



Government of South Australia

Department for Housing
and Urban Development

CONSULTATION REPORT

Section 45(3) of the *Planning, Development and Infrastructure Act 2016*

Community Engagement Charter Amendment

By the State Planning Commission

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1 Purpose

This report has been prepared by the State Planning Commission (the Commission) for consideration by the Minister for Planning (the Minister) in adopting a Community Engagement Charter Amendment (the Charter Amendment).

The statutory process for the Commission to amend the Charter is set out in section 45 of the *Planning, Development and Infrastructure Act 2016* (the Act). This report addresses the statutory requirement of section 45(3) of the Act which states:

The Commission must, after complying with subsection (2), prepare a report on the matters raised during consultation (including information about any change to the original proposal that the Commission considers should be made) and furnish a copy of the report to the Minister.

The report details the consultation that has been undertaken, the outcomes of the consultation including a summary of the feedback made, the response to the feedback and the proposed changes to the Charter Amendment. In addition, the report evaluates the effectiveness of the consultation and whether the principles of the Charter have been achieved. Any changes to the consultation plan during the process are also outlined.

2 Introduction

The Community Engagement Charter (the Charter) became operational in April 2018 and provides the framework for how to engage with people on changes to planning rules or strategies that may affect them or places they value.

Section 45(7) of the Act requires the Commission review the Charter every five years. The Commission completed its inaugural review in late 2023. A copy of the Review Report can be viewed on the SA Planning Portal [here](#).

The Report outlined 13 recommendations for updates or improvements to both the Charter and its supporting documentation.

Section 45(1) of the Act states that a proposal to prepare or amend the Charter may be initiated by the Commission acting on its own initiative or at the request of the Minister.

The Commission, acting on its own initiative, seeks to amend the Charter to generally implement the recommendations of the 2023 Review, including more notably:

- to identify the mandatory engagement requirements associated with facilitating a Complying Change to the Code, pursuant to section 75 of the Act
- expand the mandatory engagement requirements to require a designated entity to:
 - demonstrate it has considered whether any relevant statutory boards (or committees) ought to be notified of the proposal; and
 - if so, directly notify it and seek comment on a proposal.
- amend the Performance Outcomes and Performance Measures of the 'Engagement is inclusive and respectful' and 'Engagement is fit for purpose' Charter Principles to include and consider the effective engagement and communication needs (as required) of:
 - First Nations people;
 - the youth population;
 - persons from non-English speaking backgrounds; and
 - persons with a disability.

3 Consultation Approach

3.1 Preliminary Engagement (non-statutory)

As part of reviewing the Engagement Charter, advice and input was sought from internal stakeholders in the Department for Housing and Urban Development's Planning and Land Use Services (PLUS) Division. Staff with significant experience and knowledge of the Charter through planning and undertaking State-led Code Amendments, preparing Designated Instruments and planning, delivering, reviewing and reporting on State-led and external proponent-led Code Amendment engagement.

Following the review, PLUS also sought preliminary input from the following state agencies to gain expert advice regarding correct terminology, best practice engagement with hard-to-reach community groups, and to ensure and appropriate stakeholder identification:

- Aboriginal Affairs and Reconciliation (Attorney-General's Department)
- Department for Human Services
- Office for Autism (Department of the Premier and Cabinet)
- SA Multicultural Commission.

All four agencies were consulted and PLUS received input and feedback from Department for Human Services and the Office for Autism.

In summary, the two agencies recommended:

- amendments to wording to be more inclusive and reflect preferences of identified communities
- a number of key stakeholders to engage with as part of the consultation
- best practice methods of engagement for identified community groups.

This feedback was considered in drafting the amendments to the Charter prior to community engagement and in developing this engagement plan.

3.2 Statutory Consultation

Section 45(2) of the Act sets out the following consultation mandatory requirements for a Charter Amendment:

- (2) The Commission must, after a proposal is initiated under subsection (1) —
- (a) prepare a draft of the proposal; and
 - (b) consult with —
 - (i) any entity specified by the Minister; and
 - (ii) the LGA; and
 - (iii) any other entity prescribed by or under the regulations; and
 - (iv) any other entity the Commission thinks fit; and
 - (c) ensure that a copy of the proposal is published on the SA planning portal with an invitation for interested persons to make representations (in writing or via the SA planning portal) on the proposal within a period specified by the Commission.

For the avoidance of doubt, the Regulations do not prescribe any additional entities to be engaged with under section 45(2)(b)(iii).

Although technically not required to do so under this section, the Commission resolved to go 'above and beyond' these minimum requirements such that the consultation process was undertaken in accordance with

the Charter in a fashion similar to the amendment of a designated instrument under section 73 (such as a Code Amendment).

The State Planning Commission prepared an Engagement plan (the Engagement Plan) to apply the principles of the Community Engagement Charter. This can be viewed in its entirety in **Attachment A**.

The purpose of the engagement was to:

- ensure the Engagement Charter review considers and reflects the expectations of stakeholders and community when engaging on key planning matters in South Australia
- improve engagement with hard-to-reach communities on key planning matters in South Australia

Alignment with regional planning engagement

The Commission recognised that proposed changes to the Engagement Charter regarding 'Complying Changes' would require greater emphasis on engaging directly with local communities on proposed rezoning as part of the regional planning engagement process, as this could be the community's main avenue to meaningfully influence these decisions.

Public consultation on amendments to the Engagement Charter therefore occurred at the same time as public engagement on the draft Kangaroo Island Regional Plan.

The engagement approach aligned closely with, and complimented the engagement plans and key messaging for the draft Kangaroo Island Regional Plan consultation and the Regional Planning Portal, which were released on the same day as consultation on proposed changes to the Engagement Charter.

Throughout the Kangaroo Island Regional Plan (KIRP) engagement, reference was made to the proposed Charter Amendment given how the proposed 'Part B – Minimum Consultation Requirements for a Complying Change' would impact any recommendation to rezone land through the KIRP.

3.3 Consultation Activities

The formal consultation period ran for 12 weeks from 14 March until 6 June 2024. The consultation and engagement activities outlined below occurred as set out in the Engagement Plan.

The feedback received during consultation is outlined in detail in section 5 of this report (Engagement Outcomes).

Activity	Description
Media Release	A media release was sent out providing an overview of the Charter, the proposed amendment and the consultation process.
Direct Letters (via email) and shareable consultation information (“ communications pack ”)	<p>Direct letters, providing information on the consultation were sent via email to the following key stakeholders. A “communications pack” was also provided so that stakeholders could easily share consultation information with their communities.</p> <ul style="list-style-type: none"> • SA council and LGA CEs • SA council mayors • SA state and federal MPs • Planning/building industry bodies • Planning consultancies • Select state agencies • Advocacy groups
YourSAy and PlanSA webpages	<p>Both webpages contained:</p> <ul style="list-style-type: none"> • clear information on the background and rationale for the proposed amendment, and details regarding the consultation process • links to provide feedback • links to register for one of the online information sessions • contact details for further information <p>The YourSAy webpage was visited by just over 1,140 people during the campaign.</p>
YourSAy, Planning Ahead and PlanSA news articles	<p>News articles on the consultation were run in:</p> <ul style="list-style-type: none"> • the monthly YourSAy e-newsletter to subscribers (70,000 subscribers) • Planning Ahead, the PLUS e-newsletter to community and industry (2,500 subscribers) • the PlanSA website latest news section



Community Engagement Charter update: improving public participation in SA's key planning decisions

We are seeking your feedback on proposed improvements to our Community Engagement Charter, which provides opportunities for South Australians to influence how we live work and move in our urban and rural areas.

The proposed changes aim to ensure engagement is inclusive and respectful by offering opportunities for all communities to influence planning decisions that affect or interest them.

[Get involved](#)

YourSAy and PLUS social media

Social media posts on the consultation ran on the YourSAy and PlanSA Facebook pages. These platforms have approximately 9,400 and 5,800 subscribers respectively.

The YourSAy Facebook posts on the consultation reached over 3,887 people generating 715 engagements.



Yoursay South Australia
24 May · 🌐

There is still time for you to share your feedback on our proposed improvements to the Community Engagement Charter.

The proposed changes aim to ensure engagement is inclusive and respectful for all South Australians by offering opportunities for the following communities to influence planning decisions that affect or interest them.

The proposed changes aim to streamline delivering planning rules, such as rezoning land, by introducing a new engagement process for complying changes.

<https://buff.ly/3yITnK>



YOURSAY.SA.GOV.AU

Community Engagement Charter update: improving public participation in SA's key planning decisions

👍🥳 509

53 comments 7 shares

<p>Online public information sessions</p>	<p>Two online public information sessions were held. These sessions were facilitated by the PLUS project team and provided the opportunity for people to learn more about the proposed amendment and to ask any questions.</p> <p>Most attendees at these sessions were local government staff, but there were also some community members:</p> <ul style="list-style-type: none"> • 16 April 2024 - 15 attendees • 9 May 2024 – 23 attendees
<p>Presentations at the regular PLUS Policy and PlanSA User Forums</p>	<p>The project team delivered a presentation at both the regular PLUS Policy Forum in March and the PlanSA Planning User Forum in April. The presentations included time for questions.</p> <p>Each of these forums were attended by approximately 100 planning industry stakeholders.</p>
<p>Inclusion in the draft Kangaroo Island Regional Plan (KIRP) consultation process</p>	<p>Throughout the draft Kangaroo Island Regional Plan (KIRP) consultation process, reference was made to the proposed Charter Amendment given how the proposed 'Part B – Minimum Consultation Requirements for a Complying Change' would impact any recommendation to rezone land through the KIRP.</p> <p>Information about Charter Amendment consultation was included in consultation material for the draft KIRP, including letters to KI landowners affected by proposed rezoning in the regional plan.</p>
<p>Plan SA email address and phone number</p>	<p>The project team were contactable for enquires and submission assistance throughout the consultation period.</p>

4 Evaluation of Consultation

To ensure the principles of the Community Engagement Charter (the Charter) are met, an evaluation of the engagement process for the Charter Amendment has occurred.

4.1 Performance Indicators for Evaluation

The minimum mandatory performance indicators have been used to evaluate engagement on the Charter Amendment. These measures help to gauge how successful the engagement has been in meeting the Charter's principles for good engagement.

Evaluation of Engagement by Community Members

The minimum mandatory performance indicators required an evaluation of responses from members of the community on the engagement. This includes an evaluation of whether (or to what extent) community members felt:

1. That the engagement **genuinely sought** their input to help shape the proposed Charter Amendment.
2. **Confident their views were heard** during the engagement.
3. They were given an adequate **opportunity to be heard**.
4. They were given **sufficient information** so that they could take an informed view.

5. **Informed** about why they were being asked for their view, and the way it would be considered.

This evaluation was undertaken via an online survey sent on 8 August 2024 to all those who either provided feedback or attended an information session during consultation.

Of the 103 people who received a survey invitation, only two people completed the survey. While this makes it hard to draw conclusions, it potentially indicates a general level of satisfaction with the engagement process among participants.

The results of the community survey are detailed below in section 4.2. and in **Attachment C**.

Evaluation of Engagement by the Commission

A further evaluation of the engagement process is required to be undertaken by (or on behalf of) the Commission. The minimum performance indicators require an evaluation by the Commission of whether (or to what extent) the engagement:

1. **Occurred early enough** for feedback to genuinely influence the planning policy, strategy or scheme.
2. **Contributed to the substance** of the final draft Charter Amendment.
3. **Reached those identified** as communities or stakeholders of interest.
4. **Provided feedback to community** about outcomes of engagement.
5. Was **reviewed throughout** the process and **improvements put in place**, or recommended for future engagement.

The evaluation of the engagement was undertaken by The PLUS Communications and Engagement team on behalf of the Commission. The results of the evaluation are contained in **Attachment C** to this Consultation Report.

4.2 Evaluation against the Charter principles

The following is a summary of the evaluation of the engagement against the five principles of the Charter.

(1) Engagement is genuine

People had faith and confidence in the engagement process

All consultation communications emphasised that feedback on the proposed changes to the Charter was sought and welcomed, to ensure the Charter remains fit for purpose.

All communications laid out clearly what was being consulted on, how the consultation process would be conducted, and where to find more information.

Community member/consultation participants responses						
Evaluation statement	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Total number of responses
I feel the engagement genuinely sought my input to help shape the proposal	0%	50% (1)	0%	50% (1)	0%	2

(2) Engagement is inclusive and respectful

Affected and interested people had the opportunity to participate and be heard

The team strove to ensure that consultation was inclusive and respectful and that affected and interested people had the opportunity to participate and be heard.

Key stakeholders were provided with direct communication, and the YourSay and PlanSA websites were leveraged for public promotion.

The public information sessions offered the chance for people to ask questions and to put their views directly to the PLUS team.

The PlanSA service desk inbox and phone line were open throughout the consultation period, should anyone have any questions or want to speak directly with a member of the PLUS project team.

Community member/consultation participants responses						
Evaluation statement	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Total number of responses
I am confident my views were heard during the engagement	0%	50% (1)	0%	0%	50% (1)	2
I was given an adequate opportunity to be heard	0%	50% (1)	0%	0%	50% (1)	2

(3) Engagement is fit for purpose

People were effectively engaged and satisfied with the process

People were clear about the proposed change and how it would affect them

All consultation collateral provided clear information on the background and rational for the proposed changes to the Charter as well as how the consultation process was being run.

Community member/consultation participants responses						
Evaluation statement	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Total number of responses
I was given sufficient information so that I could take an informed view	0%	50% (1)	0%	0%	50% (1)	2

(4) Engagement is informed and transparent

All relevant information was made available, and people could access it

People understood how their views were considered, the reasons for the outcomes and the final decision that was made

All relevant information about the proposed changes were made easily available and accessible.

After the consultation period closed, everyone who made a submission or attended an information session was thanked, and provided with a summary of the key pieces of feedback received and an outlined of what would happen next.

This engagement report provides further information and recommendations resulting from the feedback received during consultation.

Community member/consultation participants responses						
Evaluation statement	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Total number of responses
I felt informed about why I was being asked for my view, and the way it would be considered.	0%	0%	0%	0%	100% (2)	2

(5) Engagement processes are reviewed and improved

The engagement was reviewed, and improvements recommended

The engagement process for the Community Engagement Charter update has been reviewed internally and improvements for next time have been discussed.

5 Consultation Outcomes

5.1 Feedback received

Enquiries

There were 10 enquiries received via the PlanSA Service Desk during the consultation period.

Public information sessions

Two public information sessions were held during the consultation period:

- o 16 April 2024 – 15 attendees
- o 9 May 2024 - 23 attendees

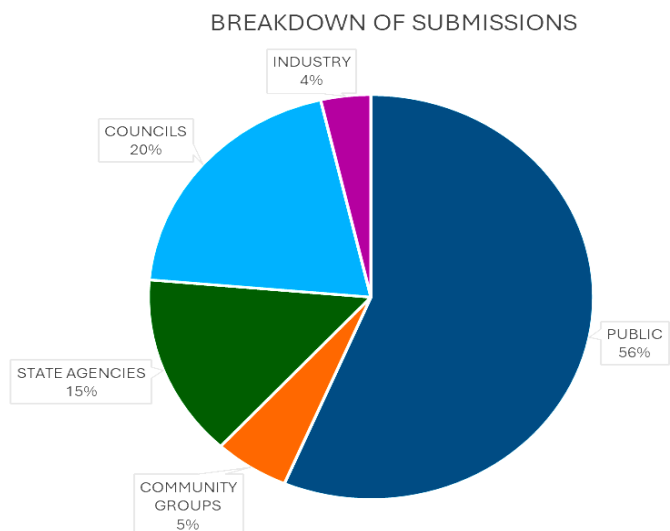
The sessions were open to the public and held online to facilitate attendance. Most attendees were local government staff, but there were also some community members.

The project team also presented on the proposed amendment during the regular PLUS Policy and PlanSA User forums in March and April respectively. Each of these forums were attended by approximately 100 planning industry stakeholders.

Written submissions

Fifty-five written submissions were received during the formal consultation period. The submissions were from a mix of community, government and industry stakeholders, as shown in the following table:

Stakeholder category	Number of submissions
Member of the public	31
Community Group	3
State Agency	8
Council	11
Industry	2



Key Topics Raised in Submissions

The matters raised in the submissions can generally be summarised into the following key topics:

#	TOPIC SUMMARY	TOPIC DETAIL
1	General concerns regarding the Complying Change process	General concerns and suggestions that caution or restraint needs to be taken in relation to the processes for a Complying Change to ensure appropriate community consultation is not bypassed.
2	Concern about the length of consultation for a Complying Change	Concern regarding the proposed two-week consultation period of a proposed Complying Change and suggestions that a longer timeframe should be required.
3	Lack of specificity in a Regional Plan recommendation leading to a Complying Change	Concerns about a lack of specific minimum detail that is required to qualify as a recommendation in a Regional Plan that can then be implemented via a Complying Change. Particular concerns were raised about the notion that the proposed Zone and other details (such as Technical and Numeric Variations) may not need to be included in a recommendation and that such information may instead only become known during the two-week consultation period of the Complying Change.
4	Regional Plan recommendations that may lead to a Complying Change should be included in a Form 1 Vendor's Statement for properties for sale	Suggestion that Regional Plan recommendations that may potentially lead to Complying Changes should be identified on Form 1 Vendors Statements for properties which are up for sale, under section 7 of the <i>Land and Business (Sale and Conveyancing) Act 1994</i> (similar to details in such reports where proposed Code Amendments are listed).
5	Additional community groups should be listed in the Charter	Suggestions to include additional community groups above and beyond the five new groups proposed to be listed in the Charter's Performance Outcomes.
6	Define 'Young Persons'	Suggestion to define the term 'young persons' to give greater clarity when preparing and undertaking engagement activities.
7	Consultation period for Infrastructure Schemes is unnecessary in certain cases	One state agency submission suggested removal of an arbitrary four-week period in relation to notification of landowners for new infrastructure schemes. This is because consultation of these landowners fundamentally occurs throughout the preparation of a scheme anyway.
8	General editorial matters	General suggestions about expression, wording and other editorial matters to improve readability and understanding of the Charter.

A table summarising all submissions received and subsequent responses can be viewed in **Attachment B**.

Copies of each submission can also be viewed in **Attachment D**. This does not include submissions which came from State Agencies within the Government of South Australia.

5.2 Response and recommendations

Key Topic 1 - General concerns regarding the Complying Change process

Response:

The concerns regarding the new Complying Change process are acknowledged. *Complying Changes – Planning and Design Code* is a legislated process under section 75 of the PDI Act and requires implementation into our planning system. It is important to note that a Complying Change is the last step of consultation which would follow on from a more significant community engagement process through the Regional Plan formal consultation process. It is further noted that in some cases there may have even been more preliminary engagement on a proposed rezoning of land through a council led structure plan or master plan process or other strategic planning processes.

Case Study – American River Proposed Rezoning

A proposed rezoning displayed in the draft Kangaroo Island Regional Plan (draft KIRP) has involved numerous engagement processes to date as follows:

- An 'American River Place Plan' was developed by the Kangaroo Island Council which included community engagement.
- Aspects of the American River Place Plan was then included into the draft KIRP, in particular a proposed rezoning at American River.
- The draft KIRP was subject to a full engagement process in accordance with the Community Engagement Charter.

Subject to adoption of the draft KIRP with the proposed rezoning, if Council or another entity were to pursue the proposed rezoning as a Complying Change, they will then need to accord with the new proposed requirements in an amended version of *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (Practice Direction 2) and the minimum consultation requirements within the proposed new Part B of the Community Engagement Charter.

In summary this process may therefore entail, over a five-year period:

- community engagement led by the Council on the Place Plan;
- full community engagement on the draft KIRP; and
- consultation during a Complying Change process (if pursued by the Council or a private proponent).

It is noted that the existing standard Code Amendment process under section 73 has a single legislated consultation period typically between 6 and 12 weeks. A Complying Change process would involve two sets of legislated consultation periods.

Table 1 summarises the level of consultation and steps that would typically exist between a standard Code Amendment compared to a section 75 process to undertake a rezoning process.

Table 1. Rezoning process – Comparison of Consultation and Government Checkpoints

	Code Amendment (s.73)	Complying Change (s.75)
Consultation 1 (Non-statutory) preliminary community engagement such as a Council-led local structure plan or master plan process	Sometimes	More Likely
Checkpoint Commission and Minister consider proposal at Initiation Stage	 Code Amendment	 Regional Plan
Consultation 2 Statutory 6 to 12 weeks community engagement on draft rezoning which may include direct notification of affected landowners	 Code Amendment	 Regional Plan
Checkpoint Commission and Minister consider submissions and final proposal for approval	 Code Amendment	 Regional Plan
Checkpoint ERDC Review (Parliament) (including whether community engagement was appropriate)	 Code Amendment	 Regional Plan
Checkpoint Following lodgment of a Complying Change proposal, the State Planning Department undertakes an evaluation to ensure the proposal matches the Regional Plan recommendation and meets information requirements outlined in Practice Direction 2	N/A	 Complying Change
Consultation 3 Consultation under the Charter for the Complying Change proposal.	N/A	 Complying Change
Checkpoint Commission and Minister consider submissions and the final proposal including any post consultation changes	N/A	 Complying Change

As demonstrated above there is potential that some section 75 proposals may undergo three separate engagement processes. Accordingly, there is a need to ensure appropriate community engagement occurs being balanced with the potential for 'over-consultation' which can sometimes cause consultation fatigue or even confusion on a proposal.

In addition, the Commission has heard feedback that aspects of the initiation phase of a Complying Change which was proposed in the updated version of Practice Direction 2, was excessively administrative in nature and unnecessary, affecting the efficiency of the Complying Change process. It is accordingly recommended to replace the initiation phase with a more efficient process (discussed later in this report).

Recommendation: That the notion of a new Part B (Consultation Requirements for a Complying Change) be generally retained in the final version of the Charter Amendment, subject however to the following changes outlined in the following sections.

Key Topic 2 - Concern about the length of consultation for a Complying Change

Response: Concerns raised about the minimum two-week timeframe are acknowledged, however it is considered that this timeframe is appropriate in the circumstances.

In recognition of the extensive consultation undertaken in the preparation of a Regional Plan, a revised consultation process is proposed in the final version of the Charter Amendment. The timeframe will be slightly amended to a 10-business day consultation period (in lieu of two weeks, to align with other timeframes in the Act which use 'business days'). This will however be limited to a notice being published on the SA planning portal, and the process will no longer require the direct notification to affected landowners and adjacent landowners. The relevant Council or Joint Planning Board will still receive notification of the proposal.

This approach reinforces and encourages proponents and councils to actively engage in the Regional Planning process to see the benefits downstream with respect to the rezoning of the land. It will also reinforce that the community should be participating in the planning process when the strategic direction is being set and while all the relevant information is made available to them.

Further, to support the revised scale of the consultation approach, updates are proposed to *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (Practice Direction 2) including the introduction of a two-year time limit to implement a Complying Change based on a Regional Plan recommendation. The two-year time will commence from when the recommendation in the Regional Plan is given effect.

This approach encourages councils/proponents to act quickly to realise the benefits of a Complying Change process with limited public consultation. If a change is requested outside of the two-year period, proponents will be required to apply through the standard Code Amendment process under section 73 of the Act.

Recommendation:

Amend the consultation process for a Complying Change in proposed new Part B as follows:

Part B –Mandatory Requirements – Complying Changes

Section 75 of the Act enables a Complying Change to the Planning and Design Code to occur in limited circumstances. However, pursuant to section 75(2), a requirement of progressing a Complying Change is that the amendment be 'the subject of consultation under the Community Engagement Charter'.

Accordingly, for the purposes of section 75(2), a person or entity proposing a Complying Change to the Planning and Design Code must comply with the following consultation requirements. The following requirements are the only consultation requirements to be observed for a section 75 proposal, and no other provisions of this Charter will apply.

Section 75 Complying Change - Mandatory Requirements

The following are mandatory consultation requirements for the purposes of a section 75 Complying Change.

- 1) On or before the commencement of consultation, the entity must directly notify the relevant council/s (and, if relevant, the joint planning board/s) in which the affected land is located advising that a Complying Change proposal has been lodged with the Department of the Minister and will be the subject of the following notice.

- 2) The Department of the Minister will place a notice on the SA Planning Portal for a period of 10 business days, which:
 - a. identifies the affected area impacted by the proposal;
 - b. explains the proposal;
 - c. identifies which recommendation in the relevant Regional Plan the proposal is consistent with;
 - d. indicates the location on the SA Planning Portal where the relevant Regional Plan can be viewed;
 - e. specifies that a person may make a written representation on the proposal during the 10 business day period;
 - f. advises that a written representation:
 - i. is limited to commenting on the proposal; and
 - ii. cannot affect the relevant recommendation in the Regional Plan as it is within an approved and operational designated instrument; and
 - g. the method/s in which a person may make a written representation (i.e. by email, post, telephone).

In addition, it is recommended to introduce the following additional clause (f) in Part 11(5) of Practice Direction 2 to ensure an appropriate time limit is provided to a recommendation leading to a Complying Change.

- (f) confirmation that a time period of not more than two years has elapsed since the relevant recommendation in the Regional Plan was given effect pursuant to section 73(12) of the Act (unless the Commission considers that a longer period shall apply for the purposes of this clause).

Key Topic 3 - Lack of specificity in a Regional Plan recommendation leading to a Complying Change

Response: These concerns are acknowledged, and it is agreed that more specific criteria is required to provide clarity on the circumstances on when a recommendation can be implemented via the Complying Change pathway. This matter is best addressed by ensuring a Regional Plan recommendation must clearly and expressly outline the details of what is intended to be spatially applied to the subject land in the Code. This includes detail that reasonably describes the envisaged urban form to be applied to the affected area such as density and/or building heights and any Concept Plan if proposed.

This supports the amended consultation approach of a Complying Change in that the community are afforded certainty in the outcomes being sought during the Regional Planning process. It is intended that the Regional Plan will become the primary mechanism to investigate and consult upon Complying Changes to the Code. This will be investigated further in the current preparation of Regional Plans being rolled out across the state and built into the processes to prepare and amend Regional Plans (such as accompanying toolkits or guides).

It is accordingly recommended that further clarity also be provided in the recommendation sections of Regional Plans to more clearly outline which recommendations are intended, or have potential, to be implemented via a Complying Change. This will be investigated further in the preparation of the plans.

Given the inherent level of investigations and consultation to be required in formulating a specific (and endorsed) recommendation in a Regional Plan, Practice Direction 2 is proposed to be amended to remove the need for a proponent to provide a summary of consultation or investigations to support their Complying Change.

Recommendation:

No change to the Community Engagement Charter, however the following new sub-clause 11 – 5(e) is to be included in Practice Direction 2 (along with additional clarity being provided in sub-clause (c)(iii) regarding the requirement to provide all relevant technical and numeric variations as part of the Complying Change proposal) -

Code Mapping

- (c) an outline of:
 - (i) any existing overlay, zone, subzone, concept plan or technical and numeric variation in the Code within the Affected Area which is proposed to be amended;
 - (ii) the proposed spatial application of an overlay/s and/or amendment/s to the boundary of a zone or subzone; and
 - (iii) any associated proposed application of a concept plan/s and/or all relevant technical or numeric variation/s in the Code within the Affected Area in connection with the proposed change outlined in (ii);

Regional Plan Recommendation

- (d) a description of the relevant recommendation/s in the Regional Plan;
- (e) confirmation that the details outlined in sub-paragraph (c)(ii) and (iii) are consistent with the recommendation in the Regional Plan (where relevant); and
- (f) confirmation that a time period of not more than two years has elapsed since the relevant recommendation in the Regional Plan was given effect pursuant to section 73(12) of the Act (unless the Commission considers that a longer period shall apply for the purposes of this clause).

In addition, it is recommended that the following clauses be removed from the Complying Change requirements in Practice Direction 2:

Consultation

- ~~(g) a summary of consultation (if any) that has occurred in accordance with the Charter in relation to the proposed Complying Change or the relevant Regional Plan. This should include a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Complying Change (apart from engagement on the Regional Plan);~~

Investigations

- ~~(h) information regarding any investigations which have already been undertaken with respect to the proposed Complying Change;~~
- ~~(i) details of any infrastructure required to support development arising from the proposed Complying Change and how the infrastructure will be provided;~~
- ~~(j) details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established, or entered into, in connection with the proposed Complying Change;~~

Timetable

- ~~(k) the identification of a consultation start date.~~

In addition, associated new sub-clause 11 – 6(c) is to be included -

- (6) Where the Commission Department is satisfied that all information has been provided as required by the Lodgement Form in sub-paragraph (5) and that the Proposal to Initiate proposal demonstrates:
- (a) the proposed Complying Change satisfies section 75(1)(a) and (b) of the Act;
 - (b) it is consistent with the relevant recommendation in the Regional Plan; and
 - (c) that the relevant recommendation in the Regional Plan was given effect within the relevant time period outlined in sub-paragraph 5(f);
 - (d) it has been appropriately investigated
- ~~the Commission may provide advice to the Minister recommending the initiation of the proposed Complying Change.~~
- the proposal may then proceed to consultation.

Key Topic 4 - Regional Plan recommendations that may lead to a Complying Change should be included in a Form 1 Vendor's Statement for properties for sale

Response: Some Councils raised that Section 7 and the associated Form 1 – Vendor's Statement pursuant respectively to the *Land and Business (Sale and Conveyancing) Act 1994* and Regulations 2010, requires the following particulars to be specified so that a potential purchaser of a property is duly informed about a potential change to the planning rules that may affect the subject property:

"Is there a current amendment to the Planning and Design Code released for public consultation by a designated entity on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?"

The suggestion is that an amendment should be made to the Form 1 in the Regulations to require it to alert prospective owners to any specific rezoning recommendations set out in the Regional Plan. The further suggestion is that the digital extract which is supplied by the SA Planning Portal be updated to automatically include this information for this purpose. The fallback suggestion is that the Form 1 could simply include a general statement directing prospective property owners to the Regional Plan to undertake their own due diligence.

It is considered that this suggestion is reasonable and there is merit in investigating this matter further. This could potentially involve an amendment to Form 1 to be undertaken by the relevant Government Agency to require such information and/or updating the level of detail which is automatically supplied through the digital extract available from the SA Planning Portal.

However, given a recommendation in a Regional Plan does not constitute a 'current amendment to the Planning and Design Code' the potential changes to Form 1 would not be required to be in place prior to any Regional Plan becoming operational. Nonetheless there is merit in investigating these changes concurrently with the Regional Plans program being undertaken by the Commission and any identified solutions should be prioritised for practical purposes.

Recommendation: Investigate an amendment to Form 1 under the *Land and Business (Sale and Conveyancing) Regulations 2010* with the relevant Government agency, to alert prospective owners to any specific rezoning recommendations set out in the Regional Plan.

In addition (or alternatively), investigate such additional information also being included on the standard extract regarding the Planning and Design Code (and any associated proposed Code Amendments) that is available from the SA Planning Portal for the purposes of completing a Form 1.

Key Topic 5 - Additional community groups should be listed in the Charter

Response: The intent of the Charter is to provide high level principles and performance outcomes for engagement. The Charter is not intended to be an exhaustive document and is instead supported by various other information and materials available on the SA Planning Portal, including a comprehensive Community Engagement Charter online toolkit (the toolkit). Concurrent to the Charter Amendment the toolkit is being updated due to suggestions received through the 2023 Charter Review process as well as those received through this Amendment process. This will include detailed lists of community groups that could be considered in planning for engagement activities.

There is merit to adding a note under the listing of the five community groups to clarify that these are not the only community groups that should be considered in engagement planning.

Recommendation:

Include the following note under the listing of the five community groups in the Performance Outcomes section 'Engagement is Inclusive and Respectful' of the Charter:

"Note – the above is not intended to be an exhaustive list and other relevant community groups should also be considered when planning engagement"

Key Topic 6 - Suggestion to define 'Young Persons'

Response:

The [United Nations defines 'youth'](#) as **being between 15 to 24**, as per it's following published statement:

*"Definition of youth perhaps changes with circumstances, especially with the changes in demographic, financial, economic and socio-cultural settings; however, the definition that uses **15- 24 age cohort** as youth fairly serves its statistical purposes for assessing the needs of the young people and providing guidelines for youth development"*

Alternatively, in March 2024 the Australian Government published '*Engage! A strategy to include young people in the decisions we make is a new vision for how government can work with young people*'.

That document defined 'young people' for the purposes of the strategy as being **between 12 and 25**.

It is noted that the Charter is intended to be a high-level document which outlines Principles for good engagement but it is not intended to be exhaustive in terms of all the detail of the many ways this can be undertaken. It is therefore considered that any definition will be best placed within the toolkit and provide flexibility be retained in the definition dependent on the nature of the proposal that is subject to engagement.

As examples, a proposal that broadly involves changes to planning strategies related to climate change may be of higher interest and relevance to younger generations (even those potentially less than 12 years of

age), whereas engagement for a rezoning proposal to the Code may be more relevant to be focused on adults particularly affected such as property owners and occupiers.

The toolkit can provide guidance to these matters in more detail than would be appropriate for the Charter.

Recommendation:

It is recommended to not provide a definition for ‘young persons’ in the Charter itself, however instead include additional information in the Charter Toolkit outlining that for general engagement purposes, young persons, can generally be defined as being between 12 and 25 years of age, however that this can be tailored (including for even younger persons than 12) for specific proposals where it may be appropriate to do so.

Key Topic 7 - Consultation period for Infrastructure Schemes is unnecessary in certain cases

One submission provided feedback on the Charter’s mandatory consultation requirement in relation to Infrastructure Delivery Schemes. Infrastructure schemes are a planning mechanism under the Act that can supplement existing arrangements such as planning conditions, deeds and bonding arrangements in relation to providing infrastructure for areas undergoing development.

The Charter currently requires mandatory notification for ‘Infrastructure delivery schemes’ “Landowners affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act for a minimum of four weeks.”

The submission raises the view that it is illogical to list something as being ‘notified for 4 weeks’ as an arbitrary time period, given the communications that occur with landowners over the course of the Scheme being developed. A scheme delivery will largely comprise a stakeholder management process to engage with affected landowners and confidentially negotiate infrastructure costings until such time as the required infrastructure and costing mechanism are known – at which time this becomes public information.

Response:

The submission is considered to have merit as it is correct in noting that the creation of an infrastructure scheme inherently involves the direct collaboration with affected landowners, which would typically occur over a reasonable period in developing the draft scheme and then implementing it. Therefore, to prescribe a generic four-week consultation period for notification of landowners superfluous in this respect. It is however considered appropriate (for an abundance of caution) to require in the Charter that all landowners be directly notified of the scheme and be afforded an opportunity comment.

Infrastructure Schemes have not yet been rolled out since the implementation of the new planning system, however are expected to more often than not, accompany a Code Amendment proposal to rezone land. Code Amendments are subject to consultation under the Community Engagement Charter. It is considered reasonable that if a proposed Infrastructure Scheme is being consulted alongside an associated Code Amendment proposal, then it is unnecessary to duplicate such consultation again (however direct notification of landowners should still occur, as an appropriate balance).

Recommendation:

Amend the mandatory requirement in the Charter from -

Landowners affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act for a minimum of four weeks.

to –

Landowners directly affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act. Landowners must be given an opportunity to comment on the scheme unless the landowners are being (or have been) consulted on the scheme via consultation on an associated Code Amendment.

Key Topic 8 - Suggestions about expression, wording and other editorial matters.

Response and Recommendation:

Where appropriate, updates are to be made to the final version of the Charter amendment to improve legibility and accuracy. These can be viewed in yellow highlight in the marked-up version of the Charter, along with other updates as discussed in relation to the other key topics.

Additional Change to Practice Direction 2

Section 75(1) of the Act is not specific that a Complying Change needs to be both initiated and agreed to by the Minister in that it specifies that:

‘The Minister may, after seeking the advice of the Commission, initiate or agree to an amendment to the Planning and Design Code under this section....’

Given that a Regional Plan, along with the recommendations have already been considered and adopted by the Minister, the initiation process of a Complying Change is considered unnecessarily administrative and ultimately reduces the efficiency of the process. Accordingly, Practice Direction 2 has been updated such that:

- The previous step for a ‘Proposal to Initiate’ to be lodged with the Commission has been replaced with the completion of a lodgement form to be submitted to the Department of the Minister. The lodgement form will still however require the same information and details to be provided by a proponent.
- The previous proposed step for the Commission to provide advice to the Minister for Planning to consider approving the initiation of a Complying Change proposal is replaced with the Department verifying that all relevant information has been provided, the proposal is consistent with a relevant recommendation in a Regional Plan and is appropriate to proceed to consultation.

6 Summary of recommended changes

Key topic	Recommendation to Respond to Topic
1 - General concerns regarding the Complying Change process	That the notion of a new Part B (Consultation Requirements for a Complying Change) be generally retained in the final version of the Charter Amendment, subject however to the following changes outlined in the following sections.
2 - Concern about the length of consultation for a Complying Change bypassing appropriate consultation of the community	<p>Amend the consultation process for a Complying Change in proposed new Part B as follows:</p> <p>Part B –Mandatory Requirements – Complying Changes</p> <p>Section 75 of the Act enables a Complying Change to the Planning and Design Code to occur in limited circumstances. However, pursuant to section 75(2), a requirement of progressing a Complying Change is that the amendment be ‘the subject of consultation under the Community Engagement Charter’.</p> <p>Accordingly, for the purposes of section 75(2), a person or entity proposing a Complying Change to the Planning and Design Code must comply with the following consultation requirements. The following requirements are the only consultation requirements to be observed for a section 75 proposal, and no other provisions of this Charter will apply.</p> <p>Section 75 Complying Change - Mandatory Requirements</p> <p>The following are mandatory consultation requirements for the purposes of a section 75 Complying Change.</p> <ol style="list-style-type: none"> 1) On or before the commencement of consultation, the entity must directly notify the relevant council/s (and, if relevant, the joint planning board/s) in which the affected land is located advising that a Complying Change proposal has been lodged with the Department of the Minister and will be the subject of the following notice. 2) The Department of the Minister will place a notice on the SA Planning Portal for a period of 10 business days, which: <ol style="list-style-type: none"> a. identifies the affected area impacted by the proposal; b. explains the proposal; c. identifies which recommendation in the relevant Regional Plan the proposal is consistent with; d. indicates the location on the SA Planning Portal where the relevant Regional Plan can be viewed; e. specifies that a person may make a written representation on the proposal during the 10 business day period; f. advises that a written representation: <ol style="list-style-type: none"> ii. is limited to commenting on the proposal; and ii. cannot affect the relevant recommendation in the Regional Plan as it is within an approved and operational designated instrument; and g. the method/s in which a person may make a written representation (i.e. by email, post, telephone).

