

Agenda Report for Decision

Meeting Date: 7 March 2024

Item Name	Community Engagement Charter Amendment Initiation and Consultation Release	
Presenters	Tom Victory and Tyler Johns	
Purpose of Report	Decision	
Item Number	4.3	
Strategic Plan Reference	4 Discharging Statutory Obligations	
Work Plan Reference	4.1. Review the Community Engagement Charter	
Confidentiality	Not Confidential (Release Delayed) – to be released following the public release of the draft Charter Amendment.	
Related Decisions	Item 4.1 Community Engagement Charter Scheme 2022 (10 November 2022) Item 5.3 Community Engagement Charter Review (24 August 2023) Item 5.3 Community Engagement Charter Review Final Report (30 November 2023)	
Conflicts Declared	Nil	
Is the Report author aware of any potential undeclared conflict?		NO

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed) – to be released following the commencement of community engagement on the draft Community Engagement Charter (the Charter) Amendment anticipated for mid-March 2024, with the exception of **Appendix B** which is designated as Confidential (Legal Advice).
2. Agree to Initiate an Amendment to the Charter under section 45(1) of the *Planning, Development and Infrastructure Act 2016* (the Act).
3. Approve the scope of the draft Charter Amendment outlined in the Proposal to Initiate in **Attachment 1**.
4. Approve the draft 'marked-up' Charter in **Attachment 2** as forming the basis of the draft Charter Amendment, to be circulated for public consultation.

5. Approve the Charter Amendment Engagement Plan in **Attachment 3**.
6. Authorise the Chair to write to the Minister for Planning (**Attachment 4**) to advise of the initiation and commencement of community engagement for the draft Charter Amendment.
7. Authorise the Chair to write to the following stakeholders (**Attachment 5**) to advise of the initiation and commencement of community engagement on the draft Charter Amendment:
 - Local Government Association;
 - Planning Institute of Australia;
 - Office for Autism;
 - Aboriginal Affairs and Reconciliation - Attorney-General's Department
 - SA Multicultural Commission;
 - Department for Human Services; and
 - any other stakeholders identified in the Engagement Plan.
8. Approve the draft updates to *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (**Attachment 6**) for release for community engagement (in association with the draft Charter Amendment).
9. Authorise the Chair of the Commission to finalise any minor or editorial amendments to **Attachments 1 to 6**.

Background

At its meeting 30 November 2023 the Commission approved the Community Engagement Charter Review 2023 Report (the Review). The Review satisfied the Commission's statutory obligations under section 45(7) of the Act to complete a five-yearly review of the Charter. The Review outlined 13 recommendations to amend the Charter and/or its associated guiding information.

At that meeting, the Commission was also:

- advised of the direct relationship between the recommended additions to the Charter for the Complying Code Amendment process (contemplated by section 75 of the Act) and the Regional Plans program, in particular the upcoming release of the draft Kangaroo Island Regional Plan for community engagement; and
- provided with a draft amended *Practice Direction 2 – Preparation and Amendment of Designated Instruments*, for information.

The Commission resolved, amongst other things, to:

Approve the revised timing and approach to the initiation of an amendment of the Community Engagement Charter (the Charter) to early 2024 to coincide with the engagement on the draft Kangaroo Island Regional Plan, in addition to the timing anticipated by Resolution 3 of Agenda Item 5.3 at the 24 August 2023 meeting being that a further review of the Charter will be undertaken upon the conclusion of all of the Regional Planning engagement programs.

The relevant Agenda Report for the 30 November 2023 meeting is included in **Appendix A** for information.

The purpose of this report is for the Commission to initiate the amendment to the Charter in accordance with the abovementioned resolution, to coincide with the engagement on the draft Kangaroo Island Regional Plan which is due to commence on 14 March 2024.

Discussion

Initiation

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.

A Proposal to Initiate the Charter Amendment has been prepared for the Commission's approval (**Attachment 1**). This briefly outlines the intended scope of the amendment which is to implement the recommendations in the Review. It also outlines a high-level timetable for the process.

It is recommended that the Commission initiate the Charter Amendment 'acting on its own initiative' as per the option available under section 45(1).

Amended Charter

Attachment 2 is a 'marked-up' version of the Charter showing the proposed amendments (with reference to the relevant recommendations arising from the Review).

As shown in Attachment 2, further minor amendments are proposed to the Charter in addition to the recommendations arising from the Review. These arose from:

- a suggestion made by the PLUS engagement team following the conclusion of the Review to include, within the Performance Outcomes section of the Charter, a requirement that *'where relevant, information should be provided on past engagement activities and how these fit within the broader engagement approach'*. The intent of this inclusion is to require designated entities to critically reflect on the overall engagement program and what has already been undertaken;
- additional preliminary engagement undertaken since the Commission approved the Review Report. This is discussed in detail later in this Report; and
- the Minister for Planning (the Minister) also requesting the Department include specific reference to *'businesses, workers and employers'* in the Charter.

These additions have been included in the proposed Charter amendment for the Commission's consideration and endorsement.

Updates to Practice Direction 2

At the 30 November 2023 meeting, the Commission was provided with a draft amended *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (PD2). This outlined the new process required to facilitate a section 75 'Complying Change' to the Planning and Design Code (the Code). A Complying Change may be facilitated where the proposed Code Amendment accords with a recommendation in a Regional Plan.

The update to PD2 is connected to one of the key recommendations arising from the Review, being to introduce new minimum mandatory consultation requirements for a Complying Change into the Charter.

PD2 has been updated to include:

- changes and additions to the interpretation section;

- various administrative requirements for the lodgement of documentation and information;
- a requirement that a proposal be initiated at first instance (and confirmation the Commission will not provide advice to the Minister to agree to a proposal in the absence of it having already been initiated, unless it is satisfied this step can be dispensed with);
- a requirement that the proponent must demonstrate it has undertaken all necessary investigations to inform the proposal in advance of initiation (which investigations may or may not have occurred through the Regional Planning process);
- a requirement to undertake consultation in accordance with the relevant part of the Charter;
- advice that a limited consultation report must be produced when an application for agreement is received, demonstrating compliance with the Charter; and
- various steps related to the finalisation and implementation of the proposed Complying Change.

Following the Commission meeting on 30 November 2023, PLUS requested the Crown Solicitor's Office (CSO) review the draft updates to PD2. The CSO made minor editorial changes to the Practice Direction. A copy of the CSO advice is **Appendix B**.

PLUS has addressed the CSO's suggestions and a copy of the revised PD2 is **Attachment 6**.

There is no requirement for the Commission to consult on an amendment to PD2. However, for completeness, and acknowledging the intrinsic connection between the Complying Change consultation requirements in the Charter and the implementation process identified in PD2, it is considered appropriate for it to be released for information alongside the Charter engagement process.

This will enable the community and practitioners to better understand the 'full picture' of the connection between a Regional Plan, the Charter's minimum consultation requirements and the process for undertaking a Complying Change to the Code under section 75.

Preliminary Engagement

In late 2023, following receipt of the Review report, the Minister recommended the Commission, through Planning and Land Use Services (PLUS), undertake preliminary consultation with the following four State agencies/offices:

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

The purpose of the preliminary consultation was to work with these agencies to:

- request expert advice regarding best practice engagement techniques for different community groups;
- ensure correct (and best practice) terminology is used in the Charter and other accompanying documents;

- understand key stakeholders to engage with on the proposed changes; and
- discuss, more generally, other opportunities to collaborate and engage with each agency and its key stakeholders on State-led planning initiatives.

