



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



Government
of South Australia
Department of Planning,
Transport and Infrastructure

Update below details and logo Rec. 12

Community Engagement Charter
State Planning Commission
April 2018

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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

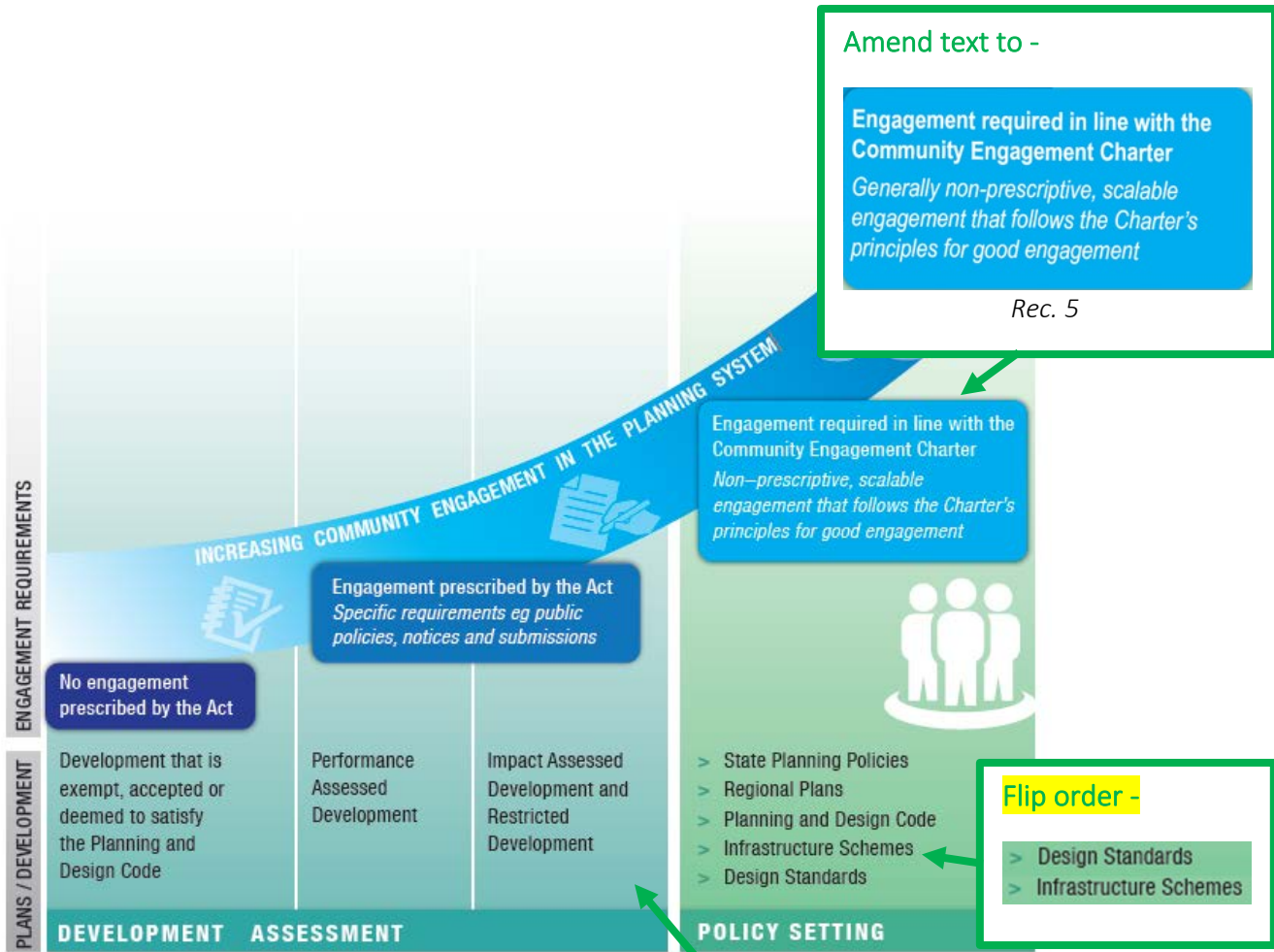
*Designated Entities are those under section 73(2)(b) of the Act which are:

- (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.

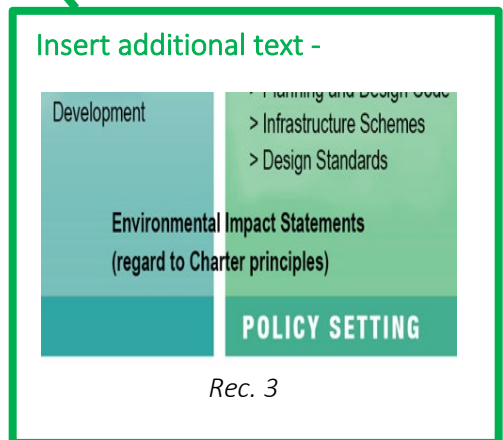
Under the Act, entities that are responsible for preparing or amending designated policies, strategies and schemes are required to comply with the Charter for the purposes of consultation. They are responsible for the preparation and implementation of a community engagement plan that meets the principles 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)



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 culturally and linguistically diverse 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.

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