	<p>In addition, it is recommended to introduce the following additional clause (f) in Part 11(5) of Practice Direction 2 to ensure an appropriate time limit is provided to a recommendation leading to a Complying Change.</p> <p>(f) confirmation that a time period of not more than two years has elapsed since the relevant recommendation in the Regional Plan was given effect pursuant to section 73(12) of the Act (unless the Commission considers that a longer period shall apply for the purposes of this clause).</p>
<p>3 - Lack of specificity in a Regional Plan recommendation leading to a Complying Change</p>	<p>No change to the Community Engagement Charter, however the following new sub-clause 11 – 5(e) is to be included in Practice Direction 2 (along with additional clarity being provided in sub-clause (c)(iii) regarding the requirement to provide all relevant technical and numeric variations as part of the Complying Change proposal) –</p> <p><i>Code Mapping</i></p> <p>(c) an outline of:</p> <ul style="list-style-type: none"> (i) any existing overlay, zone, subzone, concept plan or technical and numeric variation in the Code within the Affected Area which is proposed to be amended; (ii) the proposed spatial application of an overlay/s and/or amendment/s to the boundary of a zone or subzone; and (iii) any associated proposed application of a concept plan/s and/or all relevant technical or numeric variation/s in the Code within the Affected Area in connection with the proposed change outlined in (ii); <p><i>Regional Plan Recommendation</i></p> <ul style="list-style-type: none"> (d) a description of the relevant recommendation/s in the Regional Plan; (e) confirmation that the details outlined in sub-paragraph (c)(ii) and (iii) are consistent with the recommendation in the Regional Plan (where relevant); and (f) confirmation that a time period of not more than two years has elapsed since the relevant recommendation in the Regional Plan was given effect pursuant to section 73(12) of the Act (unless the Commission considers that a longer period shall apply for the purposes of this clause). <p>In addition, it is recommended that the following clauses be removed from the Complying Change requirements in Practice Direction 2:</p> <p><i>Consultation</i></p> <p>(g) a summary of consultation (if any) that has occurred in accordance with the Charter in relation to the proposed Complying Change or the relevant Regional Plan. This should include a copy of the engagement report prepared for the relevant Regional Plan and any additional consultation that has occurred for the proposed Complying Change (apart from engagement on the Regional Plan);</p> <p><i>Investigations</i></p> <ul style="list-style-type: none"> (h) information regarding any investigations which have already been undertaken with respect to the proposed Complying Change; (i) details of any infrastructure required to support development arising from the proposed Complying Change and how the infrastructure will be provided; (j) details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established, or entered into, in connection with the proposed Complying Change; <p><i>Timetable</i></p> <ul style="list-style-type: none"> (k) the identification of a consultation start date.

	<p>In addition, associated new sub-clause 11 – 6(c) is to be included -</p> <p>(6) Where the Commission Department is satisfied that all information has been provided as required by the Lodgement Form in sub-paragraph (5) and that the Proposal to Initiate proposal demonstrates:</p> <p>(a) the proposed Complying Change satisfies section 75(1)(a) and (b) of the Act;</p> <p>(b) it is consistent with the relevant recommendation in the Regional Plan; and</p> <p>(c) that the relevant recommendation in the Regional Plan was given effect within the relevant time period outlined in sub-paragraph 5(f);</p> <p>(d) it has been appropriately investigated</p> <p>the Commission may provide advice to the Minister recommending the initiation of the proposed Complying Change.</p> <p>the proposal may then proceed to consultation.</p>
4 - Regional Plan recommendations that may lead to a Complying Change should be included in a Form 1 Vendor's Statement for properties for sale	<p>Investigate an amendment to Form 1 under the <i>Land and Business (Sale and Conveyancing) Regulations 2010</i> with the relevant Government agency, to alert prospective owners to any specific rezoning recommendations set out in the Regional Plan.</p> <p>In addition (or alternatively), investigate such additional information also being included on the standard extract regarding the Planning and Design Code (and any associated proposed Code Amendments) that is available from the SA Planning Portal for the purposes of completing a Form 1.</p>
5 - Additional community groups should be listed in the Charter	<p>Include the following note under the listing of the five community groups in the Performance Outcomes section 'Engagement is Inclusive and Respectful' of the Charter:</p> <p><i>"Note – the above is not intended to be an exhaustive list and other relevant community groups should also be considered when planning engagement".</i></p>
6 - Suggestion to define 'Young Persons'	<p>It is recommended to not provide a definition for 'young persons' in the Charter itself, however, to instead include additional information on this matter in the Charter Toolkit.</p> <p>This will outline that for general engagement purposes, young persons, can generally be defined as being between 12 and 25 years of age, however that this can be tailored (including for even younger persons than 12) for specific proposals where it may be appropriate to do so.</p>
7 - Consultation period for Infrastructure Schemes is unnecessary in certain cases	<p>Amend the mandatory requirement in the Charter from -</p> <p><i>"Landowners affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act for a minimum of four weeks".</i></p> <p>to -</p> <p><i>Landowners directly affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act. Landowners must be given an opportunity to comment on the scheme unless the landowners are being (or have been) consulted on the scheme via consultation on an associated Code Amendment.</i></p>
8 - General editorial matters	<p>Where appropriate updates are to be made to the final version of the Charter amendment to improve legibility and accuracy. These can be viewed in yellow highlight in the marked-up version of the Charter, along with other updates as discussed in relation to the other key topics.</p>

7 Charter Amendment instructions

The final version of the Charter Amendment, to be forwarded to the Minister for Planning for consideration for approval, is in **Attachment E**.

Note: Changes proposed by the Charter Amendment are outlined as follows:

- Deletion shown by red text with strikethrough e.g., ~~remove text~~
- Amendments to sections shown by green text with underline e.g., add text
- Post consultation changes in response to submissions received, will have **the relevant section highlighted in yellow**

Attachments

- A** Engagement Plan
- B** Summary of Written Submissions and Responses
- C** Evaluation Results
- D** Copies of Submissions Received
- E** Final version of Charter Amendment

Attachment A – Engagement Plan

Engagement Plan: Community Engagement Charter Review

Background information

About the Community Engagement Charter

The Community Engagement Charter was established under the *Planning, Development and Infrastructure Act, 2016* to help build community trust and confidence in the planning system by providing an engagement framework that is robust and adaptable. It aims to:

- foster better planning outcomes that take account of the views and aspirations of communities
- establish trust in the planning process
- improve community's understanding of the planning system.

The Act prescribes that the Charter must be used to guide public participation with respect to the preparation and amendment of designated policies, strategies and schemes. The Charter also contains methods to measure the success and effectiveness of the engagement process and is supported by a guide that provides step-by-step advice on putting the Charter into practice.

Entities that are responsible for preparing or amending designated policies, strategies and schemes are required to comply with the Charter for the purposes of consultation.

Reviewing the charter

Act requires the Commission review the Charter every five years. The Commission completed its inaugural review in late 2023. A review report has been published and outlines 13 recommendations for updates or improvements to the charter and its supporting documents.

The recommended changes are reflected in the proposed amendments to the Community Engagement Charter, which will be open for public engagement for 12 weeks.

A more in-depth review of the Community Engagement Charter will be undertaken following the conclusion of the Regional Planning program. This will ensure learnings from all Regional Planning engagement programs are considered in the context of the Charter and how it may be further improved.

Alignment with regional planning engagement

Proposed changes to the Engagement Charter regarding 'complying changes' would require greater emphasis on engaging directly with local communities on proposed rezoning as part of the regional planning engagement process, as this could be the community's only chance to influence these decisions.

Public consultation on amendments to the Engagement Charter will occur at the same time as public engagement on the draft Kangaroo Island Regional Plan. The Kangaroo Island community therefore need to be aware that the current regional planning process may provide their only opportunity to give feedback and influence proposed rezoning to be included in the final regional plan.

Therefore, this engagement plan is aligned closely with and compliments engagement plans and key messaging for the draft Kangaroo Island Regional Plan consultation and the Regional Planning Portal, to be released on the same day as this consultation on proposed changes to the Engagement Charter.

Previous engagement

As part of reviewing the Engagement Charter, advice and input was sought from internal stakeholders in the Department for Trade and Investment's Planning and Land Use Services Division. Staff with significant experience and knowledge of the Charter through planning and undertaking State-led Code Amendments, preparing Designated Instruments and planning, delivering, reviewing and reporting on state-led and external proponent-led Code Amendment engagement.

Following the review, PLUS also sought preliminary input from the following state agencies to gain expert advice to ensure correct terminology is used, align proposed changes to the charter with best practice engagement with hard-to-reach community groups and appropriate key stakeholder groups are identified to engage with during consultation:

- Aboriginal Affairs and Reconciliation (Attorney-General's Department)
- Department for Human Services
- Office for Autism (Department of the Premier and Cabinet)
- SA Multicultural Commission.

All four agencies were consulted and PLUS received input and feedback from Department for Human Services and the Office for Autism.

In summary, the two agencies recommended:

- amendments to wording to be more inclusive and reflect preferences of identified communities
- a number of key stakeholders to engage with as part of the consultation
- best practice methods of engagement for identified community groups.

This feedback was considered in drafting the amendments to the Charter prior to community engagement and in developing this engagement plan.

Engagement purpose

The purpose of the engagement is to:

- ensure the Engagement Charter review considers and reflects the expectations of stakeholders and community when engaging on key planning matters in South Australia
- improve engagement with hard-to-reach communities on key planning matters in South Australia

Engagement objectives

The engagement objectives are to:

- Raise awareness across stakeholders and interested community regarding:
 - the Engagement Charter and its role in guiding engagement requirements for key planning matters
 - the Engagement Charter review to improve how the South Australian Government and external proponents engage on key planning matters, highlighting:
 - proposed improvements to engaging with hard-to-reach communities
 - proposed changes to engagement requirements for development that has been engaged on and included in a regional plan
 - the opportunity to give feedback on the proposed changes
- Provide appropriate and timely information and opportunities for stakeholders and community to provide feedback on proposed updates to the Engagement Charter
- Gather informed and relevant feedback from stakeholders and community that contributes meaningfully to reviewing and updating the Engagement Charter
- Align messaging and engagement activities with those regarding the Kangaroo Island Regional Plan and the new online regional planning portal
- Meet statutory engagement requirements regarding the Engagement Charter review

Scope of influence

Aspects of the project which stakeholders and the community *can* influence are:

- Proposed best practice engagement processes included in the Community Engagement Charter and supporting documents, particularly where relating to specific communities
- Language used in the Community Engagement Charter, particularly where referring to specific communities
- Proposed changes to engagement processes/requirements for 'complying changes'
- While the principles of the charter can not be influenced during this consultation, performance outcomes and how the principles are achieved and measured can be influenced

Aspects of the project which stakeholders and the community *cannot* influence are:

- Aspects of the Community Engagement Charter that meet requirements under the *Planning, Development and Infrastructure Act, 2016*.
- The principles guiding the Community Engagement Charter

Key messages

- The Community Engagement Charter was established in 2018 as part of South Australia’s new planning system.
- It guides public participation in preparing and amending key planning policies, strategies and schemes.
- The State Planning Commission carried out its inaugural 5-year review of the Community Engagement Charter in late 2023.
- As a result of the charter review, the State Planning Commission has published a report outlining their recommendations to improve the Community Engagement Charter on the PlanSA website.
- Proposed updates to the Community Engagement Charter have been prepared, reflecting the State Planning Commission’s recommendations.
- Key changes to the charter aim to:
 - ensure engagement is inclusive and respectful for all South Australians, particularly ensuring First Nations, youth, culturally and linguistically diverse communities and people living with disability and neurodiverse communities have appropriate opportunities to influence planning decisions that affect or interest them
 - streamline delivering planning policies and strategies that are published in regional plans, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning process
 - better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*
 - better reflect that the Community Engagement Charter is no longer new and is now a well established part of the South Australian planning system.
- South Australian’s are invited to provide their feedback on the proposed updates and have their say on how they are involved in key planning decisions across the state.
- A more in-depth review of the Community Engagement Charter will be carried out following the conclusion of the Regional Planning Program.
- The Kangaroo Island community is encouraged to get involved in the regional planning process to ensure they have their say on future planning policies such as rezoning land for future development.
- For more information and to have your say visit the YourSAy website.

Stakeholder and community mapping

Target Audience	Level of engagement (i.e. inform, consult, involve, collaborate)	Engagement need or technique
Local Government		
Councils – CEs	Consult	<ul style="list-style-type: none"> • Direct letter • Planning Ahead • PlanSA website • YourSAy website • Comms pack to share with networks
Councils – planning staff	Consult	<ul style="list-style-type: none"> • Monthly planning forum • Workshop for councils esp re complying changes • Planning Ahead • PlanSA website • YourSAy website • Social media • Via letter to council CE

Target Audience	Level of engagement (i.e. inform, consult, involve, collaborate)	Engagement need or technique
Councils – Mayors	Consult	<ul style="list-style-type: none"> • Direct letter • Planning Ahead • PlanSA website • YourSAy website • Via council planning staff
LGA of SA	Consult	<ul style="list-style-type: none"> • Direct letter to CE • Planning Ahead • PlanSA website • YourSAy website • Workshop for councils esp re complying changes • Comms pack to share with networks
Regional LGAs	Consult	<ul style="list-style-type: none"> • Direct letter to CE • Planning Ahead • PlanSA website • YourSAy website • Workshop for councils esp re complying changes • Comms pack to share with networks
Building/planning industry		
UDIA, SA	Consult	<ul style="list-style-type: none"> • Direct letter to CE • Workshop for industry esp re complying changes • Planning Ahead • Social media • YourSAy website • PlanSA website • Comms pack to share with networks
Master Builders Association SA		
Planning Institute of Australia, SA		
Property Council		
Housing Industry Association, SA		
Consultancies	Consult	<ul style="list-style-type: none"> • Direct letter to CE • Workshop for consultancies esp re complying changes • Planning Ahead • Social media • YourSAy website • PlanSA website • Comms pack to share with networks
Other interested planning and building professionals	Consult	<ul style="list-style-type: none"> • Online information session • Planning Ahead • Social media • YourSAy website • PlanSA website • Via industry bodies

Target Audience	Level of engagement (i.e. inform, consult, involve, collaborate)	Engagement need or technique
State Government		
MPs	Consult	<ul style="list-style-type: none"> • Direct letters • YourSAy website • PlanSA website • Workshop for State Agencies esp re complying changes (TBC) • Comms pack to share with networks
Housing SA		
Renewal SA		
Department for Environment and Water		
Department for Infrastructure and Transport		
Native Vegetation Council		
Landscape boards and Landscapes SA		
Office for Autism (Department of the Premier and Cabinet)	Involve	<ul style="list-style-type: none"> • Direct letter • YourSAy website • PlanSA website • Workshop for state agencies esp re complying changes • Comms pack to share with networks
Department for Human Services		
Aboriginal and Affairs and Reconciliation (Attorney-General's Department)		
Multicultural SA		
SA Commissioner for Children and Young People	Consult	<ul style="list-style-type: none"> • Direct letter • YourSAy website • PlanSA website • Workshop for state agencies esp re complying changes • Comms pack to share with networks
Community advocacy groups		
CALD community representative bodies	Consult	<ul style="list-style-type: none"> • Direct letter • YourSAy website • PlanSA website • FAQ & summary doc • Online information session • Comms pack to share with networks
Disability and neurodiverse community representative bodies		
First Nations representative bodies		
Youth representative bodies, including:		
Broader community		
South Australians with an interest in planning and development across the state and their local communities	Consult	<ul style="list-style-type: none"> • Media release • Planning Ahead • Social media • YourSAy website • PlanSA website • Online information session

Target Audience	Level of engagement (i.e. inform, consult, involve, collaborate)	Engagement need or technique
		<ul style="list-style-type: none"> • FAQ & summary doc • Information via councils, industry, government and community advocacy groups
Kangaroo Island community	Consult	<ul style="list-style-type: none"> • Via KI Regional Plan engagement activities incl letters to directly impacted landholders • Media release • Planning Ahead • Social media • YourSAy website • PlanSA website • FAQ & summary doc • Online information session • Via key stakeholders eg local council and community advocacy groups
South Australian people living with disability and neurodivergence	Consult	<ul style="list-style-type: none"> • Via community advocacy groups • Media release • Planning Ahead • Social media • YourSAy website • PlanSA website • FAQ & summary doc • Online information session
Culturally and linguistically diverse South Australian community members	Consult	<ul style="list-style-type: none"> • Via community advocacy groups • Media release • Planning Ahead • Social media • YourSAy website • PlanSA website • FAQ & summary doc • Online information session • Offer translation service in communications
South Australian First Nations people	Consult	<ul style="list-style-type: none"> • Via community advocacy groups • Media release • Planning Ahead • Social media • YourSAy website • PlanSA website • FAQ & summary doc

Target Audience	Level of engagement (i.e. inform, consult, involve, collaborate)	Engagement need or technique
		<ul style="list-style-type: none"> • Online information session
South Australian youth	Consult	<ul style="list-style-type: none"> • Via community advocacy groups • Via Department for Human Services and SA Commissioner for Children & Young People • YourSAy website • FAQ & summary doc • Online information session • Social media • Media release

Engagement approach

Tactic	Purpose	Timing
Media release	Raise awareness of the Engagement Charter, proposed changes and the consultation for stakeholders and all interested South Australians	14 March
Letter to: <ul style="list-style-type: none"> • SA council and LGA CEs • SA council Mayors • Planning/building industry bodies • Planning consultancies • State agencies • Hard-to-reach community advocacy groups • MPs 	Notify key stakeholders of proposed changes to the Engagement Charter and opportunity to provide feedback Provide communications pack and encourage to share information about consultation with their networks	14 March
PlanSA website, including online feedback form	Provide information regarding the Charter's purpose, reason for the review, proposed changes and opportunity to give feedback. Gather stakeholder feedback (directing to YourSAy as primary way of making a submission)	14 March
YourSAy website, including survey	Provide easy to understand information for community, explaining the proposed changes Gather community and stakeholder feedback	14 March
Social media: <ul style="list-style-type: none"> • PlanSA Facebook • PlanSA Twitter • SPC LinkedIn • YourSAy Facebook • YourSAy Twitter 	Notify interested people of the Engagement Charter, proposed changes and opportunity to give feedback Provide to stakeholders to share via their social media channels	14 March, ahead of online information sessions and ahead of closing date
Planning Ahead article	Notify stakeholders, planning professionals and people interested in SA planning of proposed changes to the Engagement Charter and opportunity to provide feedback	March and April editions

Tactic	Purpose	Timing
Monthly planning forums	Notify planning and related industry professionals of proposed changes to the Engagement Charter and opportunity to provide feedback	Next forum after 14 March
<p>4 workshops on the proposed changes with particular focus on complying changes with:</p> <ul style="list-style-type: none"> • Local government • Industry groups • State agencies • Consultancies 	Provide information on proposed changes and gather feedback from key government and industry groups, particularly focussing on complying changes	Early in consultation period
Open online information session/s	Provide information for stakeholders and interested community to hear directly from the team regarding the proposed changes and ask questions	During consultation period
<p>Collateral including:</p> <ul style="list-style-type: none"> • Frequently asked questions • Summary document 	<p>Provide additional detail for stakeholders and interested community regarding the Engagement Charter, proposed changes and how to give feedback – to be available on PlanSA and YourSAy websites and hard copy from PLUS building, Level 9</p> <p>Written in plain English and at an appropriate level for youth and older South Australians to understand</p> <p>Offer translation service</p>	14 March
Messaging and promotion of Engagement Charter review and consultation to be incorporated in Kangaroo Island Regional Plan engagement plan activities, including letters to KI landowners affected by proposed rezoning in the regional plan	Ensure KI community are aware that changes will mean their input in the KI regional plan will be crucial for them to influence changes in their area eg areas for future development, particularly impacted landowners	Ongoing from 14 March

Tactic	Purpose	Timing
Regional Planning Portal	Provide information to key stakeholders and community regarding how the proposed charter amendments would give greater significance to regional plan engagement such as identifying future areas for development, linking through to PlanSA for more information	14 March
plansasubmissions@sa.gov.au email address	For emailed submissions	14 March
PlanSA email and phone	Enable stakeholders and community to email questions directly or speak with someone in person to gain further information	Ongoing from 14 March
Provide communications collateral, social media assets and posts and newsletter content to state and local government and key community advocacy groups and encourage them to promote the consultation with their networks	Facilitate key stakeholders to raise awareness of the Engagement Charter, proposed changes and opportunity to provide feedback across their networks and reach broader target communities	Ongoing from 14 March

Applying the Charter principles in practice

Charter principle	How does your engagement approach/activities reflect this principle in action?
Engagement is genuine	<ul style="list-style-type: none"> • Engagement sought input early to help shape the proposal (pre-engagement and public consultation submissions will contribute to the substance of the Community Engagement Charter) • Key stakeholders will be directly consulted on the amendment • A wide range of stakeholders are consulted, using a range of methods to facilitate participation and easy access to information • Provide sufficient timelines for people to fully participate in the engagement process and provide their input • Provide clear and easy to follow information to help audiences understand how the amendment is relevant to them • An engagement report will be prepared and published in accordance with section 73(7) of the Planning, Development and Infrastructure Act 2016 (PDI Act) outlining what was heard and the how the feedback was considered as part of the amendment • Staff are available to respond to enquiries and provide clarity during the engagement process via the PlanSA Service Desk
Engagement is inclusive and respectful	<ul style="list-style-type: none"> • Engagement sought input early to help shape the proposal • A wide range of stakeholders are consulted, using a range of methods to facilitate participation and easy access to information • All reasonable effort is made to ensure those most affected and/or interested are made aware of the proposed amendment and engaged (e.g. information sessions and advertising (online and print)) • Provide sufficient timelines for people to fully participate in the engagement process and provide their input • Provide clear and easy to follow information to help audiences understand how the amendment is relevant to them • Comments, feedback and views are captured and considered • Staff are available to respond to enquiries and provide clarity during the engagement process via the PlanSA Service Desk • All stakeholders will have the opportunity to provide feedback through multiple formats: <ul style="list-style-type: none"> ○ PlanSA Service Desk ○ Feedback / online submission form ○ Post-consultation feedback survey ○ Email feedback ○ Letters to submitters ○ YourSAy website
Engagement is fit for purpose	<ul style="list-style-type: none"> • Stakeholders directly impacted by the amendment will be targeted directly by the engagement process (letters, workshops and online information sessions) • Community advocacy groups will be encouraged to provide information and encourage their communities to provide feedback in a way that meets their community's needs to reach a broader target audience • A range of targeted and broad tactics will be used to provide information and enable affected and interested communities to provide feedback, including online, hard copies and in person tactics • Translation services will be offered on key communication materials • Communication material will be easy to understand, including for youth and older South Australians and be clear about the proposed changes • Use of technology to enable access to information across the state in a way that meets the audiences' needs including written materials and in-person online information sessions
Engagement is informed and transparent	<ul style="list-style-type: none"> • Information will clearly articulate key areas of interest, what we are gathering feedback on, explain how participants can get involved/participate and how feedback will be used • All relevant information and resources will be made available online for anyone to access easily • Information resources / materials will be easily accessible with all efforts taken to ensure it is easy to understand (language and format) • The information will clearly outline what the public can and cannot influence in the Engagement Charter • Submissions will be acknowledged and will include an explanation of the next steps in the process • An engagement report summarising the feedback received during consultation will be made publicly available on the PlanSA Portal at the conclusion of the consultation period
Engagement is reviewed and improved	<ul style="list-style-type: none"> • Engagement and opportunities for improvement will be summarised in the Engagement Report to the Minister • Feedback from this consultation may inform the updates to the engagement charter • If any issues are raised about engagement during the process, it will be considered and appropriate action will be taken where appropriate/necessary • As the Engagement Plan is implemented, debriefs will occur after key engagement activities to determine if any changes are required

Measuring success

At the completion of the engagement, all participants will be invited to assess the success of the engagement against performance criteria one to four, below. The project manager, with assistance from communications and engagement specialists, will assess the success of the engagement against criteria five to nine. This evaluation will be included in the Engagement Report that is sent to the State Planning Commission and the Minister for Planning and which details all engagement activities undertaken. It will also be referenced in the Commission that is issued to the Governor of South Australia and the Environment Resources and Development Committee of Parliament. Any issues raised about the engagement during the engagement process will be considered and action will be taken if considered appropriate.

#	Charter criteria	Charter performance outcomes	Respondent	Indicator ²	Evaluation tool ³ Exit survey / follow-up survey	Measuring success of project engagement
1	Principle 1: Engagement is genuine	<ul style="list-style-type: none"> People had faith and confidence in the engagement process. 	Community	I feel the engagement genuinely sought my input to help shape the proposal	Likert scale - strongly disagree to strongly agree	Per cent from each response.
2	Principle 2: Engagement is inclusive and respectful	<ul style="list-style-type: none"> Affected and interested people had the opportunity to participate and be heard. 	Community	I am confident my views were heard during the engagement	Likert scale - strongly disagree to strongly agree	Per cent from each response.
			Project Lead	The engagement reached those identified as community of interest.	<ul style="list-style-type: none"> Representatives from most community groups participated in the engagement Representatives from some community groups participated in the engagement There was little representation of the community groups in engagement. 	Per cent from each response.
3	Principle 3: Engagement is fit for purpose	<ul style="list-style-type: none"> People were effectively engaged and satisfied with the process. People were clear about the proposed change and how it would affect them. 	Community	I was given sufficient information so that I could take an informed view.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
				I was given an adequate opportunity to be heard	Likert scale - strongly disagree to strongly agree	Per cent from each response.
4	Principle 4: Engagement is informed and transparent	<ul style="list-style-type: none"> All relevant information was made available and people could access it. People understood how their views were considered, the reasons for the outcomes and the final decision that was made. 	Community	I felt informed about why I was being asked for my view, and the way it would be considered.	Likert scale - strongly disagree to strongly agree	Per cent from each response.
5	Principle 5: Engagement processes are reviewed and improved	<ul style="list-style-type: none"> The engagement was reviewed and improvements recommended. 	Project Lead	Engagement was reviewed throughout the process and improvements put in place, or recommended for future engagement	<ul style="list-style-type: none"> Reviewed and recommendations made Reviewed but no system for making recommendations Not reviewed 	Per cent from each response.
6	Engagement occurs early	<ul style="list-style-type: none"> Engagement occurred before or during the drafting of the planning policy, strategy or scheme when there was an opportunity for influence. 	Project Lead	Engagement occurred early enough for feedback to genuinely influence the planning policy, strategy or scheme	<ul style="list-style-type: none"> Engaged when there was opportunity for input into scoping Engaged when there was opportunity for input into first draft Engaged when there was opportunity for minor edits to final draft Engaged when there was no real opportunity for input to be considered 	Per cent from each response.
7	Engagement feedback was considered in the development of planning policy, strategy or scheme	<ul style="list-style-type: none"> Engagement contributed to the substance of a plan or resulted in changes to a draft. 	Project Lead	Engagement contributed to the substance of the final plan	<ul style="list-style-type: none"> In a significant way In a moderate way In a minor way Not at all 	Per cent from each response.
8	Engagement includes 'closing the loop'	<ul style="list-style-type: none"> Engagement included activities that 'closed the loop' by providing feedback to participants/ community about outcomes of engagement 	Project Lead	Engagement provided feedback to community about outcomes of engagement	<ul style="list-style-type: none"> Formally (report or public forum) Informally (closing summaries) No feedback provided 	Per cent from each response.
9	Charter is valued and useful	<ul style="list-style-type: none"> Engagement is facilitated and valued by planners 	Project Lead	Identify key strength of the Charter and Guide Identify key challenge of the charter and Guide		

Closing the loop and reporting back

How will you respond to participants?	When will you report back?
A 'what we heard' report will be sent to all who provide feedback during consultation, providing a high-level summary of feedback received and next steps, along with the evaluation survey	Following consultation and initial review of feedback
Engagement Report outlining details of feedback received, what action was taken and why, and an evaluation of the engagement process against the Engagement Charter principles	When the final decision is made
Email/letter to key stakeholders and consultation participants notifying them of the final decision, linking to engagement report and further details on the PlanSA/YourSAy websites	When the final decision is made
PlanSA and YourSAy website updates providing information on the final decision, final Engagement Charter documents and	When final decision is made
Social media posts (PlanSA and SPC channels)	When final decision is made
Planning Ahead article	When final decision is made
Information will be provided at the monthly Planning Forum	When the final decision is made
A briefing for councils, key state agencies, industry bodies will be considered following the final decision	Following final decision

Attachment B - Summary of Written Submissions and Responses

Knet# Free Text. Insert Knet # of submission	Author Free Text. Insert Name of Author and if relevant who the submission has been written for eg URPS (for John Smith)	Sector Categorise into the following industry sectors: 1. Council / Staff 2. Agencies 3. Industry 4. Community Organisation 5. Individual 6. MP 7. Other	Submission method YourSay, email, post	Does the submission support the amendment? Support, Support- with suggestions, Impartial, Not support	Relevant Section of Charter	Key Issues Raised and Response
DOCS_AND_FILES-#21361908-P01 - Mary - Submission - Community Engagement Charter	Mary	4	YourSay	Not support	New Proposed Community Groups to Consult Part B - Complying Change Consultation Requirements	<p>1) SA now has a First Nations Voice which would be the appropriate vehicle First Nations to influence planning decisions that affect or interest them.</p> <p>2) Agree to the proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them - Particularly young people below voting age.</p> <p>3) Regarding Complying Change minimum consultation requirements, a 'streamlined process' is a euphemism for effectively minimising or excluding participation by not giving interested parties sufficient notice and/or information to register their opinions.</p> <p>4) Concern that 2 discrete 'minorities' - women and old people - are not explicitly listed as groups with specific and identifiable concerns.</p> <p>RESPONSE - Concerns are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p>
DOCS_AND_FILES-#21362901-P07 - David Bailey - Submission - Community Engagement Charter	David Bailey	3	Email	Support with suggestions	General Toolkit	<p>1) Suggestion that engagement planning better use the social media platforms most councils operate to raise awareness about the engagement underway. There is no prompt in the Guide to the Engagement Charter or in the Engagement Plan template that prompts someone planning the engagement to consider that particular tool.</p> <p>RESPONSE - Concerns are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p>
DOCS_AND_FILES-#21363253-P03 - Don Donaldson - Submission - Community Engagement Charter	Don Donaldson	5	YourSay	Impartial	New Proposed Community Groups to Consult Part B - Complying Change Consultation Requirements	<p>1) Concern that the categories of disability and neurodiverse people are grouped together. Neurodiverse people are not in my opinion, disabled, and would not have different, if any, engagement requirements from the norm.</p> <p>2) the opportunity to comment on policy changes such as rezonings, should not be used to limit consultation on other more specific issues.</p> <p>RESPONSE - Concerns are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p>
DOCS_AND_FILES-#21412964-P04 - Natasja - Submission - Community Engagement Charter	Natasja	5	YourSay	Support	N/A	Supports with no specific comments
DOCS_AND_FILES-#21413352-P05 - Kevin Sykes - Submission - Community Engagement Charter	Kevin Sykes	5	YourSay	Support with suggestions	N/A	<p>The submission supports the proposed changes to the Charter. Additional commentary was provided in relation to decision making processes of local Councils. which are not within the scope of the Community Engagement Charter.</p> <p>RESPONSE: The additional comments regarding decision making of Councils is outside the scope of the Community Engagement Charter and thus no changes are proposed in relation to the comments.</p>
DOCS_AND_FILES-#21465513-P06 - Brenan - Community Engagement Charter	Brenan	5	YourSay	Support	N/A	Supports with no specific comments
DOCS_AND_FILES-#21465543-P07 - Claire Harvey - Community Engagement Charter	Claire Harvey	5	YourSay	Impartial	New Proposed Community Groups to Consult Part B - Complying Change Consultation Requirements Mandatory Requirements	<p>1) Suggestion made to engage with every sector of the community across the board equally and not pick out individual groups of people.</p> <p>2) Suggestion that streamlining community consultation needs to be fully comprehensive ensuring everyone has a say so it truly reflects what the community wants</p> <p>3) Considers that the Mandatory Requirements (with proposed additions) are not comprehensive enough to reflect community needs and outcomes</p> <p>RESPONSE - Concerns are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p> <p>1) Strong support for increased opportunities for First Nations to participate in the consultation process.</p> <p>RESPONSE - Noted</p> <p>2) It is even more important that the valuable feedback provided, is properly weighed & adequate provision is made to support marginalised communities to participate in a way that is safe & respectful and would like to see this reflected in the documentation.</p> <p>3) Considers that based on previous experiences it is suggested that the wording changed to reflect a REQUIREMENT for accessibility to be provided for rather than just considered.</p> <p>RESPONSE: It is considered that the proposed amendments will assist with these suggestions.</p>
DOCS_AND_FILES-#21472342-P08 - Lauren Roe - Submission - Community Engagement Charter	Lauren Roe	5	YourSay	Support with suggestions	New Proposed Community Groups to Consult	<p>1) Engaging with First Nations so that they can influence the process the start is of high importance and decision makers should not be allowed to proceed without their approval.</p> <p>2) Unsure if young people have enough prior knowledge to provide valuable input on planning decisions.</p> <p>3) The State Planning Commission will require disability and neurodiverse education from a lived with perspective to enable them to appropriately consider the potential impact on those who live with a disability.</p> <p>4) Considers the engagement of businesses who are set to profit from proposals, regardless of input from the community, has always played a role in final decision's and this needs to be addressed. Full transparency of such involvement must be disclosed prior to their engagement being approved, and failure to do so should incur hefty penalty's.</p> <p>5) Queries whether for Complying Changes, the views of community will be taken on board and a proposal changed in response.</p> <p>6) General concerns that proposals can proceed as long as community views are captured and reported on.</p> <p>RESPONSE - Concerns and suggestions are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p>
DOCS_AND_FILES-#21472385-P09 - Dianne Spillane - Submission - Community Engagement Charter	Dianne Spillane	5	YourSay	Support with suggestions	New Proposed Community Groups to Consult	<p>1) General comments regarding dissatisfaction that community views are often disregarded and that greater consideration needs to be given to those households who are directly affected and provide information relating to their objections.</p> <p>RESPONSE - Concerns are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p> <p>1) Suggestion that for all engagements, the effect of responses should be proportionate to the % of the population group to general population and effect on the majority of the population</p> <p>2) In relation to the proposal to give consideration to consultation of businesses, workers and employers, this should be done with best interest to the general population and the planet</p> <p>3) Concern expressed with community engagement / consultation and is how easily the process can be controlled and manipulated</p> <p>RESPONSE - Concerns are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p>
DOCS_AND_FILES-#21488167-P10 - Lexie Raven - Submission - Community Engagement Charter	Lexie Raven	5	Email	Impartial	General comments	<p>Submission generally agreed with the proposed amendments and provided discussion and views based on previous experience with community engagements.</p> <p>RESPONSE: Supporting comments are acknowledged and no post-consultation changes to the Amendment are required.</p>
DOCS_AND_FILES-#21488266-P11 - Sarah - Submission - Community Engagement Charter	Sarah	5	YourSay	Support with suggestions	General comments	<p>General comments around inclusion of certain community groups and other general concerns about streamlining of decision making.</p> <p>RESPONSE - Concerns are noted - refer to consultation Report for more detailed responses and recommendations regarding these matters.</p>
DOCS_AND_FILES-#21493392-P12 - Kerry Hallett - Submission - Community Engagement Charter	Kerry Hallett	5	YourSay	Support	General comments	<p>1) The submission highlights concerns regarding lack of consultation related to a specific project to install electric vehicle charging stations on Kangaroo Island</p> <p>RESPONSE: The concerns are noted however the Charter applies to specific processes under the PDI Act and does not apply to projects like that described.</p> <p>In support that the Charter will now include specific reference to:</p> <ul style="list-style-type: none"> •The need to engage with young persons "appropriately, proportionately and reasonably" (page 12); •The need to consider the engagement and communication needs of the community as part of the performance measurement process to their satisfaction (page 14). <p>RESPONSE: Noted</p>
DOCS_AND_FILES-#21502316-P13 - Barry - Submission - Community Engagement Charter	Barry	5	YourSay	Not support	New Proposed Community Groups to Consult Part B - Complying Change Consultation Requirements Mandatory Requirements	<p>Generally does not support the proposed changes with the view that much more would be required to protect the environment and more vulnerable members of the community.</p> <p>RESPONSE: The concerns are noted but are not specific enough to identify potential changes to the Charter. The proposed changes should only assist in improving the issues raised in the submission.</p>
DOCS_AND_FILES-#21540105-P14 - Yvonne Trethewey - Submission - Community Engagement Charter	Yvonne Trethewey	5	YourSay	Support with suggestions	General comments	<p>General support or neutrality to various proposed changes.</p> <p>RESPONSE - Noted</p>
DOCS_AND_FILES-#21540159-A01 - Commissioner for Children - Submission - Community Engagement Charter	Helen Connolly Commissioner for Children and Young People	2	Email	Support	New Proposed Community Groups to Consult	<p>General support or neutrality to various proposed changes.</p> <p>RESPONSE - Noted</p>
DOCS_AND_FILES-#21540238-P15 - Sue - Submission - Community Engagement Charter	Sue	5	YourSay	Not support	General	<p>General support or neutrality to various proposed changes.</p> <p>RESPONSE - Noted</p>
DOCS_AND_FILES-#21548198-P16 - Norman Elliot - Submission - Community Engagement Charter	Norman Elliot	5	YourSay	Support	General	<p>General support or neutrality to various proposed changes.</p> <p>RESPONSE - Noted</p>

DOCS_AND_FILES-#21548252-P17 - CarofromYank - Submission - Community Engagement Charter	CarofromYank	5	YourSAy	Support	General	Submission supported the changes however raised a query in relation in how to access a Regional Plan relevant to Yankallilla. RESPONSE - Noted
DOCS_AND_FILES-#21548275-P18 - Mandy Collins - Submission - Community Engagement Charter	Mandy Collins	5	YourSAy	Not support	Part B - Complying Change Consultation Requirements Mandatory Requirements	No specific objections were raised however provided a 'No' answer to the last 3 questions in the survey (regarding agreeing to the new complying changes, changes reflecting the Charter is now well-established and changes regarding mandatory engagement requirements). RESPONSE- The disagreement to these parts of the Charter are noted.
DOCS_AND_FILES-#21548465-P19 - Darren Finn - Submission - Community Engagement Charter	Darren Finn	5	YourSAy	Not support	General	No specific objections were raised however the option 'I do not support the proposed changes' was selected and all questions were answered with 'No'. RESPONSE- The disagreement to these parts of the Charter are noted.
DOCS_AND_FILES-#21548717-P20 - Kirsty - Submission - Community Engagement Charter	Kirsty	5	YourSAy	Support with suggestions	New Proposed Community Groups to Consult	Generally supports the proposed changes for engagement of the youth and person's living with a disability and neurodivergence communities. However provided suggestions for societal changes to assist the wellbeing of these groups. RESPONSE- The suggestions are noted however do not relate to specific changes to the Charter.
DOCS_AND_FILES-#21580711-P21 - Deb Laver - Submission - Community Engagement Charter	Deb Laver	5	YourSAy	Not support	Part B - Complying Change Consultation Requirements	Considers that the proposed section 75 process will be akin to not consulting anymore on large scale rezonings. Direct neighbours would only have little power to change the proposal. Also concerns raised that only neighbours are to be consulted and that this reduces rights to the community. RESPONSE- The suggestions are acknowledged. A number of updates have been made to the proposed section 75 process following feedback received during consultation. It is however noted that the Regional Plan process is subject to a full consultation process under the Community Engagement Charter.
DOCS_AND_FILES-#21609825-C01 - District Council of Yankallilla - Submission - Community Engagement Charter	District Council of Yankallilla (Mayor Darryl Houston)	1	Email	Not support	Part B - Complying Change Consultation Requirements	Strong concerns raised in relation to the proposed new minimum consultation requirements for a Complying Change. The submissions considers this may erode the ability for the community to have a meaningful say and influence on the outcomes of rezoning proposals, noting that there is land surrounding the Yankallilla township that is within the Urban Growth boundary in the current Regional Plan for Greater Adelaide. RESPONSE- The suggestions are acknowledged. It is however noted that the Regional Plan process is subject to a full consultation process under the Community Engagement Charter.
DOCS_AND_FILES-#21548640-P23 - Dale Sutton - Submission - Community Engagement Charter	Dale Sutton	5	YourSAy	Support with suggestions	New Proposed Community Groups to Consult Part B - Complying Change Consultation Requirements	The submission raises general support for the proposed changes however outlines that participation levels should not be the main measure of engagement success. Rather we should measure the reach of the promotion undertaken and the range of ways and ease of participation. It also raises that Councils should have the flexibility to engage with their communities on 'complying changes' in the way that best suits their community. They must not be limited in their engagement, as it is well-understood that councils need to be clear and transparent in their processes. If they are limited in how they engage (over and above any mandatory engagement) it is detrimental to both the reputation of government as well as the affected stakeholders. The submission also raises that the name of Charter should be amended to clarify that it is for the planning system as there is another proposed Charter of the same name being prepared for the Local Government Act. RESPONSE - There is already a requirement to prepare an engagement report and also an evaluation process in place for amendments to designated instruments which involves a qualitative evaluation as to the success of the engagement process.
DOCS_AND_FILES-#21609870-P22 - Jasmine - Submission - Community Engagement Charter	Jasmine	5	YourSAy	Impartial	New Proposed Community Groups to Consult	The submission highlights that engaging with people living with a disability depends on what type of disability they have. This is because different disabilities have different levels of needs. They need to make sure that they listen to everyone in the community and make the information more accessible to everyone. RESPONSE - These comments are noted and the Charter Toolkit will provide additional guidance of how to best engage with persons living with a disability including certain representative bodies and the like.
DOCS_AND_FILES-#21610072-C02 - Barossa Council - Submission - Community Engagement Charter	The Barossa Council (CEO Mr Martin McCarthy)	1	Email	Support with suggestions	New Proposed Community Groups to Consult Part B - Complying Change Consultation Requirements	The submission offers general support to being more inclusive and respectful. In terms of Complying Changes more guidance material is requested to understand what strategic planning the Council may be able to incorporate into the planning system without a Code Amendment. RESPONSE - Support is acknowledged. More detail is being prepared regarding the section 75 process to share with Councils over the coming 6 months. Updates have been made to the final proposed process in response to submissions seeking more clarity.
DOCS_AND_FILES-#21616198-A02 - Department for Education - Submission - Community Engagement Charter	Department for Education (Mr Ben Temperley, Dep. Chief Executive)	2	Email	Support	N/A	Submission offers general support and does not raise any specific comments. RESPONSE - Acknowledged
DOCS_AND_FILES-#21616383-C03 - Alexandrina Council - Submission - Community Engagement Charter	Alexandrina Council (Mr Keith Parkes, Mayor)	1	email	Not support	Part B - Section 75 Minimum Consultation Requirements	1. Supports the Regional Plan Digital Solution RESPONSE: Noted- Out of scope of Charter Amendment. 2. There is significant growth pressure within Alexandrina via private proponent Code Amendments, particularly around the township of Goolwa, where an extensive area of land surrounding Goolwa is within the 'Town Boundary'. RESPONSE: Noted 2. Council is concerned the Section 75 Complying Change process and Minimum Consultation Requirements in proposed new Part B of the Charter, will have a significant impact on our communities and their ability to have input into rezoning proposals that directly affect them. 3. Council considers the proposed Section 75 consultation requirements may be at odds with various parts of the PDI Act relating to community engagement RESPONSE: These and other similar concerns raised in submissions have been acknowledged and a number of updates are proposed to the final version of the complying change minimum consultation requirements in the Charter as well as to Practice Direction #2. These are outlined in detail in the Consultation Report. It is however noted that the Regional Plan process is subject to a full consultation process under the Community Engagement Charter. 4. concern that local input into strategic planning decision making that has the ability to transform our landscapes is actually being eroded by the new planning system RESPONSE: See above in #3. 5. We therefore respectfully request that you do not progress the proposed changes to streamline 'complying' Code Amendments but rather look to enhance the ways in which our communities can be a part of the decision making. RESPONSE: This request is noted however section 75 changes exist in the PDI Act which has passed through Parliament. With the proposed updates proposed in response to feedback, it is considered an appropriate balance has been struck to ensure appropriate engagement of communities at multiple points.
DOCS_AND_FILES-#21656093-P24 - David and Mary Woolaway - submission - Community Engagement Charter	David and Mary Woolaway	5	YourSAy	Not support		The submission raises a number of concerns that allowing 'fast rezoning' will result in degradation of the environment and community amenity and well being and other societal issues. RESPONSE - Concerns are noted however the engagement report outlines a range of updates to the proposed Complying Change process to address these and other similar concerns. It is however noted that the Regional Plan process is subject to a full consultation process under the Community Engagement Charter.
DOCS_AND_FILES-#21609872-P25 - Dr S. Pettit - Submission - Community Engagement Charter DOCS_AND_FILES-#21609873-P25 (Part 2) Dr. S. Pettit - Submission - Community Engagement Charter	Dr S. Pettit	5	email	Not support	Part B - Section 75 Consultation Requirements	The submission raises concern that the Section 75 Complying Change process and Minimum Consultation Requirements in proposed new Part B of the Charter, will have a significant impact on our communities and their ability to have input into rezoning proposals that directly affect them. RESPONSE - Concerns are noted however the engagement report outlines a range of updates to the proposed Complying Change process to address these and other similar concerns.
DOCS_AND_FILES-#21656110-C4 - City of Playford - Submission - Community Engagement Charter	City of Playford	1	Email	Support with suggestions	Part B - Section 75 Consultation Requirements	The submission raises concern that the Section 75 Complying Change process and Minimum Consultation Requirements in proposed new Part B of the Charter, will have a significant impact on our communities and their ability to have input into rezoning proposals that directly affect them. A 28 day minimum consultation timeframe is requested in lieu of the two weeks. The scope of feedback should not be limited to that related to a Regional Plan recommendation. Provide information through section 7 searches and also via the Code line of enquiry search regarding what recommendations in a Regional Plan may exist. RESPONSE - Concerns raised by Council are acknowledged. The consultation report outlines a range of updates to the proposed Complying Change process to address these and other similar concerns. It is however noted that the Regional Plan process is subject to a full consultation process under the Community Engagement Charter.