All four agencies were consulted and PLUS received input and feedback from DHS and the Office for Autism. In summary, the two agencies recommended:

- the Charter include reference to persons with 'neurodivergence' in addition to 'persons with a disability' in the relevant sections of the Charter. This is particularly as neurodivergence is not exclusively considered a disability, but may require adaptive engagement techniques;
- minor language amendments regarding the specific words to use in the Charter (e.g. using the term 'young persons' instead of 'youth population');
- a list of stakeholders in the disability sector to consult with on the proposed amended Charter (and other future planning initiatives); and
- examples of methods to employ to undertake effective engagement with different community groups.

The feedback derived from the preliminary engagement has been incorporated into the amended Charter as shown at Attachment 2.

Formal Engagement

Section 45(2) of the Act requires the following:

(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).

In relation to the legislated consultation process, it is noted this is less involved than what the Charter would typically require for the amendment of a Designated Instrument (for example, a community engagement process relating to a Code Amendment).

Whilst the Charter is not a designated instrument which must be subject to itself during an amendment, in the interest of best practice, it is appropriate for engagement on the amended Charter to be subject to an engagement program above and beyond the requirements of section 45.

This will ensure the Commission is demonstrating best practice in its engagement practices whilst also avoiding potential criticism or suggestions of irony for not adhering to the Charter when proposing an amendment to it.

On this basis, an Engagement Plan has been prepared at **Attachment 3** for the Commission's endorsement. The Engagement Plan:

- a) meets the principles and performance outcomes of the Community Engagement Charter;
- b) describes the persons or bodies to be consulted on the Amendment;
- c) outlines relevant previous engagement undertaken to inform the proposal (being the preliminary engagement discussed above); and
- d) describes the evaluation framework for the engagement.

Draft letters have been prepared from the Commission to the Minister and key stakeholders to explain and announce the initiation and consultation on the draft amendment are provided in **Attachments 4 and 5** respectively.

To meet all the requirements of section 45(2)(b) of the Act, it is recommended that the letter be sent to the following stakeholders:

- Local Government Association;
- Planning Institute of Australia;
- Office for Autism – Department of the Premier and Cabinet;
- Aboriginal Affairs and Reconciliation - Attorney-General's Department;
- SA Multicultural Commission;
- Department for Human Services; and
- any other stakeholders identified in the Engagement Plan.

Next steps

Subject to the Commission's approval for the recommendations in this item, PLUS will then:

- prepare for the release of the draft Charter Amendment and associated documents for community engagement;
- send the letters to the Minister and identified stakeholders;
- undertake the engagement process in accordance with the Engagement Plan;
- following the end of engagement, review all submissions received;
- prepare an Engagement Report to summarise the submissions received and the intended responses to key matters raised;
- present the Engagement Report and the final amended Charter and Practice Direction 2 to the Commission for approval; and
- subject to the Commission's approval, then furnish the amended Charter and Engagement Report to the Minister for adoption and forwarding to the Environment, Resources and Development Committee of Parliament.

Attachments:

1. Proposal to Initiate an Amendment to the Charter (#21074676)
2. Marked up Charter showing proposed amendments (#20898540)
3. Charter Engagement Plan (#21236644)
4. Suggested letter to the Minister for Planning (#21166932)
5. Suggested letter to stakeholder(s) (#21166943)
6. Proposed updates to *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#20817888)

Appendices:

- A. SPC Report from 30 November 2023 meeting (#20814141)
- B. Crown Solicitor's Office Advice dated 2 February 2024 (#21164934)

Prepared by: Tom Victory / Tyler Johns

Endorsed by: Jane Trotter

Date: 23 February 2024

PROPOSAL TO INITIATE AN AMENDMENT TO THE COMMUNITY ENGAGEMENT CHARTER

By the State Planning Commission

Contact details

PlanSA

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(Signature)

CHAIR, STATE PLANNING COMMISSION

Date: 18/03/2024

This Proposal to Initiate document forms the basis for the preparation of a proposed amendment to the Community Engagement Charter for the purpose of section 45(1) of the *Planning, Development and Infrastructure Act 2016*.

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1. BACKGROUND

The State Planning Commission (the Commission) is an independent body providing advice and leadership on all aspects of planning and development in South Australia. One of its responsibilities under Section 44 of the *Planning, Development and Infrastructure Act 2016* (the Act) is to establish and maintain the Community Engagement Charter (Charter). The Charter became operational in April 2018 and seeks to enable people to have their say 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 is in **Attachment 1**.

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

2. PROPOSED AMENDMENT

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 the following:

- 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.
- Acknowledge the application of the Charter to consultations on Environmental Impact Statements for Impact Assessed development applications.
- 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.
- 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).
- 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.

- Update the '*Characteristics of Successful Engagement*' graphic by amending the heading in the right textbox from '*The Government + Proponents*' to '*Entity undertaking Engagement*'.
- 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.
- 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.
- Review the hyperlinks throughout the Charter to ensure they are accurate and up to date.

Other additional amendments to the Charter may also be identified to complement or support the above recommendations or to reflect best practice.

The Charter Amendment is intended to be undertaken in line with the timeframe outlined **Attachment 1**.

3. ENGAGEMENT

3.1. Preliminary Engagement

The 2023 Review of the Charter did not involve engagement with external stakeholders and/or the community more broadly as it was intended this be undertaken as part the Charter Amendment process.

However, in reviewing the Charter, the Commission did receive feedback and advice from internal stakeholders within the Department for Trade and Investment – Planning and Land Use Services (DTI-PLUS). This was from staff who have significant experience and knowledge of the Charter through planning and undertaking engagement on State led Code Amendments and the preparation of Designated Instruments, as well as reviewing and reporting on engagement activities related to council or proponent-led Code Amendments.

In addition, following the Review and in light of the recommendations contained therein, the Minister for Planning requested preliminary consultation be undertaken with the following four State agencies/bodies:

- Aboriginal Affairs and Reconciliation (Attorney-General's Department);

- Department for Human Services;
- Office for Autism – Department of the Premier and Cabinet; and
- SA Multicultural Commission.

The purpose of the preliminary consultation was to work with these agencies to:

- request expert advice regarding best practice engagement techniques for different community groups;
- ensure correct (and best practice) terminology is used in the Charter and other accompanying documents;
- understand key stakeholders to engage with on the proposed changes; and
- discuss, more generally, other opportunities to collaborate and engage with each agency and its key stakeholders on State-led planning initiatives.

All four agencies were consulted and PLUS received input and feedback from DHS and the Office for Autism. In summary, the two agencies recommended:

- the Charter include reference to persons with 'neurodivergence' in addition to 'persons with a disability' in the relevant sections of the Charter. This is particularly as neurodivergence is not exclusively considered a disability, but may still require adaptive engagement techniques;
- minor language amendments regarding the specific words to use in the Charter (e.g. using the term 'young persons' instead of 'youth population');
- a list of stakeholders in the disability sector to consult with on the proposed amended Charter (and other future planning initiatives); and
- examples of methods to employ to undertake effective engagement with different community groups.

The above matters raised in the preliminary consultation will be considered in drafting the amendments to the Charter prior to community engagement.

