

Community Engagement Charter 2017 – Consultation Draft

ITEM 12.12 28/11/2017

COUNCIL

2017/01745-2

Public

Program Contact:

Shanti Ditter, AD Planning &
Development 8203 7756

Approving Officer:

Clare Mockler, Director Community

EXECUTIVE SUMMARY:

The purpose of this report is to enable Council to consider the 'Community Engagement Charter 2017 – Consultation Draft' released by the State Planning Commission. The Commission is seeking feedback by 8 December 2017.

The Consultation Draft has been based on feedback following stage 1, the 'Community Engagement Charter 2017 – Discussion Draft'. The Community Engagement Charter ('Charter') is a requirement under the *Planning, Development and Infrastructure Act 2016* and seeks to define a more flexible, effective and meaningful framework for engagement relating to planning policy proposals or amendments in South Australia.

RECOMMENDATION:

THAT COUNCIL:

1. Authorises the Chief Executive Officer to advise the State Planning Commission it:
 - 1.1. Endorses the Community Engagement Charter 2017 – Consultation Draft.
 - 1.2. Should have an engagement specialist to provide expert advice on engagement plans submitted to the Commission for approval.
 - 1.3. Should consider the proposed training on the Charter for practitioners to form part of the accreditation process for planners.
 - 1.4. Should review the Charter to establish guidance or a framework for 'commercial and confidential' information that may form an element of a proposal/amendment to a Planning Instrument.
 - 1.5. Reviews the mandatory requirement for proposals initiated by a non-government body be amended to include consultation on the engagement plan also.
 - 1.6. Reviews Principles 1 and 2 to include 'facilitating community collaboration' as a performance outcome.
 - 1.7. Consults Council on the formulation of the associated Toolkit.
 - 1.8. Engages Council, the Local Government sector and the Community on the formulation of the associated PDI Regulations.

IMPLICATIONS AND FINANCIALS:

Strategic Plan	The new SA planning system will better support achievement of the Strategic Plan. A robust Community Engagement Charter is a key element.
Policy	<p>The Commission and DPTI will need to engage, based on the Charter, to create State Planning Policies and the new Planning and Design Code [to replace the Adelaide (City) Development Plan]. This work is anticipated over the next 12 months.</p> <p>In the future, should Council propose an Amendment to the Planning and Design Code or undertake a project within the remit of the Charter, Council would need to engage based on the Charter.</p> <p>The Heritage Places (Institutions and Colleges) Development Plan Amendment is being progressed under the <i>Development Act</i> 1993 and is not impacted.</p> <p>It is premature to consider updating Council's 'Public Communication and Consultation Policy' based on this early Consultation Draft.</p>
Consultation	<p>Opportunities to provide comment to the Commission regarding the Charter have been forwarded to City resident and precinct groups and the 180-people registered with the City of Adelaide to receive information about planning reform.</p> <p>Administration provided a drop-in session for the community on the Charter on 15 November 2017.</p>
Resource	Additional training of planning staff on the Charter and engagement methods may be required. An engagement plan also requires information to be accessible, including DDA compliance and availability of information in multiple languages. There may be resourcing implications regarding this, although the impact is not considered great.
Risk / Legal / Legislative	The Charter will be predominately used by the State Planning Commission in the first 12-24 months during the transition to the new South Australian Planning system. Therefore, the Charter is unlikely to be used directly by Council in the near future. However, Council will have the opportunity to comment on the designated planning policy documents as they are established over the next few years in accordance with the Charter.
Opportunities	The Charter is an opportunity for Council to continue quality engagement work on planning strategy and policy and to consider different methods of engagement.
17/18 Budget Allocation	Not as a result of this report.
Proposed 18/19 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Ongoing
17/18 Budget Reconsideration (if applicable)	Yet to be determined.
Ongoing Costs (eg maintenance cost)	Yet to be determined.
Other Funding Sources	Not as a result of this report.