DOCS AND FILES #21656124- C5 - City of West Torrens - Submission - Community Engagement Charter	City of West Torrens	1	Email	Impartial	Part B - Section 75 Consultation Requirements	<p>Supportive of recommendations 1, 2, 3, 6, 7, 12 and 13 made by the Commission RESPONSE - Noted</p> <p>Does not fully support recommendations 4, 9, 10 and 11, and seeks more detail to understand how these recommendations will be operationalised</p> <p>Does not support recommendation 5 with specific reference to Section 75 Complying Change</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p> <p>Suggests the following improvements to the Charter: 1. Consistency in consultation and best practice with alignment between Local and State Government where practical. RESPONSE - The Charter provides some flexibility through the use of Principles and Performance Measures. However there are certain mandatory requirements that provide consistency as well as more detail in the Charter toolkit for best practice engagement.</p> <p>2. The early commencement of Code Amendments and timely identification to relevant authorities. RESPONSE - This matter could be investigated for inclusion in the Charter Toolkit or Code Amendment Toolkit.</p> <p>3. The level of detail provided by private proponent when consulting with a council CEO on a Code Amendment. RESPONSE - This matter could be investigated for inclusion in the Charter Toolkit or Code Amendment Toolkit.</p> <p>4. Consultation with CEO irrespective of being private proponent or State led. RESPONSE - No specific changes are proposed however State led Code Amendments typically involve early engagement with Councils where appropriate.</p> <p>5. Measuring performance following engagement and implementation of process improvements. RESPONSE - For consideration for updates to the Charter Toolkit.</p>
DOCS AND FILES #21656128- C6 - Mid Murray Council - Submission - Community Engagement Charter	Mid Murray Council	1	Email	Impartial	New community groups General comments	<p>With emphasis on First Nations, there is a need to provide greater tools and training for practitioners. Engagement practitioners should possibly be required to have specific cultural awareness training. A one size fits all approach is not appropriate. At the recent PIA Congress, First Nation speakers highlighted the importance of engagement being upfront and meaningful and not a tacked-on tick a box process.</p> <p>RESPONSE- The suggestions are noted and the proposed Charter Amendment aims to increase engagement of First Nations people compared to the existing version of the Charter. Additional guidance is being prepared for inclusion in the Charter Toolkit to provide practical methods and techniques to assist with this.</p> <p>Consideration should be given to the Local Government Review Act 2021 which is also proposing the establishment of a Community Engagement Charter and for Councils to have a Community Engagement Policy. Acknowledging that the PDI Act has some specific characteristics, it is felt that there should be some level of consistency between the two Charters. If the two charters are to coexist, there should be acknowledgment through the Community Engagement Policy as to which charter is relevant. As it stands, the LG Review has stated that the Policy relates to engagement for the purposes of the Local Government Act, though in reality Council use their current Public Consultation Policy to address consultation requirements across various statutes (note. Policy generally does not cover consultation in respect to development applications). Alternatively, the Commission/State Government should consider ensuring that the Local Government Review Act 2021 specifically excludes functions under the PDI Act in the Charter/Policy.</p> <p>RESPONSE- Discussions with the Office of Local Government are proposed to highlight consideration of the existing Charter under the PDI Act and ensuring confusion, duplication and other matters are considered in the new Local Government Community Engagement Charter.</p>
DOCS AND FILES #21656129- CG1 - Rural Communities Australia - Submission - Community Engagement Charter	Rural Communities Australia	4	YourSay	Support with suggestions	New community groups	<p>The submission raises suggestions for improved engagement of First Nations people. There should be specific provision for communities to initiate new directions, and they should be actively and respectfully engaged at every stage, from beginning to end. The model should be that of a partnership, where local communities have equal standing. This particularly applies to First Nations groups, who have asked many times that they be approached right at the beginning of a new planning initiative, rather than at the end, and that they remain respected partners throughout. We believe that the Charter, even in its revised form, needs to be re-evaluated from these perspectives.</p> <p>RESPONSE- The suggestions are noted and the proposed Charter Amendment aims to increase engagement of First Nations people compared to the existing version of the Charter. Additional guidance is being prepared for inclusion in the Charter Toolkit to provide practical methods and techniques to assist with this.</p>
DOCS AND FILES #21656130- C7 - City of Onkaparinga - Submission - Community Engagement Charter	City of Onkaparinga	1	Email	Support with suggestions	Part B - Section 75 Consultation Requirements	<p>Suggestions to improve the proposed Complying Change process, in particular to suggest that there is a maximum prescribed timeframe allowed between initial engagement on planning investigations and when the engagement for the complying code amendment is undertaken.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p> <p>It is noted that a general 2 year time limit is proposed to be included in Practice Direction 2 to limit the amount of time between Regional Plan engagement process and the complying change proposal.</p>
DOCS AND FILES #21656135- P26 - Bret Woods - submission - Community Engagement Charter	Bret Woods	5	YourSay	Support	General	<p>General Support</p>
DOCS AND FILES #21656138- P27 - Caroline Paterson - Submission - Community Engagement charter	Caroline Paterson	5	Email	Not support	Part B - Section 75 Consultation Requirements	<p>Various concerns regarding the Complying Change consultation requirements.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES #21656140- P28 - Fran Smythe - Submission - Community Engagement Charter	Fran Smythe	5	YourSay	Impartial	General	<p>Various concerns regarding Government and environmental and planning decision making.</p> <p>RESPONSE - Concerns noted however outside the scope of the Charter Amendment.</p>
DOCS AND FILES #21656141- P29 - Beverley Maxwell - Submission - Community engagement charter	Beverley Maxwell	5	Email	Not support	Part B - Section 75 Consultation Requirements	<p>Various suggestions and concerns regarding the Complying Change consultation requirements.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES #21658886- P30 - Ingereth Macfarlane - Submission - Community Engagement Charter	Ingereth Macfarlane	5	Email	Not support	Part B - Section 75 Consultation Requirements	<p>Various suggestions and concerns regarding the Complying Change consultation requirements.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES #21659243- P31 - Alison Perkins - Submission - Community Engagement Charter	Alison Perkins	5	YourSay	Not support		<p>Wording in the text to be added should be updated to 'culturally and linguistically diverse communities' rather than 'persons from non-English speaking backgrounds'</p> <p>RESPONSE - Noted however the wording has been worked through with various groups and is considered appropriate. The Toolkit can offer more guidance around this matter.</p> <p>This proposed section of the community includes everyone who works and employs workers, but I would suggest it is unemployed people who may need special consideration to engage effectively on issues such as planning. I'm not sure that this is a specific section of community that is hard to reach and needs additional considerations for effective engagement for all key planning decisions in the same ways as the other additions to the Charter. Impacted/interested businesses/employees should be considered as part of stakeholder analysis for each engagement.</p> <p>RESPONSE - Noted however the wording has been worked through with various groups and is considered appropriate. The Toolkit can offer more guidance around this matter.</p> <p>Various suggestions and concerns regarding the Complying Change consultation requirements.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p> <p>Various suggestions regarding the table in the Charter about the bodies that can prepare or amend designated instruments and other parts of the Charter.</p> <p>RESPONSE - The suggestions are noted however it considered that the proposed changes are suitable as drafted.</p>
DOCS AND FILES #21656152- C8 - City of Adelaide - Submission - Community Engagement Charter	City of Adelaide	1	Email	Support with suggestions	New community groups Part B- Complying change minimum consultation requirements	<p>Suggestions on effective engagement for first nations people</p> <p>Suggestion to increase complying change consultation to 3 weeks.</p> <p>Seeks clarification of minimum timeframes for Code Amendments in the Charter Toolkit</p> <p>Suggestion to clarify whether TNVs and Concept Plans can be implemented through a complying change.</p> <p>Various other detailed matters regarding the Charter Amendment raised.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>

DOCS AND FILES-#21658670-C9 - City of Tea Tree Gully - Submission - Community Engagement Charter	City of Tea Tree Gully	1	Email	Support with suggestions	Other general comments	<p>Various concerns with the proposed Complying change process</p> <p>Suggestions regarding new community groups</p> <p>Suggestions regarding clarifying the role of the Charter in relation to Impact Assessed development</p> <p>Suggestions regarding definitions</p> <p>Various other detailed matters regarding the Charter Amendment raised.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES-#21659058-C10 - City of Mitcham - Submission - Community Engagement Charter	City of Mitcham	1	Email	Support with suggestions	Other general comments	<p>Various concerns with the proposed Complying change process</p> <p>Suggestions regarding new community groups</p> <p>Suggestions regarding direct notification for complying changes</p> <p>Suggestions regarding clarifying the role of the Charter in relation to Impact Assessed development</p> <p>Suggestions regarding definitions</p> <p>Various other detailed matters regarding the Charter Amendment raised.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES-#21659099-C11 - City of Norwood PSP - Submission - Community Engagement Charter	City of Norwood, Payneham & St. Peters	1	Email	Support with suggestions	Other general comments	<p>Suggestions regarding new community groups</p> <p>Suggestion to include information on Regional Plan recommendations on Form 1 for section 7 searches</p> <p>Suggestions regarding direct notification for complying changes</p> <p>Suggestions regarding clarifying the role of the Charter in relation to Impact Assessed development</p> <p>Suggestions regarding definitions</p> <p>Various other detailed matters regarding the Charter Amendment raised.</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES-#21656151-A3 - Murraylands and Riverland Landscape Board - Submission - Community Engagement Charter	Murraylands and Riverland Landscape Board	2	Email	Support with suggestions	Part B- Complying change minimum consultation requirements	<p>Given requirements under the Landscape Act for consultation with landscape boards, it is requested that landscape boards be listed in the Community Engagement Charter under the Section 75 Complying Change – Mandatory Requirements.</p> <p>RESPONSE - This suggestion is acknowledged. It is already proposed that statutory boards be subject to mandatory engagement in the proposed changes to the Charter. This includes Landscape Boards and any other relevant boards as the case may require.</p>
DOCS AND FILES-#21658782-A4 - DEW - Submission - Community Engagement Charter	DEW	2	Email	Support with suggestions	Part B- Complying change minimum consultation requirements	<p>The submission raises:</p> <ul style="list-style-type: none"> •The amendment of the Charter to be more inclusive is supported. • supports consultation with statutory board(s) or committees(s) in the mandatory requirements section. •The proposed 'Complying Change' amendment is supported in principle, noting that any Complying Change must be consistent with a Regional Plan that has been consulted on. •Notes and supports consultation with relevant Referral Agencies on proposed Complying Change to the application of an Overlay. •Recommends that Mandatory Requirement (1) for Complying Change to the boundary of a Zone or SubZone be expanded to include State Agencies. Requirement (1)(d) allows the relevant entity to consult with any other person or body as required by the Minister for Planning. It is acknowledged that this may include State Agencies, but this is not explicit. Agencies often hold valuable and critical information/data that may be pertinent to a Zone or SubZone Code Amendment. Even though the Agency may have provided comment at the Regional Planning stage, information or policies may have changed in the interim. New or updated information, data or policies should be considered at the time of the Code Amendment. <p>RESPONSE - It is considered that adding consultation of all State Agencies would be overly onerous for a streamlined complying change where all relevant detailed investigation and consultation of agencies should have already occurred during the Regional Plan process.</p>
DOCS AND FILES-#21659237-A5 - EPA - Submission - Community Engagement Charter	EPA	2	Email	Support with suggestions	Part B- Complying change minimum consultation requirements	<p>The submission raised that it is noted there is a potential for amendments to regional plans to be initiated at any time, as opposed to being aligned to a periodic cycle (for example, every 5 years). As such, there is a potential for consultation fatigue amongst the community and stakeholders and a challenge to ensure that all relevant stakeholders are informed and remain engaged with potential Code Amendments and the streamlined 'complying changes'.</p> <p>RESPONSE- This point is acknowledged and the proposed Part B section of the Charter is considered to strike an appropriate balance to ensure direct notification of affected persons or bodies whilst also enabling a streamlined process.</p>
DOCS AND FILES-#21659679-A6 - Native Vegetation Council - Submission - Community Engagement Charter	Native Vegetation Council	2	Email	Support with suggestions	Part B- Complying change minimum consultation requirements	<p>The Native Vegetation Council raised that whilst in principle the Council supports fast tracking to create greater clarity across the state, as a key referral body for Native Vegetation Overlay and State Significant Native Vegetation Areas Overlay, the Council would require ideally 8 weeks, with a minimum of 4 weeks, to respond purposefully and thoroughly to these proposals.</p> <p>RESPONSE - The concern regarding the timeframe for consultation is noted however a 4 or 8 week timeframe is considered excessive for a streamlined process envisaged by section 75. There is now a standard 2 week period for any person, including agencies to provide comments. Agencies however should have already been involved in the formulation/amendment of the Regional Plan regarding matters of its interests.</p>
DOCS AND FILES-#21656139-CG2 - Carers SA - Submission - Community Engagement Charter	Carers SA	4	Email	Support with suggestions	New community groups to consult	<p>Carers SA recommends the inclusion of Carers in the list of community groups to address the legal, ethical and inclusion requirements.</p> <p>RESPONSE - This suggestion is noted however is considered to fall within the realm of the Charter Toolkit rather than the Charter itself. A general statement is being added to this section of the Charter to consider other community groups (not just those specifically listed).</p>
DOCS AND FILES-#21656172-CG3 - Community Alliance SA - Submission - Community Engagement Charter	Community Alliance SA	4	Email	Not support	Other general comments and concerns	<p>Various concerns with the Complying Change consultation minimum requirements</p> <p>Other general comments and concerns regarding consultation in the planning system</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES-#21656163-I1 - URPS - Submission - Community Engagement Charter	URPS	3	Email	Support with suggestions	Part B- Complying change minimum consultation requirements	<p>The submission offers general support for many of the proposed updates to the Charter.</p> <p>Various concerns with the Complying Change consultation minimum requirements</p> <p>Various other detailed matters regarding the Charter Amendment raised.</p> <p>Other general suggestions regarding consultation in the planning system</p> <p>RESPONSE - The matters raised fall within the eight key topics from submissions identified in the Consultation Report. Detailed commentary, responses and recommendations are contained within the Report in relation to each topic. Refer to the SA Planning Portal for the Report to address all these issues raised in the submission.</p>
DOCS AND FILES-#21658823-I2 - Planning Institute Australia (SA) - Submission - Community Engagement Charter	Planning Institute Australia	3	Email			<p>The submission offers general support for all the proposed updates to the Charter.</p> <p>PIA recommend the Commission closely monitor the use of recommended minimum engagement periods so this does not default to being used as the 'standard' consultation period. We also suggest that the Guide be updated to address more clearly the role of digital technology in achieving good planning outcomes.</p> <p>PIA also recommend guidance is included within the Charter Toolkit and Guide on methods to identify and plan for engagement with allgroups in the community.</p> <p>RESPONSE - The general support is acknowledged. In relation to minimum engagement periods, additional guidance to the Charter Toolkit is proposed but this will ensure that a case by case basis should be applied to minimum timeframes commensurate with the nature of the proposed amendment.</p> <p>PLUS and the Commission also note the suggestions to the Guide and Charter and will investigate inclusion of these suggestions.</p>
DOCS AND FILES-#21683014-A7 - SA Water - Submission - Community Engagement Charter	SA Water	2	Email	Support	Other general comments and concerns	<p>General Support</p>

DOCS AND FILES-#21721351-A8 - HIPDU - Submission - Community Engagement Charter	Housing Infrastructure Planning and Development Unit	2	Email	Support with suggestions	Mandatory Requirements and associated changes	<p>The submission raises that the Charter currently requires mandatory notification for "infrastructure delivery schemes" "Landowners affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act for a minimum of four weeks."</p> <p>The view is that it is illogical to list something as being "notified for 4 weeks" as an arbitrary time period, given the communications that occur with landowners over the course of the Scheme being developed. A scheme delivery will largely comprise a stakeholder management process to engage with affected landowners and confidentially negotiate infrastructure costings until such time as the required infrastructure and costing mechanism are known – at which time this becomes public information.</p> <p>Response: The submission is considered to have merit as it is correct in noting that the creation of an infrastructure scheme inherently involves the direct collaboration with affected landowners, which would typically occur over a reasonable period of time in developing the draft scheme and then implementing it. Therefore to prescribe a generic four week consultation period for notification of landowners is considered to be superfluous in this respect. It is however considered appropriate (for an abundance of caution) to require in the Charter that all landowners be directly notified of the scheme and be afforded an opportunity comment.</p> <p>Infrastructure Schemes have not yet been rolled out since go-live of the new planning system, however are expected to more often than not, accompany a Code Amendment proposal to rezone land. Code Amendments are subject to consultation under the Community Engagement Charter. It is considered reasonable that if a proposed Infrastructure Scheme is being consulted alongside an associated Code Amendment proposal then it is unnecessary to duplicate such consultation again (however direct notification of landowners should still occur, as an appropriate balance).</p> <p>Recommendation: Amend the mandatory requirement in the Charter from - Landowners affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act for a minimum of four weeks. to - Landowners directly affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act. Landowners must be given an opportunity to comment on the scheme unless the landowners are being (or have been) consulted on the scheme via consultation on an associated Code Amendment.</p>
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Attachment C - Evaluation Results

Attachment C - Evaluation Results

Results of the community minimum mandatory evaluation indicators

Evaluation statement	Strongly disagree	Somewhat disagree	Neither agree or disagree	Somewhat agree	Strongly agree	Total number of responses
I feel the consultation genuinely sought my input to help shape the proposal (Principle 1)	0%	50% (1)	0%	50% (1)	0%	2
I am confident my views were heard during the consultation (Principle 2)	0%	50% (1)	0%	0%	50% (1)	2
I was given an adequate opportunity to be heard (Principle 3)	0%	50% (1)	0%	0%	50% (1)	2
I was given sufficient information so that I could take an informed view. (Principle 3)	0%	50% (1)	0%	0%	50% (1)	2
I felt informed about why I was being asked for my view, and the way it would be considered. (Principle 4)	0%	0%	0%	0%	100% (2)	2

Comments:

Of the 103 people who received a survey invitation, only two people completed the survey. While this makes it hard to draw conclusions, it potentially indicates a general level of satisfaction with the engagement process among participants.

Results and Evaluation of the Commission's consultation

The consultation was evaluated by the PLUS Communications and Engagement team.

	Evaluation statement	Response options (<i>Select answer</i>)
1	Consultation occurred early enough for feedback to genuinely influence the Charter Amendment (Principle 1)	<ul style="list-style-type: none"> ▪ Engaged when there was opportunity for input into first draft

2	<p>Consultation contributed to the substance of the Charter Amendment (Principle 1)</p>	<ul style="list-style-type: none"> ▪ In a moderate way <p>In particular, there were:</p> <ul style="list-style-type: none"> • meaningful changes made to the process and minimum consultation requirements relating to Complying Changes under Section 75 • updates to improve consultation arrangements for infrastructure schemes • information to investigate updates to Form 1 documents for section 7 searches on property sales
3	<p>The consultation reached those identified as the community of interest (Principle 2)</p>	<ul style="list-style-type: none"> ▪ Representatives from some community groups considered most relevant to the proposed amendments, participated in the consultation
4	<p>Consultation included the provision of feedback to community about outcomes of their participation</p>	<ul style="list-style-type: none"> ▪ Formally (Consultation Report)
5	<p>Consultation was reviewed throughout the process and improvements put in place, or recommended for future consultation (Principle 5)</p>	<ul style="list-style-type: none"> ▪ Reviewed and improvements considered

Attachment D – Copies of Submissions Received

From: [DTI:PlanSA Submissions](#)
To: [REDACTED]
Subject: FW: Mary completed Survey: updating the Community Engagement Charter
Date: Monday, 18 March 2024 2:22:14 PM
Attachments: [~WRD0000.jpg](#)

OFFICIAL

Sub

From: YourSAy <notifications@engagementhq.com>
Sent: Monday, March 18, 2024 10:09 AM
To: Perkins, Alison (DTI) [REDACTED]; DTI:PlanSA Submissions <PlanSAsubmissions@sa.gov.au>
Subject: Mary completed Survey: updating the Community Engagement Charter

Mary just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Mary

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with First Nations?

SA now has a First Nations Voice which would be the appropriate vehicle First Nations to influence planning decisions that affect or interest them.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with young people?

Particularly young people below voting age.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for 'complying changes'?

A 'streamlined process' is a euphemism for effectively minimising or excluding participation by not giving interested parties sufficient notice and/or information to register their opinions.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

N/A

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

I am disgusted that at least 2 discrete 'minorities' - women and old people - are not explicitly listed as groups with specific and identifiable concerns. You can easily imagine a decision that specifically and disproportionately affects old people, e.g. a pedestrian crossing is moved from near a retirement village to further down the road, for various reasons. As a result, it becomes too far for residents of that village to walk to the shops & they become less engaged in the community and less fit. If you can't perceive that women are a group with specific and identifiable concerns, I would reference the recent Samantha Murphy case, as a result of which many women feel unsafe running or walking by themselves even in daylight - this is untrue for men. A few years ago, ABC Radio National did a program about how women avoid running at night. For balance, they also asked male runners if they felt 'unsafe' at night. The men thought the journalist must be asking whether they worried about pulling a muscle! This female-specific concern is relevant to planning issues such as street lighting, how parks are designed and whether they contain clear lines of sight, etc.

|

From: [David Bailey](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission – Community Engagement Charter
Date: Monday, 18 March 2024 8:56:49 PM

Hello Plan SA

I have recently project managed engagement a Code Amendment for a private entity using the Charter and various tools. Noting my experience in local government, a gap in the tools - you can figure out where best to articulate it - has to do with prompting practitioners in private practice to 'plan' 9as part of their engagement planning) to use the social media platforms most councils operate to raise awareness about the engagement underway.

Council's social media platforms are correctly controlled by each council. However, where a Code Amendment is being proposed in that council area, it seems reasonable that the engagement for the Code Amendment be promoted (if the council agrees) via the Council social media.

Often securing that agreement takes a few days but needs to be done (in my view anyway) as part of preparing the engagement plan. The gap in my mind is that there is no prompt in the Guide to the Engagement Charter or in the Engagement Plan template that prompts someone planning the engagement to consider that particular tool.

Regards

David Bailey
RPIA (Fellow)
GIAP2
Accredited Planner 1, 2, 3
[REDACTED]
Principal
Community Place Planning
[REDACTED]

Kurna miyurna, Kurna yarta, ngadlu tampintheta
(We recognise Kurna people & their land)

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Don Donaldson completed Survey: updating the Community Engagement Charter
Date: Thursday, 21 March 2024 4:39:38 PM

Don Donaldson just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Don Donaldson

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I am impartial about the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

I am concerned that the categories of disability and neurodiverse people are grouped together. Neurodiverse people are not in my opinion, disabled, and would not have different, if any, engagement requirements from the norm.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

the opportunity to comment on policy changes such as rezonings, should not be used to limit consultation on other more specific issues.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Elisa completed Survey: updating the Community Engagement Charter
Date: Thursday, 28 March 2024 1:08:34 PM

Elisa just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Nastasja

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

nil

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with young people?

nil

The proposed changes highlight the need to consider appropriate opportunities for

culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: KTS completed Survey: updating the Community Engagement Charter
Date: Tuesday, 2 April 2024 5:53:36 PM

KTS just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Kevin Sykes

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Planning/development industry

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

Do you have any comments regarding proposed changes relating to engaging with First Nations?

no

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

Do you have any comments regarding proposed changes relating to engaging with young people?

no

The proposed changes highlight the need to consider appropriate opportunities for

culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

no

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

no

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

no

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

Councils should not be able to ignore State Government planning changes. Residents affected by such have no appeal provision currently and are rendered powerless between two competing public bureaucracies who have no interest in the small rate payer. Land owners proposing property developments such as subdivision that have been denied by local Council should have the ability to appeal rulings directly to State Planning Authority especially if they abide by State Government policy such as 30 Year plan eg Developments along/proximity to Major Railway transport corridors. If local council ignore 30 Year plan

& refuse to implement provisions the resident has no right of appeal currently.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes reflecting the Charter is now a well-established part of the planning system?

The imbalance between State Government overall policy direction and required implementation by Local Government. Local Government can tell SPA to go to hell & the local home owner looking to redevelop his property is the sacrifice. The property owner is hung out to dry !!The State Government should be more hands on & insist Councils give consent to Acts of Parliament. Force implementation as soon as passed by Parliament Local Government cannot opt out of or pick & choose what it will adopt of the 30 Year Plan, otherwise you end up with a patchwork of compliance /non compliance across the state with a lack of fairness and massive potential for corrupt behavior at local Government level.

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

No.... State Government SPA needs to ensure local Councils apply & have the power to force implementation

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

No

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Spacey completed Survey: updating the Community Engagement Charter
Date: Monday, 15 April 2024 12:43:06 PM

Spacey just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Brenan

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Cee Jay completed Survey: updating the Community Engagement Charter
Date: Wednesday, 17 April 2024 1:53:49 AM

Cee Jay just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Claire Harvey

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I am impartial about the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with First Nations?

You need to engage with every sector of the community across the board equally. Not pick out individual groups of people.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with young people?

You need to engage with every sector of the community across the board equally. Not pick out individual groups of people.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

You need to engage with every sector of the community across the board equally. Not pick out individual groups of people.

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

You need to engage with every sector of the community across the board equally. Not pick out individual groups of people.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

You need to engage with every sector of the community across the board equally. Not pick out individual groups of people.

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

Streamlining community consultation needs to be fully comprehensive ensuring everyone has a say so it truly reflects what the community wants.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Unsure

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

Not comprehensive enough to reflect community needs and outcomes.

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Lauren.Roe completed Survey: updating the Community Engagement Charter
Date: Wednesday, 17 April 2024 6:52:52 PM

Lauren.Roe just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Lauren Roe

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

I strongly support increased opportunities for First Nations to participate in the consultation process. However, it is even more important that the valuable feedback provided, is properly weighed & adequate provision is made to support marginalised communities to participate in a way that is safe & respectful of the impact of ongoing disenfranchisement & intergenerational trauma experienced by a large proportion of this community. I would like to see this reflected in the documentation.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that

affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

As a person who is living with a disability, I have historically been asked to engage with government departments, MPs offices & other organisations in ways that are detrimental to my well being. At times this has impacted my ability to participate in community consultation. I would like to see the wording changed to reflect a REQUIREMENT for accessibility to be provided for rather than just considered

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Di Spillane completed Survey: updating the Community Engagement Charter
Date: Thursday, 18 April 2024 11:19:23 AM

Di Spillane just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Dianne Spillane

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

Engaging with First Nations so that they can influence the process and the thinking from the start is of high importance. Decision makers should not be allowed to proceed without their approval.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with young people?

I am unsure if young people have enough prior knowledge to provide valuable input on planning decisions.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

No

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

The State Planning Commission will require disability and neurodiverse education from a lived with perspective to enable them to appropriately consider the potential impact on those who live with a disability.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

The engagement of businesses who are set to profit from proposal's, especially those that are willing to invest in the project to ensure that it proceeds, regardless of input from the community, has always played a role in final decision's and this needs to be addressed. Full transparency of such involvement must be disclosed prior to their engagement being approved, and failure to do so should incur hefty penalty's.

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to the engagement

process for ‘complying changes’?

Does this mean that you will actually listen and amend proposed changes that the community is against?

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes reflecting the Charter is now a well-established part of the planning system?

No

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

I am concerned that decision maker's can proceed as long as they can ‘tick off’ having captured and reported on community views regardless of whether that community agrees with their plans or not.

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

I agree that everyone concerned should be involved, but the fact that such involvement will have no real impact on the outcome will affect the likelihood of a good representation actually engaging in the process.

From: [Lexie Raven](#)
To: [DTI:PlanSA Submissions](#)
Subject: Objection to planning
Date: Wednesday, 17 April 2024 9:02:55 PM

[You don't often get email from [REDACTED] Learn why this is important at [REDACTED]

Objecting to planning is clearly thought through by an objector. For me I take into considerations of what i believe are important to not only my life but my community and environment. When neighbours and the local community clearly state what their objections are they are often varied and common issues.

It seems that none of this is relevant as a community.

It also seems that the mighty dollar also plays a huge part which supports the developer and not the local residents.

I am very concerned that as an individual and a community group we are largely ignored and that there is no hope to be considered .

As an example the recent approval and building of a third Hungry Jacks in our area which also has a McDonalds within close proximity and a couple of Kentucky facilities .

Greater consideration needs to be given to those households who are directly affected and provide information relating to their objection's

Thank you for the opportunity to comment.

Lexie Raven
[REDACTED]

Sent from my iPhone

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: sarinozi completed Survey: updating the Community Engagement Charter
Date: Friday, 19 April 2024 7:35:43 PM

sarinozi just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

sarah

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

for all engagements, the effect of responses should be proportionate to the % of the population group to general population and effect on the majority of the population

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

as long any result takes into consideration what's in the best interest to the general population and the planet

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to the engagement process for 'complying changes'?

No Answer

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

my biggest concern with community engagement / consultation is how easily the process can be controlled and manipulated

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Kerry Hallett completed Survey: updating the Community Engagement Charter
Date: Monday, 22 April 2024 12:47:29 PM

Kerry Hallett just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Kerry Hallett

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Council

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

Glad to see they have been recognised and must be consulted.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with young people?

I am glad they have been specifically identified because engagement approaches have been very unsuccessful in attracting youth participation. Specific and different engagement tools are needed for youth. Different locations, techniques, language, contact sources are required eg alternative and mainstream social media. Engagement experts need to employ

young people. One often overlooked resource are local secondary schools. Liaise with teachers to build engagement activities into routine school work.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

As above, look for specific tools to engage with key cultural demographics for a specific area eg LOTE newsletters, social media channels etc. Liaise with key cultural leaders etc.

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

Given restrictions on consultation costs, there is a need to consider the demographics of specific communities to determine if additional engagement activities (besides routine approaches that are already inclusive eg using fully accessible venues) are required.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

In my experience they are already engaged as key stakeholders and are afforded specific opportunities to contribute their perspectives and ideas eg after hours meetings etc.

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement

process for ‘complying changes’?

I consider that the community and those that represent them ie elected councillors feel disengaged and excluded from the planning process and modifying more aspects of planning to negate the need for community engagement will further alienate them in favour of developer interests.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Unsure

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Unsure

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

Glad to see Environmental Impact Statements and associated engagement requirements have been included.

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: impalabazz completed Survey: updating the Community Engagement Charter
Date: Thursday, 25 April 2024 10:38:19 PM

impalabazz just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Barry

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with First Nations?

Indigenous South Australians are the same as ANY other South Australian, not a separate group,

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with young people?

Young people of voting age or higher have just as much right as anyone else to make comment if they are a resident of S.A.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

Any South Australian of voting age or higher has the right to make comment or provide input.

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

Any South Australian of voting age or higher has the right to make comment or provide input. I have a hearing disability from working in Heavy Industry. I have been discriminated against by government departments and Local Council and other quarters, so have a first hand experience in this regard. Making it "inclusive" will not fix the problem.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

Vested interests always cause problems. Having said that, narrow minded people in government departments are worse. They inflict "their" view of the world on all and sundry. Local Council is a classic example, filled with people that can't get a job in the real world, and are angry about it.

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement

process for ‘complying changes’?

As soon as you hear "Streamlined" you know it is the complete opposite. With our recent D/A application it took 14 months to negotiate the process, something that PLAN SA says that will take 20 weeks maximum.....what a joke.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the Charter is now a well-established part of the planning system?

No

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

The PDI 2026 is about total control. It is a classic Red Tape machine. Cut the Red Tape, get rid of the PDI 2016 and go back to the Old Act.

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

No

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: YT completed Survey: updating the Community Engagement Charter
Date: Wednesday, 1 May 2024 5:35:26 PM

YT just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Yvonne Trethewey

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes with some concerns

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with First Nations?

No

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with young people?

No

The proposed changes highlight the need to consider appropriate opportunities for

culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

No

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

No

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

No

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

Kangaroo Island Council have not followed existing Community Engagement By Laws. most recently with regard to RAA charging stations in Penneshaw in the car park to the beach and to the only community recreation park in Penneshaw at Lloyd Collin’s reserve preventing safe access and egress for all users of these areas including emergency vehicles. Issues also surround installation near to a children’s playground in Kingscote. Accountability for these sort of serious omissions is not apparent in existing nor the Community Engagement Charter being proposed. The charter should ensure that scenarios

such as this do not take place with Quality Assurance mechanisms specified within it describing penalties applied that are not at cost to ratepayers. Any suggestions MUST be made in the context of informed community consultation and participation with the Council engaging with and working together with the community it serves not as an afterthought and remedies suggested that are “bandaid” and that do not address the problems caused, and are at additional cost to rate and tax payers.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Unsure

Do you have any comments regarding proposed changes reflecting the Charter is now a well-established part of the planning system?

See item 16 comments above

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Unsure

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: MakeNoBones completed Survey: updating the Community Engagement Charter
Date: Sunday, 5 May 2024 8:18:54 PM

MakeNoBones just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Sue

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

First Nations people have a right to be engaged.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with young people?

Any planning decisions should come under a government policy

The proposed changes highlight the need to consider appropriate opportunities for

culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

As long as the changes do not affect any more of our environmental biodiverse scrub, forest lands & waterways

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

Something that interests a person seems very open ended!!!

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

What is this interest mamby pamby thing? Sounds like it is a one way street to stuffing up any natural environment biodiverse scrubland we have left.

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for 'complying changes'?

Stream lining is another label for fast tracking. So dishonest.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian

planning system. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the Charter is now a well-established part of the planning system?

As tax payers we are being manipulated into believing the charter is established. Only the naive think & corrupt push that the charter is established. Jesus wept!

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

I've worked for the public service. That says it all. A bunch of ladder climbing, dumb arse, who can get there first to the detriment of society's & our natural environment's wellbeing, small minded, selfish mostly men who have never grown up!

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

We are stuffed. In particular Kangaroo Island & SA's west coast is stuffed. There will be nothing left & eventually we will be as environmentally stuffed as Bali, India & China. Everyone seems to forget Australia only has a thread of arable & forested land around the coast. Where did these decision makers get educated ffs!

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Storm2 completed Survey: updating the Community Engagement Charter
Date: Wednesday, 8 May 2024 6:35:21 PM

Storm2 just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Norman Elliott

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I am impartial about the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Unsure

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: CarofromYank completed Survey: updating the Community Engagement Charter
Date: Wednesday, 8 May 2024 6:49:53 PM

CarofromYank just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

CarofromYank

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Planning/development industry

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes with some concerns

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

No Answer

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Unsure

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Unsure

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

Where is the relevant regional plan for the Yankalilla district

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Mandyrc completed Survey: updating the Community Engagement Charter
Date: Wednesday, 8 May 2024 7:02:24 PM

Mandyrc just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Mandy Collins

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

No

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

No

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Darren finn completed Survey: updating the Community Engagement Charter
Date: Wednesday, 8 May 2024 10:04:57 PM

Darren finn just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Darren finn

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

No

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

No

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: kirstykikali completed Survey: updating the Community Engagement Charter
Date: Thursday, 9 May 2024 12:15:55 PM

kirstykikali just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Kirsty

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes with some concerns

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with young people?