3.2. Legislated Consultation Requirements

Section 45(2) of the Act requires the following:

(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).

3.3. Engagement Plan

Whilst not required by section 45 of the Act, it is proposed that the Charter Amendment will be subject to engagement in accordance with the current Community Engagement Charter to demonstrate best practice.

The Commission will prepare an Engagement Plan prior to the commencement of engagement on the proposed Charter Amendment. This will include the minimum legislated consultation requirements discussed in section 3.2.

In preparing the Engagement Plan, due consideration will be given to the amendments to the Charter recommended in the Review and addressing those recommendations in determining relevant stakeholders and methods of engagement.

3.4. Engagement Report and Decision

Once engagement on the Charter Amendment is complete, the Commission will prepare a report on the matters raised during engagement (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 Minister will then determine whether to adopt, alter or refuse the amendment.

If adopted, the Minister will then forward the amended Charter to the Environment, Resources and Development Committee within 28 days, in accordance with section 46 of the Act.

ATTACHMENT 1

Timetable for Charter Amendment by the State Planning Commission

Step	Responsibility	Timeframe
Preparation of the Charter Amendment		
Engagement Plan prepared	The Department on behalf of the Commission	2 weeks
Investigations conducted and Charter Amendment prepared		
Preparation of Materials for Engagement	The Department on behalf of the Commission	Informed by the Engagement Plan
Engagement on the Charter Amendment		
Charter Amendment released for engagement in accordance with the prepared Engagement Plan	The Department on behalf of the Commission	To be specified in the Engagement Plan
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised	The Department on behalf of the Commission	8 weeks
Updated drafting instructions to the Charter Amendment prepared		
Engagement Report prepared		
Report to the Commission prepared	The Department	4 weeks
Commission considers final Charter Amendment and Engagement Report and forwards to Minister	The Commission	2 weeks
Decision Process		
Minister considers the Charter Amendment and the Engagement Report and makes decision	Minister	Unknown
Decision and new version of the Charter published on the PlanSA Portal		
Parliamentary Scrutiny		
Referral of adopted Charter Amendment to Environment, Resources and Development Committee of Parliament – referred by the Minister within 28 days of adoption.		

ATTACHMENT 2

Final Report from the 2023 Community Engagement Charter Review

2023 COMMUNITY ENGAGEMENT CHARTER REVIEW

Delivered December 2023



STATE
PLANNING
COMMISSION



Government of South Australia
Department for Trade
and Investment

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1- Background and Introduction

The Community Engagement Charter (the Charter) is an important statutory instrument under the *Planning, Development, and Infrastructure Act 2016* (the Act).

The Charter was established in April 2018 by the State Planning Commission (the Commission). It was developed following an extensive process of listening to community and industry representatives, councils, and state bodies about what effective engagement should look like.

The Charter seeks to enable people to have their say on changes to planning rules or strategies that may affect them or places they value.

When a Designated Instrument (such as the Planning and Design Code (the Code)) is being prepared for the first time, or when there is a proposal to amend it, the Charter must be used to determine the process to engage the community and relevant stakeholders.

When rules and other regulatory instruments are being made, the Act puts focus on engaging with communities earlier in the process rather than later.

Reviewing the Charter

Section 45 of the Act sets out how the Charter can be prepared and amended. It requires, amongst other things, that the—

- Commission must ensure various parts of the Charter are reviewed at least once in every 5 years according to a scheme approved by the Minister;
- outcome of the review undertaken is embodied in a written report to the Minister; and
- Minister, must within 6 sittings days after receiving a report cause copies to be laid before both Houses of Parliament.

Section 45(7) requires the Commission to review the Charter at least once every five years. However, the Commission can review the Charter at any time, of its own initiative.

As the Charter was established in April 2018, the first review was due to occur in or before April 2023.

In November 2022, the Minister for Planning, the Honourable Nick Champion (the Minister), approved a Scheme for the purposes of section 45(7) of the Act to allow the Commission to review and report on the performance and effectiveness of the Charter.

A copy of the approved Scheme is **Appendix A** to this Report.

In November 2022, while acknowledging the statutory obligation to undertake the review in or before April 2023, the Commission determined it would commence its inaugural review of the Charter following the delivery and publication of the Final Report and

Recommendations of the [Expert Panel for the Planning System Implementation Review](#) (the Expert Panel). This was to ensure any relevant recommendations made by the Expert Panel could be considered in the inaugural review.

In late August 2023 the Commission determined to commence the inaugural review (the Review). The Commission was provided with a copy of the Expert Panel Report in advance of the Review to ensure any relevant recommendations were able to be appropriately considered.

Accordingly, the Review was conducted between September and October 2023 in accordance with the Minister's Scheme.

For the avoidance of doubt section 45 of the Act does not require public engagement to form part of the Review. Rather, under section 45(2), public engagement is required to occur if the Commission proposes to amend the Charter.

The Commission will conduct public consultation when it next proposes to amend the Charter in accordance with the recommendations made in this Report.

Interaction with Regional Planning Engagement Program

The Commission acknowledges it has undertaken engagement on the Greater Adelaide Regional Plan (GARP) Discussion Paper, in accordance with the existing version of the Charter. This was considered appropriate given the non-statutory nature of the Discussion Paper. In that context, the Commission notes the engagement program for the GARP itself has been designed to go above and beyond the existing requirements of the Charter. As such, the Commission considers it appropriate to undertake this Review concurrent with the GARP engagement.

It is noted that, apart from the engagement related to the initial roll-out of the Code, the preparation of the Regional Plans will involve the most significant engagement activities since the inception of the Charter.

The Commission subsequently anticipates it will gain valuable insights and learnings from not only the GARP Discussion Paper engagement, but also the upcoming engagement programs proposed for the [Regional Plans](#) expected to occur through 2024.

2 – Scope of the Review

As noted earlier in this Report, the Minister has approved a [Scheme](#) against which the Commission must review and report on the performance and effectiveness of the Charter on a (minimum) five yearly basis.

In summary, the objects of the Scheme are to:

- (a) review and report on the performance and effectiveness of the Charter;
- (b) identify the parts of the Charter to be reviewed; and
- (c) determine what data and method of review will be undertaken.

The Scheme requires the Commission to review the following aspects of the Charter:

1.0 Role of the Charter

1.1 Designated Policies, Strategies and Schemes

1.2 Entity

2.0 Structure of the Charter

2.1 Mandatory Requirements – Actions that must be included in engagement plans

2.2 Principles – A set of principles which guide engagement

- Engagement is genuine
- Engagement is inclusive and respectful
- Engagement is fit for purpose
- Engagement is informed and transparent
- Engagement processes are reviewed and improved

2.3 Performance Outcomes – The outcomes of successful engagement

- People had faith and confidence in the engagement process
- Affected and interested people had the opportunity to participate and be heard
- People were effectively engaged and satisfied with the process
- People were clear about the proposed change and how it would affect them
- All relevant information was made available and people could access it
- People understood how their views were considered, the reason for the outcomes and the final decision that was made
- The engagement was reviewed and improvements recommended

2.4 Measuring Performance – Types of measures for assessing performance

- Was there an opportunity for different knowledge and perspectives to be shared?
- How well did the engagement process enable stakeholders and community issues and solutions to be identified?
- Would people participate in a similar process in the future?
- Did everyone who is impacted or interested have an opportunity to participate?
- Was there an opportunity for different knowledge and perspectives to be shared?
- Did people feel the process enabled appropriate input?
- Did people understand how to participate in the engagement?

