to the potential for change. It has the ability to expand understanding, often empowering the community and giving them greater confidence to contribute. This greater understanding is essential when working with the community, and in particular those most vulnerable.

Design is a very effective means to be able to test ideas, and demonstrate different scenarios for change, to better inform the final decision. Design can provide an important tool to achieve more meaningful engagement with the community when presenting higher strategy or complex policy. The act of design when used effectively can bring people central to the process of change, and as new technologies continue to emerge, the ability to engage the community in visual or virtual imagery, settings or scenarios that better represent, rather than rely only on text should be an important forward focus for the Commission and the Charter.

### **Next Steps and Ongoing Refinement**

AILA SA is committed to working with the State Planning Commission to provide input and support in the further development of the Community Engagement Charter. AILA SA was not in the original groups convened to assist in the development of the draft paper; however, we are willing to commit experienced members to assist the Commission in further development and refinement of the Charter.

AILA SA supports the development of an Engagement Charter that places the community at the centre of decision-making. We support the recognition of engagement as a positive tool to build community understanding and enhance long-term outcomes, through an ongoing process of collaboration.

AILA SA provides these comments in support of the Charter and we look forward to working further with the State Planning Commission on future iterations and on planning reform more generally in the future.



Australian Institute of  
Landscape Architects

Please contact me if you have any questions or contact Sally Bolton – AILA SA State Manager by email - [sally.bolton@aila.org.au](mailto:sally.bolton@aila.org.au) if you require any additional information.

Yours Sincerely,

Ben Willsmore

**AILA SA State President**

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9 October 2017

Mr Tim Anderson QC, Chairperson  
State Planning Commission  
Email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

Dear Mr Anderson

### Community Engagement Charter Discussion Draft - Submission

Thank you for providing the opportunity to provide feedback relating to the Draft Community Engagement Charter.

Council recognises the benefits of meaningful engagement with its community to make informed decisions. The Charter will provide guidance to councils (and others) when proposing an amendment to a Planning Instrument.

The Charter seeks to promote a best-practice approach to engaging with the community on planning matters, which is reflected in the eight Principles. Council supports these overarching Principles.

Whilst the general aims of the draft Charter are supported, there is concern relating to the potential impact the Charter's requirements will have on Council staff time and budgetary resources and may include having to engage consultation experts in order to fulfil the requirements of the Charter. There is a need to ensure a practical/pragmatic approach so that in the vast majority of situations Council staff can successfully undertake consultation and engagement without outside assistance.

Additionally, more clarity is sought around local government's role in engagement exercises that relate to proposals not initiated by councils, but which affect their areas.

As there currently are no Development Regulations, it is not clear as to the level of public notification to be undertaken at the Development Assessment stage but the experience in Council is that people do not necessarily remember/make the connection between planning initiatives (i.e. rezonings) and subsequent proposals for development that can happen many years later. As such, more intensive engagement upfront does not necessarily negate or reduce the need for public notification at the development assessment stage.

It is noted that there is the potential for the Commission to decline to consider rezoning proposals where the engagement is not considered to meet the Charter. Given the potential delay and resources involved in undertaking further consultation/engagement, there is a need to ensure the ability for Councils to get early agreement to the proposed process in a similar manner to which this is addressed through the Statement of Intent under the current system.

Whilst the need to assess the success of engagement exercises and learn from them is supported, there is concern about some of the proposed performance measures. It is noted that as far as possible

performance measurement needs to be integrated into the consultation/engagement process and resource implications minimised.

We would be happy to clarify or discuss any matters further and look forward to the next iteration of the Community Engagement Charter.

Yours sincerely

**Glenn Docherty**  
**MAYOR**





**Prospect Residents  
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6/10/2017

To The Commissioner Mr Tim Anderson

Thankyou for the opportunity to comment on the Draft Community Engagement Charter.

Our comments follow.

We also support the submission from the Community Alliance.

Elizabeth Crisp

President

Prospect Resident's Association

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**Comments on the Community Engagement Charter Draft by the  
Prospect Residents Association**

**Foreword**

**"In the past our system for notifying communities about planning policy has been too rigid and limited and has not reached the people that are affected by the proposed changes"**

We have found that the systems and processes for notifying people about proposed developments has been very poor (particularly when they are in breach of development plans) and weighted to developers who for example can spend as much time as they want on their proposals and talking to their proposals at the old DAP's. We do not believe the new system will improve this but rather make it worse. If the recent community engagement process is any indication it allowed people in the development industry to manipulate outcomes in relation to the development of the charter and people who knew nothing or very little about planning and development received inadequate education prior to being involved in the process so a number had no real idea what they were approving in developing the charter. This does not bode well for the future use of the charter if similar processes are used.

**"Government will be required to provide for more effective and meaningful engagement. Our experience is that we have been involved in effective and meaningful engagement."**

P1x4



The real issue is that if the government or councils do not like the feedback they get from the community they simply ignore it and do what they want to do anyway or manipulate the engagement to get what they want.

**“The intention is to change the planning system in a way that will achieve better planning decisions (for whom?) and for more people to know about why decisions have been made.”**

Telling people about decisions that have been made does not make them necessarily right or the process right especially if they just favour developers and have a negative impact on the ordinary person and their only asset. For example the man in Norwood who cried at the DPA consultation as he has a young family and will struggle to pay off his house, cannot afford to move and who looks like getting a 6 storey building in front of his home whereby he will have no view and no sunlight. Telling him about decisions that have been made will do nothing for the disgusting outcomes he will have from poor planning and inconsiderate development.

**“The Commission is responsible for developing and maintaining the Charter. The Commission will also be responsible for making sure councils and Governments comply with the Charter and they may provide direction, or step in, if the standard of engagement anticipated by the Charter has not been met.”**

The Commission will not have time to oversee all engagement processes. The Charter will be meaningless if it does not also cover development assessment and is not enforceable legally. As stated before we have been involved in meaningful consultation and the community concerns have then just been totally ignored, lies told and decision made in favour of the developer so he/she can benefit financially with little regard about the impact on the surrounding community.

#### **Engagement so Far p4**

##### **Dot point 3**

As a member of a voluntary community group in that process, given my experience it is not a good indication of things to come and indicates that the development industry has immeasurable clout with the current government.

#### **What is the role of the Charter? p6**

What is the commission going to do to educate ordinary people about the planning and development system when asking them to be part of an engagement process? Our experience is that most people when they first come in contact with the planning system do not understand the technical aspects of the system and do not have time or the means of educating themselves in the timelines that are usually in place. Telling them to read information on line is not sufficient to educate people properly.

#### **Statutory obligations p7**

The local community is not listed at all in this section except for the last point infrastructure schemes. We would advocate that the community needs also to be notified about all matters that are proposed.

I think you need to have a group of ordinary community members on a statutory committee who can give you feedback on engagement processes and how objective they are. This should not come only from the formal bodies that often have hidden agendas for the outcomes they want.





### Principles p8

In principle we support principles 1, 2, 4, 6, and 7 though with some of the following concerns.

**Principle 3** is the one that is often used to decide in the developers favour and is highly manipulable. This principle is too vague and open to manipulation.

We are not sure what under **"Principle 4 receiving a response within a reasonable time before a final decision is made on any proposal that has a significant impact on the community means."** It sound like responders will be told thanks and then something announced which is not meaningful engagement.

**Principle 5** again will be used to favour developers. All this does is say bodies will tell the community what is decided. That is not meaningful engagement where people are having an equal influence/involvement.

**Principle 8** again is one that will be used to favour developers not the community. We do not support this principle. It should be removed.

**The principles are very process driven and should be more outcome driven** ie what are we trying to achieve from the planning system. It should be what are the important principles of planning rather than what principles will be the community engagement processes as this is not really any different from what currently exists.

There is nothing in the principles that supports the importance of sustainability, community benefit/impact/voice, environmental impact and importance, cultural heritage, strategic outcomes for the benefit of the whole of SA. As we said before you can run an excellent community engagement process ignore the outcomes and not consider the impact of proposals on environmental issues, the local community, the infrastructure impacts, and the other issues we have already listed.

### Principle 5

**"The process of engagement is to be transparent and give reasons behind decisions made."**

This is a very announce and defend statement.

### Principle 6

Again this is measuring process rather than outcomes desired. What are the principles that the community engagement process are seeking to achieve. Running a good community engagement process can be completely meaningless in terms of real outcomes.

**"Measurement and evaluation should be considered from multiple perspectives, those of the community planning professionals and the governments who have a role to play in the engagement"** (but against what outcomes. What are the planning outcome principles that engagement should be considered against.) A good engagement process does not equate with good planning outcomes.

**Implementation – what level of engagement is required? P11**



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6/10/2017

**“Impact: determine how much influence the community” and the government and developers “will have in the final decision with reference to the IAP2 spectrum of Public Participation (inform, consult, involve, collaborate, empower)”**

This statement already shows bias against the community. Needs to include the government and developers as above if we are to be meaningful partners in planning processes. The Commission is supposed to be independent of government.

Again too much focus on process and not enough on outcomes ie the context of what planning aims to achieve.

**Measuring performance p12**

Same concerns about too much focus on measuring process and not enough on did the engagement achieve desirable outcomes that considered the community impact and outcome principles such as environmental impact, sustainability, etc or was it just tokenistic.





9 October 2017

Mr Tim Anderson QC  
Chair, the State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

Dear Mr Anderson

### **Community Engagement Charter - Discussion Draft**

Thank you for the opportunity to comment on the discussion draft of the Community Engagement Charter and particularly the eight draft Principles. The intent of ensuring open and honest engagement is commendable and we are keen to understand how the Principles will be enacted to ensure meaningful engagement outcomes are achieved in a timely and cost effective manner.

In general, the draft Principles align well with our own engagement principles (in our Community Engagement Framework), but are more comprehensive and tailored for the Charter's purpose under the *Planning, Development and Infrastructure Act 2016*. Our specific comments on each of the draft Principles are highlighted below.

#### *Principle 1: Inclusion and participation is genuine*

It is generally acknowledged that getting people involved in and commenting on draft policy is more challenging than when an application is notified through the development assessment process where the effects of the policy can be experienced first-hand. It is difficult for people to understand the repercussion of policy changes unless a scenario is actually presented in the local neighbourhood or even next door. The current requirements for engagement set out in the *Development Act 1993* for proposed policy changes fall well short of providing adequate opportunities for genuine participation. We can provide opportunities for people to be involved but unless this engagement is meaningful and relatable the engagement will not be effective.

It is critical that people from all backgrounds and age cohorts are provided an opportunity to be involved. Establishing methods to reach all members of the community may be challenging and this needs to be considered further.

#### *Principle 2: People affected are meaningfully engaged and those interested have an opportunity to participate.*

This principle is similar to Principle 1 and could be combined.

A major barrier in any form of engagement is actually getting the wider community involved rather than the usual single interest community groups. We may need to think





outside of the square at times to understand repercussions of policy change and who will be directly and indirectly affected by it so we can target our engagement to the right groups.

*Principle 3: Differing views are acknowledged, respected and considered.*

We have noticed an increase in the number of people using Facebook interest groups to advocate for specific outcomes in our council area and it is becoming increasingly difficult for us to manage and provide timely responses to comments. It will be important for the Charter to ensure that all views are respected and considered equally so that that vocal Facebook and community interest groups do not dominate the conversation.

*Principle 4: People have access to complete information that they can understand, they know about proposals and the impacts of potential outcomes.*

The documentation required to propose policy changes can be very technical, wordy and difficult to read and interpret. It will be challenging to find a balance between providing all (complete) information as opposed to providing small, easily digestible documents with clear, simple messages. The Charter will need to be very clear on what documents need to be provided (non-negotiable) through the consultation process to ensure a consistent approach across all councils.

*Principle 5: Engagement processes make clear the reasons for the outcomes and decisions.*

This Principle is good in that there is a need to be accountable and explain why a decision has been made. It could go further and talk about engagement being clear on what is being proposed and where there are opportunities to influence outcomes i.e. set clear boundaries so that expectations can be better managed. There may only be limited opportunities to influence policy and these opportunities should be clearly explained.

*Principle 6: Engagement is accountable and improving.*

Agreed, however it is unclear who the engagement is accountable to, who is monitoring continuous improvement and what the benchmark is for the engagement (i.e. what is best practice?).

*Principle 7: Engagement is targeted, flexible, scalable and specific.*

At the City of Onkaparinga, as part of the current Development Plan Amendments process, we draft a Community Engagement Plan which is endorsed by Council at the same time as the Statement of Intent. This outlines the stakeholders, engagement stages and techniques and provides an opportunity for Council to have input to the process at a very early stage. We think this is a very thorough and accountable process and encourage the Commission to adopt a similar approach through implementation of the Charter.

*Principle 8: People recognise that decision making often involves interests being supported and others not.*

This principle also needs to consider how to manage community expectations and acknowledge that you will not be able to please everyone to the same degree. Furthermore, some planning decisions need to be made considering the best longer term outcome rather than pleasing a vocal majority. The community may feel as though their voices have not been heard, resulting in a reduced likelihood of future participation in public engagement.



It is recommended that this principle is reworded to emphasise decision making balancing competing interests rather than talking about what 'people' might recognise as we have no control over what people may or may not think.

*General comments*

We consider that the principles of engagement are universal and all good engagement should be based on consistent tested principles that are already established. It is therefore recommended that the Charter reference the [Better Together: Principles of Engagement](#) which are more generic but are still very relevant and work well, rather than listing new principles in the Charter. That way the state government will not need to develop new engagement principles to fit within each piece of legislation, avoiding unnecessary work and confusion. The six Better Together Principles of Engagement will work universally and keep things simple for everyone.

*Finally*

Planning decisions can have a significant impact on those that live in the area and we support stakeholders being engaged in the planning process. Local government is the level of government closest to our communities therefore councils are best placed to determine what engagement is appropriate for each project. In line with their Public Consultation Policies and Engagement Frameworks, councils should determine the best engagement approach for each project based on the stakeholders identified and their ability to influence the decision.

The Community Engagement Charter should support this approach and allow councils to be empowered to engage with their communities in whatever way they deem appropriate. The foreword of the draft Charter describes 'defining a whole set of new arrangements and techniques that Councils and Government will be required to follow'. This means that councils may lose the flexibility to work closely with their communities in the most appropriate way. Specifying an approach to engagement and defining the techniques councils must use makes the assumption that councils are not likely to engage appropriately, and that a one size fits all approach is best. Instead we encourage the Charter to leave the engagement approach and process in the hands of councils, guided by the well understood – Better Together Principles of Engagement.