There needs to be more Youth activities, work and support for mental health and young people with disabilities in the area.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

As a parent of Autistic girls there defiantly needs to be more engagement and support for employment and social activities for this group of people.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

Inclusive workplaces, More work needs to be available for increase of population as there isnt much opportunity in the area currently.

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

There needs to be better roads, Access to better food prices in our supermarkets and more shops to support a growing population including youth appropriate shops

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

No

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Unsure

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: debd completed Survey: updating the Community Engagement Charter
Date: Monday, 20 May 2024 10:13:55 AM

debd just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

deb laver

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with First Nations?

Of course I support engaging First Nation people in the consultation process but do not appreciate the question above almost coercing us to agree on changes to the Charter at the risk of decisions being streamlined with little to no community engagement which is what I would have thought a community engagement charter was!

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with young people?

again, why word a question like that. Of course I would want young people engaged but

don't want to select Yes in fear that you will consider that a response for support for changes to the charter

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

loaded question

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

I give up on providing responses to this

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the Charter is now a well-established part of the planning system?

the proposal is not to consult anymore for massive changes such as rezoning that according

to Planning SA would be made in what they feel would be the spirit of the approved plan (“complying changes”). Direct neighbours of a changed zone or other development would be consulted, but would probably have little power to change the proposal, and since when does a development only affect direct neighbours? In my opinion, this move is highly threatening to our ability to make positive environmental changes and to overall democracy.

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

No

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Bails05 completed Survey: updating the Community Engagement Charter
Date: Friday, 24 May 2024 2:09:41 PM

Bails05 just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Jasmine

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I am impartial about the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

Not sure at this point

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with young people?

I believe that it should cover all kinds of different groups in this community, ie people living with a disability. This is because it may not cover the needs of everyone in the community however am unsure due to lack of information provided.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

Not at this stage

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

Engaging with people living with a disability depends on what type of disability they have. This is because different disabilities have different levels of needs. They need to make sure that they listen to everyone in the community and make the information more accessible to everyone.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

Not sure

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

Unsure

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: OldSalt completed Survey: updating the Community Engagement Charter
Date: Thursday, 9 May 2024 11:24:36 AM

OldSalt just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Dale Sutton

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Council

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes with some concerns

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

Every effort should be made to engage with key stakeholders, and I commend the change to identify several stakeholder groups that should be considered for each engagement, including First Nations stakeholders. Having said that, from my experience engagement with some stakeholder groups has been time consuming and tricky to navigate. While we should ensure all stakeholders hear about the opportunity and make it as easy as possible to engage with us in the ways that suit the stakeholders (and not the government entity), we also need to understand and accept that these efforts may not garner a lot of engagement from the various stakeholder groups. Therefore participation levels should not be the main measure of engagement success. Rather we should measure the reach of the promotion undertaken and the range of ways and ease of participation.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with young people?

Every effort should be made to engage with key stakeholders, and I commend the change to identify several stakeholder groups that should be considered for each engagement, including younger people. Having said that, from my experience engagement with some stakeholder groups has been time consuming and tricky to navigate. While we should ensure all stakeholders hear about the opportunity and make it as easy as possible to engage with us in the ways that suit the stakeholders (and not the government entity), we also need to understand and accept that these efforts may not garner a lot of engagement from the various stakeholder groups. Therefore participation levels should not be the main measure of engagement success. Rather we should measure the reach of the promotion undertaken, the range of ways to provide feedback, and ease of participation.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

Every effort should be made to engage with key stakeholders, and I commend the change to identify several stakeholder groups that should be considered for each engagement, including CALD communities. Having said that, from my experience engagement with some stakeholder groups has been time consuming and tricky to navigate. While we should ensure all stakeholders hear about the opportunity and make it as easy as possible to engage with us in the ways that suit the stakeholders (and not the government entity), we also need to understand and accept that these efforts may not garner a lot of engagement from the various stakeholder groups. Therefore participation levels should not be the main measure of engagement success. Rather we should measure the reach of the promotion undertaken, the range of ways to provide feedback, and ease of participation.

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

Every effort should be made to engage with key stakeholders, and I commend the change to identify several stakeholder groups that should be considered for each engagement, including people living with a disability. Having said that, from my experience engagement with some stakeholder groups has been time consuming and tricky to navigate. While we should ensure all stakeholders hear about the opportunity and make it as easy as possible to engage with us in the ways that suit the stakeholders (and not the

government entity), we also need to understand and accept that these efforts may not garner a lot of engagement from the various stakeholder groups. Therefore participation levels should not be the main measure of engagement success. Rather we should measure the reach of the promotion undertaken, the range of ways to provide feedback, and ease of participation.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

Every effort should be made to engage with key stakeholders, and I commend the change to identify several stakeholder groups that should be considered for each engagement, including businesses, workers and employers. Having said that, from my experience engagement with some stakeholder groups has been time consuming and tricky to navigate. While we should ensure all stakeholders hear about the opportunity and make it as easy as possible to engage with us in the ways that suit the stakeholders (and not the government entity), we also need to understand and accept that these efforts may not garner a lot of engagement from the various stakeholder groups. Therefore participation levels should not be the main measure of engagement success. Rather we should measure the reach of the promotion undertaken, the range of ways to provide feedback, and ease of participation.

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to the engagement process for 'complying changes'?

Councils should have the flexibility to engage with their communities on 'complying changes' in the way that best suits their community. They must not be limited in their engagement, as it is well-understood that councils need to be clear and transparent in their processes. If they are limited in how they engage (over and above any mandatory engagement) it is detrimental to both the reputation of government as well as the affected stakeholders.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

Councils should have the flexibility to engage with their communities over and above the mandatory requirements, in the way that best suits their community. They must not be limited in their engagement, as it is well-understood that councils need to be clear and transparent in their processes. If they are limited in how they engage (over and above any mandatory engagement) it is detrimental to both the reputation of government as well as the affected stakeholders.

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

Given this Community Engagement Charter is specific to planning and development, consider adding that to the name of the charter to be really clear. With another state government Community Engagement Charter soon to be introduced (by the Office for Local Government) it is important to make it really clear what each charter covers.

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: David and Mary completed Survey: updating the Community Engagement Charter
Date: Tuesday, 28 May 2024 6:39:08 PM

David and Mary just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

David and Mary Woolaway

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

N/A

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for ‘complying changes’?

Allowing fast rezoning will destroy what is left of any natural environment. Developers are only interested in money and don't regard nature or wildlife at all. Hundreds year old trees, homes to multiple animals and birds, are cut down without thought or care to make way for more housing. In rural towns it means we're faced with Inadequate roads, hospital , infrastructure and resources. Already waiting 6 or more weeks to see a Doctor. People are literally dying while they wait. Instead of destroying more nature make it a rule that people who buy investment properties have to rent them out instead of leaving them empty. Plenty of housing available then.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

N/A

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

N/A

28 May 2024

RE: Submission on the Community Engagement Charter draft change March 2024

To: plansasubmissions@sa.gov.au

Dear Officer,

Please find below our comments on the Community Engagement Charter proposed change, which is very upsetting.

“Improving public participation in SA’s key planning decisions” is obviously from the point of view of the Planning Commission. The document proposes to remove consultation on the pretence that a major change such as rezoning would be in the intent of the plan so consultation would not be needed.

It is not because people have been “consulted” (and not listened to) that they agree with a plan and its future and unknown changes. The intent of a plan can be interpreted in many different ways (e.g., the Bible is the source of many different religions which engage in serious conflicts).

Consultation with the direct neighbours of a new development is insufficient. A development (e.g., a tourist park with jet skis on a salt lake) can affect neighbours far and wide, as well as the wellbeing of local people and perception by visitors of a whole region.

Zoning changes and developments must be advertised and conducted in consultation. The proposed change is dictatorial, dangerous, unfair, and totally unacceptable. We say **NO to “streamlined” engagement process for “complying changes”**.

Thank you for processing our submission.

Sincerely,

Dr. S. “T.” Petit on behalf of Kangaroo Island Research Station



28 May 2024

RE: Submission on the Kangaroo Island Regional Plan Draft – March 2024

To: plansasubmissions@sa.gov.au

Dear Officer,

Please find below our comments on the Draft Plan (glossy hard copy). Thank you for processing our submission.

- **“real-time updates” (p. 8):** if the plan is going to be updated when the Planning Commission decides, lack of transparency for the community will be an issue. The plan will no longer be a plan and how actions fit the plans cannot be evaluated against the plan, since there will not be one. **Any modification to the plan must be indicated, advertised, and dated.** We were told in a meeting that updates would happen when changes have met the intent of the plan. Anyone can interpret “intent” differently. The plan will lose its function of plan. A plan must remain intact so that any change may always be evaluated against it. Lack of transparency is not acceptable.
- **Growth:** although the tone of the document is milder than what we encountered a year ago, the focus is still on growth. It seems that the world is going to end in 2054, since the plan does not plan for anything further. So if more growth happens then, where do we grow to? What happens when we need more land to grow and all dedicated land has been used up? The only growth possible will destroy biodiversity and, therefore, humanity. Plans need to plan for scenarios well into the future.
- How is the Penneshaw desalination plant going to add 500 jobs to the island? (p. 12). **Where are the data sourced from?**
- The glossy plan contains an error under major tourist and recreation facility (p. 12). In the pdf, this section refers to the golf course at Pennington Bay. **Why single out this golf course, which is a symbol of government failure in legal, ethical, and democratic management?** The golf course as we write is being built on top of Aboriginal sites containing vast amounts of artefacts, on a public coastal conservation reserve with rare wildlife. The giant fence is preventing the free movement of animals across the isthmus and the large amounts of pesticides that will be poured over the golf course will pollute the marine and freshwater environments. The private golf course aims to access beautiful public coastal land to sell and develop for private gain. The legal protection of Aboriginal artefacts mentioned on p. 69 is interesting, considering that the golf course that the regional plan is boasting is destroying known sites. It is also unclear why the Southern Ocean Lodge is singled out in the draft.

- **Changes at American River** are dramatic, poorly planned (see American River Plan), and destructive to the coastal environment and glossy black-cockatoo habitat (which includes many other native species). The “extensive upgrades to the foreshore” (pp. 43, 45) are alarming because the only upgrade that it needs is removing constructions on the foreshore. Foreshore constructions affect detrimentally coastal conservation, including “seawalls” that are now being removed in other countries such as France because of their impacts on land loss.
- Who has approved the **Dudley trail**? Who are the private partners? What public land will be used? What are the objectives?
- **New dwellings**: different pages contain inconsistent information – between 28 and 38 new dwellings per year (Regional Context section). The plan indicates that **over 1000 dwellings are unoccupied** on the island. When one considers that a dwelling results in the clearing of vegetation at least to 20 m, the construction of new dwellings is highly detrimental to biodiversity, and the more than 1000 unoccupied dwellings should be occupied before more are built. Most of those are probably short-term holiday rentals of Airbnb type. A TOTAL quota and an INDIVIDUAL quota need to be placed on the island’s Airbnb-style dwellings; local people should be advantaged. Land use information is confusing.
- Much more **volunteering** takes place on KI than in the rest of the nation on average. The economic value given to KI by older volunteers should be considered a large benefit.
- Many **zoning changes** are proposed (e.g., pp. 38-39, 64-65) – unclear. No-fly zones for helicopters need to be vastly expanded.
- Although our planning session of 14 July 2023 clearly described necessary building improvements, none is presented in the plan. In fact, most discussed topics are not included. The group made strong points about **sustainable design** and dark skies, among others. How are the buildings going to reduce impacts on biodiversity? There is no reference to **inappropriate developments** such as a “tourist park” with jet skis on a salt lake, for example. KI should be a world example for sustainable buildings and appropriate developments.
- One person reported to me having been told that “extensive **consultation**” had taken place since consultation with “Dr Petit and KIRS” and KICLA had taken place. We do not represent the whole population of KI; it is important not to brandish our names in unchartered territories and use them for ticking boxes. Again, most of the feedback that the community gave on the 14th of July 2023 has not been taken into account.
- The reportedly “genetically pure population of the Ligurian honeybee” is a myth. We suggest the use **scientific literature** when producing government-endorsed

documents. Unfortunately, Flinders Chase National Park is not known for its penguin colonies (p. 68) any more than Kangaroo Island is known for its mangroves (p. 82). In fact, there is no mangrove on KI.

- Considering the overwhelming number of sheep that are going to be farmed on the island, it is essential to have **livestock processing facilities** on the island for the double purpose of animal welfare and reduced truck traffic to and from the mainland. Transportable facilities are used in some countries and could work on KI. It is possible that a small **recycling industry** could work on KI, but no information is given, and extensive modelling needs to be undertaken (urgently) for both types of industries and include pollution considerations.
- Although we have no mangrove, we have **seagrass** that is currently dying at catastrophic rate in large areas. At Brown Beach, high nitrogen levels have been recorded. Seagrass is a foundation of marine health for many areas of KI – what can the plan do to protect seagrass meadows?
- **Biodiversity offsets** (p. 73): as we explained at the meeting of 14 July, offsets are myths. It appears that the photo is from the Eyre Peninsula. Restoration is not mentioned. When an area is degraded, it seems to be fair go to develop it and there is never reference to **restoration**.
- The biodiversity section alarmingly presents **destruction as the default, with mapping of areas that need to be protected as an activity**. It is extremely detrimental to think of the island in this way. **The default is protection – everything must be protected. Mapping is for what can be developed**. The “vision map” should have a focus on what is special about the island: nature and biodiversity. This is what economy and wellbeing are based on. The vision should be to retain this richness as a priority. (Art and cultural heritage should also feature strongly in the plan).
- **Dams** can no longer be permitted on KI – hydrological conditions are greatly damaged. The “streamlined assessment pathways for minor developments” are inappropriate, as is any “**streamlining**” that skips community consultation.
- **Lack of phone coverage at Flinders Chase NP** is a good thing (p. 94). It is one of the rare places in the developed world where people can find out what it feels like to have no phone coverage, and most love it. It is a selling point and represents wilderness. We do not need to increase visitation to Flinders Chase NP by people looking for a Parisian experience. There is too much impact on the park already.
- What is critical **mineral production** (p. 109) and the “consideration for infrastructure corridors”?

- Can we stop the photos of cars **driving on beaches** in government information? Driving on beaches has a detrimental impact on biodiversity.

Some good points include building reuse, circular economy, protection of roadside vegetation, but the plan needs to focus more on planning: how is sea level rise going to be tackled? When do we stop growing and how? How do we facilitate quality of life for the long term? How are Dark Skies going to be preserved? What strategies are going to be used to implement new housing designs (e.g., conference for local builders)? What is the tourism carrying capacity for KI? How can we plan for social pride and identity? How can we reverse the beginning of ecological collapse on KI? How do we maintain moral integrity in planning and with planning? How do we stop inappropriate developments? How do we preserve wildlife corridors? Etc...

COMMUNITY ENGAGEMENT CHARTER:

NO. NO. NO. NO “streamlined” engagement process for “complying changes”. It is not because we have been “consulted” (and not listened to) that we agree with a plan and its future changes. The proposed change is dictatorial, dangerous, unfair, and totally unacceptable. Zoning changes must be advertised and conducted in consultation. A development doesn’t just affect adjacent neighbours. The “intent” of the plan can be interpreted in many different ways (e.g., see how many religions lean on the Bible).

Sincerely,

Dr. S. “T.” Petit on behalf of Kangaroo Island Research Station



From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Bret Woods completed Survey: updating the Community Engagement Charter
Date: Monday, 3 June 2024 10:32:16 AM

Bret Woods just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Bret Woods

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

State agency

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

From: [REDACTED]
To: [DTI:PlanSA Submissions](#)
Subject: Submission on Community Engagement charter
Date: Monday, 3 June 2024 12:39:11 PM
Attachments: [CP Submission on the Community Engagement Charter draft changes.pdf](#)

You don't often get email from cjpaterson@inet.net.au. [Learn why this is important](#)

Please see attached,

*Regards,
Caroline Paterson*

Submission on the Community Engagement Charter draft changes, March 2024

June 3, 2024

plansasubmissions@sa.gov.au

To whom it may concern,

I am writing to provide feedback about the Community Engagement Charter draft changes released for consultation in March, 2024

Improving public participation in SA's key planning decisions is supported in principal, however I do not believe that this has been achieved. The document actually removes the need for further community consultation as that box has been ticked in the Kangaroo Island Regional Planning process, which sets the direction development from now until 2050. Effective engagement would promote feedback from neighbours, local community and stakeholders on zoning and complying development early in the process. This will ensure that the collective knowledge of Islanders is recognised, in a rapidly changing environment. It also removes the participation of youth as they in-turn become adults and future leaders, or new residents to our regions whose values will not be recognised.

Each application needs to be considered on its own merits, ensuring that early identification of potential impacts on biodiversity, threatened species and critical habitat and alignment with the conservation and recovery actions listed in State and Federal Government Recovery Plans and Conservation Advice documents. This cannot be at the discretion of State or Local Government due to the massive data deficiency and knowledge gaps around many native plants and animals not to mention a lack of transparency. Nor can it be done by a consultant that is being funded by the applicant, often as a desktop assessment without due diligence and onsite assessments.

The proposed 'streamlining of engagement for complying changes' and 'fast-tracking of code amendments' is **not supported** and in fact raises major concerns for the future of our islands wildlife, wild places and lifestyle, being heavily skewed toward the delivery of economic drivers. The equally important social and environmental impacts – the latter which underpins all of our society, economy and productivity – is at a very high risk of being changed forever by the proposed changes.

Biodiversity across Australia is in decline, with species and the diversity of habitats they rely on for survival at risk from cumulative impacts including development, land-use change and climate change. Biodiversity cannot be restored or offset and now is the time for all Government portfolios to stand up and listen to the scientists and community who are trying so hard to prioritise the protection of places that still support in-tact habitats and threatened species populations.

Thank you for considering this submission.

Caroline Paterson

B. Ap. Sc. UNISA (Conservation and Park Management)

[REDACTED]

[REDACTED]

28 May 2024

RE: Submission on the Community Engagement Charter draft change March 2024

To: plansasubmissions@sa.gov.au

Dear Officer,

Please find below our comments on the Community Engagement Charter proposed change, which is very upsetting.

“Improving public participation in SA’s key planning decisions” is obviously from the point of view of the Planning Commission. The document proposes to remove consultation on the pretence that a major change such as rezoning would be in the intent of the plan so consultation would not be needed.

It is not because people have been “consulted” (and not listened to) that they agree with a plan and its future and unknown changes. The intent of a plan can be interpreted in many different ways (e.g., the Bible is the source of many different religions which engage in serious conflicts).

Consultation with the direct neighbours of a new development is insufficient. A development (e.g., a tourist park with jet skis on a salt lake) can affect neighbours far and wide, as well as the wellbeing of local people and perception by visitors of a whole region.

Zoning changes and developments must be advertised and conducted in consultation. The proposed change is dictatorial, dangerous, unfair, and totally unacceptable. We say **NO to “streamlined” engagement process for “complying changes”**.

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Fran Smythe completed Survey: updating the Community Engagement Charter
Date: Tuesday, 4 June 2024 8:46:39 PM

Fran Smythe just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Fran

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I do not support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with First Nations?

Happy for First Nations to have more say in the control of lands as long as they don't join the destructive band wagon & become developers.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with young people?

No unless the young people become destructive developers of land.

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

As long as it is not about developing more land

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

Engage away as long as our lands that are left are not destroyed by developers

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

No

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

Our rural & scrub land now needs protecting more than ever before.

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for 'complying changes'?

We need to protect our scrub land & rural land. Developers are ignorant, short sighted & uneducated. We & the land need to be protected from them.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian

planning system. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the Charter is now a well-established part of the planning system?

It is not well established part of the planning system. This is a government bluff.

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

Our country side is going to be more fkd up fr the sake of developers bank accounts. What is wrong with this short sighted governments on both sides. Such children.

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

People need to grow up & actually work for their pay rather than destroying habitat fr a fast, big buck! The government needs to grow up & stop backing developers. All of them are shooting each other in the foot. We are going to end up not being able to grow food because we have turned our state into a wind blown wasteland. It is on the edge already. Stupid stupid uneducated young people with egos out of control. Wanting to be seen, with gov prestige & material prosperity. Wasting their lives filling their houses up with IKEA junk & buying stupid big vehicles. Public service morons really, backing developers at all costs. Why have we brought this middle aged generation up to be so selfish, insecure & stupid? Nothing going on in their heads any more other than how much money & notoriety they have. Their poor children & future generations. Pathetic! Leave our natural environment alone. SAVE KANGAROO ISLAND & the WEST COAST from developers. We love those places as they are. The short sighted governments, Lib & Labor is going to ruin these places! Grow up & get strong government, stop licking developers arses you are better than that!

From: [REDACTED]
To: [DTI:PlanSA Submissions](#)
Subject: Submission: Community engagement charter
Date: Tuesday, 4 June 2024 9:03:44 PM

You don't often get email from bevcolin1@bigpond.com. [Learn why this is important](#)

Hi

I attempted to complete the survey but it said that my email address was already in use so I am submitting this manually. I haven't completed the survey so I'm not sure why it should appear that I have.

I am writing to say that I am not happy with the proposed changes to streamline delivering planning rules by introducing a new engagement process for 'complying changes'. My disagreement with it is based on the following points:

1. **It assumes that the regional plan that is developed is in line with the community's views.** While the regional plan community engagement invited community input, the plan doesn't have to follow the input it receives from the community. Thus the plan may designate areas for development (for example) that do not comply with the community's preferences. In that case, a development placed in accordance with the plan, may well be opposed by the community but the community (apart from 'impacted and neighbouring landowners') has no ability to comment on the proposal .
2. While streamlining red tape is always sounds attractive, in reality is usually means reducing the opportunity for communities to have influence over what is planned. This is clearly recognised as the following sentences within the Community Engagement FAQ show *Consultation on the regional plan must align with the current Community Engagement Charter. The proposed changes to the Charter may impact future engagement on delivering planning policies and strategies that are published in the Kangaroo Island Regional Plan.*

I am opposed to reducing the opportunities for communities to have input into Code Amendments. Yes, it takes more time having to consult the public and often there is no response, but a weakening of the community's right to have input into decisions that affect it should be resisted.

Please can you confirm receipt of my comments.

Yours sincerely
Beverley Maxwell

[REDACTED]

From: ingereth.macfarlane
To: [DTI:PlanSA Submissions](#)
Subject: Submission – Community Engagement Charter
Date: Thursday, 6 June 2024 1:37:19 PM

You don't often get email from ingereth@gmail.com. [Learn why this is important](#)

To the organisers of the response to proposed changes to the Community Engagement Charter:

I am a member of the Kangaroo Island community. I can only see the 'encouragement' to submit to the regional planning process at this stage as a veiled threat to our ability to be able to have further response into the final plan.

Indeed, the proposed changes to the Community Engagement Charter close off involvement of the whole community in future developments as they come to be proposed in the future. The deeming of a development as 'not at variance with the Regional Plan' involves many levels of decision making, many of which, particularly in the environmental sphere, we know from past experience are not included in the decision making. We need the ability to be able to respond, to voice the evidence that is left out of consideration.

I and many others I know strongly oppose this change to the Community Engagement Charter. It will weaken the whole strong basis for community engagement and has the potential to become more and more a tool of developers for their own requirements.

Do not go down this dangerous direction, for the sake of true democratic process.

Yours sincerely,
Dr Ingereth Macfarlane

Note: we encourage the Kangaroo Island community to get involved in the [Kangaroo Island regional planning process](#), taking place alongside the Community Engagement Charter consultation, to ensure they have their say on future planning policies such as rezoning land for future development.

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Alison.Perkins2 completed Survey: updating the Community Engagement Charter
Date: Thursday, 6 June 2024 4:31:31 PM

Alison.Perkins2 just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Alison Perkins

Do you live in metropolitan Adelaide or regional South Australia?

Metropolitan Adelaide

What is your interest in updating the Community Engagement Charter?

Community member

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes with some concerns

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with culturally and linguistically diverse communities?

Wording in the text to be added should be updated to 'culturally and linguistically diverse communities' rather than 'persons from non-English speaking backgrounds'

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Unsure

Do you have any comments regarding proposed changes relating to engaging with businesses, workers and employers?

This proposed section of the community includes everyone who works and employs workers, but I would suggest it is unemployed people who may need special consideration to engage effectively on issues such as planning. I'm not sure that this is a specific section of community that is hard to reach and needs additional considerations for effective engagement for all key planning decisions in the same ways as the other additions to the Charter. Impacted/interested businesses/employees should be considered as part of stakeholder analysis for each engagement.

The proposed changes streamline the engagement process for 'complying changes', such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

No

Do you have any comments regarding proposed changes relating to the engagement process for 'complying changes'?

My interpretation of the PDI Act re complying changes, is basically Code Amendments relating to changing zone, subzone and overlay boundaries, or changes that are indicated as appropriate in regional plan maps and information, still need to follow the Charter but the Minister can initiate/agree to the amendment without going through some of the other processes like the ERD Court. The Act says: (3) The following principles must be taken into account in relation to the preparation (or amendment) of the charter: (a) members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposals to introduce or change planning policies and to participate in relevant planning processes; I don't believe engaging on a 30-year plan for a region, years before a specific rezoning proposal is initiated, would effectively inform and capture the views of the impacted community, particularly in areas where there are significant housing developments with large numbers of new community members impacted by or interested in the rezoning who were not consulted as part of regional planning. Therefore, I think these Code Amendments should still follow the same principles and mandatory requirements in the Charter and give people the same opportunities to access information and participate in the planning process as any other Code Amendment. I'd suggest this was also the interpretation of the person that first

prepared the Charter.

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

Do you have any comments regarding proposed changes reflecting the mandatory requirements in the *Planning, Development and Infrastructure Act 2016*?

p4 under 'What is the role of the Charter?', I think you could include the following line in the first para and then keep the original, simplified table and not add the new, more complicated table that shows the difference between roles creating and amending designated instruments: 'These may be prepared by the State Planning Commission and Regional Plans may also be prepared by a joint planning board. The below table outlines the entities that may propose amendments to designated policies, strategies and schemes.' In the original table on p4 I would include under 'The Planning and Design Code' under 'Entity': - Provider of essential infrastructure - A person who has an interest in the land under Design Standards/Entity: - a person who has an interest in the land p4 third paragraph, I think we need to refer to Practice Direction 2 in the Charter so I'd suggest editing the text to: '...supported by the Guide to the Community Engagement Charter that provides step-by-step advice on putting the Charter into practice and Practice Direction 2: Preparation and Amendment of Designated Instruments.' p7 under Mandatory Requirements, I don't think we need separate sections. I'd suggest adding a line explaining complying changes at the top and adding mandatory requirements to the existing table eg 'A 'complying change' proposal to change the application of an overlay / The owner or occupier of any land in the impacted area and all referral bodies identified in the Procedural Matters of the overlay must be directly notified in writing of the proposal and consulted for a minimum period of 4 weeks.' Some of the content is already in the Charter so doesn't need repeating eg can use alternative engagement approaches if ok with SPC. I think (3) should be included in the Practice Direction. The Charter should be a plain English, clear outline of the requirements with the technical information included in the Practice Direction (which should be referenced in the Charter).

If this is a test response, click [here](#) to discard it.

(The discard option is available only for admin)



23 May 2023

Ref: C24103 14.5

Mr Craig Holden
Chair
State Planning Commission

Sent via email: plansasubmissions@sa.gov.au

Dear Mr Holden

Proposed Changes to the Community Engagement Charter & Kangaroo Island Regional Plan

Thank you for the opportunity to provide input into the proposed changes to the *Community Engagement Charter* which is noted is being consulted on concurrently with the draft Kangaroo Island Regional Plan.

The Yankalilla District Council recognises the benefits of the new digital regional plans as demonstrated through the Kangaroo Island Regional Plan including providing an excellent way in which to present a breadth of relevant and location specific information and enable it to be tailored to the individual user. The reduction in generic and repetitive information across the seven Regional Plans that is likely to result from the digital platform is also supported.

Council is however, concerned about the streamlined process for 'Complying' Code amendments being proposed for inclusion in the *Community Engagement Charter* for circumstances where a Code Amendment is considered to be consistent with a recommendation of the relevant Regional Plan and 'where the community has had an opportunity to give their views and influence the decision as part of the regional planning process'.

Given there is a significant amount of land that is within the 'Town Boundary' of the current Regional Plan, Council is concerned that this will have a significant impact on our communities and their ability to have input into rezoning proposals that directly affect them.

One of the fundamental objectives of the 'new' planning system introduced progressively through the adoption of the Planning, Development and Infrastructure Act 2016 was to ensure better engagement with communities on strategic decisions that affect them.

Part Four, Division One of the *Planning, Development and Infrastructure Act, 2016* outlines the requirements of community engagement which includes principles that any amendment to the Community Engagement Charter must take into account. These include (principle (a)) that *members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposals to introduce or change planning policies and to participate in relevant planning processes;* and (b) *community engagement should be weighted towards engagement at an early stage and scaled back when dealing with settled or advanced policy.*

The proposed streamlined process for 'complying' code amendments with a reduced timeframe that effectively removes an opportunity to engage with communities is considered to have the opposite effect. Particularly when it is proposed to be introduced with no additional requirements for how engagement is done at the Regional Planning stage where experience suggests it is unlikely



communities will be engaged without specific targeted information being provided in a targeted manner (for example to individual letter boxes).

Principles (c), (d) and (e) of Part Four, Division 1 (13) also seek to ensure information and participation methods (among other things) facilitate *community participation* and *'should seek to foster and encourage constructive dialogue, discussion and debate in relation to the development of relevant policies and strategies; and should be appropriate having regard to the significance and likely impact of relevant policies and strategies.'*

With a streamlined process being proposed, how will the Commission make sure communities are engaged in a meaningful way? What additional requirements will be put in place to ensure communities are effectively heard during the Regional Planning process?

As stated in Section 12 of the PDI Act: *'The 'primary object of this Act is to support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities.'*

There is a real concern that local input into strategic planning decision making that has the ability to transform our townships is actually being eroded by the new planning system rather than enhanced as intended and that the diversity of these communities and landscapes will be lost by lack of meaningful input at every stage of the decision making process from regional planning, to land rezoning and policy application. This is exacerbated with the generic Master planned suite of zones, where no local variations are provided for being applied as the preferred zones of the State for greenfield areas.

Our townships, local environment and lifestyles are highly valued by Council and the communities that we represent and we respectfully request that you uphold our opportunity to provide meaningful input into how they are shaped into the future.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Darryl Houston".

Darryl Houston
Mayor

24 May 2024

Submission – Community Engagement Charter
Department for Trade and Investment

By email: PlanSAsubmissions@sa.gov.au

Dear Sir/Madam,

Launch of Regional Planning Portal and Update of Community Engagement Charter

Thank you for opportunity to make submission in respect to the above-mentioned Community Engagement Charter that seeks to improve public participation in South Australia's key planning decisions.

The Barossa Council supports the proposed update of the Community Engagement Charter to ensure engagement is inclusive and respectful for all South Australians and to streamline changes to planning rules where the community has been given opportunity to provide feedback during a regional planning process, in order to enable 'complying changes'.

We would like to see further guidance material regarding the parameters in which 'complying changes' may be accepted in order to assist us in understanding what parts of our current strategic planning program can be embedded into the planning rules without a code amendment.

We thank you for the opportunity to make submission during the public consultation period and look forward to receipt of further feedback regarding the outcomes from the consultation process.

Yours sincerely,



Martin McCarthy
Chief Executive Officer



The Barossa Council



27 May 2023

Mr Craig Holden
Chair, State Planning Commission

Sent via email: plansasubmissions@sa.gov.au

Dear Mr Holden

Proposed Changes to the Community Engagement Charter & Kangaroo Island Regional Plan

Alexandrina Council appreciates the opportunity to provide input into the proposed changes particularly to the Community Engagement Charter which is being consulted on concurrently with the draft Kangaroo Island Regional Plan.

Alexandrina Council recognises the benefits of the new digital regional plans as demonstrated through the Kangaroo Island Regional Plan. The digital platform is considered an excellent way in which to present a breadth of relevant and location specific information and enable it to be tailored to the individual user. The reduction in generic and repetitive information across the seven Regional Plans that is likely to result from the digital platform is also supported.

Council is however, concerned about the streamlined process for 'Complying' Code amendments being proposed for inclusion in the Community Engagement Charter.

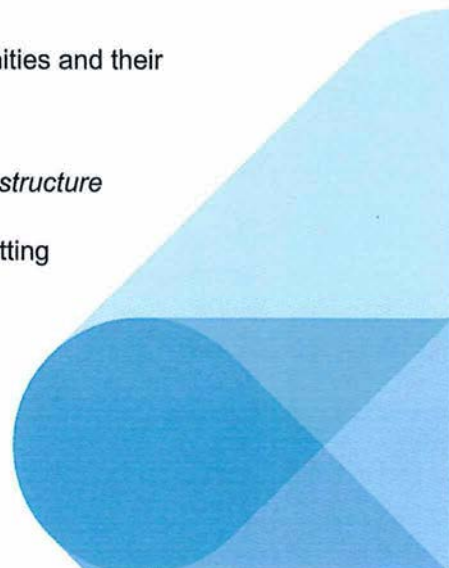
The Alexandrina local government area is a diverse landscape contributing significantly to the State's economy through its agricultural and tourism sectors, frequently being the most visited region outside of Adelaide, and a holiday destination for many from across the State. It is also home to many, including retirees looking for a more relaxed lifestyle than offered in other parts of the Greater Adelaide Region.

As you would be aware, there is significant growth pressure within Alexandrina via private proponent Code Amendments, particularly around the township of Goolwa, where an extensive area of land surrounding Goolwa is within the 'Town Boundary' in the current 30 Year Plan for Greater Adelaide and further expansion beyond this being contemplated for the new Greater Adelaide Regional Plan currently being drafted.

With that context in mind, Council notes the changes proposed to provide for a streamlined 'Complying' Code Amendment process where a Code Amendment is considered to be consistent with a recommendation of the relevant Regional Plan and 'where the community has had an opportunity to give their views and influence the decision as part of the regional planning process'.

Council is concerned that this will have a significant impact on our communities and their ability to have input into rezoning proposals that directly affect them.

One of the fundamental objectives of the 'new' planning system introduced progressively through the adoption of the *Planning, Development and Infrastructure Act 2016* was to ensure better engagement with communities on strategic decisions that affect them. Engaging with our communities at the policy setting



stage and not at the development application stage is an outcome sought through the new system.

Part Four, Division One of the *Planning, Development and Infrastructure Act, 2016* outlines the requirements of community engagement which includes principles that any amendment to the Community Engagement Charter must take into account. These include (principle (a)) that *members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposals to introduce or change planning policies and to participate in relevant planning processes;* and (b) *community engagement should be weighted towards engagement at an early stage and scaled back when dealing with settled or advanced policy.*

The proposed streamlined process for 'complying' code amendments with a reduced timeframe that effectively removes an opportunity to engage with communities is considered to have the opposite effect. Particularly when it is proposed to be introduced with no additional requirements for how engagement is done at the Regional Planning stage where experience suggests it is unlikely communities will be engaged without specific targeted information being provided in a targeted manner (for example to individual letter boxes).

Principles (c), (d) and (e) of Part Four, Division 1 (13) also seek to ensure information and participation methods (among other things) facilitate *community participation* and *'should seek to foster and encourage constructive dialogue, discussion and debate in relation to the development of relevant policies and strategies;* and *should be appropriate having regard to the significance and likely impact of relevant policies and strategies.*

With a streamlined process being proposed, how will the Commission make sure communities are engaged in a meaningful way? What additional requirements will be put in place to ensure communities are effectively heard during the Regional Planning process?

As stated in Section 12 of the PDI Act: *'The 'primary object of this Act is to support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities.'*

There is a real concern that local input into strategic planning decision making that has the ability to transform our landscapes is actually being eroded by the new planning system rather than enhanced as intended and that the diversity of these communities and landscapes will be lost by lack of meaningful input at every stage of the decision making process from regional planning, to land rezoning and policy application. This is exacerbated with the generic Master planned suite of zones, where no local variations are provided for being applied as the preferred zones of the State for greenfield areas.

Council and the communities that we represent, highly value our local environment and lifestyles and our opportunity to provide meaningful input into how they are shaped into the future. We therefore respectfully request that you do not progress the proposed changes to streamline 'complying' Code Amendments but rather look to enhance the ways in which our communities can be a part of the decision making.

Yours sincerely

A handwritten signature in black ink, appearing to read "Keith Parkes".

Keith Parkes
Mayor



20 May 2024

Mr Craig Holden

State Planning Commission

c/- Submission – Community Engagement Charter
Department for Trade and Investment
GPO Box 1815, ADELAIDE SA 5001

Dear Mr Holden,

Submission – Community Engagement Charter

City of Playford would like to acknowledge the work undertaken by the Commission in the inaugural review of the Community Engagement Charter (the Charter) and the proposed updates currently out for consultation.

The updates to the Charter are for the most part supported with comments relating to further refinement and improvements. The comments relate to the minimum mandatory requirements of the Charter for section 75 Complying Changes to the Planning and Design Code.

There are concerns that residents may not understand the importance of an endorsed Regional Plan and/or the timing of the section 75 Complying Change being initiated. The person/s being consulted for a Section 75 amendment may not have been consulted during the consultation for the Regional Plan (may have recently purchased property). Council makes the following suggestions for further consideration.

- Increase the minimum requirements for 14-day consultation period. Consideration should be given for a minimum of 28-days.

Whilst it is acknowledged that 14-days is just the minimum and the Minister could require additional consultation time, an additional two weeks of consultation would not significantly delay the process but would allow for more genuine engagement with the impacted community.

City of Playford

Call — 08 8256 0333
playford@playford.sa.gov.au
playford.sa.gov.au

Post

12 Bishopstone Road
Davoren Park SA 5113

Visit

Playford Civic Centre
10 Playford Boulevard
Elizabeth SA 5112

Stretton Centre
307 Peachey Road
Munno Para SA 5115

- Consider all feedback on its merits of the whole proposal and not disallow comments that may not align with the 'relevant recommendation in the Regional Plan'.

Whilst it is understood that the purpose of the Charter is to make clear the level of influence participants can have on amending a designated instrument, by limiting the scope of comments this could potentially put people off commenting at all and (albeit unlikely) risks not receiving information that could warrant a deviation from the recommendation in the Regional Plan (e.g., regarding the alignment of a zone boundary)

Suggested Operational Initiatives

Provide Councils with standard wording for prospective land purchasers that recommends they check the online Regional Plan for any recommendations that could impacts their land, such as future rezonings. This wording could be used by Councils for their Section 7 searches to ensure appropriate transparency for the community and provide greater awareness of the role that the Regional Plan plays in the planning system by having standard text will ensure consistency across the State.

To further support the importance of the recommendations within the Regional Plans, information and details about the Regional Plans should be provided through the PlanSA webpage Code search, by having a link that follows the search results of 'What policies apply to an address', and which directs users to the relevant online Regional Plan.

The City of Playford welcomes the opportunity to continue to work with the State Planning Commission and Planning and Land Use Services in the Update to the Charter and continued work in the delivery of the Regional Planning Program.

If you have any queries in relation to this submission, please contact Leif Burdon, Urban Policy Planner, [REDACTED] or [REDACTED]

Yours faithfully,



Greg Pattinson
Executive Strategic Advisor

[REDACTED]
[REDACTED]

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29 May 2024

Craig Holden
Chair
Community Engagement Charter
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5001

Sent via: PlanSAsubmissions@sa.gov.au

Dear Mr Holden,

Community Charter Update Consultation

Thank you for the opportunity to review the proposed changes to the Community Engagement Charter (the Charter). At its 21 May 2024 meeting, Council resolved to provide the attached submission on the proposed changes. In summary, Council:

- is supportive of recommendations 1, 2, 3, 6, 7, 12 and 13 made by the Commission.
- does not fully support recommendations 4, 9, 10 and 11, and seeks more detail to understand how these recommendations will be operationalised.
- does not support recommendation 5 with specific reference to Section 75 Complying Change.