- Did people understand what was being proposed?
- Did people have access to the information they needed?
- How was participant input considered in the final decision? Did it add value?
- Does reporting adequately capture the spectrum of participant views?
- Were learnings about the process documented?

The Scheme also permits the Commission to collect and use data from councils, industry bodies and other sources to inform the Review.

Accordingly, to inform this Review, the Commission determined to consider the following sources of information:

- feedback and advice from internal stakeholders within the Department for Trade and Investment – Planning and Land Use Services (DTI – PLUS) who have significant experience and knowledge of the Charter through planning and undertaking engagement on State led Code Amendments and the preparation of Designated Instruments, as well as reviewing and reporting on engagement activities related to council or proponent-led Code Amendments;
- submissions and recommendations related to the Charter arising from the Expert Panel;
- reviewing a sample of Engagement Reports from completed Code Amendments (as published on the PlanSA website); and
- reviewing documentation which relates to the Charter, in particular the [Toolkit](#), [Guide](#) and [Practice Direction 2 - Preparation and Amendment of Designated Instruments](#).

It is noted that this Review has not sought to engage with external stakeholders and/or the community more broadly. It is intended that engagement will be undertaken as part the Charter amendment process.

For the avoidance of doubt, it is outside the scope of this Review to investigate or make recommendations to amend the Act or associated *Planning, Development and Infrastructure (General) Regulations 2017* (the Regulations) which relate to the Charter.

3 – Evaluation of the Charter

This section addresses each aspect of the Charter the Scheme requires the Commission to consider in the Review. Where relevant, the evaluation of each section is supported by the feedback and/or the research the Commission utilised to form its view.

3.1 Role of the Charter - Designated Policies, Strategies and Schemes and Entity

The Charter identifies each document it is applicable to in accordance with the Act (the designated policies, strategies, and schemes) and which entity is responsible for the preparation and amendment of those documents.

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

Evaluation

The above table is included in the Charter for information purposes only. The designated policies, strategies and schemes, and the entity that can prepare or amend them, are determined by the Act, and cannot be amended through this Charter Review process.

Notwithstanding, it would be appropriate to update the table to accurately reflect the difference between which entities can 'prepare' these documents compared with those which can 'amend' them. For example, only the Commission and a Joint Planning Board may prepare a Regional Plan, but other entities may seek to amend a Regional Plan (when established).

The table is also missing some entities identified for the purposes of section 73(2)(b) of the Act. Specifically, the following entities should be listed in the table as being able to amend the Code or a design standard (with the approval of the Minister, acting on the advice of the Commission):

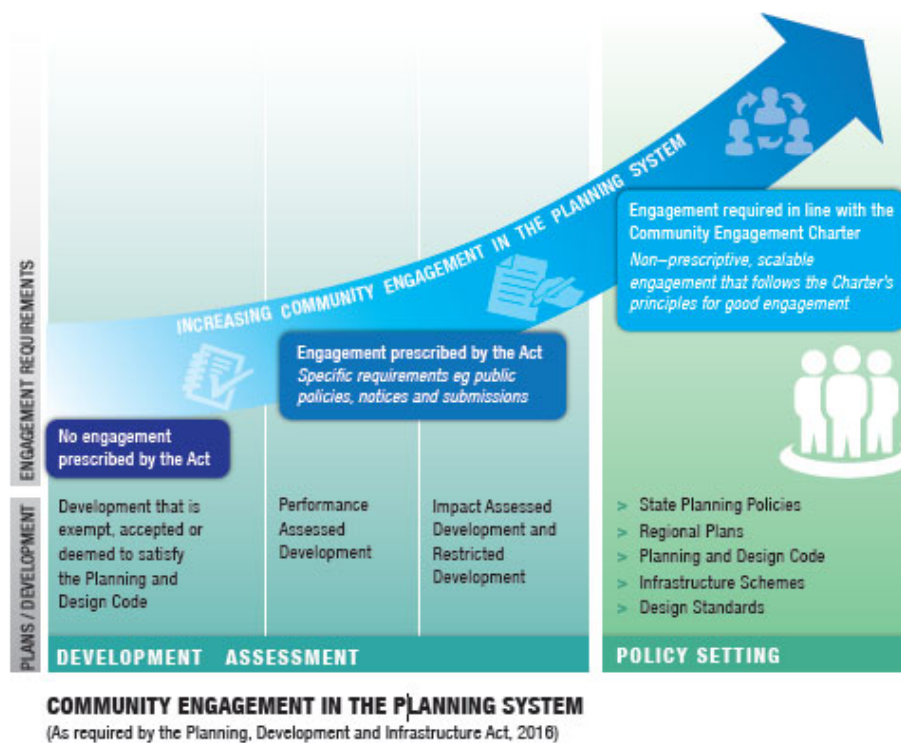
- a provider of essential infrastructure;
- an infrastructure scheme coordinator; and
- a person who has an interest in land who is seeking to alter the way in which the Code or a design standard affects that land.

Further, it is noted that section 113(6) of the Act empowers the Minister to undertake, or require a proponent to undertake, consultation in relation to an Environmental Impact Statement (EIS) for an Impact Assessed development application. Regulation 72 of the Regulations goes on to provide that, for the purposes of any consultation undertaken in connection with an EIS:

the Minister should have regard to the principles applying under the Community Engagement Charter for public participation in planning processes (insofar as they may be appropriately adapted to an EIS process).

Noting this Regulation speaks to the Charter, there may be value in incorporating a note or acknowledgement in the 'Role of the Charter' heading, identifying its application to EIS consultations in circumstances where the Minister requires consultation to be undertaken. This will assist in ensuring the Charter is a 'one stop shop', identifying all circumstances it may be applicable to.

The following graphic is also incorporated in the 'Role of the Charter' heading:



This graphic continues to be fit for purpose. However, it may be appropriate to update it to depict the Charter's potential application to EIS consultations.

Role of the Charter Recommendations:

- 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.
- Acknowledge the application of the Charter to consultations on Environmental Impact Statements for Impact Assessed development applications.
- 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.

3.2 Structure of the Charter – Mandatory Requirements

Mandatory requirements are incorporated into the Charter for certain proposals to ensure that, at a minimum, interested parties are going to be informed and consulted with. The Charter provides the following explanatory text and table in relation to Mandatory Requirements:

Mandatory requirements

An entity to which this Charter applies must comply with the following mandatory requirements that are applicable, based on the consultation category below. 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.

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.
Infrastructure delivery scheme.	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.

Evaluation

The Commission considers a key strength of the Charter is that it is not overly prescriptive and allows proponents to undertake tailored and fit for purpose engagement commensurate with the scale and nature of the proposal.

It appears this position is agreed across the industry, as supported by commentary made about the Charter by users of the Charter and in engagement reports prepared for the purposes of Code Amendments.