We welcome any future opportunity to be involved in development of the Charter and provide feedback on future drafts. Please contact Marianne Hocking, Team Leader Development Policy on 8384 0157 or email [Marianne.hocking@onkaparinga.sa.gov.au](mailto:Marianne.hocking@onkaparinga.sa.gov.au) if you need clarification or would like to discuss this submission further.

Yours sincerely



Mark Dowd  
**Chief Executive Officer**

## The Department of State Development – Delivery and Engagement Division

### response to the

### State Planning Commission’s Community Engagement Charter 2017 Discussion Draft

#### Summary

The Department of State Development – Delivery and Engagement Division (DSD–DE) welcomes the opportunity to provide comments on the State Planning Commission’s *Community Engagement Charter 2017 Discussion Draft*.

The Division leads strategic projects that support economic growth and deliver value to South Australians. The Division champions best practice engagement across DSD and is focused on delivery, solutions, and service to clients through collaboration and partnership. This includes working with industry, business, and the community to identify priorities and pathways to advance positive outcomes.

The Division comprises highly experienced engagement professionals, who have many decades of experience in designing and delivering engagement processes and programs for clients in Government, industry, and civil society. The professionals comprising DSD–DE have been awarded by peak organisations, including the International Association for Public Participation (IAP2).

The response below follows the structure and themes of the *Discussion Draft*. Beyond this response, DSD–DE would be pleased to assist the State Planning Commission with any future engagement activities.

In preparing this response, DSD–DE has been cognisant of the role of community members in developing the draft Community Engagement Charter. The Division welcomes the involvement of South Australian citizens in processes and decision-making on issues that affect them.

#### Response to the Discussion Draft

The *Discussion Draft* requires general editing for language, ease of comprehension, and subject-object agreement.

#### Application of the Charter

While the *Discussion Draft* notes that the Community Engagement Charter will pertain to the ‘setting or changing of planning policies’<sup>1</sup>, this point would be lost on most readers, who, because of other statements made in the *Discussion Draft*, might conclude that it also pertains to development assessment processes and projects. The scope and application of the Charter therefore should be clarified in the next iteration.

#### Role and Structure of the Charter

The *Discussion Draft* does not clearly define the problem that the Charter is proposed to address/solve. It would be helpful for the South Australian community to understand the present practice and requirements, and how these are deficient and/or warranting of improvement.

Transparency: It is not clear who comprised the Practitioner Group and the Broader Stakeholder Group from any of the publicly available information that DSD–DE has identified (either in the

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<sup>1</sup> Discussion Draft – Community Engagement Charter, p. 3. This point is reinforced on pages 6 and 14.



*Discussion Draft* or on the SA Planning Portal). For the purposes of genuine engagement and provision of information to the community to inform decision-making, these memberships should be made public.

## The Principles

### *Current Discussion Draft*

In short, our observations are that there are too many principles – which don't seem to tie-in to the planning change process. They are largely isolated as good engagement ideas – we assume you were looking more for community expectations as opposed to asking the community how to do engagement? Community engagement is a profession and as such, there is much literature and guidance from practitioners on how to do good engagement. There is substantial guidance already provided to government through the Better Together Guidelines. We feel the principles should be more expectation setting – which they largely are... and the group should be less focussed on how those expectations are met – this can be discussed with practitioners.

Principle 8 as it is presented in the *Discussion Draft* could be better framed as follows:

*There is recognition that decision-making on planning processes often involves some interests being prioritised over others. Accordingly, the reasons for the decisions and outcomes will be communicated to stakeholders.*

This restatement combines Principles 5 and 8, as the two are linked.

It is suggested that Principle 7 becomes the new Principle 1, as it provides a logical foundation for the other Principles.

The *Discussion Draft* uses the language of “tick off” to describe the *desired approach* of decision-makers in the application of the proposed Community Engagement Charter.<sup>2</sup> Approaches to community/stakeholder engagement that rely on ‘check-box’ processes invariably do not meet the requirement that *engagement is targeted, flexible, scalable, and specific* (Principle 7), nor do they meet the requirement that engagement is genuine.

### *Proposed Principles*

DSD–DE believes that the following reframed principles would be of greater utility, as they could more easily be applied by practitioners and proponents, including Government. The reframed principles capture the intent of the original eight, as developed by the Planning Together Panel and the Commission:

1. Engagement is targeted, flexible, scalable, and specific—and responsive to evolving circumstances.
2. People affected are engaged meaningfully and stakeholders have a genuine opportunity to participate.
3. The engagement process is inclusive and respectful of diverse views.
4. People are aware of proposals, have access to information that they can understand, and are informed of the possible impacts.
5. There is recognition that decision-making on planning processes often involves some interests being prioritised over others. Accordingly, the reasons for the decisions and outcomes will be communicated to stakeholders.

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<sup>2</sup> Discussion Draft – Community Engagement Charter, p. 8.

## Outcomes

Were developers – a key stakeholder group, asked to provide views on this? We would be interested to know their thoughts.

The proposition that '[c]ommunity members from all backgrounds' can be engaged, or that they should have an equal opportunity to participate, is good practice, but this engagement must be fit-for purpose – they must be relevant stakeholders identified through stakeholder mapping processes.

We additionally pose the following questions for the Commission's consideration:

- What is a reasonable timeframe for responding to community comments and questions?
- Is it reasonable to set an expectation that all comments will receive a response?

## Implementation

There is a suite of tools available on the *Better Together* website, which already provide a framework for best practice engagement for government agencies. It is surprising that the *Better Together* principles and accompanying materials are not referenced in the *Discussion Draft*.

The *Discussion Draft* states: 'In making this decision, there are some key questions that could be considered, which then flow through to the evaluation of how successful the engagement has been.'<sup>3</sup> However, it is unclear what decision is to be made – it is not stated. It also is unclear how the list of 'considerations' relates to the development of implementation measures of guidance. Moreover, some 'considerations' are posed as questions, while others are presented as statements. These inconsistencies and omissions should be addressed in subsequent iterations of the Charter.

The section again refers to 'project', when the Charter is proposed only to apply for planning policy changes.

## Measuring Performance

The measures listed are comprehensive and, for the most part, fit for purpose. Several changes are proposed; these are shown in red text.

**Reach**—Did everyone who is **affected** and/or interested have an opportunity to participate?

- The number of people engaged
- **Percentage** of people engaged who reported:
  - the size and method of engagement was appropriate for the issue **on which** they were engaged
  - they were supported to actively contribute to the engagement
- the engagement was accessible and jargon-free

**Impact**—Was community input considered in the final decision?

- **Percentage** of people engaged who reported that their views were:
  - **heard**
  - genuinely considered in the final decision
- **Percentage** of people engaged who were satisfied with the planning **policy** outcome
- **Percentage** of people who understood how and why the final decision was made

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<sup>3</sup> Discussion Draft – Community Engagement Charter, p. 11.

**Sociability**—How did people interact with each other and did the process build community capacity?

- The number of opportunities that brought people together
- **Percentage** of people engaged who reported the engagement process had a positive impact on community cohesion
- **Percentage** of people who reported they heard alternative views and opinions that were different to their own

**Tone**—What was the level of emotion and controversy?

- The number of self-formed community groups about the policy
- **New measures to be developed, as the proposed were the same as under 'Impact'**

**Sustainability**—Would people participate in a similar process in the future?

- ~~• **The number of engagement plans** (does not indicate sustainability)~~
- **Percentage** of people engaged who understood why they were being engaged
- **Percentage** of plans consistent with Charter Principles
- **Percentage** of engagement processes that:
  - measured performance using one or more performance measures from this Charter
  - demonstrated improved performance through implementing Charter Principles
- **Percentage** of people designing the engagement demonstrating they:
  - learnt from the experience
  - made process improvements

**Depth**—Is there an opportunity for different knowledge and perspectives to be shared? Did people have access to the information they needed?

- ~~• **% of people engaged who reported diverse views were included** (does not indicate depth)~~
- **Percentage** of people who reported they had sufficient information available to them to contribute to the process.

## Conclusion

Notwithstanding the above comments, the Commission may wish to consider the development of a one-page Charter for engagement on planning policy, which presents, and requires adherence to, the reframed principles. The companion guidance that is proposed to be developed subsequently could absorb the other material presented in the *Discussion Draft*, subject to the suggested revisions. Arguably, this would provide greater value to the South Australian community and practitioners.

## Contact details

Should the Commission wish to engage further with DSD–DE about this submission, please contact:

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Mr Tim Anderson QC,  
Chairperson,  
SA Planning Commission,  
GPO Box 1815  
Adelaide, 5001.

The Secretary,  
Kensington Residents' Association Inc.,  
Mr A Dyson,  
42, Regent Street,  
Kensington, 5068.  
9<sup>th</sup> October 2017.

**Re: Draft Community Engagement Charter**

Dear Sir,

Our Association is a strong supporter of the concept of a Community Engagement Charter and has been for some time.

In our submission, of February 2015, in response to the Expert Panel's Final Report, we commented as follows:

***Reform 3 – Enact a charter of citizen participation:***

*Our Association supports the concept of a charter of citizen participation but such must not be limited to involving the community in the development of policies. It sounds fine in theory to espouse early community engagement in the setting of policies, but to have any real value it must extend to real and meaningful consultation on individual development applications that directly affect individuals and the communities in which they live.*

*It is unrealistic to expect most residents to become involved at the policy setting level. As a general rule it is only when residents are likely to be directly affected or adversely impacted by a particular development application that they will see the need to become involved.*

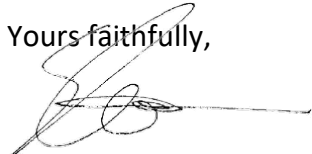
*To be meaningful, community engagement must be embraced whole-heartedly throughout the planning system, otherwise it will be of little value and be nothing more than "paying lip service" to the concept. Why shouldn't everyone be entitled to have some input into the planning process where a decision will affect them?*

We are concerned that the proposed Community Engagement Charter is unenforceable under the *Planning Development and Infrastructure Act 2016*. Unless it is enforceable, having a charter only pays 'lip service' to its intent as started in our earlier comments. We are also concerned that there is no intention of applying the charter to the development assessment process.

In conclusion, our Association maintains its position that the Community Engagement Charter must provide for genuine community input and engagement. Engaging with the community should not be viewed as a task to be distanced from the development process, rather a vehicle to help inform better development which is more responsive to its context and respects community values. Good engagement recognises the expertise that exists within the community and

acknowledges the rights of existing residents and their role in the development of their neighbourhood. Cities change and grow and it is the rich texture of ever evolving cities and neighbourhoods which make these places unique. Ignoring the voice of people who live and breathe this culture every day can only lead to poorer living for all South Australians.

Yours faithfully,



Stewart Caldwell  
President (0402 044 118)

cc Community Alliance SA



Andrew Dyson  
Secretary (8331 9654)

**From:** SA Planning Portal [<mailto:dpti.noreply@sa.gov.au>]  
**Sent:** Monday, 9 October 2017 4:28 PM  
**To:** DPTI:Planning Engagement <[DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)>  
**Subject:** New Public Submission Lodged.

### Form Information

Site Name: SA Planning Portal  
Page Name: Lodge a Submission  
URL: [http://www.saplanningportal.sa.gov.au/lodge\\_submission](http://www.saplanningportal.sa.gov.au/lodge_submission)  
Submission ID: 357751  
Submission Time: 09 Oct 2017 4:27pm

### Submission Details

Submission type:	Community Engagement Charter
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### Submitter Contact Details

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### 1. Tell us what you like about the discussion draft?:

Structure of the draft and the process for developing it further seems logical. The principles are admirable and it is good to see the effort going into getting a greater level of community participation in planning engagement.

2. Tell us what you think needs improving? Why?:

Feels like there are too many principles. We already have the Better Together principles of engagement which could have been refined or re-interpreted as a smaller sub-set of 'planning engagement key principles'. It may be better to combine some principles / or find some other way to ensure those objectives are met.

3. What are the three most important things that you think need to be considered when engaging communities on major planning policies?:

Answer 1:	How the changes are explained to community (i.e.what is the impact to me / my life / my area + when can I expect to see those changes?)
Answer 2:	Format and consistency of engagement (i.e. process, media, timelines, language used...).
Answer 3:	Ability for community to have genuine input into decision making process (or at least making it clear what influence they can have).

4. How would you know engagement was improving in planning? What would you see changing?:

less outrage

Additional comments:	We also plan to contribute to the LGA submission.
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**I am involved in planning (ie local government, or work as a planning professional)**

5. What do you currently do which aligns with the principles in the discussion draft?:

Our community engagement framework was written and adopted in 2016 and adheres to the IAP2 guidelines as a benchmark for our (non-statutory) engagement. We tailor each engagement process and each project's engagement plan is endorsed by our Elected Members. We up-skill staff on the latest community engagement practices and ensure our engagement processes are meeting our community's expectations.

Do you evaluate the quality of you engagement?:	<b>Yes</b>
Additional Comments:	N/A

6. How do you use what you learn to improve / inform future engagement processes?:

Our community engagement framework was written and adopted in 2016 and adheres to the IAP2 guidelines as a benchmark for our (non-statutory) engagement. We tailor each engagement process and each project's engagement plan is endorsed by our Elected Members. We up-skill staff on the latest community engagement practices and ensure our engagement processes are meeting our community's expectations.

**Other comments / submission details**

We look forward to participating further in the drafting of the engagement charter as it develops.

## **Files for Submission**

No files were uploaded in this submission



In reply please quote our reference: ECM 655374 SPS/DB

11 October 2017

Mr Tim Anderson QC  
The State Planning Commission  
GPO Box 1815  
ADELAIDE SA 5001

email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

Dear Mr Anderson

**Submission on the Discussion Draft of the Community Engagement Charter**

Thank you for providing the Local Government Association of South Australia (LGA SA) the opportunity to make a submission on the Discussion Draft of the Community Engagement Charter.

The attached submission has been prepared following consultation with councils. I would like to thank you and your fellow members of the Commission for attending and participating in LGA consultation events.

Given the important of the Community Engagement Charter to the local government sector, the LGA looks forward to continued collaboration with the Commission on its development.