Highlighted in Council's submission is earlier correspondence provided to the former Minister for Planning regarding the Community Engagement Charter and community engagement, which is provided for your further consideration.

I note that councils were not engaged prior to the consultation to identify opportunities to enhance or improve the Charter. Nevertheless, the following are opportunities for its improvement:

1. Consistency in consultation and best practice with alignment between Local and State Government where practical.
2. The early commencement of Code Amendments and timely identification to relevant authorities.
3. The level of detail provided by private proponent when consulting with a council CEO on a Code Amendment.
4. Consultation with CEO irrespective of being private proponent or State led.
5. Measuring performance following engagement and implementation of process improvements.

I have elaborated further in the attached submission. If you would like to discuss this matter further, please contact Shanti Ditter, General Manager Communities, on [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'ACatinari', with a long horizontal flourish extending to the right.

Angelo Catinari
Chief Executive Officer
City of West Torrens

Attachments:

- *City of West Torrens submission on the Community Engagement Charter and associated attachments.*

City of West Torrens' Submission Community Engagement Charter

City of West Torrens
May 2024

No.	Commission Recommendation	Council Response
1	Update the table titled 'Role of the Charter - Designated Policies, Strategies and Schemes and Entity' to accurately reflect which entities can 'prepare' designated instruments compared with those which can 'amend' them. In addition, the table should also include all entities or persons that are able to amend the Code, or a design standard as outlined in section 73(2)(b) of the Act.	Support update to the table to better reflect entity and role in amending or preparing designated policies, strategies, and schemes. Definitions should retain Designated Entity for ease of use.
2	Acknowledge the application of the Charter to consultations on Environmental Impact Statements for Impact Assessed development applications.	Support inclusion.
3	Update the 'Community Engagement in the Planning System' graphic to more clearly indicate that the Minister should have regard to the principles of the Charter in relation to consultation on an Environmental Impact Statement for an Impact Assessed development application.	Support inclusion.
4	Provide further guidance and case studies in either the Charter or the Charter Toolkit and Guide, with recommended minimum engagement periods.	Details of guidance and case studies have not been provided. However, support in principle for minimum engagement periods and capacity for flexibility. A minimum baseline for community engagement is required and alignment with the statutory minimums in the <i>Local Government Act</i> is sought.
5	Identify the mandatory engagement requirements associated with facilitating a Complying Change to the Code, pursuant to section 75 of the Act (see Appendix B for draft requirements).	Supportive of inclusions in principle. Do not support the minimum 14-day consultation period to provide written representation. This is discussed in more detail later in this report.
6	Expand the mandatory engagement requirements to require a designated entity to: <ul style="list-style-type: none"> • 6.1.demonstrate it has considered whether any relevant statutory boards (or committees) ought to be notified of the proposal; and • 6.2. if so, directly notify it and seek comment on a proposal. 	Support inclusion

No.	Commission Recommendation	Council Response
7	Update the 'Characteristics of Successful Engagement' graphic by amending the heading in the right textbox from 'The Government + Proponents' to 'Entity undertaking Engagement'.	Support inclusion
8	<p>Amend the Performance Outcomes and Performance Measures of the 'Engagement is inclusive and respectful' and 'Engagement is fit for purpose' Charter Principles to include and consider the effective engagement and communication needs (as required) of:</p> <ul style="list-style-type: none"> • First Nations people; • the youth population; • persons from non-English speaking backgrounds; and • persons with a disability. 	<p>Support inclusion, noting that this had been flagged explicitly by Council in response to private proponent led Code Amendments and a partial recommendation from the Expert Panel Final Report.</p> <p>It is suggested that there may be other community groups and that the designated entity should engage with council in the identification of groups.</p> <p>There should be consideration of inclusion of regional climate partnerships e.g., AdaptWest. This may help identify, strengthen and articulate policy improvement relating to climate change.</p> <p>The list now appears to be more prescriptive, ensure all relevant stakeholders are captured, including residents and rate payers too.</p> <p>Learnings from the former Development Plan Amendment and current Code Amendments processes do not need to be ignored and should be integrated into minimums for inclusion in the Community Engagement Charter. The current process should commence from a more considered and mature system based on past learnings. It is suggested that the inclusion a Summary of Consultations and Proposed Amendments (SCPA) table. The current system when reporting back on engagement appears generic and dismissive of consultations.</p>

No.	Commission Recommendation	Council Response
9	Update the Charter Toolkit and Guide to provide advice to engagement entities regarding best practice approaches to effective engagement and communication needs of the abovementioned cohorts.	Support in principle, however details are not provided and will need to be monitored and reviewed where consultation is sought.
10	Update the Charter Toolkit and Guide to provide guidance as to the extent of post-engagement reporting required for certain types of proposals. In addition to our recommendations to amend the Charter, the Commission also recommends the following general improvements which were identified throughout the Review.	Support in principle, however details are not provided and will need to be monitored and reviewed where consultation is sought
11	Implement a more user-friendly approach to making submissions directly from the YourSAy website, noting that currently the website links back to the engagement submission forms on the SA Planning Portal.	Support in principle, however details are not provided and will need to be monitored and reviewed where consultation is sought
12	Where relevant, update the text throughout the Charter to reflect the fact that it is now a 'well-established' instrument in the planning system, as opposed to being a 'new instrument' at the time that the document was originally drafted in 2018.	Support recommendation
13	Review the hyperlinks throughout the Charter to ensure they are accurate and up to date.	Support recommendation, noting this should occur ongoing as part of general functionality and maintenance.

Regarding Recommendation 5, Council is not supportive of it on the basis that Section 75 Complying Change - Mandatory Requirements:

- Lack detail on what recommendations from Regional Plans can access the complying Code Amendment process. Advice from PlanSA staff is that Regional Plan recommendations can be as broad as identifying several zones or even a family of zones to be explored as part of a rezoning (i.e., the Neighbourhood family of zones).
- have no guarantee that even if one zone were to be identified in the Regional Plan all the applicable details relating to that potential rezoning will be explained to the community (i.e., density, building height, location of services/open space, etc).
- Lack of timeframes for complying Code Amendments to be lodged after the publishing of a Regional Plan. This can mean that on the ground changes (which affect the locality, viability of the project or change the character of the area) may have occurred between the Regional Plan consultation and the Code Amendment consultation. This impacts the usefulness of Clause 5 (e) of Practice Direction 2 (contemplating comments from previous Regional Plan consultation). If on the ground changes have occurred in the intervening time, then these changes must be considered as they may change opinions or the way the proposal is undertaken.

-
- Clause 5 (d) of Part 4 (11) Initiation of proposal of Practice Direction 2 makes it possible for a Private Proponent to request a complying change to the Code.
 - Section 75 mandatory requirements allows for a different process (from the normal Code Amendment process) to occur with the potential for the following restrictions:
 - Allows for a minimum 14-day consultation period unless a longer timeframe is required by the Minister.
 - Representations are limited to commenting on the proposal and cannot affect the relevant recommendation listed in the Regional Plan (i.e., cannot request a zone, overlay or TNV that is different to the recommendation in the Regional Plan).
 - Complying Code Amendment will mean the community needs to fully understand any changes to the Code proposed through the Regional Plan and be in a position to strongly recommend to the Minister their position at the Regional Plan stage or else this may result in a complying change in the future.

The following items present an opportunity to enhance the Charter:

1. Consistency in consultation and best practice with alignment between the Local and State Government where practical.
2. The early commencement of Code Amendments as evidenced by the Tunnel Protection Overlay Code Amendment and Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment identified:
 - a. Relevant authorities, including the Council should be provided with Code Amendment documents prior to early commencement due to the implications to assessment and need to implement policy immediately.
 - b. Training should be deployed to relevant authorities, specifically council prior to the early commencement.
 - c. One of the early commencement Code Amendment had several inconsistencies in policy that was deployed. Earlier insight to the Code Amendment and other legislative changes may have enabled identification of minor changes to improve the policy prior to its release.
 - d. Early discussion with councils would also enable greater visibility of the Code Amendment amongst the community. Council has shared Code Amendments undertaken by a variety of Designated Entities in its Civic Centre and relevant platforms; this is not as quickly enacted if council is not aware of Code Amendments within its council area.
3. The level of detail provided by private proponents when consulting with a council CEO on a Code Amendment as per *Practice Direction 2: Preparation and Amendment of Designated Instrument* (Part 3, 7(g)) needs to be reviewed with clear guidance on minimum information required to enable meaningful feedback.

4. *Practice Direction 2: Preparation and Amendment of Designated Instrument* (Part 3, 7(g)) should be expanded to include consultation with council CEOs irrespective of being private proponent or State led. As a recent example, council is aware that there is a State led Thebarton and Mile End Urban Corridor Zone Review Code Amendment. When Administration has reached out to DTI-PLUS to understand the scope of this Code Amendment, the response was information won't be made available and isn't required to be as per Practice Direction 2. Council seeks to undertake timely and meaningful schedule of strategic work, which without clear understanding of what works are contemplated by the State may result in inefficiencies of resourcing for both parties and counterproductive investigations and work being undertaken.
5. The Charter's purpose is to place consultation and participation at the forefront of the planning process in South Australia. The Charter establishes statutory requirements for engaging community on proposed changes to planning policy, while allowing engagement to be tailored to the needs of the community. In the past, many people's first interaction with the planning system happens when a new house is built near them, without an understanding of the planning policy that enabled it. Under the PDI Act, the Charter seeks community input on planning policies that will shape the places they value. It is for this reason that the Charter should reflect best practice, rather than reducing community's capacity to engage and interact with the policy being consulted on.
6. Concern around complying changes to the Code is raised. Council receives negative feedback from people frustrated that there is no role for public consultation during development assessment and it is likely that complying Code Amendments will further reduce public consultation at the planning policy stage, by limiting it to the planning strategy stage only.
7. Measuring performance following engagement and implementing process improvements.

In addition to the recommendations made by the Commission and Council's suggested areas for improvement, Council has made submissions regarding the Charter previously based on its earlier experience with Code Amendments, including:

1. At its 3 October 2017 meeting, Council resolved to provide feedback (**Attachment One**). This is Council's feedback on the development of the Community Engagement Charter.
2. Correspondence to the former Minister for Planning, the Honorable Vickie Chapman MP, DTI-PLUS and the Local Government Association on 13 July 2021 requesting amendments to the Charter, these are outlined in **Attachment Two**.
3. Subsequently, during the Expert Panel's Planning System Implementation Review undertaken in 2022, matters raised in **Attachment Two** were restated.

As highlighted, West Torrens has been subject to several private proponent Code Amendments including:

- 65-73 Mooringe Avenue Plympton Code Amendment (Finalised)
- Lockleys Code Amendment (Pending a decision)
- 107 Port Road Thebarton (Thebarton Brewery Precinct) Code Amendment (Initiated)

The 65-73 Mooringe Ave Plympton Code Amendment demonstrated that the provisions relating to Code Amendments which are derived from the *Development Act 1993* appear to be misaligned given they do not adequately respond to the introduction of private proponent led Code Amendments. Of note, is that planning policy can be enacted and used prior to being subjected to parliamentary scrutiny in a timely manner. For example, parliamentary scrutiny of the Mooringe Code Amendment extended beyond that usually anticipated by the PDI Act due to the ERDC not sitting over December and January and subsequent caretaker period earlier in 2022, meaning parliamentary scrutiny was increased from the 56 days to be lodged and reviewed, to approximately 6 months.

During this time development applications were able to be submitted and approved. These applications would remain valid irrespective of any changes that may be proposed by the ERDC and then implemented. It is acknowledged that suggesting changes or the overturning of a Development Plan Amendment, under the *Development Act*, was unusual. The *Development Act* did not allow for Private Proponent Code Amendments.

Following Parliamentary scrutiny, the ERDC wrote to Minister Nick Champion (21 June 2022) recommending that the policy enacted be amended to an alternate zone. This was refuted by Minister for Planning . The Minister also cited:

I am concerned that making such a substantial change to zoning through the Parliamentary process with no consultation with the land owner may create uncertainty for entities when proposing Code Amendments.

The ERDC responded to the Minister to advise that the ERDC resolved that it does not object to the Code Amendment as originally made. With the ERDC's acceptance the Code Amendment is maintained and with no need for the Code Amendment to be laid before both Houses of Parliament.

The concerns raised by the ERDC should be considered prior to the Minister's decisions on the Code Amendment.

In conclusion, Council seeks to reinforce its commitment to sharing its experience with the intent to provide an opportunity to navigate emerging challenges to drive positive change and process improvement.

Attachment One: City of West Torrens feedback provided to State Planning Commission on the Draft Community Engagement Charter October 2017



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

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

A handwritten signature in black ink that reads 'Terry Buss'.

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
Charter Development Process	<ol style="list-style-type: none"> 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. 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. 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.
Role of the Charter	<ol style="list-style-type: none"> 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. 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. 3. It is noted that the Draft Charter principles primarily reflect a 'transactional' community engagement

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>Principles and Outcomes</p> <p>Principle 1: Inclusion & participation is genuine</p> <p>Principle 2: People affected are meaningfully engaged & those interested have an opportunity to participate</p> <p>Principle 3: Differing</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"> 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. 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>. iii. The outcome statement relating to Principle 3 notes that "cooperation between the community, council,

Topic	Feedback
<p>views are acknowledged, respected & considered</p> <p>Principle 4: People have access to complete information that they can understand, they know about proposals and the impacts of the potential outcomes</p> <p>Principle 5: Engagement processes make clear the reasons for the outcomes and decisions</p> <p>Principle 6: Engagement is accountable and improving</p> <p>Principle 7: Engagement is targeted, flexible, scalable and specific</p> <p>Principle 8: People recognise that decision</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>making often involves interests being supported and others not.</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"> 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. 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.
<p>Implementation Measures (Decision making framework, engagement tool kit, evaluation measures)</p>	<ol style="list-style-type: none"> 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"> i. The identification of potential critical issues and stakeholder analysis to inform the selection of appropriate engagement methods and approaches. 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. 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. 2. Council also supports the inclusion and adaption of established best practice frameworks, such as the International Association for Public Participation's (IAP²) Public Participation Spectrum, to guide community engagement planning.
<p>Implementation and Measuring Performance</p>	<ol style="list-style-type: none"> 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

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="633 379 1928 531">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 data-bbox="633 563 1946 866">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 data-bbox="633 898 1946 1082">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 data-bbox="633 1114 1899 1265">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?

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.

Attachment Two: CEO Letter to Minister of Planning Requesting Review of Private Proponent Code Amendment Process as per Council resolution 6 July 2021

13 July 2021

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel 08 8416 6333
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Web: westtorrens.sa.gov.au



The Hon Vickie Chapman MP,
Deputy Premier, Minister for Planning and Local Government
GPO Box 464
Adelaide SA 5001
DX 336

Dear Minister Chapman,

RE: Private Proponent Planning and Design Code Amendments

At its meeting held on 6 July 2021, Council passed the following resolution that it:

1. Seeks a review of the private proponent led Planning and Design Code Amendment process to ensure appropriate rigour, checks and balance are in place; and; reduce the potential for errors and poorly informed policy changes that may have long term impacts on West Torrens and its community;
2. Requests that Code Amendments be put on hold pending the outcome of this review.

The introduction of the private proponent led Planning and Design Code Amendment process presents an opportunity for agile consideration of how Code Amendments respond to changing demand and landscapes in a timely manner. However, this process should not be without clear guidance for all stakeholders with regard to their roles, opportunities to participate and capacity for review and/or recourse.

West Torrens Council recently received advice of two separate private proponent led Code Amendments, each to be run by a respective privately appointed designated entity.

This experience has identified that the reality of the requirements for private proponent led Code Amendment lacks rigour, integrity and probity and so gives rise to concern regarding the eventual outcomes and potential long term impact on the West Torrens Council (infrastructure and resourcing) and its community.

Despite refinement to *Practice Direction 2 - Preparation and Amendment of Designated Instruments* and evolving toolkits, the following risks that have been identified with the process, remain problematic:

- Insufficient requirements for investigations to be undertaken to inform suitable policy application.
- Inherent *conflict of interest* during consultation with community and stakeholders (both pre-initiation and post) for the designated entity.
- Capacity for inappropriate development occurring during parliamentary scrutiny process.

Planning policy amendments were previously carried out by public officers (whether Local Government or State Government). The transition to a process that enables *private proponents* to undertake what was previously a public administration function necessitates additional checks and balances in the legislation and process.

This is particularly important when a person who has an interest in the land (private proponent) is able to engage a private and paid planning professional as the designated entity to:

- Initiate the Code amendment, including pre-consultation, identify and undertake investigations;
- Undertake community engagement and consultation (without the need to have the engagement plan approved by Minister, SPC or AGD) and then self-report on the effectiveness of the engagement they developed and undertook;

and, of particular concern;

- The *same designated entity/ies* (generally planning consultancies) can subsequently lodge a development application as soon as the Code amendment is released on the portal **during, and prior to completion of**, the parliamentary scrutiny phase.

As such, the designated entity may be perceived as having a vested interest in the consultation process outcomes which could lead to the process being open to criticism due to a perceived lack of independence.

It is the view of West Torrens Council that **current, and additional private proponent Code Amendments should be put on hold** pending review of the private proponent led Code Amendment process to ensure there are adequate processes and legislation in place that promotes trust and transparency in the process.

The review should address the following:

1. Accreditation requirements for planning professionals who can be engaged to act as a designated entity for the purpose of Code amendments or advise on Code amendments rather than stating that *equivalent experience* is required. Currently the legislation states that a person with qualifications and experience that is equivalent to an Accredited Professional - Planning Level 1 under the Act may fulfil this role (i.e. not that they must *actually be accredited* as per the Accredited Professionals Scheme).
2. Amendments required to the existing Code of Conduct so that planning professionals undertaking functions associated with a Code Amendment are required to abide by it.
3. Implementation of *Regulation 30 PDI (Accredited Professionals Scheme) Regulation 2019, Circumstances in which an accredited professional may not act* (as provided below) so that it extends to planning professionals performing/functioning for the purpose of a private proponent led Code Amendment:
 - An accredited professional must not perform any function of an accredited professional in relation to a development—
 - (a) if the accredited professional has been involved in any aspect of the planning or design of the development (other than through the provision of preliminary advice of a routine or general nature); or

- (b) if the accredited professional has a direct or indirect pecuniary interest in any aspect of the development or any body associated with any aspect of the development; or
 - (c) if the accredited professional is employed by any person or body associated with any aspect of the development.
4. Identification of minimum timeframes for engagement associated with a Code Amendment.
 5. The way in which engagement responses are captured, shared and responded to.
 6. The process for third party review of the Code Amendment process for private proponents.
 7. In instances where a Code Amendment necessitates new infrastructure (e.g. road/s, open space, stormwater) that will be vested to a council, that a private proponent Code Amendment require more extensive engagement and/or partnership with the relevant council.
 8. Consideration of when a Code Amendment becomes active and exploration of this occurring **after** parliamentary scrutiny, particularly in relation to private proponent led Code Amendments.

It is imperative that Council stakeholders are consulted on any suggested improvements resulting from the review **prior to** any formal decisions being made. It is requested that such a review occur as a matter of urgency and **prior to** accepting the initiation of any new private proponent Code Amendments, to ensure clear guidance for all stakeholders with respect to their roles, opportunities to participate and capacity for review and/or recourse.

Council strongly reinforces the suggestion that current, and additional private proponent Code Amendments be **put on hold** pending review of the private proponent led Code Amendment process to ensure there are adequate processes and legislation in place that promote trust, transparency and confidence in the process.

Should you require further information or would like to discuss this matter further, please contact Sue Curran, Manager Business and Strategy on [REDACTED]

Yours sincerely



Terry Buss PSM
Chief Executive Officer
City of West Torrens

cc
Anita Allen, Planning and Land Use Services
Stephen Smith, Local Government Association of SA

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: Gary M completed Survey: updating the Community Engagement Charter
Date: Friday, 31 May 2024 1:48:23 PM

Gary M just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Gary Mavrinac

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Council

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

With emphasis on First Nations, there is a need to provide greater tools and training for practitioners. Engagement practitioners should possibly be required to have specific cultural awareness training. A one size fits all approach is not appropriate. At the recent PIA Congress, First Nation speakers highlighted the importance of engagement being upfront and meaningful and not a tacked-on tick a box process.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with people living with disability and neurodiverse communities?

As with the First Nations, there is a need to provide greater tools and training for practitioners in this space.

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes streamline the engagement process for ‘complying changes’, such as rezoning land, where the community has had an opportunity to give their views and influence the decision as part of the regional planning engagement process. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect that the Community Engagement Charter is no longer new and is now a well-established part of the South Australian planning system. Do you agree with these proposed changes?

Yes

Proposed changes have been made to better reflect the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*. Do you agree with these proposed changes?

Yes

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

Consideration should be given to the Local Government Review Act 2021 which is also proposing the establishment of a Community Engagement Charter and for Councils to have a Community Engagement Policy. Acknowledging that the PDI Act has some specific characteristics, it is felt that there should be some level of consistency between the two Charters. If the two charters are to coexist, there should be acknowledgment through the Community Engagement Policy as to which charter is relevant. As it stands, the LG

Review has stated that the Policy relates to engagement for the purposes of the Local Government Act, though in reality Council use their current Public Consultation Policy to address consultation requirements across various statutes (note. Policy generally does not cover consultation in respect to development applications). Alternatively, the Commission/State Government should consider ensuring that the Local Government Review Act 2021 specifically excludes functions under the PDI Act in the Charter/Policy.

3 June 2024
Our ref: 6165554
Your ref: 21299269

State Planning Commission
Submission – Community Engagement Charter
Planning and Land Use Services Division
Department for Trade and Investment

Via email: plansasubmissions@sa.gov.au

Dear Chair

Thank you for the opportunity to provide comment on the proposed improvements to the Community Engagement Charter (the Charter). We understand that a more in-depth review of the Charter will be carried out following the conclusion of the Regional Planning Program.

We have reviewed the proposed changes to the Charter and offer our general support for the update as written. We note that Practice Direction 2 – Preparation and Amendment of Designated Instruments is also being updated.

We commend the Commission for its continued work in refining and improving the South Australian planning system, in particular we are pleased to see Recommendation 8:

Amend the Performance Outcomes and Performance Measures of the 'Engagement is inclusive and respectful' and 'Engagement is fit for purpose' Charter Principles to include and consider the effective engagement and communication needs (as required) of:

- *First Nations people*
- *young persons*
- *persons from non-English speaking backgrounds*
- *persons with a disability and/or neurodivergence, and*
- *businesses, workers and employers*

We note Recommendation 8 aligns with the City of Onkaparinga's [Community Engagement Promise](#) and [Community Engagement Framework](#) which guides us to 'strategically target key stakeholders to ensure the participation of traditionally underrepresented groups'.

A matter of some concern for us centres on an operational aspect of Recommendation 5:

Identify the mandatory engagement requirements associated with facilitating a Complying Change to the Code, pursuant to section 75 of the Act.

We note this recommended update references 'Complying Code Amendments' in the Charter and is subsequently captured within the updates to Practice Direction 2 – Preparation and Amendment of Designated Instruments.

We do not have issue with the proposed process itself rather our concern relates to lack of a regulation around the time period that could elapse between initial community engagement and when the 'complying code amendment' takes place.

Whilst a streamlined consultation process will *'still have an additional opportunity to give feedback before a complying change is finalised'* as implied by the Commission's justification, if there has been a substantial passing of time, new community members, differing community expectations, and financial and housing market changes could all pose vastly different on-ground outcomes not considered in the initial engagement stages. In such circumstances, a streamlined engagement process would not provide a meaningful timeframe to enable genuine and informed engagement for our community.

On this basis we suggest that there is a maximum prescribed timeframe allowed between initial engagement on planning investigations and when the engagement for the complying code amendment is undertaken.

We would also like to take this opportunity to commend the Commission and Planning and Land Use Services (PLUS) on developing the interactive Regional Planning Portal in support of the Kangaroo Island Regional Plan.

We look forward to the public consultation for the Greater Adelaide Regional Plan and welcome any opportunity to work with PLUS on this, particularly as it relates to the Outer South (Onkaparinga).

Should you have any questions, please do not hesitate to contact me on [REDACTED] or [REDACTED]

Yours sincerely



Renée Mitchell
Director Planning



CITY OF
ADELAIDE

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ABN 20 903 762 572

Enquiries: Sarah Gilmour
Reference: ACC2024/69124

3 June 2024

Submission – Community Engagement Charter
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5000

Attention: Craig Holden, Chair, State Planning Commission

Via email: plansubmissions@sa.gov.au

Dear Mr Holden

Community Engagement Charter Update

Thank you for the opportunity to provide input to the Community Engagement Charter Update (the Update). On 14 May 2024, the Council endorsed the following position on the Update.

In 2023, the Council submission to the Expert Panel on the Planning System Implementation Review sought changes to the Community Engagement Charter (the Charter) to mandate minimum timeframes for complex Code Amendments. Council maintains that further guidance is still required in this regard.

The City of Adelaide supports the intent of the Update to enable improved engagement outcomes and provides the following technical comments for your consideration in finalising amendments to the Charter:

- Support the recognition of more communities impacted by engagements.
- The City of Adelaide has identified the importance of engagement with First Nations people and considers that the Charter could provide more guidance on how this engagement occurs. The City of Adelaide encourages the State Government to consider including further detail on this in the Charter when undertaking the next review of the Charter including:
 - Listen deeply to First Nations people, particularly the voice and spirit of Country (the biological / biodiverse + the psychological + the social + the spiritual).
 - Take a First Nations first approach to development to minimise harm to Country.
 - A new practice of design through a First Nations lens, weaving stories and a sense of time together, a journey and understanding of the values and rights and ways of Country towards spatially mapping of place and space, which then influences the urban design.

The City of Adelaide acknowledges the Karna people as the Traditional Owners of the Country where the city of Adelaide is situated, and pays its respect to Elders past, present and emerging.



Enquiries: Sarah Gilmour
Reference: ACC2024/69127

3 June 2024

Submission – Regional Planning Portal
Regional Planning Program Team
Planning and Land Use Services
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5000

Attention: Craig Holden, Chair, State Planning Commission

Via email: plansubmissions@sa.gov.au

Dear Mr Holden

Digital Regional Planning Portal

Thank you for the opportunity to provide input to the Digital Regional Planning Portal (the Portal). On 14 May 2024, the Council endorsed the following position on the Portal.

The City of Adelaide supports the new Digital Regional Planning Portal. As the first Digital Regional Plan for South Australia, we are providing technical comments on the Kangaroo Island Regional Plan (KIRP) on the basis that this model is adopted for subsequent plans and associated updates to the Portal:

- Data sources used in the Portal, and across the suite of Regional Plans, should be made available (via an index) to provide certainty to users, and support consistency of reporting on outcomes. In addition, it is critical that data sources are maintained and kept up to date.
- Consideration of how Subregional Plans will be presented in the Portal.
- Further information is requested on the Portal (and/or in the draft Regional Plan for engagement) about the complying change process. In particular the following is suggested to be included on the Portal:
 - Clear information about what a Code Amendment is and a summary of the section 73 and section 75 pathways.
 - Clear statement that Code Amendments identified in the Regional Plan may be progressed as complying changes in the future, so feedback should be provided during the Regional Plan consultation stage (as limited opportunity may be available subsequently).



- How to provide feedback on Code Amendments identified in the Regional Plan – including confirming that additional opportunities may be limited if the Code Amendment is progressed as a complying change in the future.
- Linkages to the Community Engagement Charter requirements into both section 73 and section 75 Code Amendment processes.
- Code Amendments included in a draft Regional Plan should include the following:
 - Links to existing and proposed zones or overlays to enable easy understanding of the proposed outcomes.
 - Links to investigations/strategies undertaken (i.e. in the KIRP, links to the American River Place Plan).
 - Details of the potential pathway that could be undertaken.
- In regard to the draft KIRP:
 - It is unclear what the complying change process is, which identified Code Amendments may follow that pathway, and how members of the community can comment on these.
 - It is noted that the Kingscote Neighbourhood Code Amendment proposes changes to the Technical and Numeric Variations, which is outside the scope of a complying change.
 - The PDF version of the Regional Plan does not include mapping of proposed Code Amendments.

The City of Adelaide acknowledges the constructive working relationship between Planning and Land Use Services and the City of Adelaide as it relates to a shared ambition regarding the development of City Plan 2036 and the Greater Adelaide Regional Plan.

For further information please contact Sarah Gilmour, Associate Director, Park Lands, Policy and Sustainability at [REDACTED]

Yours sincerely



Michael Sedgman
Acting Chief Executive Officer



- Request clarification regarding any proposed changes to the Toolkit and Guide to the Charter, particularly regarding minimum timeframes for engagement on Code Amendments.
- Seek clarification of the application of Part B – Minimum Mandatory Requirements, with respect to Heritage Code Amendments identified in a Regional Plan.
- Recommend extending the minimum mandatory timeframe for engagement of complying changes to three weeks, to align with development assessment engagement timeframes. Alternatively, a four-week minimum would align with other timeframes prescribed in the Charter.
- Seek clarification of when property owners need to be directly notified of a proposed Code Amendment under section 73(6)(d) of the *Planning, Development and Infrastructure Act 2016* (the Act).
- Editorial amendments –
 - Delete the first paragraph under Part B – Minimum Mandatory Requirements as this text will be obsolete once Regional Plans are implemented.
 - Direct notification of complying changes should include owners and occupiers of land within the affected area and of adjacent land.
 - Proofreading for clarity of intent.
- Note the draft changes to Practice Direction 2—Preparation and Amendment of Designated Instruments.
- Seek clarification of whether Practice Direction 2 enables changes to Technical and Numeric Variations and concept plans to form part of complying Code Amendments (noting these elements of the Planning and Design Code are not covered by section 75 of the Act).

The City of Adelaide acknowledges the importance of community engagement and welcomes the opportunity to clarify this submission and provide further feedback when the Charter is reviewed in the future.

For further information contact Sarah Gilmour, Associate Director, Park Lands, Policy and Sustainability at [REDACTED]

Yours sincerely



Michael Sedgman
Acting Chief Executive Officer





CITY OF
TEA TREE GULLY
Naturally Better

Mr Craig Holden
Chair
State Planning Commission
GPO Box 1815
Adelaide SA 5001

4 June 2024
Our ref: D24/39765

Via email: PlanSASubmissions@sa.gov.au

Dear Mr Holden

Community Engagement Charter Review – City of Tea Tree Gully submission

Thank you for the opportunity to provide feedback on the review of the Community Engagement Charter released for public consultation from 17 March 2024 to 6 June 2024.

At its meeting on 28 May 2024, Council considered the proposed amendments to the Community Engagement Charter. At that meeting Council endorsed the attached submission. This submission provides some recommendations for consideration when amending the Charter.

The City of Tea Tree Gully thanks the State Planning Commission for the opportunity to provide a submission during their consultation on the Community Engagement Charter amendments, and look forward to working collaboratively with the Commission and PLUS to implement the recommendations outlined in this submission.

Should you have any questions regarding the content of Council's submission, please do not hesitate to contact Jessica Lewig, Lead Urban Planning, on [REDACTED] or via email [REDACTED]

Yours sincerely

Ryan McMahon
Chief Executive Officer

Community Engagement Charter Review – CTTG Submission

Ref #	2018 Item	2018 Comments	2024 Recommendations
1	Approval for Engagement	The CEC needs to clearly spell out that the State Planning Commission needs to sign off on all engagement plans. This is not mentioned in the CEC, only in the CEC FAQ's.	Actioned as part of 2018 review
2	Mandatory Requirements	In relation to the table showing the consultation category and mandatory requirement, the last two categories (relating to heritage) should also include notification to the relevant Council.	Remains outstanding. Recommend considering as part of this current review
3	Principles/Performance Outcomes	Some of the performance outcomes are not necessarily measurable – for example under the principles 'Engagement is genuine', the performance outcome is 'people had faith and confidence in the engagement process'.	Remains outstanding. Recommend considering as part of this current review
4	Guide to CE Charter	The Draft Guide to the Community Engagement Charter (the Guide) is raised for the first time on page 10 of the CEC, and is referred to as a tool to assist in the planning for evaluation in the engagement plan. It might be worth referring to The Guide earlier in the CEC to make it clear what its role is a reference/related document.	Actioned as part of 2018 review
5	Measuring Performance	The third line in the table on page 10 'Engagement is fit for purpose', the types of measures does not differentiate between primary and secondary as the others do – consider updating this for consistency.	Actioned as part of 2018 review
Ref #	New Item	New Comments	2024 Recommendations
6	Complying Code Amendments (S75) – Minimum requirements for engagement	There are concerns that under <i>Part B – Minimum Mandatory Requirements - Complying Changes</i> include the following: “The following requirements are the only consultation	Recommend that the balance of the Charter including Principles, Performance Outcomes and Measuring Performance apply for engagement on Complying Changes (Complying Code Amendments).

		<p>requirements to be observed for a section 75 proposal, and no other provisions of this Charter will apply.”</p> <p>It is understood that this means that the minimum requirement for engagement with the community (excluding any referral bodies) consists solely of a notice (letter) and that other techniques for engagement are not required not be considered or pursued. Further, there appears to be no requirement to follow the 5 principles of engagement or to measure the performance of the engagement.</p> <p>These concerns are potentially compounded when considering the impacts and consequences of concerns raised in points 7-9 of this document, particularly if not addressed and/or amended.</p>	
7	Complying Code Amendments (S75) – Length of engagement	<p>14 day (not identified as business days) consultation period not considered to be sufficient, particularly when considering Australia Post delivery timeframes, times to respond etc.</p> <p>The proposed level of engagement results in a lower notification requirement than for a publicly notified development applications (15 business days for Performance Assessed development and 20 business days for Restricted development).</p> <p>Council’s Community Engagement Policy requires 20 business days for engagement, which is essentially double what is proposed.</p>	Recommend increasing consultation timeframe to minimum 20 business days.

8	Detail within Regional Plans	The intent of the Charter was to ensure engagement early and up front. Whilst this occurs as part of the Regional Planning process, the level of detail included in the KI Regional Plan as an example does not provide certainty to a future or current land owner of the kinds of change they can expect to see in the future. This severely limits their ability to have their say at this early stage of engagement.	Consider including detail on Section 7 searches to advise future property owners that a property is located within an area that is identified as having the potential to undergo a complying code amendment as identified within the relevant Regional Plan. Further consideration of the level of detail to be included in the Regional Plans.
9	Complying Code Amendments (S75) – Limitation to the operation	No limitation on the operation of S75 in relation to Complying Code Amendment identified in Regional Plan. Regional Plan is a 30 Year Plan. The consultation for a S75 Code Amendment as outlined within Practice Direction 2 suggests that the engagement report prepared for the relevant Regional Plan should be included. The community that comprises the affected area may have substantially changed over that period of time and may not have been consulted as part of Regional Planning process.	Recommend consideration of a timeframe (e.g. 5 years) after which the ability to undertake a complying code amendment under Section 75 of the Act is restricted.
10	Impact Assessed Development	Note that currently the Charter has no statutory role in assessment of Development applications, but exception now identified for Impact Assessment Development that is subject to an Environmental Impact Statement.	Support inclusion requiring Impact Assessed Development consultation to be undertaken in accordance with the Charter. Consideration to be given to including this within the Table on p5 of the marked up document (proposed to be updated by SPC’s Recommendation 1) to ensure consistency. Consider revising the wording on p5 “ <i>It does not have a statutory role in the assessment of development applications</i> ” given the changes around Impact Assessed Development.

11	Consideration of specific community groups	<p>Welcome specific consideration to engagement of these groups. May benefit from further guidance from SPC on how to successfully engage with these groups. This is identified in recommendation 9 of the Charter Review Report, however there is not reference to this in the amended Charter.</p> <p>For example, further guidance around accessibility considerations, online viewers, and cultural sensitivities. Engagement with some of these communities may result in additional level of complexity, therefore clarification around what's considered, proportional, appropriate and reasonable would assist.</p>	Consider the provision of guidance materials in terms of techniques and tools to support Designated Entities to successfully engage with these groups.
12	Definitions	The proposed change to the Table on p5 as a result of recommendation 1 results in lack of clarity regarding the Chief Executive (previously identified as Chef Executive of DPTI, now simply Chief Executive.) This could cause confusions as to which Chief Executive the Charter is referring to.	Consider including definition of Chief Executive.



6 June 2024

Submission – Community Engagement Charter
Department for Trade and Investment
By email - PlanSAsubmissions@sa.gov.au

Dear Sir/Madam,

Community Engagement Charter Update – Engagement Response

Thank you for the opportunity to provide feedback on proposed updates to the Community Engagement Charter.

Council recognises benefits of the Community Engagement Charter (the Charter) as the preeminent engagement tool within the planning system. We fully support its ongoing review and improvement to ensure fit for purpose and meaningful engagement with the planning system by all members of the South Australian community.

Inclusive Language

We fully support proposed new language within the Charter, to ensure engagement is meaningful, respectful, and mindful of the need to ensure constructive and collaborative engagement across the diversity of our communities. We acknowledge the importance of inclusive language, and the care and consideration shown by the Commission in proposing these changes. We look forward to working with the Commission and PlanSA to deliver on the aspirations expressed in the draft changes through future engagement opportunities.

Timeframes

Regarding timeframes for Complying Code Amendments, it is suggested a period greater than 14 days is required to ensure engagement is fit for purpose and meets the needs of the community. The PDI Act enables Complying Code Amendments in limited instances, including where the amendment is identified in a Regional Plan.

This of course reflects aspirations of a planning system that seek to engage most substantially at the strategic and policy setting level. It does, however, also assume engagement on possible changes to the Planning and Design Code might occur at a Regional Planning level.

Engagement at the strategic level can produce challenges in some parts of the community around understanding highly spatial and abstract concepts, challenges in connecting strategy to policy and then to future land use and built form outcomes etc. As such, there is some concern 14 day “complying changes” to the Planning and Design Code could fall short in achieving the intent of the Charter within the planning system.

It is suggested timeframe for “complying changes” to the Planning and Design Code, arising out of a Regional Planning engagement process should be increase to a minimum of four weeks (consistent with current practice).

MITCHAM

As for more complex Code Amendments, it is suggested that a minimum engagement period of eight weeks should be mandated. This enables interested parties to provide well-considered and informed responses and, in the case of local government, to seek council endorsement of positions, as is often required.

Regional Plans and Code Amendments

Commenting on possible zoning changes within a Regional Plan may be overlooked given the significant breadth and depth of a Regional Plan's content, particularly if communities do not understand the implications of such changes in a Regional Plan.

It is also difficult to comment on proposed changes within a Regional Plan if sufficient accompanying information and investigate material is not available.

The Kangaroo Island Regional Plan currently on consultation provides an example – it is noted that there are zone changes proposed for different parts of the Island, but it is not clear how these proposed changes have come about, what investigations have occurred to support the changes, or whether it is intended they will be implemented via a Complying Code Amendment.

It is suggested the Charter could require Regional Plan engagements to specifically highlight future “complying changes” to the Planning and Design Code and the process to follow at that point to ensure engagement is informative and transparent.

It is also recommended that Practice Direction 2 include an explanation about what information pertaining to possible future “complying changes” should be available at the Regional Plan level to facilitate meaningful engagement.

Direct Notification

The Charter sets out circumstances in which direct notification of a complying change is required. It is not clear, however, if a “direct notice” means notification to individual property owners or a notice that is publicly available.

Historically, for larger scale Code Amendments that would (under the proposed changes) be classified as complying changes, the Department has sought not to notify individual property owners, we understand largely for reasons scale and cost.