Quotes from Engagement Reports on Code Amendments:

*"Project managers identified that a key strength of the Charter and Guide was that **engagement is fit for purpose** to ensure that participants are clear about what is being proposed and how this may affect them."*

*"The charter **enables flexibility** to have a 'fit for purpose' engagement plan prepared."*

*"A strength of the Charter is the **flexibility to undertake a process that was fit for purpose**, scaled appropriately for the anticipated impact of the Code Amendment and met the local circumstance."*

The Commission acknowledges the need to maintain this positive aspect of the Charter. However, the following additional mandatory requirements have been proposed by users of the Charter through their experiences with the Charter (whether applying it to own engagements or reviewing the engagements of other entities) which the Commission considers would be valuable to include in the Charter:

- Minimum engagement timeframes

As identified earlier, the Charter currently prescribes mandatory minimum engagement timeframes for three types of consultation.

However, in considering past engagement reports, it became evident the period of engagement is inconsistent, particularly in circumstances where no minimum engagement period is prescribed by the Charter (such as for small scale proposals).

For example, in one circumstance, a 4-week engagement period was applied to a proposal in the northern fringes of Adelaide which sought to rezone approximately 30 hectares of rural land to enable low to medium density housing. However, in an analogous (and perhaps less significant) proposal in the mid-north of the State, an 8-week engagement period was applied to a proposal which sought to rezone approximately 30 hectares of rural land for low-density housing.

It may be beneficial to identify a minimum (or recommended minimum) engagement period to apply to all engagements. To ensure that flexibility is still achieved, this may be more appropriate to include in the Charter Toolkit and Guide supporting the use of the Charter, rather than in the Charter itself.

The minimum engagement period could:

- be inclusive of those engagement periods already prescribed by the Charter;
- provide certainty to the community; and
- be variable (i.e., based on the scale or type of instrument to be amended) to ensure it is commensurate with the proposed amendment.

The Commission will consider what minimum engagement timeframes may be suitable (and how they would be determined) and will consult with stakeholders on this proposed amendment (and where it is best located) when it next seeks to amend the Charter.

- Complying Changes under section 75 of the Act

Section 75 of the Act enables a Complying Change to the Code to occur in limited circumstances. The intent of section 75 is to 'fast track' a Code Amendment on the basis it complies with a Regional Plan. However, despite section 75 enabling a Code Amendment to occur relative to the content of a Regional Plan, a requirement of progressing a Complying Change is that the amendment is '*the subject of consultation under the Community Engagement Charter*'.

The full terms of section 75 are set out as follows:

Section 75 - Complying changes - Planning and Design Code

(1) 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 if—

(a) the amendment comprises a change to—

(i) the boundary of a zone or subzone; or

(ii) the application of an overlay; and

(b) the amendment is consistent with a recommendation in the relevant regional plan that, through the use of—

(i) specific maps or other spatial information; and

(ii) specific information about the changes that are being proposed, clearly and expressly identifies (in the opinion of the Minister) the changes that are considered to be appropriate.

(2) An amendment under subsection (1) must be the subject of consultation under the Community Engagement Charter.

(3) An amendment under this section is effected by an instrument deposited on the SA planning portal for publication on the SA planning database (in accordance with requirements established by the Chief Executive).

(4) An amendment under this section—

(a) takes effect from a date specified in the instrument under subsection (3); and

(b) takes effect without the need to take any other steps under this Division and without the need to be approved under any other provision of this Act; and

(c) does not need to be referred to the ERD Committee under this Part (and is not subject to disallowance).

The Charter does not currently provide any specific engagement requirements for the purposes of progressing a Complying Change to the Code in accordance with section 75. Consequently, any Complying Change proposed to be progressed would (currently) need to be the subject of an engagement program, compliant with the mandatory requirements and principles set out in the Charter. This may circumvent the capacity for section 75 to effect efficient and targeted amendments to the Code, where consistent with a Regional Plan.

It is intended to utilise the section 75 Complying Change process in the coming months following approval and implementation of the first Regional Plans.

Accordingly, the Commission sees value in the Charter identifying mandatory minimum engagement requirements to apply to section 75 Complying Changes, to fulfil the requirements of subsection 75(2).

The Commission has now prepared draft Minimum Mandatory Consultation Requirements for section 75 Complying Changes. The draft Minimum Mandatory Consultation Requirements are included in **Appendix B** of this Report.

The draft Minimum Mandatory Consultation Requirements are not final and will be subject to broad public consultation when the Charter is amended.

In addition, clause 11 of *Practice Direction 2 – Preparation and Amendment of Designated Instruments* currently identifies the Commission's requirements to facilitate a Complying Change for the purposes of section 75. It is proposed the Practice Direction will be amended alongside the Charter to identify the Commission's requirements in providing advice to the Minister to initiate and agree to a Complying Change under section 75(1).

- Early Engagement with Statutory Boards and Committees

There is currently nothing in the Charter which requires a designated entity to consider whether their proposal may impact any relevant statutory boards (or committees) which ought to be consulted.

However, the Commission understands there may be circumstances where this would be appropriate, noting the implication the proposed amendment may have on the work of those bodies.

For example, section 25(1)(e) of the *Landscape South Australia Act 2019* (Landscape Act) identifies one of the functions of a regional landscape board is to undertake an active role in ensuring that the board's relevant plans and policies and the Code '*form a coherent set of policies*'. It provides a regional landscape board should:

when an amendment to [the] Code that is relevant to the activities of the board is under consideration under [the PDI] Act, to work with the entity or entities engaged in undertaking the amendment under [the PDI] Act.

The Landscape Act imposes an obligation on regional landscape boards to participate in the Code Amendment as appropriate. However, it would not be unreasonable to require a designated entity to actively seek out their participation when it is likely that the nature of the amendment may impact upon relevant plans or strategies of a board.

Whilst the above example is specifically outlined in legislation, there may be other circumstances where it is appropriate for other boards to be consulted in a similar fashion (for example the Coast Protection Board if a proposal involves rezoning of coastal land).

Accordingly, the Commission considers it may be appropriate to expand the mandatory engagement requirements to require a designated entity to:

1. demonstrate it has considered whether any relevant statutory boards (or committees) ought to be notified of the proposal; and
2. if so, directly notify it and seek comment on a proposal.

This change could be supported by updates to the Charter Toolkit and Guide, which outline the common statutory boards and committees which exist across State Government.

Mandatory Requirements Recommendations:

4. Provide further guidance and case studies in either the Charter or the Charter Toolkit and Guide, with recommended minimum engagement periods.
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).
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.

3.3 Structure of the Charter – Principles

The Charter includes five principles to guide good engagement, and to describe what is important when engaging under the Charter. The five principles are:

1. Engagement is genuine;
2. Engagement is inclusive and respectful;
3. Engagement is fit for purpose;
4. Engagement is informed and transparent; and
5. Engagement processes are reviewed and improved.

The application of the principles is mandatory, and each principle must be considered when a decision maker determines the appropriate approach to engagement.

Evaluation

As noted earlier in this Report, flexibility and adaptability are key strengths of the Charter. It can be appropriately applied in a vast range of circumstances, and for varied engagements. The Charter recognises that each engagement will differ and will need to cater for different audiences, places, and influences.

It follows that these guiding principles are ‘*a reference point for good engagement*’, noting if each can be achieved, it is likely the engagement will be appropriate and effective.

None of the information the Commission has reviewed during this Review has identified any need to update or amend these principles, or suggested they were not operating as intended. Accordingly, the principles are considered appropriate as written and no change is required.

In addition to the principles themselves, the Charter also includes the following graphic under the 'Principles' heading:



There is opportunity to improve this graphic by amending the right textbox from '*The Government + Proponents*' to '*Entity undertaking Engagement*' to reflect the provisions of the Act more accurately.