If you have questions relation to the matters raised in the submission, please contact Stephen Smith, Director Policy at [Stephen.Smith@lga.sa.gov.au](mailto:Stephen.Smith@lga.sa.gov.au) or telephone 8224 2055.

Yours sincerely



Matt Pinnegar  
**Chief Executive Officer**

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Attach: ECM 654311 – Submission to the State Planning Commission



# **Submission to the State Planning Commission**

**Submission on the  
Discussion Draft of the  
Community Engagement  
Charter**

**October 2017**

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## Executive Summary

The Local Government Association welcomes the opportunity to comment on the Discussion Draft on the Community Engagement Charter (Discussion Draft Charter) released by the State Planning Commission (the Commission).

The LGA understands that the Discussion Draft Charter brings together the work that has been completed by Planning Together Panel, Practitioner Group and Broader Stakeholder Group. The Commission has formalised this work as it begins to shape the Community Engagement Charter (the Charter) required under the *Planning, Development and Infrastructure Act 2016* (PDI Act).

A review of the principles within the Discussion Draft Charter was undertaken. The principles and outcomes are logical and consistent with engagement practices undertaken by many councils. There is some duplication of the principles and outcomes that would benefit from further clarification and/or refinement.

Further discussions occurred on the key themes for councils implementing the Charter, in terms of opportunities and challenges they face. From this, the following five key themes were identified: Resourcing, Capacity and Skills, Measurement and Evaluation, Time to do it Properly and Reaching a Broader Audience.

In the continued development of the Charter, the LGA would advocate for the continued involvement of local government being the sphere of government closest to the community and to provide our knowledge and expertise in engaging with local communities.

## Introduction

This Submission is in relation to the Discussion Draft Charter developed and released by the State Planning Commission (the Commission). In preparing this submission, the LGA has consulted with councils by engaging through Circulars and email correspondences. The LGA has also hosted two facilitated workshops (both livestreamed to enable engagement and participation of as many members as practical), one with elected members and the other with council planning practitioners. Also these sessions were attended and assisted by the Commission and Department of Planning, Transport and Infrastructure (DPTI).

The session with elected members provided an opportunity for presentations from the Commission and DPTI on the implementation status of the Planning, Development and Infrastructure (PDI) Act and in particular the Community Engagement Charter. It allowed both DPTI and the Commission to understand the concerns elected members have with the Charter and planning reforms generally. The session with council practitioners delved into the details of the Discussion Draft Charter and provided feedback on how the principles and outcomes would work practically. The session also started to analyse the challenges and opportunities that implementation of the Charter would have for councils. The discussions from these sessions is reflected within this submission.

# Review of the Discussion Draft

## General Comments

The LGA supports the overall intent and content in the Discussion Draft Charter and understands the Charter is in its development stage and is a work in progress. The LGA would make the follow general comments on the Discussion Draft Charter.

The Discussion Draft Charter references the IAP2 Spectrum of Public Participation (IAP2) to determine the influence the community may have in any decisions. It is understood that IAP2 spectrum is well recognised in the community engagement field to assist in this determination. However, should the IAP2 be used and referenced in the further development of the Charter, an understanding should be sought into how many people actually understand what IAP2 is and from this, what further education and training may be required.

A real challenge in any engagement process is dealing with diverse communities. It would be beneficial in the development of the Charter that this is acknowledged and taken into consideration as part of the development of guides or other supporting documents. Different types of communities require different forms of engagement and it can be difficult to reach certain communities, particularly with issues such as planning policy which do not impact on satisfying day-to-day needs.

## Review of the Principles

The principles within the Discussion Draft Charter describe what is important when engaging in the planning system and what is sought by the community when involved in this process. The outcomes within the Discussion Draft Charter provide further clarification on the principles. The outcomes detail how the successful achievement of the principles could occur. There is some duplication of the principles and outcomes that would benefit from further clarification and/or refinement.

For the most part, the principles and outcomes are logical and consistent with engagement practices undertaken by many councils.

The comments below are reflective of the discussions during the workshops, along with comments received from councils. The comments could be addressed through amendments of principles, further information within the Charter, as part of the guides or as additional side information (whichever may be more appropriate).

Feedback and clarification is important on these principles (as they can be open to interpretation) and do form part of the measurement/acceptance of the community engagement process undertaken.

### Principle 1

This principle is reasonable, as the public should feel listened to and engaged. However, further clarity is sought on what is meant by 'genuine'. This is because genuine may mean different things to different groups and it is unclear who it should be 'genuine' for.

This poses a challenge, i.e. how do you review engagement and determine if participation was genuine? Also, it can be difficult to get genuine participation as people don't always realise the implications of change or want to be involved. Councils discussed that the engagement facilitator can influence 'inclusion' but still may not necessarily have the degree of 'genuine' participation.

There has also been comment there is some duplication between principles 1 and 2.

## Principle 2

Similar to the above 'genuine' aspect, further clarification is sought on how the Charter will address and determine what is 'meaningful engagement', and how to define/establish the 'affected' persons criteria. Further details or practice direction in future would be useful.

This principle will require close attention to manage expectations and the requirement to send clear messages. Having parameters around these aspects clearly defined could assist.

## Principle 3

This principle is positive as it strives for a respectful process. To further strengthen this, an alternative wording to this principle has been suggested: *'All views, which may differ, are acknowledged, respected and considered'*.

Additionally, further emphasis could be placed to who this applies to, i.e. is this more likely to apply to participants and their behaviour when participating in the engagement process, or could it be expanded to include reference to those consulting and those being consulted? This would then form a reference for all involved in the engagement process.

## Principle 4

The intent of this principle is welcomed as it promotes transparency and information presented with the audience in mind, but caution is required in practice, e.g. what is complete information? This principle needs to have a pragmatic approach as 'complete information' can be technical, in a difficult format to understand, the language used and length of documents can cause frustration and defeat the intent of the principle. Appropriate protections should also continue for information that has been retained in confidence by councils in accordance with the provisions set out in the *Local Government Act 1999*.

Further details or explanation should be provided to ensure what is negotiable in the policy review/rezoning/project and also importantly what is non-negotiable (to avoid disappointment and frustration).

Further guidelines with this would help with implementation in practice of 'complete information', or alternatively this principle could be reworded.

## Principle 5

Making decision makers more accountable for the reasons and outcomes of decisions is generally supported. However, further clarification is sought on what this principle aims to achieve, i.e. does it relate only to the engagement processes or making clear the reasons for the outcomes and decisions on the final document? Does it relate only to the initial proposal? Or is it both?

Good engagement processes will identify and make clear what level of influence the engagement will have from the outset (i.e. the IAP2 spectrum). For example, it is important to express that community engagement on planning matters may not result in the most common or popularly expressed views ultimately being adopted by the decision makers. However, this does not necessarily signify a poor engagement process if this is known upfront and it is clear how the feedback provided has been taken into account.

As mentioned above, providing 'complete information' including negotiables/non-negotiables would assist this understanding.

## Principle 6

While the intent of this principle is understood, the workings of 'improving' are vague from a practical perspective and therefore could be improved. This is due to the word 'improving'

having numerous meanings. The principle should clarify what is meant by 'improving' and whether the term refers to continuous improvement and innovation from project to project or within the project itself.

### **Principle 7**

It is suggested the principle include 'timely and early'. If this is adopted, this may need further explanation within the outcomes section.

This approach for engagement is understood and is supported, however this principle will also need further clarification and clear parameters, guidance or direction to ensure a consistent interpretation and application across all councils and others undertaking engagement.

### **Principle 8**

The wording of this principle could be further refined. Suggested wording could be '*decision making involves balancing competing interests*'.

Similar to the comments from principle 5, engagement is not always a popularity gauge. This principle should be applied with the application of other principles to ensure information and interest are understood.

There may be an opportunity to incorporate the intent of this principle within principle 5 and principle 3 as they share some common purpose.

DRAFT

## Opportunities and challenges for councils with the implementation of the Charter

This section of the submission was a key part of the council planning practitioners' session. Discussion occurred on the key themes for councils implementing the Charter, in terms of opportunities and challenges they face. From this, the following five key themes were identified: Resourcing, Capacity and Skills, Measurement and Evaluation, Time to do it Properly and Reaching a Broader Audience.

Another theme discussed and interrelated with these is the linking to/connectivity with other local government requirements and governance standards such as Community Consultation Policy. There is no need to create confusion or duplication in this area.

The themes have been considered in terms of the opportunities and challenges and further information placed as dot points. Should the Commission require further information, expansion of thinking or background on any specific aspect, please contact the LGA.

### Resourcing

A key concern is that some councils would not be able to do engagement effectively without additional resources or assistance.

Opportunities	Challenges
A regional approach could be of benefit (allow to share costs, skills and resourcing).	Upskilling of staff (costs and ability to implement).
Upskilling of staff.	What/how to provide support to the community to enable participation and feel engaged. Valuing and respecting community time and how they are involved.
It could assist the marketing/promotion of the organisation.	The shift of emphasis from assessment to policy setting from a council resourcing perspective. One generates a revenue stream and the other generates additional expenditure.
Collaboration within all parts of council for resourcing. There are opportunities for learning within councils and perhaps engagement of volunteer champions in the community could also be beneficial.	The proactive consultation/engagement methods require resources- for example door-knocking would take considerable time with current resource levels and be beyond the capacity of most councils.

A further note with opportunities in the PDI Act, are Joint Planning Boards (JPB), which have the potential to provide good opportunities for cost effective, high quality and accountable community engagement. They would provide for growth of skills in staff and also in community participation.

The Planning Agreement with the Minister might provide linkages to the Charter and create an obligation for JPB in terms of accountability, but may even consider a level of support from the Commission for training, tools and general support. JPB also provides focus for community in regard to planning issues.



## Capacity and Skills

Opportunities	Challenges
Use of innovative technology to better reach the community. Also to look into how to communicate? In terms of: Visuals, Videos, Quick fact sheets, Meetings, Chats, Etc.	Universities need to be the leaders (younger planners) and included in degrees. Other organisations to provide this upskill (cost-effective manner).
Broaden planners skill set (bringing in a range of experience). <ul style="list-style-type: none"> <li>Identify current capacity of staff, time and workloads and funding to upskill.</li> </ul>	Council may currently have the general skill sets needed, however low resources and some engagement requirements may be highly person (number) dependant.
Different sectors of industry to all be informed and understand the Charter - not just peak bodies.	
Ongoing education of Elected Members- to ensure support of the Charter and consistent messaging is going out to communities.	

## Measurement and Evaluation

Opportunities	Challenges
Focus on processes not just the outcomes (e.g. on the ground – policy and development). However, it does need to be explicit about what is actually being measured.	How many resources are required in the measurement vs process of the actual engagement?  Doing this in a resource-efficient manner. Cost/focus of measurement vs the policy outcome.
Needs to be in-built as part of the overall process to allow for more efficiency.	Achieving a consensus on the approach to measure and evaluate.
Measurement of participation is relatively easy - measurement of engagement, inclusion or subject understanding is more challenging.	How can you measure the level of 'Genuine', 'Meaningfully' and other high-level terms used in the principles?
The focus on what we want to achieve from the engagement and understanding of this from the start (saving time and resource allocation).	Some of the proposed activity measures are simple to measure (i.e. number of people engaged), more qualitative measures (i.e. the percentage of people engaged who were satisfied with the planning outcome) will require greater requirements and expertise.
Engagement framework and certainty is required from the Commission/Minister. It would allow for assurances that the process being undertaken is agreed and will not require a restart or re-engagement.	

## Time to do it properly

Opportunities	Challenges
Outcomes will be better due to additional local community input.	Determining how much engagement is enough. How/who determines how much is sufficient?
The ability to streamline processes for urgent decisions or minor changes, as it can be tailored / fit for purpose.	When engaging with local government, there needs to be an acknowledgement of meeting cycles and lead times. Also allowing for time to digest and think.
Requires good project management and requires planning for engagement from the start of project.	Proper engagement takes time and can compete with other priorities.
Being clear about the scope of influence (not wasting time on misunderstandings).	Collaboration between parties (internally in councils or regionally) takes time.

## Reaching a Broader Audience

Opportunities	Challenges
There is new and innovative technology.	Different requirements and languages, using translation or other techniques? What are the communities' literacy levels?
Making information and contacts accessible and available outside of business hours (allows for more participation).	Business hour engagement may not capture many in the process. The delivery outside of business hours is challenging with limited resources and higher costs.
Connecting with people on their own terms with mediums that they prefer (Facebook v newspaper, etc).	
Share platforms for engagement across the sectors (cost sharing). i.e. – Have your SAy, Planning portal, other platform?	
More balanced outcomes with hopefully more informed communities. Are they truly engaged, providing a considered and informed position?	

## Additional feedback for the next iteration of the Draft Community Engagement Charter

### General Comments

The Discussion Draft Charter begins to probe into implementation (what levels of engagement are required?) and measuring performance of an engagement process. It is acknowledged this part of the Charter is still being developed in conjunction with key stakeholders. Please find the below aspects which would be desirable for the next iteration of the draft Charter and guides (or accompanying documents):

- Guidance on determining the appropriate level of engagement for projects of different sizes and complexity;
- Discussion on the relationship between engagement undertaken to inform masterplans (which in themselves do not change policy) but may influence changes to policy and the engagement requirements envisaged through the Charter;
- A definition or identification of trigger points, when statutory work for an amendment to a planning instrument requires engagement with the community;
- What are the minimum requirements in community consultation? Further guidance on what the Charter looks like in practice;
- Statutory vs Non-statutory process of engagement
  - How will pre-engagement be perceived and acknowledged under the Charter?
  - It is not just 'research' but about the ongoing conversation with the community (upfront, during and post decision);
- What is 'reasonable' effort to engage? This follows on from previous discussion on the principles and previous experiences which indicate that getting people/communities involved in this part of planning can be very difficult
  - Identify the cost vs reward of the engagement process;
  - Cost effectiveness of tactics/approach taken; and
- Complying with the performance measures requirements alone are likely to be more onerous and resource intensive. It is unclear who will fund performance measures that require inputs after the rezoning has come into effect.

Until the details of these requirements are fully understood, it is difficult to assess the net impact on council resources of the overall community engagement framework. The above aspects being addressed will allow for councils to start to identify these.

### The Charter vs Notification at Development Assessment

Given that the Charter will only apply to the development and amendment of planning strategies and policies, there has been strong feedback from some members that it should also apply to consultation on development assessment. The LGA's adopted position is that there should absolutely be consultation on development applications that do not meet the development standards envisaged in Development Plans (to be the Planning and Design Code) and other policy documents, akin to the existing Category 2 and 3 notification processes.