We consider property owners who are directly affected by a Code Amendment should receive direct notification by a direct method (e.g. post, email) advising of the changes and its impact to them, and afforded as opportunity to participate to ensure engagement is most inclusive for those most affected.

It is recommended the Charter (or Practice Direction 2) provide clarification about what constitutes “direct notification”.

We are supportive of the Charter and its ambition to guide community engagement in the planning system as it relates to policies, strategies and schemes, however, believe there are opportunities to make further adjustments that will improve engagement outcomes.

Please note these comments are provided by staff and have not been specifically endorsed by Council. Once again, thank you for the opportunity to participate in this consultation process, we hope you find our feedback useful.

Should you have any queries relating to this matter, please contact me on [REDACTED] or by email on [REDACTED]

Yours sincerely



Alex Mackenzie
MANAGER DEVELOPMENT SERVICES

File Number: A905236
Enquiries To: Emily McLuskey
Direct Telephone: 8366 4561



City of
**Norwood
Payneham
& St Peters**

6 June 2024

Mr Craig Holden
Chair, State Planning Commission
Department of Trade and Investment
GPO Box 1815
ADELAIDE SA 5001

Via email: PlanSAsubmissions@sa.gov.au

Dear Mr Holden

Thank you for the opportunity to provide comment on the proposed changes to the Community Engagement Charter and Practice Direction 2. The Council's comments are focused on two key areas of interest; firstly, the process and requirements relating to Section 75 Code Amendments and secondly, the interpretation and application of mandatory consultation requirements.

Complying Code Amendments

The Council understands the intent of Complying Code Amendments is to facilitate efficient changes to the *Planning and Design Code* where these are consistent with the Regional Plan. It is also understood that the framework for these Code Amendments is set out in Section 75 of the PDI Act (the Act), and therefore is not within the scope of this consultation. However, the Council considers it likely that property owners and occupiers directly affected by a Complying Code Amendment will not have the same consultation opportunities as those affected by a 'standard' Section 73 Code Amendment, which is concerning given the process is exempt from the ERD Committee review process. To this end, a range of concerns and suggestions to mitigate this issue are outlined below.

Consistency between Regional Plan and Code Amendment

The premise of a streamlined Section 75 process is that the relevant Regional Plan contains specific maps and information which clearly and expressly identify the proposed policy change and that consultation regarding that change has already occurred through the Regional Plan consultation. It is not yet clear what level of specificity is required to be outlined in the Regional Plan to enable the Section 75 process. If, for example, the Regional Plan only outlines a 'family' of zones which may be applied (e.g. 'neighbourhood zones') there would be considerable uncertainty as to what development could be anticipated in the future. Under this scenario, the development potential that could be expected in the Established Neighbourhood Zone is meaningfully different to that in the Housing Diversity Neighbourhood Zone. Once the Complying Code Amendment is on consultation, it is understood the scope of consultation may be limited to secondary Code policy details such as Technical and Numeric Variation (TNV) layers, rather than fundamental factors such as the selected zone. This should not be the case if the Regional Plan did not specifically set out which zone was recommended to apply. It is recommended that Practice Direction 2 set out the level of specificity which is expected to be outlined in a Regional Plan to facilitate the Section 75 process, such as the need to specify the intended zone selection.

It is typical and reasonable for there to be changes to proposed zone or overlay boundaries as a result of Code Amendment investigation. However in a Section 75 process, any differences between the affected area set out in the Regional Plan and the subsequent Code Amendment could result in some property owners and occupiers not being afforded an equitable and transparent change process.

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That is, if a property was not proposed to be directly affected in the Regional Plan those owners, occupiers and neighbours may not have been notified or invited to participate in consultation, however if they are subsequently affected by the proposed changes in the Complying Code Amendment they will only be provided with a compromised consultation opportunity, with limited ability to shape the outcome. As such, it is recommended the Practice Direction 2 requires consistency between the Regional Plan and the Code Amendment with respect to the precise area or properties affected. In the event of a Code Amendment being similar to, but not the same as the Regional Plan, the Code Amendment could follow the Section 73 process but demonstrate a strong strategic alignment with the Regional Plan in support of the proposal.

Regional Plan consultation requirements

Given the enormous scale of the Greater Adelaide Regional Plan, it is likely that the level of consultation which will be undertaken will not be as fine grained as would be expected for a Code Amendment. That is, consultation on a Regional Plan may not involve direct notification to properties likely to be affected by a recommended zone change whereas this is typically a requirement of Code Amendments. In this respect, broad-scale consultation on the Regional Plan is not considered a suitable 'substitute' for nuanced consultation and engagement on a subsequent Code Amendment.

To mitigate this issue, it is recommended that a minimum level of consultation for Regional Plans be required by the Community Engagement Charter. Specifically, it is recommended that owners and occupiers of properties which are likely to be directly affected by or directly adjacent to zone, overlay or similar changes are directly notified.

Timeframe for Consultation

The proposed changes to the Community Engagement Charter set out a minimum 14-day consultation period for Complying Code Amendments. This is considered an insufficient length of time for affected persons to understand and respond to a proposed policy change. By comparison, the *Planning Development and Infrastructure (General) Regulations 2017* (reg 50(1)(a)(i)) allows representors 15 business days to respond to a proposed development application, which for most community members would be easier to understand, appreciate and form a view as compared to policy changes. Notwithstanding the intent of a streamlined Section 75 process, it is considered at odds with one of the founding principles of the current planning system that consultation on a policy change would attract less consultation time than a development proposal.

It is recommended that at the very least, the consultation timeframe for Complying Code Amendments is increased to 15 business days to be consistent with the development application public notification period, noting that it should be specified as business days rather than calendar days so that public holidays or holiday periods do not compromise the amount of time for engagement.

Timeframe between Regional Plan consultation and Code Amendment consultation

Regional Plans set out the long-term vision for an area and notwithstanding any subsequent periodic reviews which may be undertaken, there is potential for there to be a considerable period between consultation on the Regional Plan and consultation on a subsequent Complying Code Amendment. The Section 75 process is predicated on the fact that affected parties previously have had the opportunity to be consulted on the Regional Plan, which assumes there has been no change in ownership or occupancy or other relevant circumstances. It is inevitable there will be some changes in occupancy, but limiting the amount of time between Regional Plan consultation and the Code Amendment will minimise the number of new affected parties.

It is recommended that Practice Direction 2 be amended to only permit a Complying Code Amendment to be initiated within 2 years of the Regional Plan consultation which proposed the relevant policy change. This timeframe would provide consistency with the period which a development authorisation remains valid, as well as various other timeframes set out in the legislation which relate to maintaining a level of relevancy or appropriate time within which to act. Proposed Code changes outside of this timeframe could occur through the Section 73 process, whilst still able to demonstrate a strong strategic alignment with the Regional Plan in support of the proposal.

Section 7 Notification

The *Land and Business (Sales and Conveyancing) Regulations 2010* require Section 7 notices to declare if there is a current Code Amendment released for public consultation or is between consultation and a final decision. This requirement presumably intends to notify prospective property owners who 'missed out' on the consultation opportunity afforded to the current property owners. It will be problematic if there is no similar requirement to notify prospective owners of a specific recommended policy change in the Regional Plan, given the limited consultation which would subsequently occur through the Section 75 process. For example, the Regional Plan may recommend a rezoning which could result in substantial changes to land use or density. If the scope of consultation for the subsequent Complying Code Amendment is limited to policy detail rather than zone selection or type, the new owner would not have been properly informed when purchasing the property and would miss out on a fair opportunity to consultation, leading to questions of natural justice.

With the new Regional Plans being "*digital by default*" it will be relatively straightforward administratively to 'tag' any earmarked properties for rezoning and enable reporting on this to purchasers through the Section 7 process. It is recommended that the LBSC Regulations be amended to require Section 7 notices to alert prospective owners to any specific rezoning recommendations set out in the Regional Plan and this information should be provided in the Section 7 extract accessed via the DAP, or at least require Section 7 notices to include a general statement directing prospective owners to the Regional Plan for their information.

Mandatory Consultation Requirements in the PDI Act

Section 73(6)(b) of the Act states that a designated entity undertaking an amendment to a designated instrument must comply with the Community Engagement Charter. Section 73(6)(d) of the Act states that to the extent that clause (b) does not apply, a Code Amendment which will have a specific impact on one or more particular pieces of land in a particular zone or subzone requires notification to owners or occupiers of the affected and adjacent land. An extract of the relevant clauses is included for convenience in **Attachment 1**.

It is not clear in which circumstances clause (b) does not apply and therefore in what circumstances clause (d) does apply. Staff have recently sought clarification of this ambiguity from PLUS staff, but the legislative requirements remain unclear. It is understood that the Community Engagement Charter is applicable to all Code Amendments and therefore clause (b) would always apply to some extent. Regulation 20 in the *PDI (General) Regulations* outlines the particulars required in a s73(6)(d) notice, which includes providing "information about the consultation that is to occur under the Community Engagement Charter". This indicates that clause (d) applies to Code Amendments which are also subject to the Charter.

It could be the case that clause (b) relates to Code Amendments affected by the mandatory requirements (being the only quantifiable requirement in the Charter against which you could categorically measure compliance), in which case clause (d) would relate to any Code Amendment which is *not* affected by the mandatory requirements outlined in the Charter, or elements of consultation which are not otherwise spelled out in the mandatory requirements.

Setting aside this fundamental question, it is unclear what constitutes a 'specific impact' as referenced in clause (d). It could be assumed a 'specific impact' relates to a change which affects development potential of a particular parcel of land, such as changes to the zone, TNV, or anticipated land uses. It is hard to conclude what is intended by the reference to 'particular zone or subzone'. Perhaps it is referring to a Code change which is targeted to a selected zone, or perhaps it was intended to be accompanied by a specified list of zones and subzones.

It is noted that the Proposal to Initiate template lists the clause (d) requirements as mandatory consultation requirements, which is reiterated in the Minister's initiation approval of several Code Amendments. This indicates that clause (d) is broadly applicable to many or most Code Amendments. In light of the above, it is requested that clarification be provided as to the intent and specific application of Section 73(6) and, if necessary, the Community Engagement Charter be amended to support the interpretation and application of these clauses.

Thank you again for the opportunity to participate in this process. The Council looks forward to continuing to contribute to improvements in community engagement within the South Australian planning system.

Yours sincerely

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

Eleanor Walters
MANAGER, URBAN PLANNING & SUSTAINABILITY

73—Preparation and amendment

- (6) A person or entity authorised or approved under a preceding subsection (a designated entity), after all of the requirements of those subsections have been satisfied—
- (a) may prepare a draft of the relevant proposal; and
 - (b) must comply with the Community Engagement Charter for the purposes of consultation in relation to the proposal; and
 - (c) to the extent that paragraph (b) does not apply, in the case of a proposed amendment to a regional plan that has been prepared by a joint planning board where the amendment is not being proposed by the joint planning board—must consult with the joint planning board; and
 - (d) to the extent that paragraph (b) does not apply, in the case of a proposed amendment to the Planning and Design Code that will have a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally)—must take reasonable steps to give—
 - (i) an owner or occupier of the land; and
 - (ii) an owner or occupier of each piece of adjacent land, a notice in accordance with the regulations; and
 - (e) must consult with any person or body specified by the Commission and may consult with any other person or body as the designated entity thinks fit; and
 - (f) must carry out such investigations and obtain such information specified by the Commission; and
 - (g) must comply with any requirement prescribed by the regulations

From: [YourSAy](#)
To: [Perkins, Alison \(DTI\); DTI:PlanSA Submissions](#)
Subject: gwells completed Survey: updating the Community Engagement Charter
Date: Friday, 31 May 2024 2:45:57 PM

gwells just submitted the survey Survey: updating the Community Engagement Charter with the responses below.

Name:

Dr Geoff Wells

Do you live in metropolitan Adelaide or regional South Australia?

Regional South Australia

What is your interest in updating the Community Engagement Charter?

Community group

What is your overall view of the proposed changes to the Community Engagement Charter?

I support the proposed changes with some concerns

The proposed changes highlight the need to consider appropriate opportunities for First Nations to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any comments regarding proposed changes relating to engaging with First Nations?

In our experience, First Nations local groups want to be engaged with 1) whenever any action is likely effect their country; and 2) first, before engaging with other groups.

The proposed changes highlight the need to consider appropriate opportunities for young people to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for culturally and linguistically diverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for people living with disability and neurodiverse communities to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

The proposed changes highlight the need to consider appropriate opportunities for businesses, workers and employers to influence planning decisions that affect or interest them. Do you agree these proposed changes?

Yes

Do you have any other feedback regarding proposed changes to the Community Engagement Charter?

I am the Director of Rural Communities Australia, a community organisation based in Robe and working with communities across the south-east. In our experience, local communities are strongly disenchanted with the engagement process around planning, which is seen as largely box-ticking rather than genuine. In particular, communities have seen in the past that the work they have put in to engage with planning initiatives have rarely resulted in significant results – they routinely raise the issue of why they should bother to be engaged since the history is that they are not listened to and that nothing happens as a result of their input. Much greater provision needs to be made for active participation of communities at all stages of the planning process. Communities need to feel that they are co-creating their own places. There should be specific provision for communities to initiate new directions, and they should be actively and respectfully engaged at every state, from beginning to end. The model should be that of a partnership, where local communities have equal standing. This particularly applies to First Nations groups, who have asked many times that they be approached right at the beginning of a new planning initiative, rather than at the end, and that they remain respected partners throughout. We believe that the Charter, even in its revised form, needs to be re-evaluated from these perspectives.

From: [Marianne Lewis](#)
To: [DTI:PlanSA Submissions](#)
Subject: Submission: Updating the Community Engagement Charter
Date: Tuesday, 4 June 2024 11:54:52 AM
Attachments: [image013.png](#)
[image014.png](#)
[image015.jpg](#)
[image016.png](#)
[image017.jpg](#)
[image018.jpg](#)
[image019.png](#)

You don't often get email from marianne.lewis@carerssa.com.au. [Learn why this is important](#)

Dear Members of the Committee,

Thank you for the opportunity to comment on the Updating of the Community Engagement Charter (via [YourSay](#)) which will lay down the principles of community consultation on the very important issues impacting South Australians, in relation to future planning, development, and infrastructure.

Carers SA is a charitable, for-purpose organisation and is the recognised representative body for Carers in South Australia. As you may know, Carers are individuals who provide unpaid care and support to family members and friends who have a disability, mental illness, chronic condition, terminal illness, an alcohol or other drug dependency, or who are frail aged.

There are about 245,000 Carers in South Australia, however, the number is likely to be even higher, as there are quite a number of people caring for family members or friends, but do not self-identify as a Carer.

Carers SA is also a service provider, offering a range of services to caring families in metropolitan, rural and remote locations across South Australia. Carers SA is the lead provider of federally funded Carer Gateway services in South Australia and state funded breaks for Carers across South Australia and supports for Young Carers in multiple locations across the state.

Carers SA is part of a National Network of Carer Associations and a member of Carers Australia – the recognised national peak body representing and advocating on behalf of family and friend Carers throughout Australia. We are a member of the Carer Support Network South Australia (CSNSA) and other human services-related networks. In addition, we work in partnerships and collaborations with others who support or conduct research with a focus on Carers, and with organisations that connect with Carer.

Carers SA is in principle supporting the draft Community Engagement Charter - with one significant exception:

Unfortunately, within the Charter, there is no mention, or stated intention to consult with Carers who are often significantly impacted by Planning Development and Infrastructure decisions.

Currently, the listed community groups are:

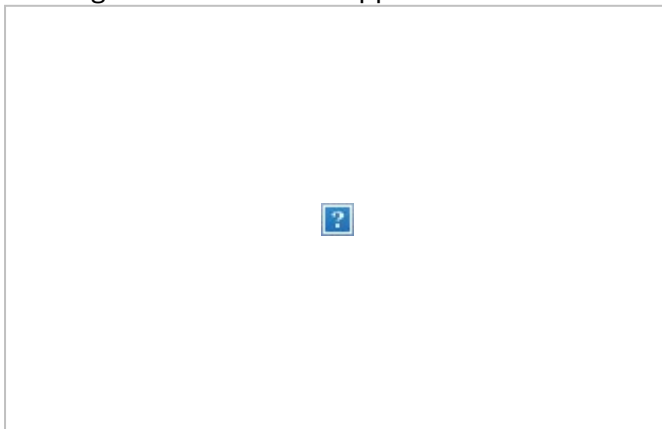
“The engagement plan and activities appropriately, proportionately and reasonably considered the engagement and communications needs of the following community groups:

- *First Nations people;*
- *young persons;*
- *persons from non-English speaking backgrounds;*
- *persons with a disability and/or neurodivergence; and*
- *businesses, workers and employers”*

With the [Department for Infrastructure and Transport also being an agency](#) under the [South Australian Carer Recognition Act 2005](#), consultation with Carers on planning and decisions that can impact Carers is a requirement under the Act as regulated under the Act’s South Australian Carers Charter.

The work that Carers do touches across all of South Australian society in addition to the generally recognisable links to the health sector, mental health, NDIS, aged care and other direct care related domains.

Example: In the Carers SA 2019 Transport and Care Survey, 67% of Carers reported missing out on scheduled appointments or events due to transport issues.



Carers are the key advocates for the persons receiving care and Carers have specific support requirements in their own rights.

It is therefore important to acknowledge their contribution and instil appropriate and formal processes in Recognition of Carers, their roles and their significant contributions to the community.

Doing so will also answer the (legal and ethical) requirement and those stated in the Second Principle that is listed in the Draft Community Engagement Charter.

Recommendation:

Carers SA recommends the inclusion of Carers in the list of community groups to address the legal, ethical and inclusion requirements:

“The engagement plan and activities appropriately, proportionately and reasonably considered the engagement and communications needs of the following community groups:

- *First Nations people;*

- *young persons;*
- *persons from non-English speaking backgrounds;*
- *persons with a disability and/or neurodivergence;*
- *Carers under the definition of the SA Carer Recognition Act, and*
- *businesses, workers and employers”*

Thank you for the opportunity to comment.

Additional Resource: You may find the Carers SA submission to the ‘*Inquiry into the Review the South Australian Carers Recognition Act 2005 assessing the effectiveness of the Act and its principles in practice*’ of additional interest, which includes South Australian Carer data and other Carer Recognition insights based on validated research and Carer voices. That document is published on the Carers SA website [here](#).

Kind Regards,

Marianne Lewis
Manager Strategic Policy
Monday to Fridays

T: [REDACTED] E: [REDACTED]
[REDACTED]
[REDACTED]



Carers SA acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians on the lands we meet and work on and pays respect to Elders past, present and emerging.

Carers SA is a Child Wise nationally accredited child safe organisation and is committed to the safety and wellbeing of all children and young people.

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From: [Dianne van Eck](#)
To: [DTI:PlanSA Submissions](#)
Cc: [REDACTED] [Elizabeth Rushbrook](#); [Iris Iwanicki](#); [Evyonne Moore](#); [Sandy Wilkinson](#);
Subject: Community Alliance SA Submission to the Draft Community Engagement Charter
Date: Wednesday, 5 June 2024 8:46:03 PM
Attachments: [image001.png](#)
[CASA Submission to SPC Community Engagement Charter June 2024.pdf](#)
[Mark-Parnell Submission to the Expert Panel.PDF](#)
[Planning for People CHARTER COMPANION NSW.pdf](#)

You don't often get email from dianne.vaneck@dvesolutions.com.au. [Learn why this is important](#)

Dear Sir/Madam

Please find attached our submission to the draft Community Engagement Charter.

Could you acknowledge receipt please.

We look forward to the next phase of consultation. If you have any questions about our submission, please contact me.

Kind regards

Dianne

Dianne van Eck
President
Community Alliance SA (CASA)

[REDACTED]
[REDACTED]

A picture containing text? Description automatically generated





4 June 2024

Mr Craig Holden
Chairperson, State Planning Commission
Pirie St, Adelaide, 5000

Dear Craig

RE: Draft 2024 Community Engagement Charter Consultation

Thank you for the opportunity to provide feedback to the draft 2024 Community Engagement Charter.

Five years ago, CASA contributed to the consultation for the 2017 version of the Charter. In our submission then, we encouraged the SPC to consider the NSW Community Engagement Charter as a model of best practice in Australia. We have attached the NSW model again for your consideration.

We find the 2024 draft Charter quite disappointing. It does not develop any new level of initiatives or consideration of changes that have occurred in the last five years in community engagement methodologies, philosophies, or principles. It is quite simply a minimal, marked-up version of the document prepared five years ago. We had expected more. We sincerely hope that this Charter can be rewritten to be something of a 'standout' in the Australian planning and development environment.

In our last meeting with you, and often whenever we meet with you or the Minister, we constantly promoted the need for consultation and collaboration before the release of initial documents or applications. Unfortunately, this collaboration does not happen often enough, and decisions are made that create negative and disappointing outcomes for communities.

CASA, as an umbrella organisation for over 35 community groups who all want the Charter to be (as stated by the Commission): a 'flexible, effective and engaging framework for engagement.' We seek to address the common issues raised by our member groups around the common failings of the Charter, and again identify areas for improvement. Our core focus since inception has been to 'put the people back into planning.' This Charter is one way to support this principle. Furthermore, we would like the Charter to apply to all areas of planning, whether in policy, operational activities or assessment decision making, noting that at present, the Charter ambit is severely restricted.

We would like to make the following suggestions on the understanding that the physical outcomes of a planning system are of equal importance to the process through which the system is implemented. One key goal should be to achieve broad community engagement. While genuine community engagement is challenging to achieve, it is a common criticism of planning systems, as it requires ongoing transparency and active attempts to ensure diversity of community inclusion throughout planning system processes. We hope our comments and request for timely consultation will result in citizens becoming able to be constructive partners in planning rather than, at the end of the process, participants without influence.

Please note our responses to the following aims of the Charter:

(The Charter's aims as stated on page 3 (Message from the State Planning Commission))

1 Foster better planning outcomes that take account of the views and aspirations of community

1. Set up a round table of stakeholders on a regular basis and include community representatives, developers and professional planners, social workers in mental and physical health, business small and large operators, academics, building, arts, ethnic representatives - and encourage input from Aboriginal Elders, consistent with SA's support for a Voice and the need to recognise and respect their ties with country and areas of significance. (We note that consultation has already occurred in regional areas in Victoria).
2. To Establish protocols of communication, and respect for sessions and publicise outcomes for the wider public.
3. The Commission's over reliance on advances in technology and innovative opportunity to engage with communities in an interactive way, 3D modelling, and visualisation are not as important as considering that the Charter fails to connect in real time and with real people, many of whom are not familiar with the complexities of your website.

2 Establish Trust in the Planning System

1. The Commission to enable the Charter to get designated relevant agencies for different iterations of the planning system a role to achieve connection and dialogue on proposed policies and changes in standards with relevant NGO organisations before implementing same.
2. The heritage provisions, protections, and policies to be fully consulted and managed in a manner that demonstrates custodianship of our heritage rather than mismanaged and demolished to enable high rise buildings out of context with the morphology of the city's historic character.
3. Increase climate change policies to protect public open space, large trees and tree canopy and reserves as places for the health and wellbeing of people and nature.
4. Continue protection of trees, encourage designing with trees retained, review the exemption of government departments from tree retention responsibilities. (Note: In Wales, the government reduced road construction projects to protect and value their landscapes.
5. Reintroduce social planning as a factor including public health atlases showing areas of highest disease rates to improve urban environments sustainably.
6. Design guidelines to be developed consistent with structural resilience against rising temperatures and sustainable water use and recycling of water.
7. Avoiding housing too close to shorelines and away from flood lines.

3. Improve the understanding by communities of the planning system

1. To complement greater face to face workshops and informed submissions by members of the public, CASA suggests greater release of hard copy consultation documents within public access areas, including the public library system throughout the State. These should be printed and on reserve in a space designated governance and democratic participation, with forms for written comment. Regional strategic planning is belatedly followed the event of the Code being activated, but local papers and library copies would assist many rural workers in being able to understand how regions will progress to plan, develop, and protect the region in the future.
2. Commission released papers are not easily found online within your complex suite of documents. Librarians often need to assist people attempting to be informed, especially by members of the older generations - apart from the computer savvy who are still in the minority within the community. Librarians are not trained on how to navigate the Charter, Code, or relevant legislation & regulations. They should be trained to become trainers – or planners rostered to assist citizens at both state and local levels.
3. Introduce into the State Education and Private Schools education on citizenship and include how the state planning system shapes urban and rural land uses, what rights are afforded the public in strategic and development impacts and rules of engagement.
4. Regulatory changes should not diminish minimal standards without some level of transparency. The SA Law society has criticised the abuse of regulatory changes devoid of consultation and parliamentary debate where changes are made via the Minister. If the effect of the same alters powers of delegation and areas of heritage delegation to individual plan managers without practice notice – than that should be consulted and transparent rather than be activated by Gazettal. It is understood that regulations activate provisions in the PDI Act but should not deviate from standards or processes established within the Act.

We have the voice of many of our communities across South Australia and we believe with our expertise that we can contribute to the design and development of principles, guidelines, and other documents to ensure they consider the voice of the majority, the community, rather than the voice of the minority, the developer.

We would like you to consider developing draft Practice Guidelines which we can provide feedback towards, prior to publication, to ensure they provide a clear and accurate picture of a development application's impact on the community, written in layperson's terms. We believe that if you provide more clarity and specific examples (with imagery) of the potential outcomes of a Development Application, there may be less angst from the community about unforeseen developments. We believe seeking community feedback to the Practice Guidelines would be a good idea and appreciate your consideration of this suggestion during our meeting.

As this Charter has a statutory role as a guide to public participation, its role is to prepare and amend designated policies strategies and schemes to comply with the Charter for the purposes of consultation. If this is so, CASA wishes that the entities designated for specified State Planning policies, Regional Plans, the Planning and Design Code, Design Standards, and Infrastructure Delivery Scheme engage with relevant community representatives as part of their roles of review. Unless each authority considers community experiences and perceptions of the relevant components of the

planning system as described above, there will be no sense of transparency or participatory community input.

Please note that trust and community engagement has taken a number of blows with the significant reduction in appeal and notification rights. Reducing appeal rights may reduce costs and delays, but mitigating these drawbacks requires a balance against trade-offs, including incompatibility with tenets of democracy by denying citizens the right to appeal a matter especially when they have a legitimate interest.

Civil enforcement is complicated and expensive. A concerning change of events which may arise out of avenues available for enforcement under the current system, which begins with limited avenues for enforcement or accountability that the Community Engagement Charter should consider in this review:

1. limited avenues for enforcement or compatibility – in addition to reduced public notification, consent requirements, and appeal rights resulting in increased chance that development will occur in contravention of the Act without it being noticed by the authorities.
2. interpretation of e-portal provisions which are vague enough to limit the amount of information (i.e. transparency) pertaining to developments uploaded for public access to the portal which limits public capacity to assess whether a development should have been approved on its merits
3. a reduced capacity to seek judicial review leaving the community to rely on the agencies it does not trust, to monitor and 'defend' against malfeasances.

By undertaking 'ritual' participation without simultaneously allowing the community to have any power to impact the outcome, the result is an 'empty process,' which allows those in power to tick the 'public participation box' without the public voice actually being heeded by decision makers.

Public Engagement

The International Association for Public Participation (IAPP) has defined the 'spectrum of public participation' as an ascending process: namely from left to right:

Inform Consult Involve Collaborate Empower

The Community Engagement Charter previously had examples of engagement as

Inform Consult Involve Collaborate N/A

This is wrong! Finally, we support Mark Parnell's view point on this important matter (attached for your information).

Thank you for considering our submission. We would welcome the opportunity to speak to any of these matters in person.

Kind regards

Dianne van Eck

**Dianne van Eck
President, Community Alliance SA**



Planning Review 2022

DTI.PlanningReview@sa.gov.au

13th December 2022

Dear Panel Members,

Thank you for the opportunity to comment on reforms to the South Australian planning system.

This is a subject very close to my heart. I retired last year after 15 years in State Parliament, where I was the only MP with planning qualifications. I participated in every debate over planning law and policy since 2006 and am the longest serving Member of the Parliament's oversight body – the Environment Resources and Development Committee. Prior to Parliament, I worked for 10 years as a public interest environmental lawyer primarily in the planning area.

In this submission I have commented on some of the specific questions asked in the Discussion Papers and also made some additional recommendations, particularly in relation to reform of Parliamentary Scrutiny and the role of State Planning Policies.

Yours faithfully,

Mark Parnell LLB, BCOM, MURP

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Discussion Paper – e-Planning System and the PlanSA website Reform Options

Access to Information:

In the “Discussion Paper – e-Planning System and the PlanSA website Reform Options” there are 35 questions posed about “user experience” and “innovation”. However, these questions are primarily addressed to applicants and assessment authorities and NOT to the general public who may wish to access information about developments that affect them or interest them.

The most important question not asked is: Should all development application documents be made available for public inspection online and for how long?

I note that PlanSA now has a direct notification service for development applications (which I fully support), however apart from the fact of the application being lodged and some basic information about the assessing authority, information is limited to the address and a brief description of the proposal (eg. new single-storey dwelling).

Problem: Erosion of rights of public to access development applications

Discussion: Under the old Development Act, members of the public were able to attend Council offices and inspect copies of development applications including plans and specifications. Under the 1993 Development Regulations, Councils could charge reasonable fees for access and were not obliged to make available documents that could jeopardise the present or future security of a building. These documents are now all available electronically on-line which should simplify access.

I think there is a fundamental problem with the way planners approach access to information, which is to confuse rights of access to application documents to rights of representation or appeal. In other words, they believe that only documents relating to developments where a person has a legal right to comment or appeal should be publicly available.

Various feeble excuses have been offered over the years for not making all documents available, including that allowing access to plans and specifications would be a “breach of copyright”. Another is that allowing access to information is an “undue encouragement” which suggests to members of the public that they may have rights to influence a decision when they do not.

Why is it a problem?

The public have a legally-enforceable right to see that all developments are being undertaken lawfully in accordance with approved plans. Where a developer fails to comply, “civil enforcement” is available. In its Law Handbook, the Law Society describes the procedure in ss. 212-214 of the Act and notes: “A typical action would be against a person

who undertakes development without approval, or fails to comply with conditions attached to the approval.” <https://lawhandbook.sa.gov.au/ch28s02s07s02.php>

The Decisions Notification Form for approved developments almost always contains as the first condition the following:

Planning Consent

Condition 1

The development granted *Planning Consent* shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

However, if the public are denied access to the plans and documents, this right is illusory. How would a neighbour (for example) know whether provisions to protect their privacy have been complied with if they do not have access to the approved plans?

This came to a head some years ago in a case I was involved with where the developer substituted the type of frosted glass approved in a multi-storey development to avoid over-looking into neighbouring backyards. If the neighbours hadn't had access to the approved plans, they would not have picked up the substitution which had serious implications for their privacy. The planning authority hadn't picked it up or alternatively, didn't care about the change. The purpose of civil enforcement is to enable citizens to ensure the law is applied where the proper authorities are unable or unwilling to act.

Recommendation:

The Planning portal should contain all application documents and plans under the “documents” tab for ALL developments, not just those subject to public notification.

Problem: SCAP deliberately removes documents from its website and requires expensive and time-consuming Freedom of Information applications to access documents that were previously freely available.

Discussion: In the few days prior to each SCAP meeting, all documents relevant to the agenda including development application documents and reports from relevant planning staff and referral bodies are uploaded to the SCAP website as attachments to the agenda where they can be inspected or downloaded by anyone. After the meeting, these documents are promptly removed. According to the SCAP website:

“Previous meetings:

Agendas include links to reports for most SCAP agenda items. Attachments to these reports are only available for current meeting agenda items. *After the meeting, attachments to reports can only be obtained through the Freedom of Information process.*”

This goes to the heart of a major problem with the planning system which is a view among many senior planners that they know best and the general public are a nuisance to be tolerated but not encouraged. This particular issue that has been previously raised by me directly with SCAP, with the previous two Ministers for Planning and also in Parliament, yet SCAP maintains its policy of obstructing public access to important documents relating to

developments of public interest. It goes to their credibility as an agency focussed on the public interest in the application of planning policy.

Why is it a problem

The issues are the same as above in relation to non-publication of application documents on the Planning portal. The public have a right to see that developments are being undertaken lawfully in accordance with approved plans. Where a developer fails to comply, civil enforcement is available. If the public are denied access to the plans and documents, this right is illusory. Given that the developments being considered by SCAP are the more complex developments with potentially wide-ranging impacts, the public has a legitimate interest in seeing that development is undertaken lawfully and in accordance with approved plans and documents.

Recommendation:

SCAP should maintain a publicly available online archive of all documents previously made available. This simply requires archiving the attachments to agendas and minutes of previous meetings, rather than removing them.

Discussion Paper – *Planning, Development and Infrastructure Act 2016* Reform Options

The Discussion Paper notes the decline in development applications subject to public notification and appeal. This is reflective of the current (in my view ill-considered) approach to “front-load” public participation to enable submissions on planning policy only. Once planning policy is set, further opportunities for comment or appeal on individual development applications are limited.

A consequence of this approach is that governments are able to “appeal-proof” even the most controversial projects, including on public land. A good example is how the previous government passed planning policy that enabled substantial exclusive private development in the heart of coastal wilderness in a National Park to be approved without possibility of public challenge. This resulted in ALL Friends of Parks volunteers on Kangaroo Island going on strike and led to several large protests both on KI and in Adelaide. The KI fires delayed the project, but it will come back.

Another philosophical difficulty with the current approach is the emphasis on people “affected” by a development. In many instances, objection to a development is not because of physical proximity, but due to broader concerns such as impacts on wildlife or climate. The Act does not adequately acknowledge that even “anticipated” forms of development can have serious environmental consequences. For example, fossil fuel power stations in Industrial Zones might satisfy noise or amenity concerns but are still damaging to the climate. Or, subdivisions for housing over native vegetation can send species to extinction. An interesting case study of a species eventually prevailing over an uncaring planning system is the Eltham Copper Butterfly in Victoria. Thought to be extinct, it was rediscovered

in the outer suburbs of Melbourne and now plays a key role in locational decisions of infrastructure. It is hard to imagine such an outcome in South Australia.

Notification and appeal rights

The Panel notes that whilst there was an expectation of greater public notification under the new planning system, the reality has been a decline from over 10% of all applications under the Development Act to less than 6% now. Third party appeals have also declined.

Whilst the Panel supports the position of not notifying developments “envisaged in the zone”, in my submission an exception should be made for cases of particular public interest regardless of zoning.

The Panel refers to the rights of individual property owners, however in the case of public land or “the commons” those rights should be extended beyond the technical owner (eg. Minister) to the public more broadly even if zoning does envisage the proposed use. This is particularly the case for public land reserved for conservation or public use and enjoyment or private land that is protected from development by virtue of binding Heritage Agreements.

Recommendation: All development on public land or private land subject to public interest incumbrances such as Heritage Agreements under the Native Vegetation Act should be notified for public comment.

Recommendation: Appeal rights should be available in relation to all private developments in National Parks and Wildlife Act reserves and all development in coastal waters or on beaches.

Impact Assessed Development

I support the suggestion in the Discussion Paper of reinstating a “Whole of Government” approach to approving major developments, rather than leaving it to an individual Minister. These are decisions of great significance and the impacts of these developments can last for decades. The additional time taken to prepare cabinet submissions is miniscule in the overall time-frame for these projects, however the benefit is that all Ministers (and their departments) have input into the final decision.

I also support bringing mining approvals within the planning system as part of the major projects process. This will require considerable wrangling within government as the culture within the “Mining Department” (in various iterations over the years) has been to provide the least possible opportunities for public input. There have never been rigorous environmental impact assessment processes for mining or opportunities for the public to challenge mining approvals.

Infrastructure Schemes

The Discussion paper refers to the Mount Barker trial and notes that since the trial no infrastructure schemes have been initiated under the PDI Act.

Reforms in this area should be informed by the debacle that was infrastructure in Mount Barker in relation to the rezoning of 1300ha of land for residential development over a decade ago. Part of the “deal” was that the developers would pay for the new freeway interchange. The (then) Minister in Parliament noted that the need for speed in relation to the rezoning was because of fears that the consortium of private property developers was committed to funding infrastructure and that that commitment was being tested by delays. Ultimately (and predictably) taxpayers ended up footing the bill for the new freeway interchange.

The paper could also have mentioned the outrageous situation where property developers in Mount Barker mandated connection to private LPG gas infrastructure, including mandating certain gas appliances in new homes. They did this as part of the legally binding covenants that come with many new housing estates. This was a fundamental restriction on home owners being allowed to choose how to cook and heat their homes and water. It also effectively entrenched (literally) expensive, unnecessary and environmentally damaging infrastructure. The Planning Commission and other planning authorities appear to have shown no interest in this issue.

Other jurisdictions have gone in the opposite direction by banning all gas connections to new housing estates and foreshadowed plans to ban all new gas connections to existing residential properties. (eg. ACT - <https://www.abc.net.au/news/2022-08-04/act-no-new-gas-connections-from-2023-new-homes/101299552>).

In SA, gas infrastructure has been listed along with water, sewerage, roads, footpaths and electricity as necessary infrastructure for new housing subdivisions. This has the effective of undermining the transition to cheaper and more sustainable all-electric homes.

Recommendation: Ban the practice of property developers mandating gas connection to new homes. The Planning, Development and Infrastructure (Gas Infrastructure) Amendment Bill (No. 4) introduced by Hon. Robert Simms and currently before the Legislative Council achieves this objective and should be supported.

Recommendation: Phase out new gas connections to residential customers. The Gas (Ban on New Connections) Amendment Bill (No. 31) introduced by Hon. Robert Simms MLC and currently before the Legislative Council achieves this objective and should be supported.

Local Heritage in the Planning, Development and Infrastructure Act 2016

The commentary in the Discussion Paper around the debate in the Legislative Council back in 2015/2016 is accurate but carefully worded to avoid offending some current Members of Parliament.

Sub-sections 76(4) and 76(5) were ill-considered and completely at odds with the nature of planning as a public interest exercise rather than a local popularity contest. Extending this approach of popular votes to other planning questions would result in predictable and negative consequences. The role of local voices is important, but it should be within a democratic or judicial context and not as direct decision-maker over planning policy.

The Discussion Paper notes that the scheme of local voting for or against heritage has not yet been commenced. In my discussion with previous Planning Ministers, none had any intention of commencing these provisions because they now appreciated how ill-considered they were, regardless of how they voted at the time.

The answer is very simple – delete these provisions.

Recommendation: Repeal Sub-sections 76(4) and 76(5).
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Deemed Consent

I am heartened by the fact that very few Deemed Consents seem to have been issued as a result of planning authorities taking too long to process applications and make a decision.

Nevertheless, I think that the potential for poor decision-making is still a live issue. Faced with a ticking clock, decision-makers are likely to take short cuts and not ask appropriate questions or make proper assessments simply because of pressure of work and lack of resources. Deemed consent means that if you are running out of time to do a job properly – just approve it anyway.

The Discussion Paper notes that Deemed Consents are “having the desired effect” which is faster decisions. This begs the question about whether the planning system is about making fast decisions or making good decisions? Surely the latter should prevail over the former?

I note that other jurisdictions take the opposite approach to SA and if a planning body takes too long, that is Deemed Refusal. I think this is a better approach, but the rights of applicants could be protected with appropriate costs orders from the ERD Court in the event that the applicant is ultimately successful. This would be an exception to the normal rule that in Merits planning appeals, each side pays their own costs.

Recommendation: Replace Deemed Consent with Deemed Refusal subject to appropriate discretionary costs orders to protect applicants who are subsequently successful on review.

Discussion Paper – Planning and Design Code Reform Options

In relation to the detail around Character & Heritage, Infill and car parking I support recommendations made by the Conservation Council of South Australia and the National Trust.

Tree Protection

One major loophole that was identified during debate in Parliament but never resolved is in relation to the “10 metre rule”. The loophole is that it is possible to gain approval for a building or swimming pool that is within 10 metres of a protected tree and to then remove the tree because it is within 10 metres of a building or pool!