Principles Recommendations:

- Update the '*Characteristics of Successful Engagement*' graphic by amending the heading in the right textbox from '*The Government + Proponents*' to '*Entity undertaking Engagement*'.

3.4 Structure of the Charter - Performance Outcomes

For each of the abovementioned Principles, the Charter includes a written description and performance outcome to inform what successful achievement of each principle looks 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.

Below is an example of one of the performance outcomes:

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.

Evaluation

The Commission has reviewed each of the descriptions and performance outcomes and considers they remain generally appropriate and fit for purpose.

However, noting the best practice engagement program designed for the purposes of the GARP Discussion Paper, it was identified by both relevant stakeholders and the Commission that there was opportunity to further refine the performance outcomes to ensure all engagement programs address the engagement and communication needs of:

- First Nations people;
- the youth population;
- persons from non-English speaking backgrounds; and
- persons with a disability.

A review of previous Code Amendment engagement reports reveals that engagements seldom seek to adequately manage accessibility issues which arise through language barriers and disability inclusion, nor do they design engagement programs to increase the likelihood of engaging with specific cohorts, such as the First Nations and youth populations.

This is the case despite the Charter's abovementioned principles of engagement which require engagement to be inclusive and respectful, and informed and transparent.

In addition, the Review identified limited circumstances where demographic analysis was appropriately used to inform engagement programs.

The following brief case study is demonstrable of engagement done well, and is indicative of the fact that these additional measures can be included in engagement programs when necessary:

Case Study – Engagement of persons from a non-English speaking background

A proponent-led Code Amendment sought to rezone land in a residential area in the eastern suburbs of Adelaide. Demographic analysis was conducted as part of the engagement planning. It was identified that Chinese was the most common non-English language group in the area to which engagement was going to occur.

As part of a much broader engagement approach, the proponent undertook direct notification to identified affected stakeholders and provided a letter and fact sheet regarding the proposal.

An offer of translation (in Chinese) was provided on the fact sheet for relevant engagement materials accompanying the Code Amendment.

Accordingly, the Commission considers specific reference should be made to considering the engagement and communication needs of these cohorts within the relevant description and/or performance outcome related to the following two principles:

- *Engagement is inclusive and respectful*

The Charter currently notes under this principle that *‘affected and interested people can have their say and be heard, regardless of background or status’*, but places no parameters or obligations on ensuring the engagement is accessible to persons from different backgrounds or status’.

There would be benefit in amending the performance outcome to require an engagement program to consider, at inception, how it will appropriately, proportionately, and reasonably seek to engage with First Nations and youth populations.

For example, an engagement program could include (but is not limited to):

- First Nations focus groups;
- targeted engagement with Aboriginal Advisory Committees and State Agencies;
- targeted engagement with Traditional Owners and Aboriginal and Torres Strait Islander organisations;
- a youth-focused social media strategy;
- youth-focused information sessions;
- targeted engagement with university student associations and unions; and/or
- targeted engagement with Youth Advisory Committees.

- *Engagement is informed and transparent*

One of the performance outcomes for this principle is '*all relevant information was made available and people could access it*'. However, in the absence of specific guidance on how this performance outcome can be achieved, it appears limited investment is being made in ensuring both availability and accessibility of information for all community members.

There would be benefit in amending the performance outcome to require an engagement program to consider, at inception, how the engagement will ensure it is accessible to non-English speaking backgrounds and/or persons with a disability.

For example, an engagement program could include (but is not limited to):

- offers of translation of engagement materials;
- targeted engagement with multicultural community groups;
- provision of sign language interpretation at public meetings where attendees have indicated they have hearing disabilities;
- conducting engagement sessions on Teams/Zoom with closed captioning (some facilities may also include translated captions); and/or
- targeted engagement with Disability Advisory Committees.

The amendment of these performance outcomes would assist in elevating the importance of developing specific engagement approaches and considering the communication needs of various groups during the planning and delivery of engagement processes.

Associated documentation for the Charter (such as the Guide and Toolkit) should also be updated to outline practical methods and examples for best practice engagement of these groups (such as those methods identified above).

Performance Outcomes Recommendations:

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;
 - the youth population;
 - persons from non-English speaking backgrounds; and
 - persons with a disability.
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.

3.5 Structure of the Charter – Measuring Performance

The Charter requires the performance of every engagement undertaken to be measured. This is to ensure engagement practices are continually improving, and to build transparency and accountability.

The Charter provides guidance as to the types of measures which can be utilised for the purposes of assessing an engagement program against each principle and performance outcome. This is presented as a table, as shown in the example below:

Consideration in measuring performance		
Principles	Performance outcomes	Types of measures
Engagement is genuine	People had faith and confidence in the engagement process	Was there an opportunity for different knowledge and perspectives to be shared? How well did the engagement process enable stakeholders and community issues and solutions to be identified? How did people interact with each other? Did the process build community capacity about planning? Would people participate in a similar process in the future?

Evaluation

To match the specific recommendations outlined in chapter 3.4 above, appropriate additions should also be made to the ‘*Types of Measures*’ column to recognise appropriate ways to measure performance in relation to successful engagement of the four identified cohorts, as appropriate.

Separately, in relation to the Principle ‘*Engagement Processes are Reviewed and Improved*’ and relative to post-engagement reporting, concerns were identified by proponents in several Code Amendment engagement reports that post-engagement reporting can be overly onerous and time consuming. This was particularly identified in connection with minor ‘spot-rezonings’ and other small-scale Code Amendments. It was suggested that greater flexibility could be built into the Charter to enable the post-engagement reporting processes to be more commensurate with the nature of the amendment.

The Commission has considered this proposition and whether it is appropriate to build into the Charter. However, noting the Charter is already necessarily broad in how it requires post-engagement reporting to be undertaken, it is considered the Charter’s supporting documentation could be reviewed to determine potential ways to address this issue, including by providing guidance as to the extent of post-engagement reporting required for certain types of proposals.

Measuring Performance Recommendations:

10. Update the Charter Toolkit and Guide to provide guidance as to the extent of post-engagement reporting required for certain types of proposals.

4 – Summary of Recommendations

This Review has been undertaken in accordance with the Minister's Scheme and indicates the Charter is generally fit for purpose and does not require any significant amendments in the short term.

However, this Review has identified there are improvements that could be investigated for inclusion in the Charter when it is next amended. We note this is likely to occur following the conclusion of some, or all, of the Regional Plans engagement programs, therefore ensuring learnings arising from those engagements may be incorporated into the Charter.

In summary, the Commission **recommends** the following improvements are made to the Charter and/or its associated documentation:

- 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.
- Acknowledge the application of the Charter to consultations on Environmental Impact Statements for Impact Assessed development applications.
- 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.
- Provide further guidance and case studies in either the Charter or the Charter Toolkit and Guide, with recommended minimum engagement periods.
- 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).
- Expand the mandatory engagement requirements to require a designated entity to:
 - .1. demonstrate it has considered whether any relevant statutory boards (or committees) ought to be notified of the proposal; and
 - .2. if so, directly notify it and seek comment on a proposal.
- 7. Update the '*Characteristics of Successful Engagement*' graphic by amending the heading in the right textbox from '*The Government + Proponents*' to '*Entity undertaking Engagement*'.
- 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;
 - the youth population;
 - persons from non-English speaking backgrounds; and
 - persons with a disability.
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.
 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:

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.
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.
13. Review the hyperlinks throughout the Charter to ensure they are accurate and up to date.