However, consultation on development assessment should be clearly prescribed by Regulations, rather than guided by a more subjective, principle-based Charter. The outcome of a planning assessment can be legally challenged if the correct public consultation process is not followed. Therefore, it is important that all parties involved have a very clear understanding of the rules and the process, and this is best achieved by being prescribed in Regulations.

The LGA would recommend to the Commission that during the preparation of the new Planning and Design Code and associated Regulations that targeted engagement takes place around the trigger points for notification for the different types of development applications.

Also, the LGA suggests it would be useful for the Commission or DPTI to have an accompanied information/fact sheet on public notification and what the process will be during the development assessment stage under the PDI Act. This would assist to dispel some of the misunderstandings and highlight that there will still be notification and consultation on certain types of assessments. This would further detail and provide the community with certainty of when and how they will be notified of a development and have the opportunity to provide comments.

### **Appeals against the Community Engagement Charter**

Further information is sought on the intended process (if any) for appeals against or reviews of community engagement processes occurring under the Charter. Given that the Charter allows for flexibility, subjectivity, principle based and targeted engagement; this does open the door for judicial reviews or appeals as certain parties may not feel they were 'genuinely' or 'meaningfully' engaged in the process. The LGA seeks clarification on any aspects of the engagement process that are able to be reviewed/challenged? Without clear understandings of the expected level of engagement, doubt could be cast over all processes and decisions; removing the reasonable level of certainty that is required by community, industry and governments from the planning system.



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11 October 2017

The State Planning Commission  
GPO Box 1815  
Adelaide, SA, 5001

Attention: Mr Tim Anderson QC  
[DPTI.Planning.Engagement@sa.gov.au](mailto:DPTI.Planning.Engagement@sa.gov.au)



## RE: CITY OF MITCHAM RESPONSE TO THE COMMUNITY ENGAGEMENT CHARTER

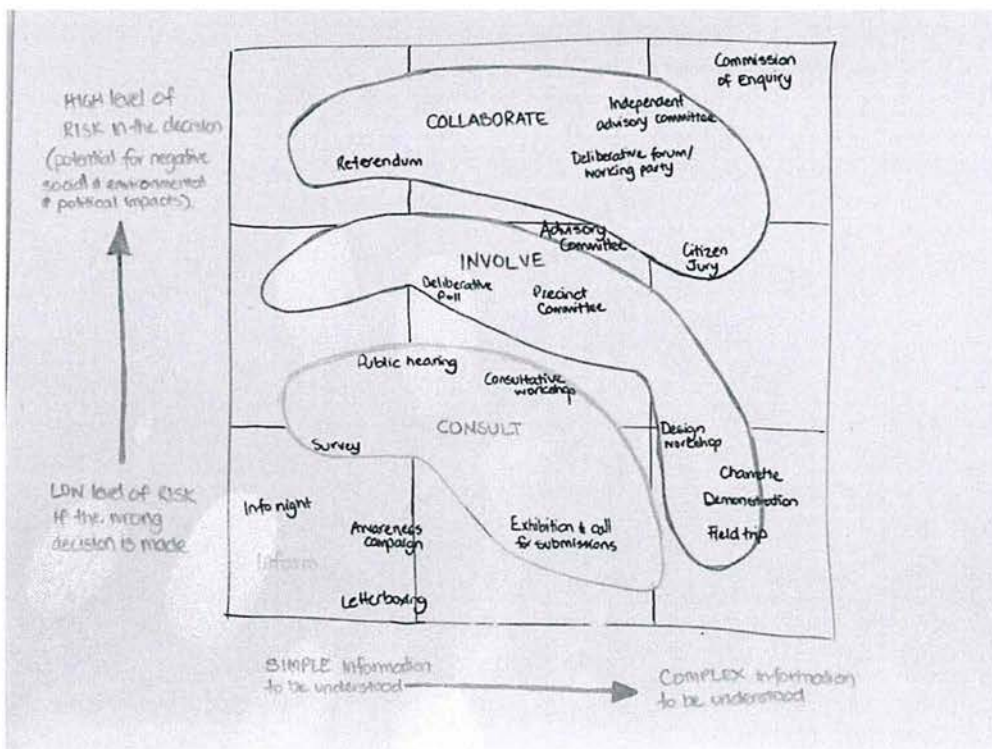
I refer to the above, and would like to thank the Planning Commission for providing Council with the opportunity to provide feedback in relation to the Charter.

I would also like to acknowledge efforts to conduct a deliberative process to develop the draft Charter with the community, and commend the Commission on this type of collaborative approach.

At its meeting on 10 October 2017, the City of Mitcham considered its response to the draft Charter, and would like to offer the following comments as a result:

- 1) In relation to the 8 principles, it is considered that they are sound and go a long way to reflecting community expectation. Building on these principles, it should be made clear to members of the public as to how they can get involved in planning decisions.

While it is acknowledged that the discussion paper suggests that this may form part of a future implementation plan, Council is of the view that it might be better to provide this kind of certainty within the Charter itself. This might be best achieved through the inclusion of a matrix which explains how entities and practitioners might determine engagement pathways that reflect the principles:



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This kind of model might assist in determining the best engagement tools to suit specific situations, and provide a tool that simplifies the considerations on page 11 of the discussion paper (reach, impact, sociability, tone, sustainability and depth).

It is understood that the intention of the reform is to provide more flexibility in relation to community engagement, and to set up a system that allows engagement processes to be adapted to respond to the particulars of each situation.

The matrix above provides a framework for this to occur, however it is also acknowledged that a lack of certainty and prescription around which engagement processes will be applied to particular types of planning issues might lead to confusion and potentially an adversarial relationship with the community.

Ultimately, it is the Council's view that our community will always be interested in planning issues at the stage where there is clarity and certainty as to how development might affect their enjoyment of their own properties or their own personal lives.

It follows therefore that the Commission is also encouraged to consider providing greater clarity around the anticipated level of community involvement in development assessment prior to finalising the Charter for Parliamentary consideration. This is of particular interest to the City of Mitcham as it potentially relates to residential infill development.

At present, it is understood that neighbouring property owners will be notified of residential development that does not satisfy the Planning and Design Code in its entirety. It is also understood that there is scope for the Code itself to exclude certain classes of development from requiring notification notwithstanding whether it meets the Code in its entirety. Given that the Code is yet to be developed, there is a great deal of uncertainty surrounding these issues.

**The City of Mitcham requests that through the development of the Planning and Design Code, the Commission ensure that community consultation is retained in the Development Assessment Process so that residents will still have the opportunity to submit feedback in relation to individual development applications.**

- (2) While it is acknowledged that it is important to create mechanisms to measure the success of the new planning system, some of the performance measures within the Charter may be difficult to measure, and hence may attract criticism. In particular, those measures which are subjective or are not numerically based might prove to be problematic (e.g. 'the engagement was accessible and jargon-free').

It is recommended that these types of subjective measures should be rephrased such that a number can be drawn from a survey, for example, where members of the community who were engaged are able to express their perception of the process.

In addition, Council determined that the creation of additional measures might be appropriate, as the current measures in the draft Charter only serve to measure the engagement process as opposed to the planning outcome that will (ultimately) result.

The premise for this feedback is that we don't consult to undertake good consultation per se, but instead we consult to achieve good planning outcomes on the ground.

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- (3) Council's final consideration related to the process for determining whether engagement has met the 'spirit' of the Charter. Ultimately, it is understood that the Planning Commission will make this determination, assumedly in the event that a person or body is aggrieved by the process that has been undertaken. As a result, Council recommends that the Commission should consider a mechanism where Councils are able to request that the Commission provide early guidance as to the appropriateness of engagement plans prior to commencement. This kind of process will serve to prevent both unnecessary work, and rework.

In closing, the City of Mitcham is supportive of the principles within the Charter, and acknowledges that they have been developed in a deliberative way with a sound cross section of the community. Council would like to encourage the Commission to continue to engage with the community and different entities in this way throughout the implementation of the new planning system.

Should you have any enquiries or require any clarification in relation to any point in this correspondence, please do not hesitate to contact Council's General Manager Development Services and Community Safety, Mr Craig Harrison, on 8372 8888.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Glenn Spear', written over a horizontal line.

**Glenn Spear**  
MAYOR



**From:** SA Planning Portal [<mailto:dpti.noreply@sa.gov.au>]  
**Sent:** Wednesday, 13 September 2017 2:42 PM  
**To:** DPTI:Planning Engagement <[DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)>  
**Subject:** New Public Submission Lodged.

### Form Information

Site Name: SA Planning Portal  
Page Name: Lodge a Submission  
URL: [http://www.saplanningportal.sa.gov.au/lodge\\_submission](http://www.saplanningportal.sa.gov.au/lodge_submission)  
Submission ID: 351025  
Submission Time: 13 Sep 2017 2:41pm

### Submission Details

Submission type:	Community Engagement Charter
------------------	------------------------------

### Submitter Contact Details

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1. Tell us what you like about the discussion draft?:

I think the principles are right and once some engagement tools are provided should be a good guide for engaging with local communities.

2. Tell us what you think needs improving? Why?:

Measuring performance. Unsure whether this will be a requirement as part of the Charter. I like it as a guide, I think the measures are worthy, however these all require going back to the engaged communities/persons and then asking them what they think. This process takes time which regional Councils don't have, money (if needed to be done by external people) which they don't have. Maybe if there was a process for this re-engagement, e.g. suggestions of how to easily get this information back from people in a cost/time effective way, could work. This re-engagement we don't tend to do because it is quite laborious/expensive.

3. What are the three most important things that you think need to be considered when engaging communities on major planning policies?:

Answer 1:	How to get people actually interested. People generally don't care until they're at the coal face of planning, i.e. submitting an application or their neighbour is building something they don't like. Getting people interested in zoning provisions and the like can be dry stuff. You better have great catering at the public events.
Answer 2:	N/A
Answer 3:	N/A

4. How would you know engagement was improving in planning? What would you see changing?:  
developing understanding in the community of the Planning system

Additional comments:	N/A
----------------------	-----

**I am involved in planning (ie local government, or work as a planning professional)**

5. What do you currently do which aligns with the principles in the discussion draft?:

Unsure, only recently commenced my role at Council.

Do you evaluate the quality of you engagement?:	<b>No</b>
Additional Comments:	<b>From what I can see, I don't see any evaluation occurring but not sure yet. I think it's more verbal feedback than anything.</b>

6. How do you use what you learn to improve / inform future engagement processes?:

N/A

**Other comments / submission details**

N/A

**Files for Submission**

No files were uploaded in this submission

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Tuesday, 10 October 2017

Tim Anderson QC  
Chair – State Planning Commission  
The State Planning Commission  
GPO Box 1815, Adelaide, SA, 5001  
By email: [DPTI.PlanningEngagement@sa.gov.au](mailto:DPTI.PlanningEngagement@sa.gov.au)

Dear Mr Anderson,

**RE: Community Engagement Charter**

Thank you for the opportunity to comment on the outputs from stage 1 of the development of the Community Engagement Charter.

**About the UDIA**

The Urban Development Institute of Australia (UDIA) has been active in South Australia since 1971 and has over two hundred-member companies.

We boast an active membership of around fifteen hundred individuals who are involved in policy development on committees, professional development, event attendance as well as other activities, all aimed at improving the outcomes for our sector and State.

It is through these members that UDIA provides an important voice on development matters, particularly in relation to initiatives for homebuyers, urban developers, professionals and others who are involved in the sector.

**UDIA's position**

The Urban Development Institute of Australia (SA) understands the importance of effective and meaningful engagement. Often the impacts of development are unfairly characterised as only issues adversely impacting the community. It is often forgotten that many developers are pivotal in creating developments that are purposefully designed to create a sense of community and amenity.

Many of Adelaide's established and most desirable suburbs came from providing a much-needed housing product and are now thriving communities. We welcome a new form of positive, fair and reasonable engagement and believe the Community Engagement Charter should be read bearing this in mind. We caution against opponents of change for the sake of it and the Charter should not be allowed to be a tool for that purpose. If so this will unquestionably and adversely impact the opportunity for home ownership, restricting more appropriate housing choices for consumers, and in particular some of our ageing population wanting to age in place, as well as first home owners.

When measuring the success of any a new charter, it is important to reflect on why exactly we have it in the first place.

After the Expert Panel's review and the subsequent legislation, the aim of the new planning system was and still is, to ensure that community consultation and engagement on development plans, and how suburbs should look and feel is completed in advance of any specific development applications. The Government's response document states:

*We agree with the Expert Panel that too much effort is currently focussed on the 'downstream' aspects of the planning system (such as the assessment of applications). This present focus is unhelpful to all interested parties. In particular, communities are not engaged strongly enough or early enough in the planning process.*

and

*Importantly, the charter should focus more effort on upfront engagement with citizens about policies and plans, with less consultation on individual projects on a site-by-site basis, thereby avoiding the problems that currently present themselves at the assessment stage. 1*

We understand that the Community Engagement Charter is the tool to make sure that this happens properly. The reason that it is supposed to happen upfront is so that where development plans are in place and applications comply, they are approved quickly, reducing frustration, uncertainty and unnecessary expense. We need to remember that the Community Engagement Charter is not a license for comment on every single application, and this is reflected in the Act where it states:

*8. Despite a preceding subsection, the charter must not relate to the assessment of applications for development authorisations under this Act in addition to the other provisions of this Act that apply in relation to such assessments. 2*

Unfortunately, it appears that through the process of developing the Charter these first principles have to some extent been forgotten and some groups who would seek to use it as an avenue to achieve certain development outcomes. In the letter to the South Australian Community, State Planning Commission and the Minister for Planning the Hon John Rau by the Planning Together Panel on the 30th July 2017 it states:

*We also believe that meaningful Community Engagement needs to happen at other stages of the planning process, including the Development Assessment Process. 3*

There are also concerning trends towards a massive focus on extensive metrics to measure consultation levels. The UDIA agrees that proper and extensive engagement should occur, but this needs to be balanced with the associated costs and the diminishing marginal returns in going too far. It is important that these are not used as another way to inhibit development and that a whole new consultation industry is not created in response. For example, there is an implied suggestion in the document that more groups being consulted constitutes a better level of engagement which we contend is not always the case, instead the focus should be on the quality of engagement.