DISCUSSION

Background

1. A 'Community Engagement Charter' was a key recommendation of the 2014 Expert Panel for Planning Reform. This recommendation was adopted by the SA Government. With the establishment of the State Planning Commission ('the Commission'), one of its first tasks has been to establish the Charter.
2. The Commission undertook pre-engagement on the Charter that involved a Panel of 50 South Australians (with little to no experience in the planning system), a Practitioner group, a Stakeholder group and an online survey.
3. The Commission engaged democracyCo to assist in the preparation of the Charter. It facilitated four (4) pre-engagement sessions with the 50 Panel Members to develop the first iteration of the Charter. The outcome was the Planning Together Panel Report which the Commission endorsed.
4. On 28 August 2017, the Commission released the 'Community Engagement Charter 2017 – Discussion Draft' ('Discussion Draft') ([Link](#)).
5. The Discussion Draft included eight (8) principles for engagement, draft outcomes and implementation measures. The Discussion Draft was released for six (6) weeks of consultation, with feedback due to the Commission by 9 October 2017.
6. On 26 September 2017, Council authorised the Chief Executive Officer to advise the Commission of Council's comments on the Discussion Draft ([Link](#)).
7. The feedback provided on the Discussion Draft was used to assist the Commission to refine the Charter and build on the work of the Planning Together Panel. On 30 October 2017, the Commission released the 'Community Engagement Charter 2017 – Consultation Draft' ('Consultation Draft') ([Link](#)) and 'Draft Guide to the Community Engagement Charter 2017' ('Guide') ([Link](#)).
8. The Commission has invited comment on the Charter and Guide and is seeking comments by 8 December 2017.
9. Feedback from the consultation processes will be collated by the Commission into a report for the Minister for Planning's consideration. This feedback will also assist the Commission in Stage 3 of the process, preparing the final draft Community Engagement Charter and Guide as well as creating a Toolkit. It is recommended that Council seeks to be engaged on the formulation of the toolkit also.
10. Over the first 12-24 months of the Charter's existence it will be predominately used by the Commission as it develops the designated instruments as set out in the *Planning, Development and Infrastructure Act 2016*.
11. The Consultation Draft has consolidated the original eight (8) principles down to five (5). It is considered that the overall intent of the original principles has not been lost, but rather the guiding principles have been simplified for clear understanding. The Guide also provides further explanation on the principles.
12. The Consultation Draft also provides greater detail on the implementation measures. This will assist entities that are responsible for preparing or amending any of the planning instruments in how to make decisions about how to engage, the community's role in the engagement process and how to evaluate the success (or otherwise) of the engagement process.
13. The Guide provides step-by-step advice on putting the Charter into action. The Guide is not prescriptive but provides prompts to stimulate thinking about how to tailor an engagement approach depending on the proposals unique characteristics.

How the Charter affects the City of Adelaide

14. Much of the Charter is a reflection of the engagement processes already undertaken by the City of Adelaide. The Charter and Guide reinforces and builds on these best practice techniques.
15. Figure 1 below indicates in red the additional steps that would be required to be undertaken by the City of Adelaide for engagement on a proposal or amendment to a designated planning instrument.

- 15.1. The additional tasks relate predominately to the process required to measure the success (or otherwise) and reach of the engagement process. This is not understood to be an arduous task and is supported.