Appendix A - Minister's Scheme for Reviewing the Charter

COMMUNITY ENGAGEMENT CHARTER REVIEW SCHEME

Approved November 2022



STATE
PLANNING
COMMISSION



Government of South Australia
Department for Trade
and Investment

Version Control

Version	Date	Description
1	25/11/2022	First iteration of scheme approved by Minister for Planning.
2		
3		

Introduction

Section 45 of the *Planning, Development and Infrastructure Act* (the Act) requires that –

- The various parts of the charter are reviewed at least once in every 5 years according to a scheme approved by the Minister;
- The outcome of the review undertaken is embodied in a written report to the Minister; and
- The Minister, must within 6 sittings days after receiving a report cause copies to be laid before both Houses of Parliament.

The Minister has approved this Scheme to allow the Commission to effectively review and report on the performance and effectiveness of the Community Engagement Charter.

Part 1 – Preliminary

Citation

This Scheme may be cited as the Community Engagement Charter Review Scheme 2022.

Operation

This Scheme will come into operation on approval by the Minister.

Versions of the Scheme

This Scheme may be varied or substituted from time to time by further approval of the Minister under section 45(7) of the Act.

Object of the Scheme

The objects of this scheme are to:

- (d) review and report on the performance and effectiveness of the Charter
- (e) identify the parts of the Charter to be reviewed
- (f) determine what data and method of review will be undertaken

Interpretation

In this Scheme, unless the contrary intention appears:

- *Act* means the [Planning, Development and Infrastructure Act 2016](#)
- *Charter* means the Community Engagement Charter.
- *Commission* means the [State Planning Commission](#)
- *The Department* means the Department of Trade and Investment

NOTE: Section 14 of the [Acts Interpretation Act 1915](#) provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Scheme Review

2.1 Elements of the Charter to be reviewed are set out in **Attachment A**.

Part 3 – Data Collection

3.3 The Commission will undertake the review as required by the Scheme.

3.4 Data may be used from councils or other persons or industry bodies.

3.5 The Commission may undertake additional data collection to inform the review.

Part 4 – Evaluation and Reporting

4.1 The evaluation and reporting process relating to the Charter will occur on a 5-year basis.

4.2 The Commission must provide a written report on a review under this Scheme to the Minister.

4.3 The Minister must, within 6 sitting days after receiving the report lay it before both Houses of Parliament:

4.4 The report will be made available on the PlanSA portal.

ATTACHMENT A – CHARTER REVIEW

The Commission will review the following aspects of the Charter:

1.0 Role of the Charter

- 1.1 Designated Policies, Strategies and Schemes
- 1.2 Entity

2.0 Structure of the Charter

- 2.1 Mandatory Requirements – Actions that must be included in engagement plans
- 2.2 Principles – A set of principles which guide engagement

- Engagement is genuine
- Engagement is inclusive and respectful
- Engagement is fit for purpose
- Engagement is informed and transparent
- Engagement processes are reviewed and improved

2.2 Performance Outcomes – The outcomes of successful engagement

- People had faith and confidence in the engagement process
- Affected and interested people had the opportunity to participate and be heard
- People were effectively engaged and satisfied with the process
- People were clear about the proposed change and how it would affect them
- All relevant information was made available and people could access it
- People understood how their views were considered, the reason for the outcomes and the final decision that was made
- The engagement was reviewed and improvements recommended

2.3 Measuring Performance – Types of measures for assessing performance

- Was there an opportunity for different knowledge and perspectives to be shared?
- How well did the engagement process enable stakeholders and community issues and solutions to be identified?
- Would people participate in a similar process in the future?
- Did everyone who is impacted or interested have an opportunity to participate?
- Was there an opportunity for different knowledge and perspectives to be shared?
- Did people feel the process enabled appropriate input?
- Did people understand how to participate in the engagement?
- Did people understand what was being proposed?
- Did people have access to the information they needed?
- How was participant input considered in the final decision? Did it add value?
- Does reporting adequately capture the spectrum of participant views?
- Were learnings about the process documented?

Appendix B – Draft Section 75 Complying Change Consultation Requirements

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).

saplanningcommission.sa.gov.au

State Planning Commission

GPO Box 1815

Adelaide South Australia 5001



STATE
PLANNING
COMMISSION

2023 Community Engagement Charter Review

Instructions for reviewing the proposed changes:

XXXXXX

= Amend or insert new text or feature

XXXXXX

= Delete existing text or feature

Rec. x = Recommendation # from the 2023
Community Engagement Charter Review Report



COMMUNITY ENGAGEMENT CHARTER

April 2018 Update date Rec. 12



Update logo Rec. 12

saplanningportal.sa.gov.au



Update below details and logo Rec. 12

Community Engagement Charter
State Planning Commission
April 2018

PRINT ISBN 978-0-7590-0288-3
ONLINE ISBN 978-0-7590-0283-8



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 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	Consult on Scheme

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

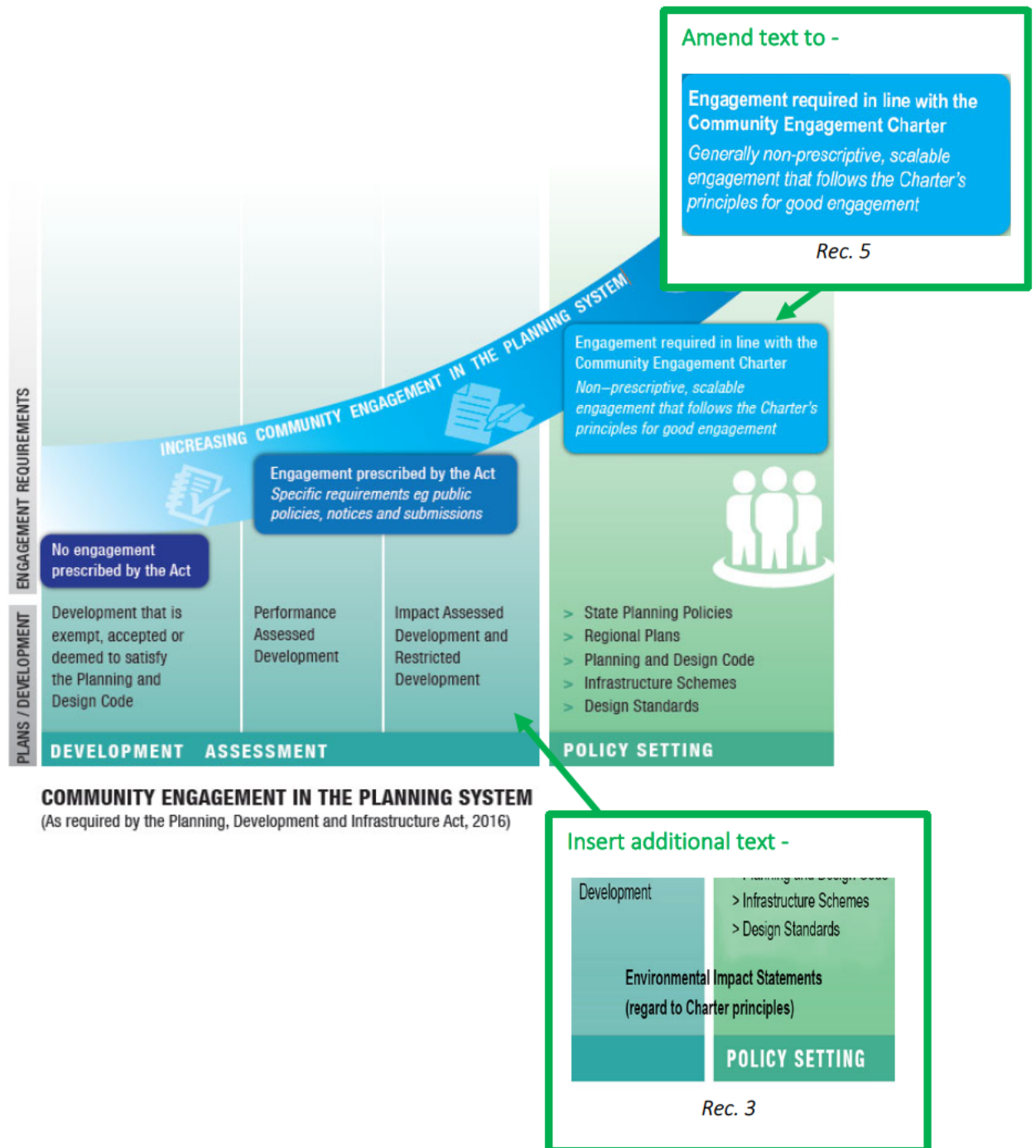
- (i) the Chief Executive; or
- (ii) another agency or instrumentality of the Crown; or
- (iii) a joint planning board; or
- (iv) a council; or
- (v) a provider of essential infrastructure; or
- (vi) a scheme coordinator appointed under Part 13 Division 1; or
- (vii) in relation to the Planning and Design 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 Charter