In Parliament we were assured that any development application within 10 metres of a protected tree would need to be a combined application for both the development AND the tree-damaging activity.

In practice, that appears not to be the case. The situation is further exacerbated where the tree is on one property and the development is on an adjoining property, but still within 10 metres. This arbitrary rule is the kiss of death for many protected trees.

Another loophole recently exposed by the Conservation Council is in relation to using the 10m rule to remove a tree and then to remove the development which was the justification for the tree’s removal.

*In Adelaide's east, a magnificent, lemon-scented gum stood on a newly-purchased block of land. **This significant tree should have been protected by law, but a developer was able to use a disgraceful loophole to destroy it.***

*This developer snapped up the property and applied to remove the giant gum. **Initially, the local Council rejected the application to cut down the gum tree due to its formidable size.***

But the new owner hit paydirt when he unearthed an old swimming pool buried on the property: cracked, broken, filled in and forgotten.

He excavated the pool, quickly put a fence around it so it was 'compliant' and went back to council, arguing he had the right to remove the tree as it was within 10 metres of a 'swimming pool.'

Our flawed regulations don't specify that the pool had to be in a fit state to be used as such - its mere existence was enough to condemn the significant tree.



This cynical use of the regulations meant that the council had no choice but to approve the removal of this beautiful old tree – in spite of the fact the pool would never be used as a pool and that the developer was clearing the entire site to build.

*The worst part? **Once the tree was removed, so was the fence - and the 'pool.'***

Electric Vehicles

In relation to electric vehicles, I note the general consensus amongst industry insiders that these will ultimately become the predominant form of private motor vehicle in Australia within a decade or so. Some overseas jurisdictions have already announced policies that would ban the sale of new internal combustion engine (ICE) cars from as early as 2030. Of course, it will take longer for the entire vehicle fleet to turn over and there will always be some ICE vehicles, however it would be prudent for the planning system to be ready to accommodate a majority of private cars being electric in the foreseeable future. It is also generally accepted that the vast bulk of EV charging will be done at home with a lesser amount of charging at public charging stations.

I agree with the Panel's view that "consideration needs to be given to the appropriateness of EV charging infrastructure remaining unregulated". However, "regulating" does not necessarily require all EV charging infrastructure to be "development", particularly in relation to private dwellings.

One simple approach is to include provision for future EV charging infrastructure to be a condition of development approval, particularly for new multi-dwelling developments. For example a new apartment complex with basement parking could be required to provide the wiring necessary for each parking space to accommodate EV charging. Even if there are no EVs owned by the occupants of the apartments in the short term, it is much easier and cheaper to install the wiring upfront that will ultimately be required. Space can also be made for necessary switchboards and meters even if none are required in the immediate term. The NSW Government has resources available for apartment owners and offers the following advice: "Whole-of-building infrastructure installation is typically much lower cost in new builds compared to retrofits". <https://www.energy.nsw.gov.au/business-and-industry/programs-grants-and-schemes/electric-vehicles/electric-vehicle-ready/strata>

Recommendation: Mandate provision of basic infrastructure in all new multi-dwelling developments to accommodate future uptake of electric vehicles at a rate of at least one per dwelling.
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New issue: Genuine Parliamentary Scrutiny

Consequential reform to Parliamentary Committees Act 1991

The Discussion papers refer to Parliamentary Scrutiny of planning policy, (including the Planning and Design Code) by the Environment Resources and Development Committee of Parliament.

A simple reading of the Act gives the impression that this is a genuine process of review and potential rejection by Parliament of inappropriate planning policy. However that ignores the fact that the ERDC is a government-controlled committee that always supports the government line. Occasionally, the ERDC recommends changes to planning policy, but when push comes to shove, ultimately always defers to the decision of the Planning Minister if the recommended changes aren't accepted.

Whilst there are no publicly-available documents to support the above claims (because minutes of ERDC meetings are not published) I was a Member of this Committee for 15 years and am its longest serving Member and the only one with planning qualifications (MURP). Trying to use this flawed system of Parliamentary Scrutiny to achieve positive change was a big part of my work for a decade and a half!

The statutory problem is that the ERDC is the "gate-keeper" through which all planning policy must pass before they are able to be considered by either House of State Parliament. Unless ERDC resolves to reject a change to the Planning and Design Code (for example), the matter cannot be considered by the Houses. Parliamentary scrutiny stops dead at the Committee.

Having served on the ERDC for 15 years, I can only recall twice when the ERDC has rejected a rezoning proposal. One was a short-lived attempt to reject the rezoning of the former Glenside Hospital for housing back around 2008. That decision was revisited at a subsequent meeting and reversed before it could get to Parliament for debate.

The second was more recently around 2020 when I moved to reject the rezoning of the Detmold industrial site in Bowden. I only succeeded because one of the Government members was absent from the ERDC meeting that day, which affected the numbers and enabled the opposition and cross-bench votes to prevail. Unlike with the Glenside example, there was insufficient time for the Government to reconvene a meeting to reverse the decision before I had tabled the necessary Motion in Parliament. The purpose of this Motion was NOT to reject the idea of transforming a blighted industrial site to modern housing, but rather to bring the parties together to negotiate some revisions, particularly around height limits and overlooking in the proximity of existing single-storey housing. Having requested this leverage of the Committee, the local Member, Hon Peter Malinauskas was then able to secure changes acceptable to all parties, so I withdrew my motion before the Legislative Council without debate. The Minister made the agreed changes and everyone was happy.

The reason the ERDC is government-controlled comes from the Parliamentary Committees Act which provides that the Committee will consist of three members from each House, but requires the Presiding Member to come from the House of Assembly, which in practice means it will always be a government Member. There is also a significant salary increase for Presiding members, so it is regarded as one of the spoils of office for a governing party to allocate for factional reasons or to reward those who miss out on Ministerial positions. It is never based on merit or even an interest in or understanding of planning.

If there is an equality of votes, the Presiding Member has a casting as well as deliberative vote (s.24(4)). Historically the three House of Assembly Members have comprised two Government and one Opposition Member and the Legislative Council Members, one Government, one Opposition and one Cross-bench Member. The three Government

Members include the Presiding Member who is regularly called on to cast a deciding vote when the Committee is divided 3:3.

Note: In the last 20 years, there was one brief period where the Committee comprised two Government, two Opposition and two Cross-bench Members. That resulted in the Committee briefly rejecting the rezoning of Glenside Hospital until the Late Dr Bob Such (a former Liberal who then sat on the cross bench) could be convinced to change his vote. No government since has dared NOT to control this Committee with its own Members.

Recommendation: Amend s.8(4) of the Parliamentary Committees Act 1991 to provide that the Legislative Council must provide the Presiding Member of the ERDC. This increases the likelihood that the Committee will not be government-controlled and will have a non-government (ie. Opposition or cross-bench) Member with the casting vote in the event of a 3:3 tie.

New Issue: the Role of State Planning Policies

Problem: State Planning Policies are supposed to inform the Planning and Design Code (s.58(s)), yet they are routinely ignored in the development of both the original Planning and Design Code and subsequent variations.

In Parliament, I moved for the inclusion of two State Planning Policies into the Act, namely Biodiversity and Climate Change. The Policies ultimately developed were disappointing to say the least. Nevertheless, the purpose of State Planning Policies is to inform the Code. In my submission, at the very least the Policies should result in assessment criteria being included in the Code that would enable assessment bodies to reject or apply conditions to applications to reduce impacts on climate change or biodiversity. Assessment bodies are not permitted to refer directly to the State Planning Policies, so if those Policies don't inform the Planning and Design Code, they are effectively a waste of space.

For example, over the years I routinely made submissions to the SCAP in relation to new fossil fuel power stations arguing that it was a relevant planning consideration to consider the climate impact of the project. To my horror, the approach of SCAP was to claim that they were not required to even ask the question of the proponent as to the level of direct CO2 emissions, much less take these emissions into account in assessing the development. Of course, SCAP looked at visual amenity, noise, traffic and zoning etc (because these are within their comfort zone) but refused to consider CO2 emissions. This begs the question, what is the point having a State Planning Policy on Climate Change if it doesn't inform the Code and therefore doesn't influence the assessment of development applications? Whilst I haven't seen any recent SCAP determinations, I would suspect that they have not changed their view that CO2 emissions impacting the climate are NOT a consideration for planners. That is unacceptable.

I strongly suspect that the attitude of SCAP towards biodiversity is similar. Even when a species is close to extinction, this is not enough to stop or amend a project. A case in point is the rocket launching facility at Whalers Way on Lower Eyre Peninsula, which directly

impacts on one of the last remaining populations of Southern Emu Wren. Again, the question is: What is the point of a State Planning Policy on Biodiversity if it doesn't help protect species from extinction?

Recommendations:

All amendments to the Planning and Design Code should contain a detailed statement of consistency with State Planning Policies.

Where an Assessment body believes that the Planning and Design Code ignores or is at odds with a State Planning Policy, the body should be required to report this belief to the State Planning Commission, the Minister and the Environment Resources and Development Committee of Parliament for consideration.

In addition, alleged failure of the Planning and Design Code to reflect State Planning Policies should be able to be challenged by interested parties by way of judicial review.

PLANNING FOR PEOPLE

A COMMUNITY CHARTER FOR GOOD PLANNING IN NSW

This document is the Charter Companion to Planning for People: A Community Charter for Good Planning in NSW (the Charter). It details the principles, expected outcomes and the mechanisms to implement the Charter.

1. Principles governing good planning	The well-being of the whole community, the environment and future generations across regional, rural and urban NSW	2
	Effective and genuine public participation in strategic planning and development decisions	3
	An open, accessible, transparent and accountable, corruption-free planning system	4
	The integration of land use planning with the provision of infrastructure and the conservation of our natural, built and cultural environment	5
	Objective, evidence-based assessment of strategic planning and development proposals	5
2. Expected outcomes of a good planning system	Respects, values and conserves our natural environment and the service it provides	7
	Facilitates world-class urban environments with well-designed housing, public spaces and solar access that meet the needs of residents, workers and pedestrians	7
	Provides housing choice, including affordable housing and sufficient housing for the disadvantaged, in a diversity of locations	8
	Celebrates, respects and conserves our cultural (including Aboriginal) and built heritage	8
	Protects and sustainably manages our natural resources, including our water resources, fragile coastlines and irreplaceable agricultural land for the benefit of present and future generations while maintaining or enhancing ecological processes and biological diversity	9
	Retains and protects our Crown lands and natural areas, landscapes and flora and fauna for the benefit of the people of NSW	9
	Gives local and regional communities a genuine and meaningful voice in shaping their local area and region, its character, the location, height and density of housing. Provides certainty and fairness to communities	10
3. Possible mechanisms for implementation	Establishment of a Unit of Strategic Planning and Policy	11
	Establishment of an independent Spatial Data Authority	11
	Establishment of a Unit of Development Assessment	11
	Establishment of a Statutory Development Assessment Commission	11
	Establishment of a Statutory Community Board	12
	Access to Information	12

1. Principles governing good planning

The well-being of the whole community, the environment and future generations across regional, rural and urban NSW

This principle is captured by the internationally-recognised concept known as Ecologically Sustainable Development (ESD).

Ecologically Sustainable Development is a framework for evaluating human activity based on the knowledge that our technological capacity to use resources and alter our environment may have unintended consequences, such as pollution loss of biodiversity and resource depletion. Development that is unsustainable may also reduce the economic capacity of our environment, as well as altering its natural beauty and reducing its spiritual and social value.

In 2011 the NSW Government commissioned a review of the NSW planning system by the Hon. Tim Moore, a former Liberal Minister and then Commissioner of the Land & Environment Court, and the Hon. Ron Dyer, a former Labor Minister. The report resulting from this review recommended that ESD be the overarching object of the new planning legislation.¹

The concept and principles of ESD were elaborated through a series of documents and legal instruments at the 1992 Earth Summit held in Rio de Janeiro, Brazil. The Rio Declaration enunciated the key principles of sustainability as the principle of integration of environmental considerations and development objectives, the precautionary principle, the conservation of biological diversity, intergenerational equity and the promotion of improved valuation, pricing and incentive mechanisms (including the polluter pays principle).

In NSW legislation, ESD is defined in section 6(2) of the *Protection of the Environment Administration Act 1991* (NSW):

“Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes.

Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

(a) the precautionary principle-namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:

(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and

(ii) an assessment of the risk-weighted consequences of various options,

(b) inter-generational equity-namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,

(c) conservation of biological diversity and ecological integrity-namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,

(d) improved valuation, pricing and incentive mechanisms-namely, that environmental factors should be included in the valuation of assets and services, such as:

(i) polluter pays-that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,

(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,

(iii) environmental goals, having been established, should be pursued in the most cost

¹ Moore R and Dyer T (2012), *The Way Ahead for Planning in NSW: Recommendations of the NSW Planning System Review.*

enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

Effective and genuine public participation in strategic planning and development decisions

Politicians and public officials are not the only people who should be involved on making decisions. Every person has the right to participate in decisions affecting their lives and people affected by a planning or development proposal have a right to comment and suggest solutions.

Strategic Planning is about engaging communities to set a broad vision for, and shape the character of their local area. It includes, but is not limited to, deciding what type of development should be allowed where in their neighbourhood.

Development affects more than those who propose it. Even development of a single dwelling on a suburban lot can affect the character of its street and developments that have an impact on biodiversity, water quality or traffic generation, for example, have much wider flow on effects.

Strategic planning or developments that do not meaningfully engage communities can only ever be second best as they cannot presume to understand or address community wishes and needs.

Good strategic plans combine the best elements of local requirements and higher level concerns. The role of planning authorities includes facilitating community input into the preparation of strategic plans prior to public exhibition and promoting genuine, open dialogue between stakeholders. The role of consent authorities is to consider public comments on development proposals and ensure compliance by developers.

A Minister should not amend or refuse to make a local plan unless it is inconsistent with a State or regional plan. Further, the Minister's decision to amend or refuse to make a plan should be legally challengeable. Also, the Minister also should not have power to appoint an administrator to take over a Council's planning functions except where a finding of corruption against

the council or its staff has been made by the Independent Commission Against Corruption (ICAC).

Consultation must start at the community level and include genuine, open dialogue between stakeholders. For example, effective participation can begin with precinct committees or equivalent existing organisations that provide an effective forum for community involvement on an ongoing basis. Effective participation should also consider innovative and accessible techniques such as surveys, community juries and shopping centre drop-in forums.

Whichever techniques are used, a good planning system must provide a legislated minimum mandatory scheme for public participation. It must also ensure that the assessment process is appropriate to the level of likely environmental impact of the planning or development proposal.

The greater the likely environmental impact of a proposal, the greater scrutiny it should receive from both the public and the authority assessing it.

Public participation has been curtailed significantly with respect to some of the largest and most potentially environmentally damaging proposals such as State Significant Developments and critical infrastructure proposals. This has led to public scepticism that major developments are not being adequately assessed.

The following principles are proposed as mandatory community participation requirements. They would apply to all decision makers under the Act who would be required to take all reasonable steps to ensure that consultation is carried out in accordance with these principles.

1. The community expects and has a right to participate in strategic plan making, development assessment and related decisions. As a consequence these principles must be implemented in good faith and community participation methods should go beyond the minimum standards in the legislation.
2. Community participation should be undertaken independently of the proponent and facilitated to ensure its processes and results have credibility.

3. The decision maker should recognise the diversity of interests and specifically identify and tailor information for:
 - those individuals and organisations likely to have an interest in the proposal, including those who may be directly impacted;
 - those likely to have an interest in the local and regional implications of the project; and,
 - those organisations with a state or national interest.
4. Notification and participation opportunities should not be impeded by the timing, location and style (for example, avoid holiday periods or sites not near public transport).
5. The information provided should be transparent, accurate and easy to understand via a variety of methods including letters, social media, websites and events.
6. Participation should be limited to the passive supply of information and should encourage and record views and informed opinion. Methods of engagement include surveys, submissions, drop-in centres, community group and local meetings, and briefings with key organisations. Providing feedback will also encourage the further development of views towards possible alternatives and solutions.
7. Assistance should be provided to the community and those with limited resources to interrogate and understand complex information. This may include, for example, the provision of funds to obtain independent advice; meetings with panels of experts; or commissioning of further research by consent authorities and made public prior to a decision.
8. Dialogue between stakeholders should be facilitated, bringing together recognised representatives of stakeholders to allow the opportunity to devise solutions on a level playing field.
9. A public report outlining the issues, responses and further research undertaken is made available prior to the decision.

10. The community should be re-engaged with respect to amendments to a proposal (other than minor amendments).
11. Community engagement strategies (general or project specific) will be evaluated according to pre-set key performance indicators such as range of groups contacted; surveys of satisfaction with information provided and engagement methods; accurate recording of views; accessibility of information and events.

Decision-makers would be obliged to prepare a community participation strategy which is subject to biennial evaluation.

An open accessible, transparent and accountable corruption-free planning system

Whether it is urban development, transport, public assets, coal mines or coal seam gas, public confidence in NSW planning is at an all-time low.

We therefore call for:

- Implementation of all [recommendations](#) of the ICAC report *Investigation into corruption risks involved in lobbying*, November, 2010;
- Implementation of all [recommendations](#) of the ICAC report *Anti-corruption safeguards and the NSW planning system*, February 2012;
- Implementation of all [recommendations](#) from the 2013 ICAC operations Jasper and Acacia (investigation of the allegations concerning mining exploration licenses);
- Creation of a statutory, independent Strategic Planning Authority and Development Assessment Commission (refer to Section 3 for detail);
- Introduction of a low cost (no costs jurisdiction), third-party merit review process for all development applications in the NSW Land and Environment Court; and,
- Limiting discretionary power available to the Minister for Planning.

The position of the Charter and Companion document is that the ability for all parties to challenge the factual basis (i.e. a merits review) of all development decisions in the Land and Environment Court reduces the incentive to inappropriately influence politicians and/or public officials.

This is an important corruption safeguard and goes further than Recommendation 16 in ICAC 2012 report *Anti-corruption safeguards and the NSW planning system*, which recommends limiting third party appeals to development that is significant and controversial; represents a significant departure from existing development standards; and/or is the subject of a voluntary planning agreement.

According to the Australian Productivity Commission:

*Third party (that is, non-applicant) appeals may improve the quality of decisions by reducing the scope for deals between developers and regulators and by catching poor decisions. Furthermore, the ability to appeal an unpopular development can protect neighbourhood amenity and enhance community trust in the system.*²

The availability of third party merits review has often been claimed to slow down planning approvals³. In NSW third party merits appeals are only available for Designated Development (development requiring an environmental Impact statement and listed in Schedule 3 of the *Environmental Planning and Assessment Regulations 2000*).

In contrast to the ‘slowing down’ argument Victoria, which has approximately six times the number of appeals than NSW relative to population⁴, is also held up as having a more efficient planning system than NSW. Examples of this can be seen in the comments of

Chris Johnson, CEO of the exclusive developer lobby group the NSW Urban Taskforce

*Melbourne has also done a much better job of building sufficient housing for its growing population, particularly in the inner city...*⁵

Justice Stuart Morris, then President of the Victorian Civil and Administrative Appeals Tribunal, has noted that, “*the existence of third party appeal rights discourages corrupt behaviour between developers and local government.*”⁶

The extent to which corruption can distort good planning and destroy the public’s confidence in the planning system was illustrated graphically by the 2008 ICAC investigation into Wollongong City Council. The investigation recommended the revocation of an approval for a large development named the ‘Quattro’, the vacation of all civic offices of the Council, and corruption findings with regard to ten individuals.

In addition to third party merits review, open standing to bring judicial review proceeding is an important mechanism to ensure statutory compliance by authorities with the legislation.

The integration of land use planning with the provision of infrastructure and the conservation of our natural, built and cultural environment

Generally, decisions relating to urban development, infrastructure, energy and natural resources are made by single-issue agencies in the absence of adequate coordination and little reference to broad, longer-term goals for NSW. This silo mentality is a major impediment to achieving the kind of strategic planning needed in the 21st century.

² *Productivity Commission, Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments, Chapter 3, Regulatory Framework, p.86.*

³ *Town Planning Law – Past Present and Future, Judge Christine Trenorden, Senior Judge, Environment, Resources & Development Court, South Australia, Nov, 2009.*

⁴ *Productivity Commission, Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments, Chapter 3, Regulatory Framework, p.83.*

⁵ <http://www.smh.com.au/comment/why-melbourne-has-planned-better-for-growth-than-sydney-20140601-zru54.html#ixzz39aMSmG4Y>

⁶ Justice Stuart Morris, *Third Party Participation in the Planning Permit Process*, March 2005, p.6.

More attention needs to be given to mechanisms through which land use planning decisions can be effectively integrated with other key government decisions relating to infrastructure and natural resource management.

In other countries, the integration of land use planning with infrastructure and natural resource management is implemented to a greater degree than in NSW.

Particular priorities include the integration of land use planning with:

- transport policy (to improve accessibility and reduce energy dependence);
- infrastructure policy (to improve sustainable resource use and provide facilities to communities); and,
- biodiversity conservation and natural resources management (to promote settlement patterns that support the long-term integrity of natural areas and processes).

In order to address the lack of coordination between various agencies, we also call for the establishment of a Unit of Strategic Planning and Policy (see Section 3 for detail).

Objective, evidence-based assessment of strategic planning and development proposals

The foundation stone of a good planning system is a sound knowledge base that is accessible to all stakeholders and is maintained and updated by government in the public interest.

We call on the NSW Government to commit resources towards good quality and objective data to be used as a basis for planning and development decisions at state, regional and local levels. At the very least, such data would need to include detailed studies of planning constraints such as flood mapping, mine subsidence, biodiversity and vegetation mapping, acid sulphate soils, coastal risk and fire prone lands, as well as demographic information.

We also call for the establishment and funding of an independent Spatial Data Authority (or the adaptation of an existing body) that would be responsible for

maintaining and updating data in the public interest (see Section 3 for more detail).

Reliable data is essential to sound strategic planning, however, it must be recognised that it can only be accurate to a certain scale. Moreover, information about some matters, for example, threatened species, is likely to be incomplete. In such cases it is important that further studies need to be undertaken to assess the actual and cumulative impacts of specific proposals.

In relation to development assessment, the current system in which proponents select and pay their own consultants to prepare reports, including environmental impact statements, creates obvious conflicts of interests.

Although it is equitable for the developer to pay for such reports, the objectivity of these reports must be ensured by keeping the appointment of consultants at arm's length from the proponent. This could be achieved by the establishment of a panel of accredited consultants with consultants appointed by a body other than the proponent (for example the Unit of Development Assessment - see section 3).

To ensure the quality and reliability of the information contained within consultants' reports, provisions that make it an offence to include deceptive or misleading information in these reports should also be strengthened.

We call for an improved system for engaging consultants that achieves the following outcomes:

- annually reviewable professional accreditation of consultants;
- provisions that make it an offence, as well as an act of misconduct, to include deceptive or misleading material in consultants' reports;
- breaking the financial nexus between developers and consultants; and,
- provision for the arm's length allocation of consultants to projects.

We note that the outcomes above would be require a detailed set of administrative criteria and regulations to be implemented.

The dot points below are suggestions as to how such a system could operate:

- A central register of consultants with expertise in various areas is created and managed by a Unit of Development Assessment, or other body;
- Proponents pay a fee (based on a percentage of the estimated construction investment value) into a designated fund;
- One or more consultant(s) are allocated to the proponent's proposal from the register of consultants via a process of rotating selection and paid for by the fee contributed by the proponent;
- The consultant(s) prepares a publicly available study of values and potential impacts associated with the proponent's proposal; and,
- The proponent then finalises the project proposal and lodges a proposal.

To be eligible for placement on the central register, we suggest that consultants should be accredited annually

on the basis of ongoing professional development and the quality of reports they produce.

It is important that the people of NSW can have confidence in the integrity and objectivity of environmental consultants reports. With respect to the provisions for deceptive and misleading conduct mentioned above, it is imperative that a complaints process be made available to the public so that allegations of misleading or less than rigorous reporting can be addressed. The assessing authority must be given a positive duty to pursue matters where there is prima facie evidence that misleading or deceptive conduct has occurred with regard to a planning or development proposal.

This Companion does not support the direct employment of private certifiers by developers. Where private certifiers are used we call for a system which breaks the financial nexus between developer and certifier in the same way the nexus between proponents and consultants needs to be broken.

2. Expected outcomes of a good planning system

Respects, values and conserves our natural environment and the service it provides

In order to prevent the death of our environment by a thousand cuts and ensure that our bushland, water and wildlife can be enjoyed by future generations, our planning system must:

- ensure that detailed strategic level planning is undertaken in an integrated manner. Good strategic planning considers environmental constraints along with conservation priorities;
- ensure that, where there isn't adequate environmental data, or there is new information, the potential for cumulative impacts of developments is adequately assessed; and,
- ensure that environmental impacts are adequately assessed by using an objective 'improve and maintain' test based on current data.

Facilitates world-class urban environments with well-designed, resource-efficient housing, public spaces and solar access that meet the needs of residents, workers and pedestrians

Urban design is concerned with the arrangement, appearance and function of our streets, suburbs and cities. It is less about buildings and more about the public spaces between them. There is a particular focus on the creation of a civic or social realm in which people interact. Consequently, urban design must have strong regard to human needs, both physical and social.

Urban design involves many different disciplines including planning, real estate, architecture, landscape architecture and engineering. It operates from the macro scale of planning, the structure of the wider urban region to the micro scale of street furniture and lighting.

Integration between these different spatial scales is very important to achieving the desired character and quality of particular places.

Urban design can significantly influence:

- *the economic success and socio-economic composition of a locality – whether it encourages local businesses and entrepreneurship; whether it attracts people to live there; whether the costs of housing and travel are affordable; and whether access to job opportunities, facilities and services are equitable;*
- *the physical scale, space and ambience of a place. As such, it affects the balance between natural ecosystems and built environments, and their sustainability; and,*
- *the social and cultural nature of a locality: how people interact with each other, how they move around, and how they use a place. Although urban design is often delivered as a specific ‘project’, it is in fact a long-term process that continues to evolve over time.*

It is this layering of building and infrastructure types, natural ecosystems, communities and cultures that gives places their unique characteristics and identities.⁷

The planning system must ensure that walkability and public transport, as well as public spaces which foster community are an integral part of local neighbourhoods.

Further, the aim of delivering a long-term protection policy and plan for urban parklands, public spaces, and remnant bushland on private and public land should be enshrined in regulation. The current system has seen green corridors destroyed at the hands of developers and successive ministers, an action that accords developers’ profits higher value than our environmental and open space assets. The protection of remnant natural areas and sufficient green spaces in higher density areas should be top priorities.

The best available scientific and planning expertise can deliver an environment that meets a variety of human

and environmental needs - including protecting native flora and fauna, maintaining and improving connectivity, linking the community in a caring way to bushland; and delivering clean air, opportunities for interaction and communal activity and relaxation.

Good urban planning should also provide for a co-ordinated approach and a variety of funding opportunities that assists local government to deliver the objectives above. Planning can include improving the resources available to the large number of community groups involved in the protection of urban green spaces and natural areas.

Lastly, good urban planning should involve Social Impact Assessments for communities impacted by proposed development especially when those communities are disadvantaged, vulnerable or resource-poor.

Provides housing choice, including affordable housing and sufficient housing for the disadvantaged, in a diversity of locations

Local and state planning frameworks are only one among many influences to affect housing affordability. Housing purchase or rental is strongly influenced by State and Federal taxation and charges, as well as incentives the stated intent of which is to increase housing stock and affordability.

The planning system has a key role in facilitating the provision of housing by zoning land for housing, and by allowing planning authorities to collect contributions for infrastructure such as roads, local drainage works, open space and community facilities. It also sets standards for design and construction of dwellings. Some of these standards promote environmental outcomes (e.g. environmental sustainability) and social outcomes (e.g. disability access).

Where the system allows for land to be used for housing rather than other purposes it can contribute to greater supply of dwellings, which in turn can contribute to reducing the cost of provision and the price paid by homebuyers. Allowing housing to be developed only in

⁷ The Urban Design Protocol: <http://www.urbandesign.gov.au>

this way would have negative impacts if there were an unacceptable loss of land used for other worthwhile activities, such as agriculture, or land that is conserved as natural habitat. It could also have negative social impacts if new housing estates are built far from centres with services like hospitals and schools or were not linked to jobs by public transport.

The mainstream housing market doesn't cater to everyone equally, which is why our planning system should retain an objective of provision and maintenance of affordable housing. Affordable housing means housing that is specifically targeted to lower-income and moderate-income households. This sort of housing could be 'start up' housing for homebuyers entering the housing market for the first time, or housing for 'key' workers employed on lower wages, or for people who cannot participate in the workforce because of age, disability or family responsibilities.

The planning system can and should allow for a diversity of dwelling types, and densities. It should be able to conserve areas of low-rise, low-density housing as well as allow for medium-rise, medium-density housing in areas where this fits in, for example, around railway stations and shopping centres. While recognising the over-consumption of energy of high-rise towers some communities may elect this form of housing in their local area.

Inappropriate development controls that prevent a diversity of housing types from being developed, such as secondary dwellings, should be removed. Planning authorities should also require apartment buildings over a certain size (e.g. 10-20 units) to contain units with a range of bedroom sizes, to accommodate small and large families. As far as possible all buildings should be designed in line with Universal Design principles to cater for people of all ages and abilities. As a minimum all unit buildings should be built with a proportion of units that are accessible for aged people and those with disabilities in accordance with the Liveable Housing Design Guidelines.⁸

In some cases, developers of private housing should be asked to contribute towards dedicated affordable housing, where their development leads to a loss of

existing affordable housing, creates a need for affordable housing, or is allowable because there has been a change in zoning or development controls.

Celebrates, respects and conserves our cultural (including Aboriginal) and built heritage

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important as tangible expressions of our Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

People strongly value the quality of their local historic environment, the distinctive look and feel of the places in which they live and work. It is interesting to note ...there are more than 2000 local historical societies in Australia who run local historical museums and archives, and are involved in local heritage conservation.

Not only does the historic environment define identity and enhance our daily lives, it also provides a tangible and direct link with the past. This is an experience that historic documents or a record of a long gone place cannot replace.⁹

In addition, this Charter and Companion recognise that the planning system must integrate the stand alone Aboriginal Cultural Heritage legislation currently in development.

Protects and sustainably manages our natural resources, including our water resources, fragile coastlines and irreplaceable agricultural land for the benefit of present and future generations while maintaining or enhancing

⁸ <http://livablehousingaustralia.org.au/>

⁹ Australia ICOMOS, Submission to the Australian Productivity Commission (122), p. 6

ecological processes and biological diversity

Land use planning and development is intrinsically linked with environmental protection, nature conservation and natural resource management (NRM). This is because actions that affect the environment and our natural resources are regulated, either directly or indirectly, through the planning system. The impact of planning and development on the environment is therefore a key consideration for decision-makers in preparing planning instruments and determining development applications.

Conversely, land use planning has the potential to support the achievement of environmental outcomes, including the protection and sustainable management of water resources, biodiversity, agricultural land and basic raw materials.

Our planning system must endeavour to provide a clear and structured framework for long term strategic planning (for example, through a state plan or regional plans) that subsequently sets the direction and outcomes for land use planning policies at a local level.

In the context of this Charter, strategic planning is used as an overarching term to describe planning for anticipated development and growth, taking into consideration key factors, such as the environment, health, transport, local food production and infrastructure for healthy, liveable and sustainable communities, as well as planning on a precautionary basis for future sea level rise and extreme weather events. Strategic planning frameworks should underpin the development of planning instruments. That is, all planning instruments or planning strategies (currently for example these include, state plans, regional plans, State Environmental Planning Policies and local environment plans) should be developed within a strategic planning framework.

Retains and protects our Crown lands and natural areas, landscapes and flora

¹⁰ NSW Trade and Investment (2014), Crown Lands for the Future - Crown Lands Management Review Summary and Government Response (Introduction: Our Crown Land)

¹¹ The full results of this assessment are available as Attachment 1 to the Nature Conservation Council of NSW Submission on the Crown Lands Legislation White Paper dated 20 June 2014.

and fauna for the benefit of the people of NSW

The NSW Crown Estate is large and diverse – making up about 42 percent of the State – and holds tremendous importance for the social, environmental and economic health of NSW.¹⁰

These lands that remain in public ownership, after over two centuries of divestment since the original Crown possession of aboriginal country by Governor Phillip in 1788, are of significant and irreplaceable value to the people of NSW.

Reserved under public authorities for a range of public purposes, including roads, waterways and protected areas to cemeteries, and sports grounds, or leased for pastoral activities, these public lands provide the people of NSW with vital recreational, community development, tourist and heritage values.

An assessment of the conservation values of all NSW Crown reserves, Crown leases and Crown waterways was conducted between June 2013 and June 2014 by the National Parks Association of NSW and the Nature Conservation Council of NSW.¹¹ This assessment revealed that these lands offer a range of important conservation values, ranging from providing remnant vegetation and habitat for threatened species in highly cleared landscapes, to habitat connectivity and irreplaceable coastal values.

Recreational space in particular is rapidly assuming greater importance in our increasingly densified and privatised cities, where shortages are likely to occur in older, inner-city communities now subject to increased populations through urban consolidation.

Public lands belong to the people of NSW. Because of their significant and irreplaceable values we do not support their sell-off or use for exclusive commercial purposes. We also note the interest of the Aboriginal community in maintaining public ownership of Crown lands.

Gives local and regional communities a genuine and meaningful voice in shaping their local area and region, its character and the location, height and density of housing. Provides certainty and fairness to communities

Engaging communities in strategic planning to set a vision and shape the character of their local area must involve public participation. This must be a two-way process with the community giving input to council as well as the council educating the community about strategic planning and options for planning controls and future types of development in the area.

This process could begin with a survey (both written and on-line) to find out what the local community thinks is important in determining the vision and

character of their area identifying what aspects of their area they would like to maintain and those that they would like to change. As part of the survey, the community could also be asked about what features of amenity such as solar access are most important to them.

While the survey was underway, council could undertake the environmental, transport and infrastructure studies necessary for the preparation of a local strategic plan and planning controls.

Having collated the results of the survey, council could then prepare a draft vision and character statement to be provided to the local community for further comment. Once council had finalised the vision, character statement and other studies, it could then commence the formal process of preparing a strategic plan and planning controls involving public participation as discussed earlier in this document.

3. Possible mechanisms for implementation

Establishment of a Unit of Strategic Planning and Policy

A planning system works best when the function of strategic planning and development assessment are separated at both state and local government levels.

Strategic planning is a multi disciplinary, multi agency process which is broader than simply determining what development should occur where. As such, it is important that it be separated from the development assessment process.

There are many examples of strategic plans (including conservation plans) following *after* development approval has been given (or indicated). The infamous Lower Hunter Regional Strategy, the Lower Hunter Regional Conservation Plan and the series of court cases surrounding the Catherine Hill Bay and Huntlee developments are a case study in why strategic assessment and development should be separated.

The Australian Productivity Commission recommended the institutional separation of assessment and regulatory

functions from those of policy setting in its November 2013 report, *Major Project Development Assessment Processes*.¹²

The role of a dedicated Unit of Strategic Planning and Policy would be to ensure the co-operation of all state agencies in strategic planning by facilitating consultation and technical input into the development, monitoring and evaluation of state, regional and local plans. This Unit could also take on the role of policy development and law reform.

Establishment and funding of an independent Spatial Data Authority

A key input into strategic planning is the availability of good data, including flood studies, vegetation mapping, acid sulphate soils mapping, coastal risk assessment, traffic data and population data.

An option that could improve the availability and compatibility of data is to create an independent Spatial Data Authority or, alternatively, to adapt an existing authority to fulfil a similar role.

¹² Recommendation 6.5, p.34.

There is no Authority currently charged with producing spatial data to a common standard and with adequate resources. Development proponents often produce studies that focus on their particular development proposal and councils produce data that may not be compatible with a neighbouring council or state agency.

By establishing and funding an independent Spatial Data Authority, NSW would produce informed and robust strategic plans.

Establishment of a Unit of Development Assessment

A Unit of Development Assessment could replace the current NSW Department of Planning. Its primary functions would be to:

- Provide a secretariat to the Development Assessment Commission (see section 3 of this document);
- Provide assessment assistance to smaller regional councils in the form of experienced planners who can assist in the assessment of developments which council does not have the in-house expertise to assess.
- Co-ordinate and allocate of consultants to development proposals at arm's length from the proponent; and,
- Ensure adequate monitoring, compliance and enforcement.

A planning system should set professional standards for planners, governed by a statutory professional body. The body could be tasked with renewing the accreditation of planners on an annual basis. The planning system could stipulate that only accredited planners can conduct the assessments of development applications.

Establishment of a Statutory Development Assessment Commission

In order to improve the processes and independence of decisions relating to the determination of the largest developments in NSW, Moore and Dyer suggested that a 'Planning Commission' chaired by a full-time judge of

the Land and Environment Court, determine State Significant Development and Infrastructure.¹³

The Charter and this Companion document support consideration of this model (with some differences) as a way of restoring public confidence in the planning system and of removing suggestions of political patronage in the appointment of Commissioners and members of Joint Regional Planning Panels.

A NSW Development Assessment Commission (the 'DAC' - that is, Moore and Dyer's Planning Commission) chaired by a judge of the Land & Environment Court, could be tasked with determining large developments, including State Significant Development and Infrastructure, on the basis of existing state, regional and local plans, as well as the objectives of the Act.

A judge seconded as Chair of the DAC would bring political independence to the DAC and ensure rigour in its determinations. They could not sit as a judge while chairing the DAC.

Moore & Dyer note that both the NSW Workers Compensation Commission and the Administrative Appeals Tribunal use this model currently.¹⁴

The DAC would operate as a panel, not as a tribunal or court. Parties would be self-represented (unless special leave was granted for professional representation for public interest reasons) and the rules of evidence and cross examination would not apply. There would be access to third party merit appeals on DAC determinations through the Land and Environment Court, unlike Moore and Dyer's Planning Commission.

The establishment of the DAC would remove the Minister from determining large developments while retaining elected representation in determining strategic plans and local development approvals.

The members of the DAC would be recruited by public advertisement and be required to state why their qualifications and experience make them suitable applicants. Moore and Dyer suggested that the preferred appointees should be recommended by a panel to the

¹³ *The Way Ahead for Planning in NSW*, Vol. 1, Moore and Dyer, 2012, p. 30 & Vol. 2 p. 120.

¹⁴ *Administrative Decisions Tribunal Act 1979*, section 17 and *Workplace Injury Management and Workers Compensation Act 1998*, section 369.

Minister.¹⁵ Another method could be to require that the Minister seek endorsement of the nominees by the NSW Parliament, a process that would allow a level of public scrutiny of the appointments.

Establishment of a Statutory Community Board

The NSW planning system has long been criticised for being susceptible to sustained lobbying by the property and mining sectors.

Our planning system could 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 be represent urban, regional and rural stakeholder bodies from various

sectors including peak associations for social needs; environment, community transport as well as residents groups.

Access to information

The availability of and timely access to supporting documents is vital for public participation in the planning system and all the information relating to a strategic planning proposal or development should therefore be available to the public.

On this basis, all proponents should be required to sign a waiver of copyright and indemnify both the planning/ consent authority and the public.

Further, claims for commercial-in-confidence should only be allowed where the consent authority has applied a test that has established a real possibility of commercial damage occurring.

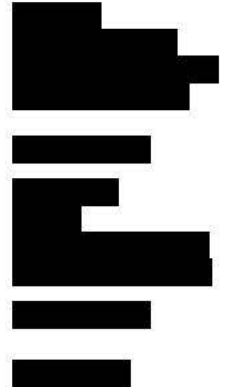
Disclaimer: While all attempts have been made to be accurate with the material presented in this document no representations, express or implied, are made and no legal responsibility or liability is accepted.