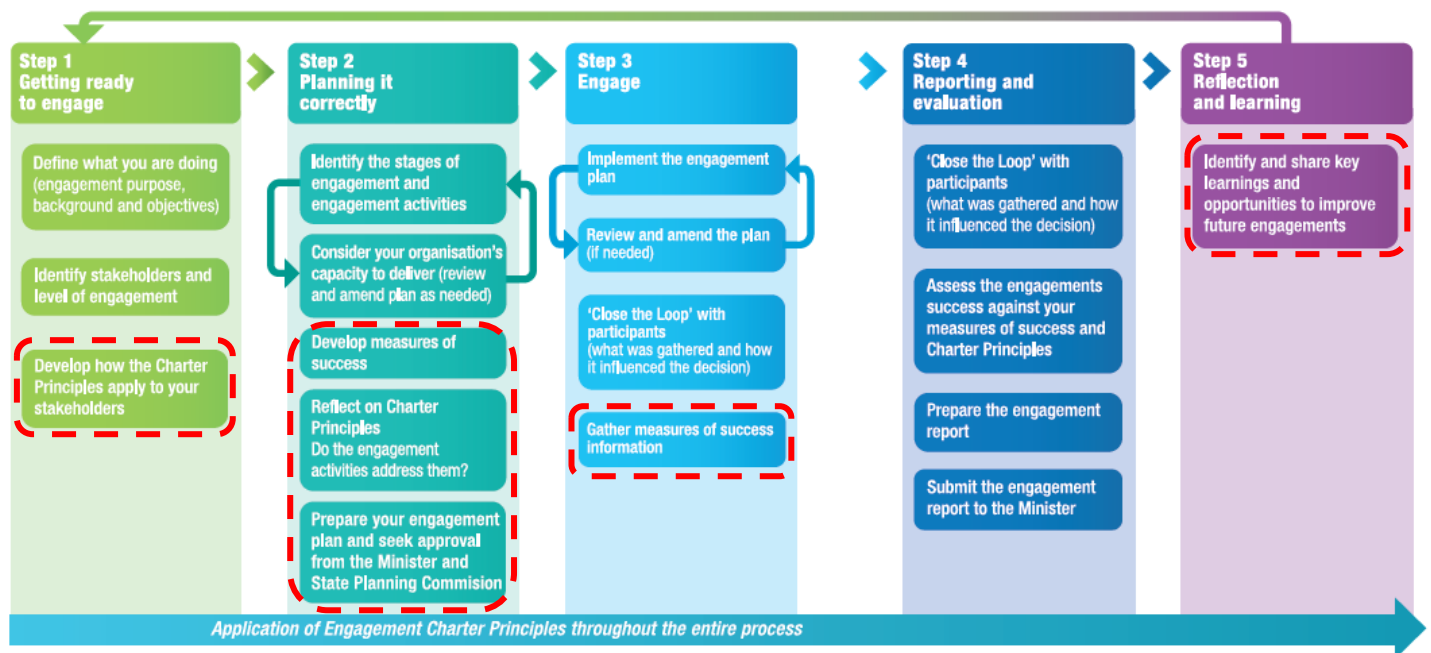


Figure 1: The Charter Engagement Process, highlighting (red) additional steps in Council's current process.

Analysis

16. The Charter requires that an engagement plan be approved by the Commission or Minister prior to implementation.
- 16.1. This is considered an appropriate step in the process to provide assurance that the engagement plan meets the Charter such that it is unlikely to be refuted by the Minister at the end of the process. However, it is recommended that the Commission have an engagement specialist to provide expert advice on engagement plans submitted to them for approval. This would provide additional strength to ensure the best engagement process will be implemented.
17. An engagement plan can be undertaken by an engagement specialist or a planner. The frequently asked questions paper released by the Commission states that the Department of Planning, Transport and Infrastructure will undertake a needs analysis for education on the Charter for practitioners in 2018. It is considered that training would be required and is suggested that this training form part of the accreditation process for planners.
18. The Charter enables the public (i.e. developers or a community group etc.) to seek a proposal or amendment to a designated planning instrument. The Charter states that when this is the case, it is a mandatory requirement that the proponent directly notify and consult the Council. It is recommended that this should be amended to include not just the proposal, but also the engagement plan.
19. The Charter does not provide any information on 'commercial and confidential' information. It is recommended that some guidance on this is provided.
20. The Discussion Draft had a focus on 'fostering social cohesion' which appears to have been lost in the Consultation Draft. It is recommended that Principles 1 and 2 should include 'facilitating community collaboration' as a performance outcome.
21. The Charter will not have a statutory role in the assessment of development applications. These procedures will be determined by the *Regulations*. However, the formulation of the *Regulations* is not required to follow the Charter. It is recommended that Council seeks that the Commission engages Council, the Local Government sector and the Community on the formulation of the associated *Regulations*.

ATTACHMENTS

Nil