The UDIA is also concerned about who will fund the extensive level of engagement being proposed, particularly as local government has already suggested that they do not believe they are equipped financially to do so.

---

<sup>1</sup> Transforming our Planning System: Response of the South Australian Government to the final report and recommendations of the Expert Panel on Planning Reform March 2015, page 15

<sup>2</sup> Planning, Development and Infrastructure Act 2016 (the Act), Section 44, Community Engagement Charter

<sup>3</sup> A letter to the South Australian Community, State Planning Commission and the Minister for Planning the Hon John Rau by the Planning Together Panel on the 30th July 2017. Page 1

Finally, in the event that there are development applications that do not meet the complying policy requirements, then these applications should be subject to specific and certain tests rather than only relying on the Charter. This is critical so as to provide greater certainty in light of potential legal challenges that could arise and the real risk that the Charter could be used to contend consultation didn't occur even if it did.

Further comments on sections of the draft:

### Principles

Some of our members have indicated that the content and presentation of the principles appear somewhat 'wordy' and suggests that there could be further refinement of this aspect of the document. We also contend that there needs to be more emphasis on a clear start and end in the consultation process and the parameters need to be clear.

- Page 8 - The UDIA is pleased about the inclusion of principle 8.
- Page 9 – Inclusion and participation is genuine, there are references to the community and that it has “all the information required”. Who will provide this and how broad is this intended to be? It also states, “Barriers to engagement will be identified and overcome to promote inclusion”, by who and how?
- Page 10 - Engagement approaches must be fit for purpose. A targeted engagement approach seeks to address all relevant and important issues that may be appropriate to the affected community, whether directly or indirectly relevant to the project. We are concerned at the broadness of this statement and the use of “all” and the implications. All information directly or indirectly, what does that mean?
- Page 10 "Engagement approached must also look into adapting to changing circumstances, while a project is being executed". This is inconsistent with the original aim of providing certainty for development early on.

### Implementation – What level of Engagement is required

- Page 11 – We are concerned that the use of the word 'project' in the document implies that there will be a role for the community to play in commenting on all applications. For example, under Impact, it states ...determine how much influence the community will have in the final decision...

### Measuring Performance

- Page 12 -13 – As mentioned earlier we are concerned at what looks to be an onerous and overly prescriptive Measuring Performance section. Who will be responsible for the actual measurement and who will pay for it?

Thank you again for the opportunity to comment and we would be happy to elaborate further on any of the above should you require.

Yours sincerely,

**Pat Gerace**  
Chief Executive Officer



CITY OF  
ADELAIDE

Enquiries: Shanti Ditter 8203 7756  
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Date 28/09/17

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Dear Mr. Anderson,

### **Discussion Draft Community Engagement Charter**

I write to convey to you that Council, at its meeting on 26 September 2017, resolved that it wishes to advise the State Planning Commission it:

- Supports the Community Engagement Charter 2017 - Discussion Draft and looks forward to commenting on the 'Consultation Draft'.
- Is prepared to partner with the Commission on engagement.
- Recommends that the Commission conducts engagement based on the Charter to inform development assessment public notification policy.
- Recommends that the Commission engages Council and the Local Government sector on the formulation of the associated Regulations.
- Recommends the Commission reviews the 'Principles for Engagement in a New Planning System' by Donna Ferretti & Associates to inform the Consultation Draft Charter.
- Requests the Commission review the comments on the Implementation 'Considerations' and 'Ideas for Measures'.

Please note that Council's comments will also be communicated to the Minister for Planning, peak bodies, the Local Government Association and resident and precinct groups.

We look forward to continuing to work with the Commission in progressing the Charter.

Kind regards

Beth Davidson-Park  
Acting Chief Executive Officer

Enclosed:

- Principles for Engagement in a New Planning System, Donna Ferretti & Associates
- Comments on the Implementation 'Considerations' and 'Ideas for Measures'



# Adelaide City Council

## Principles for Engagement in a New Planning System

August 2015

**Donna Ferretti & Associates**



*Donna Ferretti and Associates Pty Ltd*

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# 1. Introduction

Donna Ferretti and Associates has been engaged by Adelaide City Council (Council) to prepare a set of high level Engagement Principles and Options to enable more effective involvement and participation of the City community in South Australia's new planning system.

The study has come about in response to proposed changes to South Australia's planning system put forward by the Expert Panel on Planning Reform in its final report *The Planning System We Want*. Adelaide City Council, as an important contributor to the Expert Panel's deliberations, resolved to prepare a series of evidence-based planning studies in order to provide an informed response to the Expert Panel's proposals. The engagement of citizens in the planning process was identified by Council as an area for such a study.

The Expert Panel identified community engagement in the planning system as an important area for reform during the course of its work, arguing that the intent of the 1993 legislation (i.e., the Development Act and Regulations) to enable greater levels of public involvement has never been realised. To address this concern, the Expert Panel has put forward a number of proposals which are intended to enhance the involvement of communities in planning decisions and "...establish[es] constructive engagement between users and decision-makers" (Expert Panel on Planning Reform 2014, p.16). The most prominent of these is the proposal to create a Charter of Citizen Participation, which has subsequently been supported in principle by the South Australian Government (Government of South Australia 2015).

Although the detailed development and intended application of the Expert Panel's proposals has yet to be released<sup>1</sup>, there is sufficient evidence available to develop a critical response to the proposed planning reforms as these are likely to affect public engagement in the planning system. Given Council's desire to be proactive in showcasing model engagement principles for application in the City's planning functions, this study provides a basis for Council to meaningfully contribute to the progressive development and delivery of the South Australian Government's reform agenda.

## 1.1 Study Objectives

The key rationale underpinning this study is to encourage and enable greater and more effective public engagement in the planning system and in the ongoing planning and development of the City's built environment.

Additional objectives are to:

- Identify best practice principles and options for public engagement in South Australia's proposed new planning system;
- Detail the roles and responsibilities of Council in employing these principles and options at different stages of the planning process;
- Address expectations of appropriate levels of engagement and mechanisms by which to engage in the City's planning processes;
- Interrogate the nexus between the impact of development proposals and notification/engagement procedures;

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<sup>1</sup> There has been a delay in the release of the draft planning bill containing the details of the reformed planning system, now expected sometime in September 2015.

- Indicate how Council can improve public awareness of planning processes and the capacity to productively contribute to these processes;
- Contribute to the South Australian Government's development of engagement principles and practices for application in the new planning system.

## 1.2 Study Inputs

Information used to inform this paper has been drawn from the following:

- Research articles and papers that focus on guiding principles for more effective and meaningful public engagement (see Reference List below).
- A range of papers produced by Adelaide City Council in response to the Expert Panel's Proposals for Planning Reform (see Reference List).
- Face-to-face interviews with three prominent developers in the City of Adelaide.
- Facilitation of a workshop with planning staff of Adelaide City Council which focused on:
  - key issues associated with current notification processes
  - potential improvements to notification processes for development proposals.
- Discussions with executive staff of the Department of Planning, Transport and Infrastructure (DPTI) on:
  - progress on the planning reform agenda, including the draft development legislation and proposed Charter of Citizen Participation
  - ways to encourage and enable greater levels of public engagement in the formulation of planning strategies and policies shaping future development.

## 2. Current Engagement Practice

The existing planning system in South Australia was brought into effect with the passage of the Development Act and Regulations in 1993. While there have been a number of changes to the system since that time – most notably the introduction of independent Development Assessment Panels and the Residential Code – there has been no change of substance to the legislative requirements for public participation and involvement in the various stages of the planning process<sup>2</sup>.

The following sections outline the existing system requirements across the planning process and discuss some of the shortcomings in relation to desired approaches to community engagement. The Expert Panel's proposed reforms are then considered alongside a discussion of the potential advantages associated with deliberative approaches to engaging the public.

### 2.1 Existing System Requirements

The Development Act requires the public to be involved in the development or alteration of volumes of the Planning Strategy, local Development Plans and, in particular cases, in the assessment of development proposals.

#### 2.1.1. Planning Strategy

When creating and/or altering a volume of the South Australian Planning Strategy<sup>3</sup>, the Minister is required to place a public advertisement informing members of the public where copies of the Strategy are available for viewing and purchase, and inviting interested people to make written representations. For the most part, the 'public advertisements' take the form of notices in the local newspaper, notices on relevant council websites and signs at relevant council libraries and community facilities.

The annual report to Parliament on the Planning Strategy is also required to document any community consultation undertaken on the Strategy.

It is also worth noting the legislative requirements for public consultation on council Strategic Directions Reports (SDRs). Local councils are required to develop these reports in order to ensure that local Development Plan policy (see below) is aligned with the most recent version of the Planning Strategy. The Act specifies that councils must consult with the public when preparing SDRs for a minimum period of two months and provide an opportunity for any interested person who makes a written response to appear and be heard in person (or through a representative) by the council or a council committee.

#### 2.1.2. Planning Policy

Planning policy is contained in local Development Plans that are generally administered by local councils, although it is important to acknowledge that they remain the property of the Minister. When a council or the Minister amends a Development Plan (a Development Plan Amendment or DPA), a public consultation period of at least eight weeks is generally required over and above the requirements for government agency consultation. The exception to this occurs for Process C (there are a number of different DPA processes) where the public consultation occurs concurrently with government agency consultation for a minimum period of four weeks.

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<sup>2</sup> Minor changes to the assessment of major developments and Development Plan Amendments have been made, but these have had little effect on requirements for public engagement.

<sup>3</sup> Commonly known as Regional Plans and include, for example, *The 30-Year Plan for Greater Adelaide*.

In general, the owners or occupiers of the land subject to the DPA as well as the owners and occupiers of adjacent land must be provided with a written notice of the proposed DPA. Interested members of the public have the opportunity to make written and verbal representations in relation to the proposed DPA, with verbal representations made at a public meeting held within the relevant council area. If the public consultation process for a DPA is not undertaken in accordance with the legislation, the Minister may lapse the DPA.

As is the case for changes to volumes of the Planning Strategy, the public is informed of proposed DPAs through written notices in newspapers, council websites and at community facilities.

### **2.1.3. Assessment of Development**

In the assessment of development proposals, there are three categories for public consultation purposes as follows:

1. Category 1 development where there is no requirement for notifying the public.
2. Category 2 development where the relevant authority (a council or the Development Assessment Commission) is required to notify the owners or occupiers of land adjacent to the proposed development.
3. Category 3 development where the relevant authority is required to notify:
  - a. owners or occupiers of land adjacent to the proposed development
  - b. any other owner or occupier of land that would be affected to a significant degree if the proposed development were to proceed
  - c. the general public.

In the case of Category 2 and 3 developments, the relevant authority is required to give those notified a period of two weeks to make a written submission on the proposed development. These submissions are then forwarded to the applicant who has a period of two weeks to respond in writing to the issues raised. Members of the public who have made a written submission are also afforded an opportunity to appear personally (or through a representative) and be heard in support of their submission at the relevant Development Assessment Panel or Development Assessment Commission meeting.

### **2.1.4. Summary**

Public engagement in the existing planning system is effectively limited to two options:

1. Written submissions.
2. Public meetings.

These forms of engagement have a long history in the planning process but have come under increasing criticism for their incapacity to meaningfully involve communities in collaborative problem-solving and, in relation to planning, in the development of strategies and policies which shape the neighbourhoods in which they live, work and recreate. Written responses to strategies, policies and development proposals are invariably reactive and adversarial in purpose while public meetings simply provide a forum for these adversarial relationships to be played out and, in many cases, intensified. As a result, these engagement practices generally lead to an “us versus them” scenario with little opportunity for members of the public to be productively and collaboratively involved in the ongoing development of the built environment.

Written submissions and public meetings on planning matters fall under the ‘inform’ and ‘consult’ categories of the International Association for Public Participation (IAP2) Spectrum.

On this measure, informing and consulting the public is seen to have the least impact on decisions as all decision-makers need do is keep people informed of what is happening and perhaps listen to and acknowledge any concerns they raise. There is no attempt to collaborate or work directly with the public to ensure that their concerns and aspirations are understood and considered and there is no recognition of these concerns and aspirations when identifying potential planning solutions and alternatives (IAP2 International Federation 2014).

In the current system, the responsibility for being informed of any proposed development rests firmly with the individual (Jensen Planning and Design 2014). While an individual may be *notified* of a development proposal, that person then has to expend some time and effort to access the plans and supporting development application report in order to be informed of it. Even then, members of the public often find it difficult to read and interpret these plans and so understand the likely impacts of the proposal. In addition, the public hearing process can be extremely intimidating for people with little experience of public speaking, potentially limiting the effectiveness of their submission.

## 2.2 Proposed Reforms

Recognising the limitations of the current approach to involving citizens in the planning process, the Expert Panel has put forward a number of proposals to enable greater levels of public involvement in the new planning system, as discussed in the following sections.

### 2.2.1. Charter of Citizen Participation

The proposed Charter of Citizen Participation is one of the key reforms offered by the Panel to address what it sees as “poor citizen engagement and debate on strategy and policy” and an undue emphasis on “providing comments on assessment” (Expert Panel on Planning Reform 2014, p.37). Envisaged as a statutory document enshrined in legislation, the Charter will seek to:

- focus attention on strategy/policy development while ‘streamlining’ engagement on development assessment
- be based on leading engagement principles, such as those put forward by the IAP2 and the South Australian Government’s *Better Together: Principles of Engagement* document (Government of South Australia 2013)
- be less prescriptive and allow for tailored and flexible engagement processes that respond to community needs and the increased popularity of social media platforms
- require councils and government agencies to prepare engagement plans for different planning processes.

The intention here is to enhance levels of public involvement at the ‘up-front’ strategy and policy setting stages of the planning process in ways that will reduce the need (and inclination) for people to only become involved at the assessment stage when proposed developments may directly (and often adversely) impact upon them. The Expert Panel and South Australian Government have also emphasised the need for the charter to be focussed on outcomes “...that are designed to reduce costs, delays and duplication – particularly for local government” (Government of South Australia 2015, p.15). Seen in this way, the charter is clearly aimed at preventing many of the conflicts generated by development proposals at the local level.

However, there remains some uncertainty as to *how* the proposed charter is to be implemented, precisely what criteria will be used to determine and assess ‘effective’ public engagement and whether the charter will deplete opportunities for the public to be involved at the development

assessment stage - a key reason why the New South Wales Government proposed *Community Participation Charter* met with some resistance. Discussions with senior staff of DPTI has failed to shed light on these questions with the detailed mechanisms and implementation of the charter unlikely to be revealed until it is developed by the proposed State Planning Commission.