© August 2014 **Planning for People: A Community Charter for Good Planning in NSW** has been prepared by a working group of community organisations in consultation with the Better Planning Network, Community Councillors Network, Inner Sydney Regional Council for Social Development, National Parks Association of NSW, National Trust of Australia (NSW), Nature Conservation Council of NSW, NSW Heritage Network, Shelter NSW and the Total Environment Centre.

¹⁵ *The Way Ahead for Planning in NSW*, Vol. 2, Moore & Dyer 2012, p.31.



URPS



5 June 2024

Mr Craig Holden
Chair
State Planning Commission

Sent by email to: PlanSAsubmissions@sa.gov.au

Dear Craig

Submission – Community Engagement Charter

URPS is pleased to provide this submission to your engagement on the review of the Community Engagement Charter (Charter).

We understand that this review is a statutory requirement under section 45 of the *Planning Development and Infrastructure Act 2016*. We have reviewed the recommendations that have been made to amend the Charter, particularly those around Complying Change to the Planning and Design Code (the Code) and more effective and inclusive community engagement.

URPS is South Australia's largest stand-alone urban and regional planning firm. Engagement has always been a central part of our business, never more so today, with more than half of our growing engagement team having dual planning and engagement qualifications and practicing exclusively as engagement practitioners. We specialise in designing and delivering engagement on planning, development, and infrastructure projects.

We feel we know the Charter 'inside out', having played a pivotal role in drafting, reviewing, and training staff in the application of the Charter and developing the original toolkit. In addition to this, our planners and engagement practitioners use the Charter daily. Since the introduction of the Charter, URPS has planned, delivered, or played a key role in applying the Charter to:

- Design and delivery of bespoke engagement processes for 9 proponent-initiated Code Amendments.
- Development of the approach for engagement to support the preparation of Regional Plans by PLUS



- In-house support for PLUS on the design and preparation of engagement for the Greater Adelaide Regional Plan Discussion Paper.
- Analysis and reporting of the Greater Adelaide Regional Plan Discussion Paper engagement results.
- Design of the online survey for the Kangaroo Island Regional Plan engagement.

In our experience, the move from statutory and prescriptive engagement to the application of bespoke engagement that meets the Charter principles has been a sizable step forward for community engagement in South Australia. We have seen firsthand how it increases participation and improves the quality of feedback received. In some cases, this reduces costs to proponents, and ultimately improves planning outcomes.

Central to our values at URPS is that we turn towards the community, rather than away, and that we are always inclusive. We commend the Commission for this review. We have provided a response on the key proposed changes to the Charter below.

Charter Principles

We are pleased to see that the Charter Principles remain intact and have not changed. We believe they continue to hold true and work effectively to guide best practice engagement.

Complying changes

We support the intent of the proposed Complying Changes and that they offer efficiency where a policy change has already been considered and interrogated through a Regional Plan engagement process. This offers a more efficient process noting that engagement can be time consuming and resource intensive. It also offers the benefit of reducing 'engagement fatigue' whereby communities are engaged on the same or similar issues regularly or in quick succession. We know that engagement fatigue reduces participation levels and can impact on participant's regard for the engaging body/organisation.

However, we suggest exercising constraint in removing the opportunity for people to be engaged where they previously had this. We believe there are some circumstances that could result in less favourable outcomes and that could undermine the significant advances that have been achieved in the last 5 years through the application of the Charter. Some of these potential negative circumstances are outlined below.

Engagement ≠ support

Engaging does not imply endorsement of the proposed initiative or change. These amendments to the Charter do not seem to be clear as to whether or not the previously

undertaken engagement should have resulted in clear support for a future policy change, but rather that engagement was undertaken (irrespective of the outcome or feedback received). Further, the highly qualitative and perhaps non-specific nature of some feedback received from Regional Plan engagement means it can be difficult to quantify support or otherwise for particular initiatives.

Understanding the implications of application

The language in Regional Plans can in some sections tend towards high-level and overarching, compared to the more detailed and specific language of the Code. This poses a risk that the practical application of policies designed to achieve the objectives outlined in the Regional Plan may not have been fully comprehended during the engagement process for the Regional Plan. Consequently, stakeholders might not have fully grasped the implications of the Regional Plan, potentially leading to concerns or issues when these policies are implemented in the Code.

If complying code amendments are identified, we suggest this should be articulated in the consultation materials and an explanation of how the Code will be applied. . For more straightforward rezonings, this can be a very positive initiative. However, there may be others that are more technically complex and need more detailed consideration.

Detail may have been missed

Regional Plans are inherently broad and comprehensive, requiring stakeholders to review a substantial amount of information during the engagement process. Given this extensive scope, there is a possibility that specific changes might be overlooked by participants. Additionally, respondents might focus on a few key issues they deem priorities at the Regional Plan level. However, this does not preclude them from having concerns about more specific details that emerge during the Code Amendment stage.

It is worth noting, that Complying changes are more suited to amendments subsequent to the Regional Plans rather than the establishment of the first Regional Plan for the area. Amendments can be driven by Councils through structure planning, which is likely to include significant upfront engagement. It is also likely that the appropriate zoning has been carefully considered and can be articulated more specifically within the Regional Plan. Where this has occurred, Complying changes could be particularly useful.

The intent of early engagement

The introduction of the Charter and legislative changes were a response to growing community pressure concerning planning proposals at the development application stage. These legislative changes aimed to shift the focus of engagement from the

detailed end of the planning process to earlier stages. Thus, we can view the three broad planning stages – strategy, policy, and development assessment – as a continuum. Complying changes essentially eliminate the opportunity to understand and influence planning at the middle stage – policy. If excessively adopted, removing this stage could inadvertently increase pressure at the development assessment stage, counteracting one of the original goals of the changes.

Timeliness

It is important to consider the time elapsed since engagement on a Regional Plan when determining the validity of those views for initiating a Code Amendment. Populations shift and communities evolve, so setting a limit on the number of months or years since the engagement was conducted, and therefore when the Complying Changes can apply, could enhance confidence in the resulting planning policy outcomes.

Other interested parties

The methods of engagement proposed may not capture or draw the attention of other stakeholders (other than property owners and neighbours) that may have an interest in the outcome. Consideration could be given to including other means – for example, a development application is broadly promoted through the installation of signage on the site, we appreciate that this may be more challenging and not appropriate in some regional areas. This is an effective way of capturing communities of interest who may not be direct property owners or neighbours. There may be other measures like this example that may be effective for promoting the engagement to other interested parties.

Greater strength to inclusivity

In line with recommendation 8, we understand that you are seeking to further strengthen the Charter by seeking appropriate, proportional, and reasonable engagement with specific groups within our community. Specifically, these groups are First Nations people, young persons, persons from non-English speaking backgrounds, persons with a disability and/or neurodivergence, and businesses, workers and employees.

We strongly support this and already put significant effort into designing engagement processes that respond to the needs of the community who may be interested or impacted by the intervention.

We would like to raise a series of considerations that relate to each of these groups, below. In most cases this references the application of the Charter to Code Amendment engagement.

First Nations people

Engaging with First Nations people and their representative groups is a critical part of reconciliation, demonstrating cultural respect, and undertaking informed decision making. It is URPS' practice to engage with the relevant prescribed body corporate for all Code Amendments. We recognise that impacts on First Nations people and groups extends beyond the potential for discovery of artefacts and remains, to how development impacts on Country. Guidance could be provided to practitioners of the appropriate modes to ensure the correct groups are engaged.

Young persons

Representing nearly a third of our population, the views of young people are critical to how we plan for our cities and regions. In our experience, young people are particularly interested in issues that impact the environment and that respond to climate change. Access to transport, cost of housing and living, and the location and provision of jobs are also critical to their future.

There is the opportunity to clarify the definition of young people (which can differ between those up to either 18 or 25 years of age). The Commission may also like to consider providing best practice examples of ways that young people can be engaged in effective ways, for example through different communications channels, at different times, and in language that enhances understanding.

Persons from non-English speaking backgrounds

It is our practice to prepare a community profile as part of our engagement planning process for Code Amendments. Utilising Australian Bureau of Statistics Census data, we create a picture of the local community who may be impacted by the proposal. We focus on language spoken at home and where this is over 5% of the population, we offer translated statements offering for materials to be provided in other languages. The use of online engagement tools also allows for participants to use online translation tools which are often free.

Persons with a disability and/or neurodivergence

We acknowledge that people with a disability are incredibly diverse. This means their needs and preferences for engagement are similarly diverse. URPS acknowledges that creating engagement processes that are accessible is good for everyone, not just those with disabilities.

Data suggests that somewhere between 10-20% of the general population is neurodiverse. Like disability, people who are neurodiverse have a huge variation in their abilities and how their neurodiversity impacts on their day-to-day life. This variation means that there are few consistencies in the ways that neurodiverse (or indeed disabled people) prefer to be engaged, or what the barriers to their participation may be.

It is also noted that there are few data sources that accurately describe the levels of ability within a community. This makes it difficult to proportionately apply particular needs of these groups in different communities.

There is an opportunity for the Commission to provide guidance on what kinds of measures or approaches might meet the diverse needs of these groups.

Businesses, workers and employees

In most cases it is URPS' practice to both letter box drop information relating to a Code Amendment engagement, as well as to post letters to absent owners (i.e. property owners that do not live at the address). In this way, we can reach not only property owners, but the people who live, work, or run a business at an address.

It is noted that this can come at significant expense, particularly when Code Amendments apply to large geographic areas.

There is opportunity for the Commission to assist private entities to access name and address information to contact absent owners by allowing this data to be provided at no cost from Councils. Many Councils we have requested data from do so with little or no charge. In some cases, we have been quoted a charge of up to \$24 per property, which is a significant cost in densely populated areas and often one that a private proponent cannot accommodate. This has resulted in a change (and corresponding reduction) to the breadth of engagement. Removing this barrier would improve engagement and provide an additional way to reach this group.

In addition, when delivering face to face engagement, in most cases we schedule 2 sessions at different times of the day/week to be able to reach a broader section of the community – such as those who do shift work, run a business during the day, or have family commitments.

A note on intersectionality

The Charter and toolkit may like to call out consideration of the intersectionality of the impacts of needs of particular groups, and of the challenges that this may have upon their capacity to participate in engagement. For example, data suggests that people with autism (a type of neurodivergence) experience higher rates of unemployment and

underemployment. The compounding of barriers to participation further reduces participation and requires different approaches to engagement.

We believe one of the most critical ways that this can be done is with a strong focus on preparing engagement materials in plain English. URPS work hard to remove jargon, explain processes and provide relevant context to our projects in ways that can be understood broadly. This means that whether someone is younger, they have English as a second language, or lower education levels, they can clearly understand what the proposed change is and how it might impact on them.

Engaging proportionally

We support the opportunity to apply the engagement with these groups proportionally, in a way that considers the potential interest or impact that a Code Amendment may have on particular groups.


Conclusion

In summary, URPS continues to be a strong advocate of the Charter. We commend the review process and the aspiration to continually improve the Charter as ultimately, this improves planning outcomes. We have provided commentary on how we think the recommendations might be further refined to increase consistent community understanding of, and practitioner application of the Charter. Specifically, our comments have suggested that the Commission that:

- We are supportive of the proposed Complying Changes. We suggest further consideration and potential finetuning to the application of Complying Changes to manage or mitigate potential negative impacts and ensure that the community can participate in changes to planning policy that interest or impact them.
- The Commission provides further guidance on the best practice on inclusive engagement with a broad range of groups in our community, particularly those who may experience barriers to participation. This should be considered in context of reasonable investment in engagement practices by private proponents.

Please contact Nicole Halsey, Director, or Anna Deller-Coombs, Engagement Lead on [REDACTED] if you'd like to discuss our submission further.

Yours sincerely



Matthew King
Managing Director

6 June 2024

Mr Craig Holden,
Chair,
State Planning Commission,
GPO Box 1815,
ADELAIDE SA 5001

By email: plansasubmissions@sa.gov.au

SUBMISSION: UPDATES TO THE COMMUNITY ENGAGEMENT CHARTER

Thank you for the opportunity to provide a submission to the State Planning Commission (the Commission) on the proposed updates to the *Community Engagement Charter (the 'Charter')*.

The Planning Institute of Australia (PIA) is the peak national body representing planning and the planning profession. We engage with over 10,000 practitioners each year through events, education and training and represent over 5,600 members nationally. PIA is responsible for serving and guiding thousands of planning professionals, some 500 of whom are located in South Australia.

In 2017, PIA(SA) supported the introduction of the Community Engagement Charter in South Australia along with the five overarching principles as providing clear and concise guidance to engage with communities.

After 5 years of implementation, PIA(SA) commends the Commission for firstly, completing an Inaugural review of Charter in December 2023 and secondly, proceeding with the changes recommended in the Commission's review.

In particular, the proposed changes to place a greater focus on ensuring engagement is inclusive and respectful to First Nations people, youth, persons from non-English speaking backgrounds, culturally and linguistically diverse communities and people living with disability and neurodiverse communities will support good planning outcomes for all.

We note that the recommended changes to the Charter also identify placing greater focus on engaging with *business, workers and employers* which were not identified in the Commission's review. It is not clear how this additional group has been identified; however PIA acknowledges that business, workers and employers are an important group within our community that should be captured and considered as part of the engagement planning process.

The Commission's December 2023 review also recommends updates be made to the Charter Toolkit and Guide to support entities undertaking engagement to utilise best practice approaches to effective engagement and communication with the community groups



identified. PIA concurs that updates to the Charter Toolkit and guide are important and look forward to their release concurrent with implementation of amendments to the Charter.

Attached are additional comments from PIA(SA) on each the recommendations from the Commission's December 2023 report.

Thank you again for the opportunity to contribute a submission on this matter and please do not hesitate to contact me to discuss any aspects of this further as may be required.

Yours faithfully,



Cate Hart RPIA (Fellow)
President
PIA SA DIVISION

PIA comment on Recommendations from the State Planning Commissions Inaugural review of the *Community Engagement Charter* delivered in December 2023.

	Recommendation	PIA comment
1	Update the table titled 'Role of the Charter - Designated Policies, Strategies and Schemes and Entity' to accurately reflect which entities can 'prepare' designated instruments compared with those which can 'amend' them. In addition, the table should also include all entities or persons that are able to amend the Code, or a design standard as outlined in section 73(2)(b) of the Act.	Noted
2	Acknowledge the application of the Charter to consultations on Environmental Impact Statements for Impact Assessed development applications.	Support
3	Update the 'Community Engagement in the Planning System' graphic to more clearly indicate that the Minister should have regard to the principles of the Charter in relation to consultation on an Environmental Impact Statement for an Impact Assessed development application	Noted
4	Provide further guidance and case studies in either the Charter or the Charter Toolkit and Guide, with recommended minimum engagement periods.	Support – recommend the Commission closely monitor the use of recommended minimum engagement periods so this does not default to being used as the 'standard' consultation period. We also suggest that the Guide be updated to address more clearly the role of digital technology in achieving good planning outcomes.
5	Identify the mandatory engagement requirements associated with facilitating a Complying Change to the Code, pursuant to section 75 of the Act (see Appendix B for draft requirements).	Support greater guidance being provided on engagement for the use of Section 75 Complying changes.
6	Expand the mandatory engagement requirements to require a designated entity to: 6.1. demonstrate it has considered whether any relevant statutory boards (or committees) ought to be notified of the proposal; and 6.2. if so, directly notify it and seek comment on a proposal.	Support
7	Update the 'Characteristics of Successful Engagement' graphic by amending the heading in the right textbox from 'The Government + Proponents' to 'Entity undertaking Engagement'.	Noted

8	<p>Amend the Performance Outcomes and Performance Measures of the 'Engagement is inclusive and respectful' and 'Engagement is fit for purpose' Charter Principles to include and consider the effective engagement and communication needs (as required) of:</p> <ul style="list-style-type: none"> • First Nations People • The youth population • Persons from non-English speaking backgrounds • Persons with a disability 	Support – and recommend guidance is included within the Charter Toolkit and Guide on methods to identify and plan for engagement with all groups in the community.
9	Update the Charter Toolkit and Guide to provide advice to engagement entities regarding best practice approaches to effective engagement and communication needs of the abovementioned cohorts.	Support
10	Update the Charter Toolkit and Guide to provide guidance as to the extent of post engagement reporting required for certain types of proposals.	Support

Attachment E – Final Version of Charter Amendment

Note: Changes proposed by the Charter Amendment are outlined as follows:

- Deletion shown by red text with strikethrough e.g., ~~remove text~~
- Amendments to sections shown by green text with underline e.g., add text
- Post consultation changes, in response to submissions received, will have the section highlighted in yellow



STATE
PLANNING
COMMISSION

Community Engagement Charter Amendment

Instructions for viewing the proposed changes:

xxxxxx = Amend or insert new text or feature

xxxxxx = Delete existing text or feature

xxxxxx = changes made in response to submissions

Rec. x = Recommendation # from the 2023
Community Engagement Charter Review Report



COMMUNITY
ENGAGEMENT
CHARTER

April 2018 Update date Rec. 12



saplanningportal.sa.gov.au

Update logo Rec. 12



Update below details and logo Rec. 12

Community Engagement Charter
State Planning Commission
April 2018

PRINT ISBN 978-0-7590-0288-3
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Government of South Australia
Department of Planning,
Transport and Infrastructure

Message to be updated to reflect the Charter is no longer a 'new' instrument and has been updated as a result of the 2023 Review Rec. 12

Message from the State Planning Commission

The ~~new~~ *Planning, Development and Infrastructure Act 2016* was designed to improve the way we plan in South Australia.

The Act establishes the Community Engagement Charter, an initiative to change the way we consult our communities. In the past, our system for notifying affected communities about establishing or changing planning policy has been too rigid and restricted and has not always reached the people affected. Advancements in technology provide new and innovative opportunities to engage with communities in a more interactive way. New ways of gathering and using data, such as 3D modelling and visualisation, can enhance the way we perceive challenges and provide a better platform to work with communities on the future they want.

The Charter defines a more flexible, effective and meaningful framework for engagement that ~~will~~:

- fosters better planning outcomes that take account of the views and aspirations of communities
- establishes trust in the planning process, and
- improves the understanding by communities of the planning system.

The State Planning Commission wants to see effective engagement, which may include ~~a vast improvement in the engagement process. This means finding~~ new and innovative ways to engage with communities and other interest groups. ~~as the new planning system is rolled out.~~

The Commission ~~will~~ is also ~~be~~ responsible for making sure the Charter is complied with and may provide direction, or step in, if it considers the standard of engagement anticipated by the Charter has not been met.

A community panel process ~~has been~~ was used to help shape the principles and outcomes of ~~this the~~ Charter, supported by further community, council and industry consultation. In response to the feedback, a Community Engagement Charter Guide ~~has been~~ was prepared ~~for release with the Charter. It to~~ provides guidance on engagement processes, practices and behaviours that satisfy the principles.

The Commission completed its first legislated five-yearly review of the Charter in 2023 and subsequently made updates to the Charter in 2024 arising from the recommendations of that review.

The Charter ~~will~~ helps build trust and confidence in the planning system by providing an engagement framework that is robust and adaptable. We intend to promote genuine engagement through our own activities.

What is the role of the Charter?

The Charter has a statutory role under the *Planning, Development and Infrastructure Act 2016* (the Act). The Act prescribes that the Charter must be used to guide public participation with respect to the preparation and amendment of designated policies, strategies and schemes as set out in the table below.

Insert the following text - Rec. 2

The principles of the Charter also apply in circumstances where consultation is required on an Impact Assessed development application that is subject to an Environmental Impact Statement.

The Charter also contains methods to measure the success and effectiveness of the engagement process and is supported by a Guide that provides step-by-step advice on putting the Charter into practice.

Delete the following table: Rec. 1

Designated Policies, Strategies and Schemes	Entity
State Planning Policies	State Planning Commission
Regional Plans	Joint Planning Board State Planning Commission
The Planning and Design Code	Chief Executive Officer of DPTI State Planning Commission Council Joint Planning Board Government Agency
Design Standards	State Planning Commission
Infrastructure Delivery Scheme	Scheme Co-ordinator

Insert the following table and text: *Rec.1*

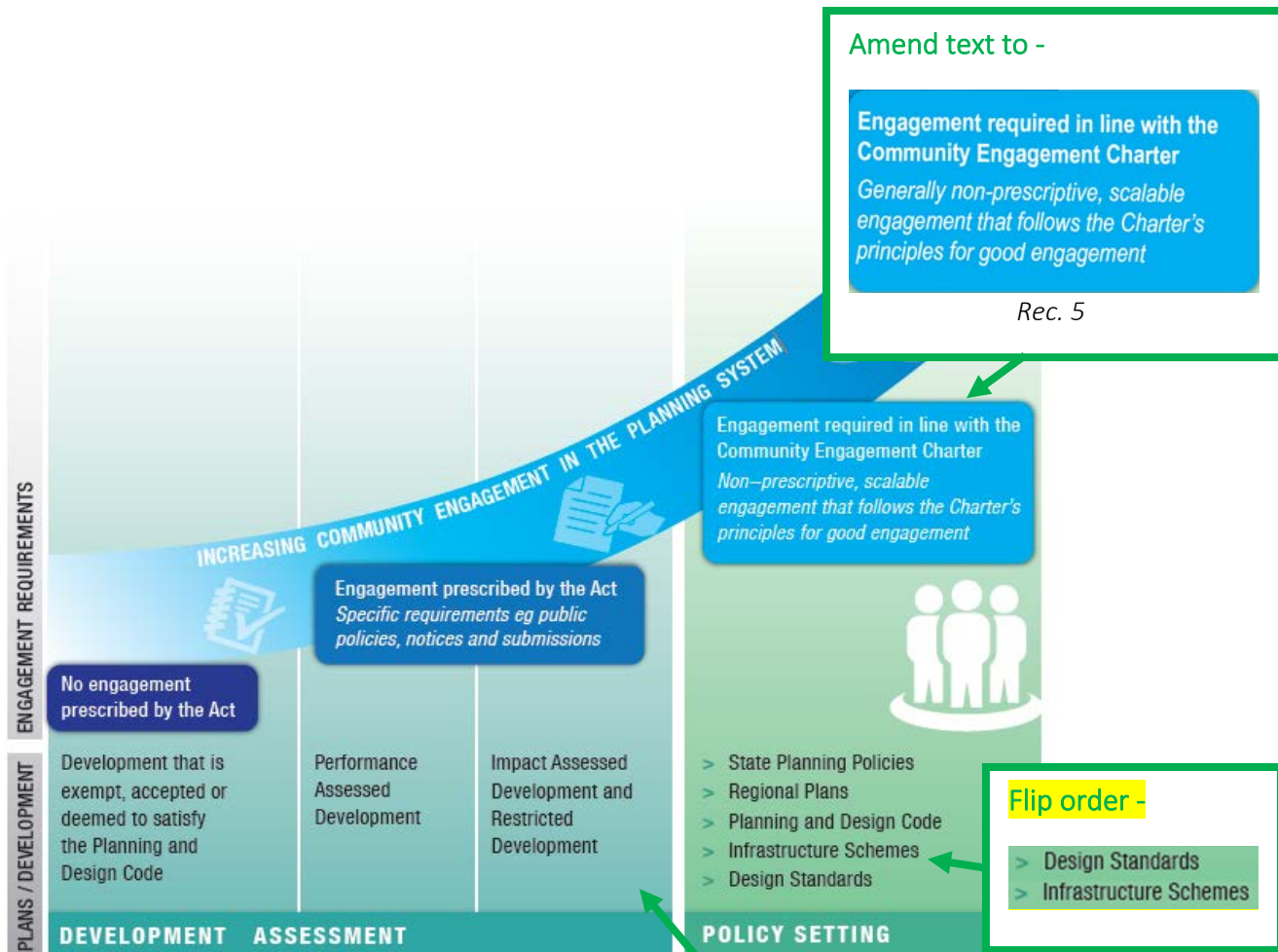
Designated Policies, Strategies and Schemes	Entity	Role
State Planning Policies	State Planning Commission (acting at the request of the Minister)	Prepare or Amend
Regional Plans	Joint Planning Board State Planning Commission	Prepare or Amend
	All Designated Entities*, except a person who has an interest in land - section 73(2)(b)(vii)	Amend
The Planning and Design Code	State Planning Commission	Prepare or Amend
	All Designated Entities	Amend
Design Standards	State Planning Commission	Prepare or Amend
	All Designated Entities	Amend
Infrastructure Delivery Scheme	Scheme Coordinator	Deliver and consult on Scheme

*Designated Entities are those under section 73(2)(b) of the Act which are:
 (i) the Chief Executive (*i.e. of the relevant State Government planning department*); or
 (ii) another agency or instrumentality of the Crown; or
 (iii) a joint planning board; or
 (iv) a council; or
 (v) a provider of essential infrastructure; or
 (vi) a scheme coordinator appointed under Part 13 Division 1; or
 (vii) in relation to the Planning and Design Code or a design standard—a person who has an interest in land and who is seeking to alter the way in which the Planning and Design Code or a design standard affects that land.

Under the Act, entities that are responsible for preparing or amending designated policies, strategies and schemes are required to comply with the Charter for the purposes of consultation. They are responsible for the preparation and implementation of a community engagement plan that meets the principles and performance outcomes of the Charter. However, the State Planning Commission may specify that the entity consults with a particular person or body.

If the State Planning Commission considers an entity has not complied with the Charter, it may require that entity to do so. The State Planning Commission or the Minister for Planning is not compelled to accept any of the above documents until it is satisfied with the engagement process. If necessary, the State Planning Commission may undertake the engagement on behalf of the entity and recover the associated costs.

The Charter seeks to strengthen engagement up front in the development of planning policies, strategies and schemes. It does not have a statutory role in the assessment of 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 by regulation (see adjacent figure).



COMMUNITY ENGAGEMENT IN THE PLANNING SYSTEM
 (As required by the Planning, Development and Infrastructure Act, 2016)

Insert additional text -

Development	<ul style="list-style-type: none"> > Infrastructure Schemes > Design Standards
Environmental Impact Statements (regard to Charter principles)	
POLICY SETTING	

Rec. 3

Structure of the Charter

The Charter includes the following components:

- Mandatory requirements: Actions that must be included in engagement plans.
- Principles: A set of principles which guide engagement.
- Performance outcomes: The outcomes you would see from successful engagement.
- Measuring performance: Types of measures for measuring performance.

Mandatory requirements

Insert new subheading - “Part A – General Mandatory Requirements” Rec. 5

~~An entity to which this Charter applies must comply with the following mandatory requirements that are applicable, based on the consultation category. Where the mandatory requirements do not apply, an entity must have regard to, and seek to achieve, the principles and performance outcomes that apply under the Charter.~~

An entity to which this Charter applies must have regard to, and seek to achieve, the principles and performance outcomes that apply under the Charter. An entity must also comply with the following mandatory requirements that are applicable, based on the consultation category below.

The State Planning Commission, or an entity acting with the approval of the State Planning Commission, may adopt an alternative way to achieving compliance with the mandatory requirements if the State Planning Commission is satisfied that the alternative way is at least as effective in achieving the public consultation requirements under the Charter. An entity will therefore need to obtain the approval of the State Planning Commission for any variation of the mandatory requirements.

Consultation Category	Mandatory requirement
Proposals that are specifically relevant to a particular Council or Councils (where Council did not initiate the proposal).	That Council or Councils must be directly notified of the proposal and consulted.
Proposals that are generally relevant to Councils.	The Local Government Association must be notified in writing and consulted.
A proposal to enter a place within the Planning and Design Code as a place of local heritage value.	The owner of any land on which the place resides, must be directly notified in writing of the proposal and consulted for a minimum period of four weeks.
A proposal to amend the Planning and Design Code to include any heritage character or preservation policy that is similar in intent or effect to a local heritage listing.	The owner of any land on which the place resides, must be directly notified in writing of the proposal and consulted for a minimum period of four weeks.

<p>Infrastructure delivery scheme.</p>	<p>Landowners directly affected by the scheme must be directly notified in writing of the scheme under section 166 of the PDI Act. for a minimum of four weeks. Landowners must be given an opportunity to comment on the scheme unless the landowners are being (or have been) consulted on the scheme via consultation on an associated Code Amendment.</p>
<p>Insert new Mandatory Requirements: Rec. 6 A proposal that may directly affect the activities or responsibilities of a statutory board/s or committee/s under related legislation</p>	<p>The relevant board/s or committee/s must be notified in writing and consulted on the proposal prior to a draft being released for community engagement.</p>

Insert new subheading and the following text: — *Rec. 5*

Part B — Minimum Mandatory Requirements — Complying Changes —

Section 75 of the Act enables a Complying Change to the Planning and Design Code to occur in limited circumstances. However, pursuant to section 75(2), a requirement of progressing a Complying Change is that the amendment is ‘the subject of consultation under the Community Engagement Charter’.

Accordingly, for the purposes of section 75(2), a person or entity proposing a Complying Change to the Planning and Design Code must comply with the following minimum consultation requirements. These are subject to any additional requirements outlined by the Minister in the initiation of the proposed amendment. The following requirements are the only consultation requirements to be observed for a section 75 proposal, and no other provisions of this Charter will apply.

Section 75 Complying Change — Mandatory Requirements

The following are minimum mandatory consultation requirements for the purposes of a section 75 Complying Change:

The State Planning Commission, or an entity acting with the approval of the State Planning Commission, may adopt an alternative way to achieving compliance with the mandatory requirements if the State Planning Commission is satisfied that the alternative way is at least as effective in achieving the intent of the mandatory requirements. An entity will therefore need to obtain the approval of the State Planning Commission for any variation of the mandatory requirements.

- 1) Where an amendment comprises a change to the boundary of a zone or subzone, the entity must directly notify:
 - a. an owner or occupier of each piece of land within the affected area; and
 - b. an owner or occupier of each piece of adjacent land; and
 - c. the relevant council/s (and, if relevant, the joint planning board/s) in which the affected land is located; and
 - d. any other person or body as required by the Minister in the initiation of the proposed amendment.
- 2) For an amendment that comprises a change to the application of an overlay, in addition to the notification requirements in clause 1, the entity must also directly notify all referral bodies identified within the Procedural Matters of the relevant overlay in the Planning and Design Code.
- 3) For the purposes of clauses 1 and 2, the direct notification must include a notice which:
 - a. identifies the affected area impacted by the proposal;
 - b. explains the proposal and describes the impact;
 - c. identifies which recommendation in the relevant Regional Plan the proposal is consistent with;
 - d. indicates the location on the SA Planning Portal where the relevant Regional Plan can be viewed;
 - e. specifies that (subject to any longer period required by the Minister in the initiation of the proposed amendment) there is a minimum 14-day consultation period in which any person who has received a notice may make a written representation on the proposed amendment;
 - f. advises that a written representation:
 - i. is limited to commenting on the proposal; and
 - ii. cannot affect the relevant recommendation in the Regional Plan as it is within an approved and operational designated instrument; and
 - g. the method/s in which a person may make a written representation (i.e. by email, post, telephone).

Insert new subheading and the following text: *Rec. 5*

Part B –Mandatory Requirements – Complying Changes

Section 75 of the Act enables a Complying Change to the Planning and Design Code to occur in limited circumstances. However, pursuant to section 75(2), a requirement of progressing a Complying Change is that the amendment is 'the subject of consultation under the Community Engagement Charter'.

Accordingly, for the purposes of section 75(2), a person or entity proposing a Complying Change to the Planning and Design Code must comply with the following consultation requirements. The following requirements are the only consultation requirements to be observed for a section 75 proposal, and no other provisions of this Charter will apply.

Section 75 Complying Change - Mandatory Requirements

The following are mandatory consultation requirements for the purposes of a section 75 Complying Change.

- 1) On or before the commencement of consultation, the entity must directly notify the relevant council/s (and, if relevant, the joint planning board/s) in which the affected land is located advising that a Complying Change proposal has been lodged with the Department of the Minister and will be the subject of the following notice.
- 2) The Department of the Minister will place a notice on the SA Planning Portal for a period of 10 business days, which:
 - a. identifies the affected area impacted by the proposal;
 - b. explains the proposal;
 - c. identifies which recommendation in the relevant Regional Plan the proposal is consistent with;
 - d. indicates the location on the SA Planning Portal where the relevant Regional Plan can be viewed;
 - e. specifies that a person may make a written representation on the proposal during the 10 business day period;
 - f. advises that a written representation:
 - i. is limited to commenting on the proposal; and
 - ii. cannot affect the relevant recommendation in the Regional Plan as it is within an approved and operational designated instrument; and
 - g. the method/s in which a person may make a written representation (i.e. by email, post, telephone).

Principles

The following principles describe what is important when engaging under this Charter. The principles guide good engagement.

The application of the principles is mandatory and they must be considered when a decision maker determines the appropriate approach to engagement. Each engagement may have a different purpose, and may be undertaken in different places, with different outside influences and with different people involved.

The principles are a reference point for good engagement. If a decision maker can 'tick off' on each of the principles as the engagement plan is designed and delivered, then the public can have confidence that the engagement will be appropriate and effective.

It is acknowledged that the decision making authority may not necessarily be able to accommodate all views in a final outcome. However engagement should enable the full spectrum of views to be captured and reported.

The principles are:

- 01 Engagement is genuine**
- 02 Engagement is inclusive and respectful**
- 03 Engagement is fit for purpose**
- 04 Engagement is informed and transparent**
- 05 Engagement processes are reviewed and improved**



Performance outcomes

To provide clarity about these principles the following descriptions and performance outcomes have been developed to inform what successful achievement of each principle would look like. The performance outcomes must be considered in the preparation of the engagement process and must be reported against at the conclusion of the process.

Engagement is genuine

All parties are genuine and honest in their participation. Those conducting the engagement use their best endeavors to proactively seek participation of communities and genuinely listen to and understand the range of views. Those participating are open to a range of perspectives and are well informed. Participants respect that their views may not prevail.

Performance outcomes

People had faith and confidence in the engagement process.

Engagement is inclusive and respectful

Affected and interested people can have their say and be heard, regardless of background or status. People are invited/encouraged to participate early so that they can influence the process and the thinking from the start. All views are acknowledged and considered.

Performance outcomes

Affected and interested people had the opportunity to participate and be heard.

Insert additional text: *Rec. 8*

The engagement plan and activities appropriately, proportionately and reasonably considered the engagement and communications needs of the following community groups:

- First Nations people;
- young persons;
- ~~persons from non-English speaking backgrounds;~~ persons from culturally and linguistically diverse backgrounds;
- persons with a disability and/or neurodivergence; and
- businesses, workers and employers.

Note – the above is not intended to be an exhaustive list and other relevant community groups should also be considered when planning engagement.

Engagement is fit for purpose

The process matches the significance of the planning change. It is value-for-money, targeted, flexible, scalable and timely. Innovative forms of technology-based public engagement should be considered where appropriate. For example, use of 3D models to visualise and interact with the proposals and smart phone applications notifying users of engagement opportunities nearby.

Performance outcomes

Delete the following text: *Rec.8*

~~People were effectively engaged and satisfied with the process.~~

Insert additional text:

Where relevant, information should be provided on past engagement activities and how these fit within the broader engagement approach.

Insert replacement text: *Rec. 8*

The engagement and communication needs of the community were reasonably considered, and people were effectively engaged and satisfied with the process.

People were clear about the proposed change and how it would affect them.

Engagement is informed and transparent

People have access to all relevant information at the time it is needed so that they can participate fully. They understand what is happening, why it is happening, what the consequences are and what they can and cannot influence. When decisions are made, the reasons behind them will be explained. Technology-based engagement products can be used to provide digital feedback and evidence based reporting.

Performance outcomes

All relevant information was made available and people could access it.

People understood how their views were considered, the reasons for the outcomes and the final decision that was made.

Engagement processes are reviewed and improved

After each engagement exercise, the process is reviewed to see whether the principles have been met and what can be done to improve the process next time.

Performance outcomes

The engagement was reviewed and improvements recommended.

Measuring performance

Engagement is undertaken to achieve better outcomes, decisions, projects and policies. Establishing engagement objectives, and then measuring progress helps to gauge how successful the engagement process has been. Evaluation can build transparency and accountability. It can contribute to the evidence base, identify good engagement practice and improve future practice.

Planning for evaluation should commence as early as possible in the engagement process. The scope of activities in the evaluation will vary based on the purpose and scale of the engagement. Early planning enables identification of the criteria that could be used to measure success and the information to be collected to support this, as well as what tools and resources are required. Early evaluation planning also provides an opportunity to clarify the purpose and objectives of the engagement process. 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.

Following are some examples of the types of measures that could be considered when preparing an engagement plan. The Guide assists in planning for evaluation in the engagement plan.

Consideration in measuring performance

Principles	Performance outcomes	Types of measures
Engagement is genuine	People had faith and confidence in the engagement process	<p>Was there an opportunity for different knowledge and perspectives to be shared?</p> <p>How well did the engagement process enable stakeholders and community issues and solutions to be identified?</p> <p>How did people interact with each other? Did the process build community capacity about planning?</p> <p>Would people participate in a similar process in the future?</p>
Engagement is inclusive and respectful	Affected and interested people had the opportunity to participate and be heard.	<p>Did everyone who is impacted and/or interested have an opportunity to participate?</p> <p>Was there an opportunity for different knowledge and perspectives to be shared?</p>
Engagement is fit for purpose	<p>Delete the following text: Rec.8 People were effectively engaged and satisfied with the process.</p> <p>People were clear about the proposed changes and how it may affect them.</p>	<p>Did people feel the process enabled appropriate input?</p> <p>Did people understand how to participate in the engagement?</p> <p>Did people understand what was being proposed?</p>

Insert additional text: Rec. 8

The engagement plan and activities appropriately, proportionately and reasonably considered the engagement and communications needs of the following community groups:

- First Nations people;
- young persons;
- persons from non-English speaking backgrounds;
- persons with a disability and/or neurodivergence; and
- businesses, workers and employers.

Insert replacement text: Rec. 8

The engagement and communication needs of the community were reasonably considered, and people were effectively engaged and satisfied with the process.

Insert additional text: Rec. 8

“Were reasonable efforts made to enable the participation of different groups in the particular community?”

<p>Engagement is informed and transparent</p>	<p>All relevant information was made available and people could access it.</p> <p>People understood how their views were considered, the reasons for the outcomes and the final decision.</p>	<p>Did people have access to the information they needed?</p> <p>How was participant input considered in the final decision? How did it add value?</p> <p>Does reporting adequately capture the spectrum of participant views?</p>
<p>Engagement processes are reviewed and improved</p>	<p>The engagement was reviewed and improvements recommended.</p>	<p>Were learnings about the process documented?</p>

Definitions

State Planning Policies

The State's overarching goals or requirements for the planning system (and to be given effect through the various instruments prepared in the system).

www.saplanningportal.sa.gov.au/our_new_system/state_planning_policies

Regional Plans

A long-term vision for a region or area, including provisions about the integration of land use, transport infrastructure and the public realm, and including maps and plans that relate to spatial patterns that are relevant to the long-term vision.

www.saplanningportal.sa.gov.au/our_new_system/regional_planning

Planning and Design Code

A comprehensive set of policies, rules and classifications which may be selected and applied in the various parts of the State for the purposes of development assessment and related matters within the State. The Code will include the use of zones, subzones, overlays and policies.

www.saplanningportal.sa.gov.au/our_new_system/planning_and_design_code

Design Standards

A design standard that relates to the public realm or infrastructure, which may specify design principles, design standards, or design guidelines.

Infrastructure Delivery Schemes

A scheme approved by the Minister for Planning in relation to the provision of basic or general infrastructure, and the funding arrangements associated with the provision of that infrastructure.

www.saplanningportal.sa.gov.au/our_new_system/infrastructure_schemes

Delete the following definition (noting this definition is now instead reproduced within the section 'What is the role of the Charter?'): *Rec. 1*

~~Designated Entity~~

~~A person or entity that is approved by the Minister for Planning to undertake the legislative processes, (including engagement) involved in preparing or amending a designated instrument.~~

Designated Instrument

A state planning policy, regional plan, the planning and design code and a design standard are Designated instruments.