Without knowing the detailed engagement principles that are to form the basis of the proposed charter, there remain a number of challenges that the charter will need to address in order to enable meaningful public engagement in the new planning system. These challenges include:

- Difficulty in establishing 'one-size-fits-all' approaches to engagement given the diverse characteristics and needs of citizens in their interaction with the planning system. While the Expert Panel correctly draws attention to the need for the charter to allow for flexible and tailored engagement rather than prescriptive approaches, there is still no guarantee that such tailored arrangements will i) encourage people to get involved in the development of planning strategies and policies, ii) reassure people that new development will be of a type that will not adversely impact upon them, iii) reduce the conflicts and ensuing delays in the assessment process and iv) ensure that planning authorities will take community views seriously when making planning decisions.
- The risk of establishing community engagement outcomes without due attention to fair, accessible and inclusive engagement processes. The Local Government Association (LGA) has highlighted the importance of solid engagement processes in its response to the Expert Panel's proposals, arguing that councils are the best 'point of entry' for consulting local communities and that their knowledge of local communities is vital to inform processes used to engage them in order to reach desirable outcomes (Local Government Association of South Australia 2015). Put simply, attention to due process is a necessary precursor to realising good engagement outcomes since good outcomes rarely ensue from flawed or inadequate processes.
- Potential impact on governance arrangements for councils, particularly in facilitating community engagement in planning processes while adequately representing diverse community and stakeholder interests. In its response to the Expert Panel's report, the LGA suggests that the charter should avoid being 'gold plated', recognise resourcing realities and that "...a far reaching community education campaign" will be needed to shift the focus of public involvement in the planning system away from individual development proposals to strategy and policy (Local Government Association of South Australia 2015, pp.5-6). There is a real danger that the responsibility for developing, implementing and paying for leading engagement practice in the new planning system will fall predominantly on local councils with little assistance from the State.
- The additional effort and time required to design and deliver leading public engagement processes. Mention has been made of the LGA's concern about the resource implications of deploying the Expert Panel's proposals and, when considered alongside the Panel's objective to reduce delays in the development assessment process (see Section 2.2.3 below), there is a strong possibility that additional engagement requirements may well slow decision-making timeframes rather than hasten them.

## **2.2.2. Strategy/Policy Setting**

Discussions with DPTI staff confirm that the proposed Charter of Citizen Participation will seek to encourage greater levels of public engagement at the strategy and policy setting stages. Interestingly, the Expert Panel's proposals for strategy and policy development in the new planning system may well see further centralisation of these functions in the proposed State Planning Commission (SPC) and regional planning boards (Reforms 1, 2, 5, 6 and 7).



It is difficult to determine how public engagement processes will operate within the strategic planning and policy development functions of either the SPC or the regional planning boards, and the extent to which local councils will be involved in these processes. Should the Expert Panel's proposals be realised, both the SPC and the boards will need to take on a significant public engagement and educative role if they are to successfully transition the community's primary planning interest away from individual development proposals towards strategic policy development (Local Government Association of South Australia 2015).

### 2.2.3. Assessment of Development

Minimising conflict and delays at the development assessment stage of the planning process has clearly been an important objective of the Expert Panel, as evidenced by proposals to:

- Simplify development pathways to allow for 'tick box'-based assessment criteria for what are described as "most routine developments" (Expert Panel for Planning Reform 2014, p.79). This proposal builds on the implementation of the Residential Code where low risk residential developments are currently assessed on the basis of standardised quantifiable criteria (setbacks, heights etc).
- Increase the number and proportion of developments that are complying (and which must be approved) while dramatically decreasing the number and proportion of developments assessed on merit.
- Linking notification, consultation and appeal rights to assessment pathways which will effectively limit the number of development proposals subject to public notification and third-party appeal rights.

In essence, these proposals are designed to provide greater clarity in the assessment system and reduce the sheer bulk of development proposals subject to a full merit assessment and/or public notification. The Expert Panel expressed some concern that planners across South Australia are spending too much time and effort on routine assessment tasks rather than strategic policy development and "...assessment of complex projects with lasting social, environmental and economic significance" (Expert Panel on Planning Reform 2014, p.79).

While the intent of these proposed reforms are in line with recommendations from the Productivity Commission (2011, 2014) and Development Assessment Forum (2005), they are unlikely to enhance public engagement in the planning process. Indeed, such initiatives effectively seek to eliminate or minimise the level of public involvement *as a means of* increasing the speed with which development proposals are dealt with.

### 2.2.4. Summary

In effect, the Expert Panel's desire to boost community involvement in the planning process is likely to be limited by a number of potential tensions:

1. The implicit assumption that engaging the public at the strategic and policy stages of the planning process will mitigate the need for their involvement at the development assessment stage. This assumption is problematic for two reasons. First, past experience at both local and state government levels has demonstrated the sheer difficulty of getting people meaningfully involved in strategic planning and policy development processes. Second, it is highly unlikely that people will forego their interest in responding to development proposals impacting upon them, even if they had been involved in strategic policy development. As Council's own research has demonstrated, members of the public are more inclined to be engaged at the



assessment stage rather than 'up front' during the strategic policy development stage (Adelaide City Council 2015c).

2. The intention to significantly reduce the number and proportion of development proposals subject to merit assessment and public notification may well see fewer opportunities for the public to be involved in the planning process. However, should the public become more meaningfully engaged in the planning process and resources are committed to that end, there is a strong possibility that decision-making timeframes will be slower rather than faster simply because good engagement takes time.

## 2.3 Desired Approaches

This section focuses on the benefits of adopting deliberative approaches to engaging the public and includes discussion of how deliberative public engagement assists in developing the public's knowledge of the planning system (which the Expert Panel did not address) and improving their potential contribution to planning outcomes.

### 2.3.1 Strategy/Policy Setting

The various attempts by state and local government planners to engage the public in the development and formulation of strategic planning policy has met with mixed success. Communities across South Australia have generally shown little interest in strategic planning matters and have only been involved in planning policy matters when future rezoning proposals directly impact upon them. The extent to which this disinterest is a result of the limited requirements for public consultation noted in Section 2.1 above is not known. What is known, however, is that a significant effort is required in order to meaningfully engage people in strategic planning and policy development processes.

Deliberative participatory approaches offer a potential way forward in the way they bring together expert 'top-down' knowledge with local community 'bottom-up' knowledge (Bond and Thompson-Fawcett 2006). Such approaches effectively seek to stimulate a conversation between stakeholders with different interests and give them time to consider and discuss an issue in depth before coming to a considered view (National Consumer Council and Involve 2008). In this way, deliberate engagement is fundamentally different to other models of participation in that it is preference-forming rather than preference affirming.

Applying deliberative engagement approaches to strategic planning and policy setting processes would entail providing opportunities for members of the public to meet with planners to learn about, understand, discuss and contribute to the development of strategic policy objectives. These same planners (and other experts) would similarly learn about, understand and discuss the views and concerns of members of the public and ensure these are considered when formulating strategic policy objectives. In short, providing a forum where people with different values and interests come together to learn about and discuss how to plan for the future development of a local area or the urban environment more generally not only promotes mutual understanding, but also helps resolve difference.

Strategic planning and policy setting functions are particularly suited to a deliberative approach. The timeframes involved in establishing agreed strategic policy objectives afford planners ample opportunity to engage the public in deliberative forums, especially given the potential for pursuing and building on such conversations through social media platforms. But as Bond and Thompson-Fawcett (2006) warn, the benefits of using deliberative processes will only be realised if such processes are i) well facilitated, ii) involve people who are prepared to listen, reflect upon and change their views/practice as a result of their social learning, and iii) allow sufficient time for negotiation and debate to reach final outcomes. It is also important for

political representatives to be engaged in these processes and to sustain their engagement in ways that provide the public with confidence that their views are being taken seriously.

*Case Study - Adelaide 5000+ Project - Integrated Design Commission (IDC)*

*This project focussed on the redesign, renewal and reactivation of inner Adelaide with a view to beginning an open conversation about the future development of the City. Engagement formed a central component of the project with the IDC keen to adopt a deliberative approach in order to highlight the advantages to be gained from social learning through design. Five 'specialist' forums – 'liveable city', 'green city', 'vibrant city', 'moving city', 'leading city' - were held which brought together a diverse range of professional, academic, community and government representatives. Separate 'community' and 'child and youth friendly' forums were also held to provide opportunities for community groups and young people to have more meaningful input into the process. Well facilitated, these forums enabled the IDC to formulate strategic policy proposals that were subsequently adopted to help shape the Vibrant City agenda – one of the South Australian Government's key strategic priorities.*

Bond and Thompson-Fawcett (2006) acknowledge that deliberative forums may not necessarily eliminate conflict amongst participants in the way that consensual approaches strive for. This acknowledgement is important as it pays due regard to the increasing diversity of the population and emphasises the significance of understanding as opposed to agreement. Improving the public's understanding of strategic planning and policy development processes is critical if planning authorities are to meaningfully engage them and demonstrate how their views and interests have been reflected in strategic policy outcomes.

### **2.3.2. Assessment of Development**

While there has been little trouble in getting members of the public to engage in the assessment stage of the planning process, as argued in Section 2.1.4 above, their engagement has invariably been reactive to development proposals considered to have adverse impacts upon them. The impetus for the public's negative reaction to development has increased in recent years as the planning system transitions from one based on land use separation to one focused on increasing mixed use development across the City (Adelaide City Council 2013). The significance of this transition cannot be overstated as the community continues to grapple with the notion of having a more diverse range of activities occurring in residential environments.

*Case Study – Change of use application – Main Street (O'Connell) Zone*

*Despite the desired character for the zone explicitly anticipating restaurants, this change of use application from a shop to a restaurant was publicly notified (being adjacent to a residential zone) and attracted 21 representations opposing the proposal. Most representors were concerned with potential patron behaviour resulting from the sale of liquor, which is not a Development Plan issue relevant to the assessment of the proposal. This example attests to the public's lack of understanding about the limits of the planning system and the consequent need for more deliberative engagement approaches that enhance the public's understanding.*

Equally important, however, is the fact that many people encounter difficulties responding to development proposals, particularly in reading and interpreting planning policy provisions, reading and interpreting plans of the proposed development and understanding the likely impacts associated with those plans. The 'on-balance' test<sup>4</sup> used to assess development

<sup>4</sup> In development assessment, planners will apply the on-balance test to those proposals which invoke several different policies, requiring the planner to make a judgement on which policy is most relevant or important in assessing the merit of the development.

proposals adds a further layer of confusion for members of the public, especially when a planning authority pays less regard to a particular policy provision relevant to a proposal.

*Case Study – Application for 2-storey dwelling replacing existing single storey dwelling in zone where overshadowing impacts are deemed important*

*Overshadowing diagrams were provided by the applicant indicating that an adjacent dwelling did not currently receive sunlight to its private open space area (inferring that the development proposal would cause no impact). On notification, the owners of the adjacent dwelling requested Council staff to meet them on site, which demonstrated that the private open space area did receive sunlight and that the applicant's overshadowing diagrams were incorrect. In this case, public notification of the proposal was essential in revealing a critical flaw with the application.*

The Expert Panel argues that Development Plans in South Australia are excessively complex documents, with over 2,500 combinations of zones and other spatial layers (many of which are very similar) and 23,000 pages of policy text (Expert Panel 2014, p.60). This complexity not only causes immense confusion for people seeking to engage with the planning rules (either by responding to or initiating a development) it also acts as a strong disincentive to do so. When considered alongside public notification categories that at times appear to bear little relationship with the potential impact of a development, it is hardly surprising that members of the public feel disenfranchised from the planning system.

*Case Study – Application for construction of a multi-level mixed use development comprising commercial/retail uses at ground level and residential above.*

*This development proposal was considered to have significant traffic and overshadowing impacts, and was more than 250% over the maximum height for the zone yet was not subject to public notification owing to recently introduced 'catalyst' provisions in the Development Plan. For members of the public, however, these provisions are not well known and seem illogical given the scale and complexity of the proposal and the severity of the impacts on neighbouring activities (including nearby residential uses).*

Adopting a deliberative approach to the development assessment process poses a challenge to the planning system, especially in the context of proposed reforms to significantly reduce the amount of development proposals subject to public notification. Nonetheless, the evidence suggests that the difficulties experienced in reading and interpreting plans and planning policies could be addressed through processes aimed at educating the public to increase their awareness of the development process. Interviews with leading developers working in the City indicate that many respondents to development proposals do not fully understand the characteristics of a development or its likely impacts. And it is this lack of understanding that often leads to highly emotive and negative responses. These same developers support the idea of forums where applicants can enter into a conversation with people concerned about a development proposal to clarify and explain how the proposal came to be designed in the way it was while responding to the issues raised by members of the public.

*Case Study – Application for construction of a mixed use development comprising retail, office, residential and tourist accommodation, with basement car parking and ground level loading dock.*

*This proposal was publicly notified (category 2). Given the extent of public concern likely to occur with the proposed development, the applicant/developer decided to hold a public meeting and open day on the site prior to the official notification of the proposal to provide an opportunity for interested people to voice their concerns and ask questions of the development. Over 160 people responded, raising issues that led the developer to amend a number of elements of the proposal. As a result of this informal engagement, only a handful of people made formal representations to the category 2 notification with less than half of these opposed to the proposal.*

A deliberative approach to the assessment of development proposals places greater responsibility on developers to justify the merit of their developments and allay the concerns of interested members of the public about the likely impacts of the development. Perhaps of greater benefit is the opportunity for developers and members of the public to come together and learn from each other, thereby establishing a less adversarial environment far more conducive to involving and engaging the public in the planning system in a more positive and proactive fashion.

## 3. Effective Engagement Practice

There is universal agreement that engaging with the community is an essential part of the planning process. The Planning Institute of Australia (PIA) extols the virtues of maximising public participation in all areas of planning practice through:

- Diversifying ways in which people can take part in planning.
- Encouraging and enabling participation by members of the public that are hard to reach.
- Making formal provision for the interests of particular (usually marginalised) groups, especially future generations, to be adequately represented.

(Planning Institute of Australia 2011)

In highlighting the importance of involving groups that are both hard to reach and rarely engaged, PIA recognises the tendency for planning participatory processes to be dominated by particular, usually well educated, social groups. In order to encourage a broader cross-section of the public to engage in the planning system, PIA puts forward a number of high level engagement principles that planners should follow. These principles are founded on the IAP2 values and have much in common with engagement principles found across the literature on public participation more generally.

The following sections draw on this literature, as well as Council's own *Community Engagement Strategy*, to identify high-level engagement principles of particular relevance to planning processes. The application of these principles to the areas of strategic policy making and development assessment are then discussed with options for effective implementation of these principles in South Australia's new planning system presented.

### 3.1 Engagement Principles

Principles for effective deliberative public engagement in the planning system are:

1. The process is **inclusive** - those who are affected by a decision have a right to be involved. This includes seeking out and encouraging a diversity of views and the involvement of people who may not always participate in planning processes.
2. The process is **transparent** – participants should have access to complete and open information during all stages of the engagement process with records kept.
3. The process is **flexible and tailored** to suit the particular engagement – there is no universal way of engaging the public in planning processes. The purpose for engaging people and the desired outcomes (e.g., formulating strategic policy objectives) should be clear to all participants and this should shape the engagement process.
4. The process **makes a difference** – there is clear evidence that i) decision-makers have actively listened and taken account of views before any decision is made, and ii) members of the public have learnt about planning processes and want to continue being involved in and contribute to planning decisions.
5. The process is **respectful** – where participants feel supported and their views and interests are valued.

6. The process **prioritises participants' discussions** – and provides participants with a variety of ways to express their views in order to make it easy and enjoyable for them to take part, and encourages their ongoing participation.
7. The process is **reviewed and evaluated** – with a view to continually improving engagement practice to encourage greater levels of public involvement.
8. The process **keeps participants informed** – so participants are aware of how their inputs have been incorporated into decision-making processes and final planning outcomes.

In order for these principles to be effectively deployed when engaging the public, it is imperative that deliberative forums are well facilitated in a way that engenders trust amongst participants. This is especially important given community distrust with a planning process that has historically positioned members of the public in opposition to both developers and to Council's planning staff.

## 3.2 Application to Strategy and Policy Setting

Since members of the public are less inclined to be involved in strategy and policy setting initiatives, the challenge for Council is to create imaginative ways of encouraging and enabling the public to deliberate about strategic planning and planning policy issues. Events and forums which *attract* people to participate in discussions about the City's future development, and provide these people with opportunities to learn about the planning system and the central role of strategic policy setting in shaping development outcomes, provide a way of engaging the public using the principles above.

It should be noted that Council has a fine record of engaging with its constituents, most recently through the *Picture Adelaide* project. This consultative initiative was undertaken to inform the development of a number of plans (including the City's *Strategic Plan*) and attracted large numbers of participants offering mostly positive and constructive ideas and stories.

### 3.2.1. Options

Options for conducting deliberative forums in a strategic planning and policy setting context include:

- Providing opportunities for people to engage in a variety of ways through both traditional face-to-face meetings/workshops as well as social media platforms.
- Ensuring that forums are carefully planned, executed, facilitated and 'fit for purpose'.
- Using local venues across all areas of the City so that people can learn about, discuss and consider how strategic and policy planning outcomes might shape the development of local neighbourhoods.
- Targeting established community groups *in their own space* so participants feel supported in putting forward their views about the development of the City.
- Including Council decision-makers and other experts as participants so they can hear first-hand of people's concerns and views about City development and discuss with them how these views might be incorporated in strategic planning policy.
- Using visual tools to show members of the public how particular planning strategies and policies are reflected in built form outcomes.

- Ensuring that the record and outcomes of the forums are readily communicated to forum participants.
- Demonstrating how the views of members of the public are incorporated into final planning strategy/policy outcomes.

Taken together, these options would go some way to ensuring the application of the engagement principles noted in Section 3.1 above. By providing a variety of ways for people to engage at locations across the City and/or through social media, the process would be inclusive and invite a diversity of views. Making the effort to engage groups in their space not only prioritises participant needs, it also indicates a level of respect for these groups. Including Council decision-makers and other experts at such forums would provide some surety that the process would make a difference, while providing a record of outcomes and demonstrating how public views have been incorporated into the final outcomes meets the principles of transparency and keeping participants informed.

The way in which such forums are planned, executed and facilitated can only be assessed on a case-by-case basis, but remain critical in enabling a deliberative engagement approach.

### **3.3 Application to Development Assessment Practice**

In development assessment, the challenge for Council to meaningfully engage the public is quite different. Attracting people to respond to development proposals as a means of incorporating their views in development outcomes is not the issue here. Rather, the challenge is to get people to respond in positive and less adversarial ways.

#### **3.3.1. Options**

There are a number of options that could be adopted to facilitate a more deliberative approach to development assessment processes, such as:

- Providing opportunities for developers/applicants to present their project to interested members of the public in face-to-face meetings. The intent here would be to encourage productive dialogue amongst participants to enhance the public's understanding of the proposed development and its likely impacts and enable developers/applicants to respond to their concerns. Such an approach would go some way to resolving many of the fears about City development held by members of the public who do not have the skills to read and interpret plans and/or planning policies.
- Ensuring these forums are properly facilitated with Council planners or other professionals playing a mediatory role (which may require Council to provide training and professional development opportunities for planning staff).
- Allowing developers/applicants to change the plans of the development proposal to address the public's concerns without incurring additional lodgement/assessment fees or slowing the assessment process.
- Including decision-makers (members of Council's Development Assessment Panel) so that the final development decision is more likely to reflect the discussion and deliberations at these forums.
- Using visual tools to enhance the public's (and decision-makers') understanding of a proposed development and of the rationale for and impacts of particular design treatments.



These options, if properly planned, executed and facilitated, would similarly reflect the desired engagement principles noted in Section 3.1. Some effort would be needed to ensure such forums would be inclusive, but aside from this, these forums could easily be tailored to suit particular development proposals, they would certainly make a difference for both developers and members of the public, they would be respectful of participants' needs and prioritise their discussions, they could easily be reviewed and evaluated to improve practice, and it would be easy to keep participants informed.

### 3.3.2. Notification

An additional consideration relevant to development assessment is the role of notification in informing members of the public of upcoming development proposals. There are a number of shortcomings with existing notification processes, not least of which are the inconsistent triggers for notifying people of particular applications. A scan of recent development proposals in the City shows that many proposals likely to have significant impacts on neighbouring activities are not subject to notification whereas other relatively innocuous developments (particularly change of use proposals) are required to be notified.

Facilitating more deliberative approaches to involving/notifying the public about development will require some change to existing practices. Without knowing whether the State Government will look to change notification processes in the new planning system, a workshop with the City's planning staff was held to discuss notification issues. The following options were developed in the light of this discussion:

- Developments likely to have *direct* impacts on neighbours should be notified, in the context of what is considered to be acceptable impacts in the relevant zone.
- Residents likely to be directly affected should be notified by letter or email rather than through public notices in the newspaper.
- Notices on the site of a development proposal should be required to inform members of the general public and indicate how people can respond/get involved.
- Boundary issues and disputes should be taken out of the planning system and addressed through the South Australian Civil Administrative Tribunal (SACAT).

These options, and the problems they seek to address, point to the need for a wholesale revision and re-write of the triggers and mechanisms for notifying development proposals in the Development Plan. In undertaking such a revision, Council will need to be cognisant of the (currently unknown) details of the new planning legislation when this is eventually released to ensure clarity of process for members of the public and the development sector.



## 4. Conclusion

While details of South Australia's new planning system are yet to be confirmed, Adelaide City Council nonetheless remain committed to enhancing public engagement in the City's planning processes in order to realise better planning outcomes that have broad community support. To this end, this study has interrogated the Expert Panel's proposals to boost public engagement 'up-front' in the strategic planning and policy setting stages of the planning process and reduce the need for people to be engaged in low-risk, routine development proposals.

The study findings confirm the problematic nature of the Expert Panel's position, in particular the difficulties experienced in getting people engaged in strategic policy matters and the fact that people will always be concerned about the potential impacts of individual developments on them and the environment in which they live. The Expert Panel's proposals to reduce the number and proportion of development proposals subject to public notification is unlikely to allay the public's concerns.

Deliberative approaches to engaging the public on planning matters offer a productive way forward to both stimulate public interest in and contribution to development outcomes. The study demonstrates how deliberative forums could be deployed in strategic planning and policy development processes as well as in the assessment of development to yield better planning outcomes that are more likely to be supported by the City community.

In order to make best use of deliberative approaches, the study presents a set of high-level engagement principles and options for their implementation for Council to consider when engaging members of the public. Attention to these principles and options is likely to improve Council's capacity to meaningfully engage the public in City development matters and lead to better planning outcomes as a result.

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## Comments to State Planning Commission on Implementation 'Considerations' & 'Ideas for Measures' in Discussion Draft Community Engagement Charter



Note: these comments were adopted by Council on 26 September 2017

### Implementation 'Considerations'

In the Discussion Draft Community Engagement Charter, the Commission seeks feedback on the following 'considerations' to be taken into account in making decisions about the type of engagement required to suit the need of the project (decision making framework) and subsequent performance (evaluation measures).

The below table sets out the Draft Charter's 'considerations' and Council's 'comments'

Implementation 'Considerations'	Comments for the Commission
<p><u>Reach</u>: establish how many people are impacted and the level of participation that is expected.</p>	<p>Reasonable consideration as it asks the proponent of the engagement to consider 'who' is impacted.</p> <p>Suggest:</p> <ul style="list-style-type: none"> <li>• Expand the consideration to explicitly include 'who is impacted'</li> <li>• Expand the consideration to include what 'variety of different interests', as invariably, there are a wide variety of people with different interests in a particular matter</li> <li>• 'How many' be reviewed as it suggests it's a numbers question whereas what is more important is accurately identifying who and the range of interests.</li> <li>• Review the word 'impacted'. Use of 'impacted' may limit the reach as some people seek to be 'informed' whereas others may be directly 'impacted' by the proposal.</li> </ul>
<p><u>Impact</u>: determine how much influence the community will have in the final decision with reference to the IAP2 Spectrum of Public Participation (Inform, Consult, Involve, Collaborate, Empower).</p>	<p>Reasonable consideration as it asks the proponent of engagement to consider the extent of change to a proposal that they are open to receiving from engagement.</p> <p>Suggest:</p> <ul style="list-style-type: none"> <li>• Review use of the term 'Inform'. The intent of the Charter is that engagement is genuine which means the proponent needs to be open to some degree of change to their proposal. Thus, an engagement being limited to 'informing' is at odds with the Charter's intent for genuine engagement</li> <li>• 'Community' be defined for the purposes of the Charter. The Discussion Draft does not define or reference what is meant by this term. Discussions at 'Planning Together' affirmed 'community' as meaning all South Australians whereas as the 'consideration' is drafted, it appears more limited to, for instance, residents. For information, the <i>City of Adelaide Act 1998</i> has the following definition 'City of Adelaide community includes all people who live, work, study or conduct business in, or who visit, use or enjoy the services, facilities and public places of, the City of Adelaide'.</li> <li>• In defining 'community', also consider the term 'stakeholder' which acknowledges that certain people or groups have a 'stake' in a matter due to their particular interest.</li> <li>• In lieu of term 'community', one option is to use the term 'participants in engagement' as this is wide.</li> </ul>

<p><u>Sociability</u>: to what degree does the engagement need to involve ongoing interaction with each other and community capacity building.</p>	<p>Reasonable consideration as it asks the proponent of engagement to consider moving from 'consultation' on a proposal to 'involving' and 'collaborating' with people with different interests, thereby building community capacity, cohesion and less division.</p> <p>A lot of planning projects have an outcome where, for instance, the land has been rezoned. Engagement associated with this type of planning project:</p> <ul style="list-style-type: none"> <li>• Is often characterised by submissions and responses by people with different interests, rather than fostering dialogue and consensus building to the extent possible between different interests.</li> <li>• Comes to an end where different interests are left with at best limited relationships and no consideration around fostering ongoing healthy relationships.</li> </ul> <p>Any planning proposal will impact an established community, with its residents, businesses, groups of various forms and government agencies. Any engagement needs to start at the 'starting point' of where the existing community is at and also acknowledge the outcome from any previously undertaken engagement.</p>
<p><u>Tone</u>: what is the anticipated level of concern within the community, and likely level of emotion that could be elicited by the proposal?</p>	<p>Reasonable consideration as it asks the proponent of engagement to consider the degree of angst or not likely to arise from the proposal. This assists preparing a process that acknowledges sensitivity.</p>
<p><u>Sustainability</u>: to what degree do we want to build capacity in community and have them engage in similar processes in the future?</p>	<p>Unsure about this consideration as its intent is unclear and it appears to overlap 'sociability'.</p> <p>We suggest this consideration be reviewed to be explicit about its outcome and with regard to the following questions:</p> <ul style="list-style-type: none"> <li>• Is it seeking to avoid people being engaged with experiencing consultation fatigue?</li> <li>• Is it seeking that people being engaged 'better understand' the planning system so they are better prepared to participate in the future'?</li> <li>• Is it seeking each stage of a multi-stage engagement being considered in a way to avoid consultation burnout?</li> </ul>
<p><u>Depth</u>: determine how much information and knowledge needs to be gained for the community to genuinely engage in the process and what depth of conversation is required?</p>	<p>Reasonable consideration as availability of professional investigations underpinning a proposal and communicated in easy to understand ways is essential. Question 'gained' and suggest replace with 'understood' as the test is around whether 'who' is being engaged with 'understands' what is proposed in order to be able to then be 'involved'.</p>

### *Ideas for Measures*

The Commission has prepared some draft ideas of possible measures (see of this document) which could be used to evaluate the success of an engagement process. The Commission seeks feedback on these draft measures.

The Charter recognises that engagement is undertaken to achieve better outcomes, decisions, projects and policies. Therefore, a key objective of the Charter is to ensure that there are measures in place which can be used to gauge how successful an engagement process has been.

Whilst the list prepared by the Commission is extensive, Council has the following **comments**:

1. There needs to be clarity between measures of the Charter itself as distinct to measures of engagement completed. The table appears to confuse the two.
2. Numerous proposed measures are about 'satisfaction' with the engagement rather than extent or level of participation. For example, 1000 land owners/occupiers may be written to about a proposed policy amendment and 100 may respond. For the 100, their engagement experiences can be measured in a variety of ways but they remain 10% of invited owners/occupiers. A measure is suggested to explore how engagement processes could be improved to increase the number of people who actually participate in engagement after being contacted.

## Attachment 1: Discussion Draft Charter Ideas of Possible Measures

What needs to be measured	Possible measures
<p><b>Reach</b></p> <p>Did everyone who is impacted and/or interested have an opportunity to participate?</p>	<ul style="list-style-type: none"> <li>■ The number of people engaged</li> <li>■ % of people engaged who reported: <ul style="list-style-type: none"> <li>– the size and method of engagement was appropriate for the issue they were engaged on</li> <li>– they were supported to actively contribute to the engagement</li> </ul> </li> <li>■ the engagement was accessible and jargon-free</li> </ul>
<p><b>Impact</b></p> <p>Was community input considered in the final decision?</p>	<ul style="list-style-type: none"> <li>■ % of people engaged who reported that their views were: <ul style="list-style-type: none"> <li>– heard and genuinely responded to</li> <li>– genuinely considered in the final decision</li> </ul> </li> <li>■ % of people engaged who were satisfied with the planning outcome</li> <li>■ % of people who understood how and why the final decision was made</li> </ul>
<p><b>Sociability</b></p> <p>How did people interact with each other, and did the process build community capacity?</p>	<ul style="list-style-type: none"> <li>■ The number of opportunities that brought people together</li> <li>■ % of people engaged who reported the engagement process had a positive impact on community cohesion</li> <li>■ % of people who reported they heard alternative views and opinions that were different than their own</li> </ul>
<p><b>Tone</b></p> <p>What was the level of emotionality and controversy?</p>	<ul style="list-style-type: none"> <li>■ The number of self-formed community groups in relation to the project</li> <li>■ % of people engaged who: <ul style="list-style-type: none"> <li>– reported that their views were heard and genuinely responded to</li> <li>– reported the engagement process had a positive impact on community cohesion</li> </ul> </li> </ul>
<p><b>Sustainability</b></p> <p>Would people participate in similar process in the future?</p>	<ul style="list-style-type: none"> <li>■ The number of engagement plans</li> <li>■ % of people engaged who understood why they were being engaged</li> <li>■ % of plans consistent with Charter Principles</li> <li>■ % of engagement processes that: <ul style="list-style-type: none"> <li>– measured performance using one or more performance measures from this Charter</li> <li>– demonstrated improved performance through implementing Charter Principles</li> </ul> </li> <li>■ % of people designing the engagement demonstrating they: <ul style="list-style-type: none"> <li>– learnt from the experience</li> <li>– made process improvements</li> </ul> </li> </ul>
<p><b>Depth</b></p> <p>Is there an opportunity for different knowledge and perspectives to be shared? And did people have access to the information they needed?</p>	<ul style="list-style-type: none"> <li>■ % of people engaged who reported diverse views were included</li> <li>■ % of people who reported they had the right information available to them to contribute to the process.</li> </ul>



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04 October 2017

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Dear Mr Anderson

### **COMMUNITY ENGAGEMENT CHARTER 2017 – DISCUSSION DRAFT (STAGE 1)**

City of Prospect welcomes the opportunity to comment on the Discussion Draft of the Community Engagement Charter 2017 released by the State Planning Commission (the Commission).

Council is aware that the Commission is responsible for preparing the Charter and has put together three groups (Planning Together Panel, Practitioner Group and Broader Stakeholder Group) for this purpose. Input is now being sought from other stakeholders as part of Stage 1 informal consultation and City of Prospect wishes to participate.

Council considered the draft discussion paper at its 26 September 2017 Council Meeting and agreed to provide a submission to the Commission. Feedback comments within the report are summarised to include the following matters which Council trusts will be taken on board in further progressing the Charter:

- In general, it has gone a long way in developing useful underlying principles and some way in providing implementation and evaluation measures, but it is unclear how these elements will be used to select an appropriate level and type of engagement strategy for a given project
- The financial and resource implications and practical application of the Charter remain silent within the Paper and need to be considered to determine whether desired engagement outcomes are manageable and achievable
- More specifically, the principles provide a good coverage of relevant issues, but also should include the 'capacity' (time and resources) of an organisation to undertake engagement
- Wording with similar meaning has been duplicated ('genuine' and 'meaningful') and applied across different principles and confuses their individual intent (ie. remove from Principle 2)
- Principle 4 needs to be clarified further and related to the stage of consultation (ie early consultation will not necessarily have or need 'complete information')
- Principle 6 is vague ('accountable' and 'improving') and needs reference points to make sense of what we are trying to achieve (eg. 'continuing improvement' as a way of upgrading engagement practices)
- Principle 7 is a 'grab bag' of various issues and should be simplified for greater clarity and described as being 'fit for purpose'

- Implementation measures have mixed value and the following adjustments are recommended: – ‘sociability’ and ‘sustainability’ to have a distinct point of difference (or include them as one item only); replace ‘tone’ with ‘sensitivity’ or ‘expectation’ and include an additional criteria on ‘capacity’ to undertake engagement
- How these criteria are to be used needs to be included? How are they linked to different levels/types of engagement? Do they indicate when and how often engagement will be needed? What is the definition of engagement?
- Evaluation measures seem to be duplicated across the different criteria and need further refinement to be more meaningful.

City of Prospect is mindful that the document is still in its initial phase of development and provides this feedback to assist with the update of the proposed Charter. Council looks forward to commenting further as part of the next round of consultation especially around issues such as how the criteria will be linked to desired outcomes and likely resourcing requirements.

Looking forward to your consideration and awaiting your response.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Cate Hart', with a stylized flourish at the end.

**Cate Hart**  
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Engaging for Reform



The Commissioner  
State Planning Commission  
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## **Dear Commissioner and State Planning Commission Members.**

The Community Alliance SA is grateful for the opportunity to make a submission on the draft Charter of Community Engagement.

The Community Alliance SA (CASA) is an umbrella organisation having a membership of some 25 resident groups in South Australia with the aim to **“Put the People Back Into Planning and Development in SA.”**

Accordingly we make the following observations and recommendations enabling the Charter to be an effective planning tool which facilitates genuine consultation where it is most wanted by the people of South Australia.

### **Introduction: Planning Changes People’s Lives**

A young man stood at the microphone and cried.

He was the last representor of the evening. He'd tried to speak on several occasions but the departmental bureaucrat said he had to wait till the end. He got his chance then. He didn't say much.

***"I've got a house behind the Caroma site in Norwood. “Just the wife and two little ones. It's going to take 30-40 years for us to pay it off. And you're going to put a 6-storey building right in front of our house. It will block out our sun.”***

He continued to cry. We had to look away. This took place on a cold Tuesday night in the Orchid Room of the Sage Hotel on South Terrace Adelaide. 16 people spoke, most objecting to 5-6 storey

flats being allowed in their local areas on the grounds of the character and amenity of their suburbs being destroyed, with a few developers pushing to be included in the "up-lift" spot rezonings. (Councillor Evonne Moore, Norwood Payneham and St Peters Council. 8 August 2017)

Planning does NOT always benefit people. Planning can destroy the amenity of a neighbourhood and adversely affect many residents.

According to Linley Lutton, adjunct fellow in urban planning and design at the University of Western Australia, there are three essential requirements of a good city:

- ***cities must nurture and stimulate healthy human growth and community development;***
- ***local communities must meaningfully participate in city planning in what [Louis Albrechts](#) calls planned co-production; and***
- ***the unique cultural and physical context of a city must be respected***

Planning must be for the benefit of people and not just the pecuniary interests of the development industry.

## AREAS OF CONCERN

### 1. Coverage of the Charter – Development Assessment

The Planning Development and Infrastructure Act 2016 (SA) clause 44.6 specifies that the Charter is to only apply to policy development, not assessments of individual development applications.

Separate and specific requirements for the public notification of certain classes of development applications are outlined in the Act and the procedures to be followed will be subsequently determined in regulations (yet to be prepared) under the Act. However, notification is not consultation. Other than the proposed charter, there is nothing else in the legislation that provides for any consultation processes or rights of appeal.

CASA believes citizens have a right to know and have a say when decisions are being made about developments proposed in their

neighborhoods. These are the final decisions which determine what can be built in our cities and suburbs and what people are most concerned about.

By excluding community input into development assessment decisions the Act and the proposed charter are in direct contradiction with what the Government's own Expert Panel on Planning Reform, Chaired by Brian Hayes QC, recommended in their final report "*The Planning System We Want.*"

### **Reform 3**

#### ***Legislate to create a Charter of Citizen Participation***

*3.1 Legislate to require a statutory charter of citizen participation that will focus attention on policy and direction and streamline engagement on development assessment. (p 36)*

The Expert Panel went on to say:

*"Communities must be engaged meaningfully in decision-making processes, from the earliest stages of strategy and policy-setting. To do this, we propose a 'Charter of Citizen Participation' that will set outcome-focused principles for community participation at all stages of the planning system." (p, 12)*

The Government decided otherwise; *The Planning Development and Infrastructure Act 2016* is clear about development assessment being excluded from provisions of the Charter:

Clause 44.6 of the Act says:

*(8) Despite a preceding subsection, the charter must not relate to the assessment of applications for development authorisations under this Act in addition to the other provisions of this Act that apply in relation to such assessments.*

This is a huge community issue. The Community Alliance SA has been lobbying for the last five years to 'Put the People Back Into

Planning and Development in SA' with the support of thousands of concerned citizens.

People want to have input at all stages of the planning system. Any charter must protect the right for community input in development assessment decisions, not just policy matters. A stake in the ground with a pink plastic notice attached to it totally inadequate.

There is plenty of compelling evidence that supports the principle that consultation must encompass development assessments.

*Currently, the majority of engagement occurs at the local policy level and at the individual development application stage. Placing more emphasis on community engagement at the strategic stages of land-use planning will enable the focus of the engagement at the assessment stage to be more on information provision and consultation where a development may have a direct or significant impact on the community or surrounding residents. (Roles Responsibilities and Participation – Working Paper on Community Engagement. p 1)*

*Community frustration often results when members feel their views and decision makers have not taken desires into consideration. Part of the frustration may be a result of people being engaged/consulted at the wrong time in the decision making process (i.e. at the end of the process not upfront), not being informed or appropriately made aware that development or change is being proposed (especially for large developments or those with a higher impact), or being over- consulted on some proposals (e.g. small proposals with minimal impact. (ibid.p2)*

*The Progress Report indicated that some community members were dissatisfied with the lack of notification and consultation in relation to development proposals that may directly impact them and their neighbourhood. In particular, a key criticism of the system was that the community is not actively engaged or consulted during preliminary stages of development, especially larger developments. (ibid.p5)*



*Bowden Case Study. Extensive community engagement occurred throughout 2009 and 2010 to explore issues, identify ideas of what the community wanted and draft plans. Engagement activities included information days, workshops, and meetings with key community groups, business representatives and adjoining landowners, fact sheets, community newsletters, and online interaction providing updates and seeking input on draft documents. (ibid.p7)*

*In England, the legislation requires community engagement at all community engagement, participation and ownership of planning instruments at the local level. The legislation enables what the community wants to be developed and where; and the legislation stipulates that these plans must be taken into account. This means that the community has a direct input into, and ownership of, local planning decisions and granting of planning permissions. There is a risk in undertaking this approach as the community may not be aware of issues related to the surrounding area or broader politics that should be taken into consideration when making land-use and development decisions. (ibid.p9)*

*The English legislation also requires developers to consult with local communities before submitting planning applications for certain developments to enable the community to make changes to the proposal. The aim of this is to make it easier and quicker for the local planning authorities to provide approval for developments as the community has already agreed that it can occur. It is practice that local councils do not publically notify planning applications where all members of the community agree with the proposed development. (ibid.p9)*

*In general, feedback indicates that communities wish to be engaged on development that has a direct impact on their neighbourhood. (ibid.p10)*

## **Recommendation 1**

*Encourage or require developers, to engage with neighbours before lodging a development application. Encouraging or requiring developers to engage with the community during preparation of a development may expedite the development assessment process of the proposed development. This can be implemented through legislative requirement, ministerial direction/State standards, best practice guidelines, or the use of incentives (e.g. expedited assessment process). ~ (ibid.p16)*

*The Charter must include assessment because this is what the people of SA want.*

## **2. Enforcement of the Charter**

The Charter may be enforced by the State Planning Commission pursuant to the *Planning Development and Infrastructure Act 2016* but it is unclear in what circumstances this will occur and what action may be taken.

## **Recommendation 2**

*The Charter must specify under what circumstances the State Planning Commission can enforce the Charter.*

## **3. Draft Charter Principles**

### **Principle 8**

*People recognise that decision-making often involves interests being supported and others not.*

Does this mean DEVELOPERS INTERESTS over community interests?

## **Recommendation 3**

*Principle 8 serves no useful purpose and should be deleted.*



#### **4. State Planning Commission Membership**

If the government is serious about community welfare and the public good and not just the interests of the development industry and the mantra of growth and jobs then a community representative must be appointed as a member of the State Planning Commission.

Alternatively, create a statutory board of community representatives who must be consulted by the Minister prior to strategic planning decision being made. This Community Board would represent urban, regional and rural stakeholder bodies from various sectors including peak associations for social needs; environment, community transport as well as residents groups.

#### **Recommendation 4**

*The new State Planning Commission to appoint a suitably qualified person with experience in community engagement and development as a member of the State Planning Commission.*

#### **5 Appeals**

While planning policy will be enshrined in legislation under a statewide Ministerial Code of Planning and Design, these policies are advisory only. Under the new Act, residents will no longer be consulted or have a say in most local development applications. The flow on effect is that third party appeals will only be allowed in limited cases.

#### **Recommendation 5**

*Community appeal rights for all major/impact assessed developments.*

#### **Recommendation 6**

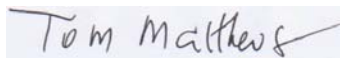
*Barriers to enforcement of planning decisions should be removed. Environment Court's power to require security for cost*

*undertakings as to damages and orders for compensation for loss or damage and costs if a third party is unsuccessful.*

## **Recommendation 7**

*Amend the Act to allow third party appeals on an unrestricted basis.*

The Community Alliance SA looks forward to participating in the development of the Community Engagement Charter. In addition some feedback on this submission would be welcome.



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**9 October 2017**

## ***Bibliography***

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