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 below. 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.

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.
Infrastructure delivery scheme.	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.

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

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.

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).

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 with a disability and/or neurodivergence; and
- businesses, workers and employers.

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

Rec. 8

“Were reasonable efforts made to enable the participation of different groups in the particular community?”

Engagement is informed and transparent	<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>
Engagement processes are reviewed and improved	The engagement was reviewed and improvements recommended.	<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.





COMMUNITY ENGAGEMENT CHARTER

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
4 workshops on the proposed changes with particular focus on complying changes with: <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
Collateral including: <ul style="list-style-type: none"> • Frequently asked questions • Summary document 	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 Written in plain English and at an appropriate level for youth and older South Australians to understand Offer translation service	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

Level 10, 83 Pirie Street
Adelaide SA 5000

GPO Box 1815
Adelaide SA 5001

08 7109 7466
saplanningcommission@sa.gov.au

18 March 2024

Hon Nick Champion MP
Minister for Planning

Via email: [REDACTED]

Dear Minister

Initiation of an Amendment to the Community Engagement Charter and release for consultation

In late 2023, the State Planning Commission (the Commission) completed the inaugural review of the Community Engagement Charter (the Charter), which you tabled in both Houses of Parliament on 20 February 2024. and is available to view on the Commission's website.

Importantly, section 45(1) of the *Planning, Development and Infrastructure Act 2016* (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 your request.

Following the completion of the Review, I now write to advise that the Commission has determined to initiate an amendment to the Charter on its own initiative.

The Proposal to Initiate the Charter Amendment is **enclosed** with this letter. This briefly outlines the intended scope of the amendment which is to implement the recommendations in the Review. It also outlines a high-level timetable for the process.

I also **enclose** a 'marked up' version of the Charter which indicates the specific amendments the Commission intends to make to the Charter arising from the Review.

Preliminary Engagement

In late 2023, following receipt of the Review report, you recommended the Commission, through Planning and Land Use Services (PLUS), undertake preliminary consultation with the following four State agencies/offices:

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

The purpose of the preliminary consultation was to work with these agencies to:

- request expert advice regarding best practice engagement techniques for different community groups;

- ensure correct (and best practice) terminology is used in the Charter and other accompanying documents;
- understand key stakeholders to engage with on the proposed changes; and
- discuss, more generally, other opportunities to collaborate and engage with each agency and its key stakeholders on State-led planning initiatives.

All four agencies were consulted and PLUS received input and feedback from DHS and the Office for Autism. In summary, the two agencies recommended:

- the Charter include reference to persons with 'neurodivergence' in addition to 'persons with a disability' in the relevant sections of the Charter. This is particularly as neurodivergence is not exclusively considered a disability, but may require adaptive engagement techniques;
- minor language amendments regarding the specific words to use in the Charter (e.g. using the term 'young persons' instead of 'youth population');
- a list of stakeholders in the disability sector to consult with on the proposed amended Charter (and other future planning initiatives); and
- examples of methods to employ to undertake effective engagement with different community groups.

The feedback derived from the preliminary engagement has been incorporated into the enclosed amended Charter.

In addition to the feedback from these agencies, you also requested that, when the Charter was to be amended, the Commission include specific reference to '*businesses, workers and employers*'. This request has been included in the proposed amendments to the Charter.

Updates to Practice Direction 2

The proposed amendments to the Charter have also necessitated an update to *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (PD2). A copy of the amended PD2 is **enclosed**.

The amendment to PD2 is related to one of the Commission's key recommendations in the Review, which was to amend the Charter to introduce new minimum mandatory consultation requirements for a section 75 Complying Change to the Planning and Design Code. Section 75 of the Act allows a streamlined Code Amendment where the proposal is in accordance with a recommendation in a Regional Plan.

Accordingly, the updated PD2 outlines the process to be observed by proponents when seeking a section 75 Complying Change.

Whilst the proposed amendments to PD2 are not required to be consulted on, the Commission deemed it necessary to provide the process proposed to facilitate a Complying Change in conjunction with the proposed engagement requirements. This will enable the community and practitioners to better understand the 'full picture' of the connection between a Regional Plan, the Charter's minimum consultation requirements and the process for undertaking a Complying Change to the Code under section 75.

Community Engagement

The Commission has prepared the **enclosed** Engagement Plan and public consultation has now commenced. The Commission is engaging on the amended Charter for a period of 12 weeks, following which an engagement report and final draft amendment will be furnished to you, for your approval.

Should you require further information, please contact Ms Tyler Johns from Planning and Land Use Services within the Department for Trade and Investment on [REDACTED] or via email at:

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'C' followed by a long horizontal stroke that curves upwards at the end.

Craig Holden
Chair

Encl:

1. Proposal to Initiate an Amendment to the Charter
2. Marked up Charter showing proposed amendments
3. Charter Engagement Plan
4. Proposed changes to *Practice Direction 2 – Preparation and Amendment of Designated Instruments*

[REDACTED]

From:

Subject: FW: Have your say on updating the Community Engagement Charter

From: DTI:PlanSA No Reply

Sent: Friday, 5 April 2024 3:56 PM

Subject: Have your say on updating the Community Engagement Charter

Good afternoon,

Re: Updating the Community Engagement Charter: improving public participation in SA's key planning decisions

The State Planning Commission is seeking feedback on proposed improvements to the Community Engagement Charter, which guides public participation in preparing and amending designated planning policies, strategies and schemes, including regional plans.

The proposed changes, which follow the Commission's [inaugural 5-year review](#) of the Charter, aim to:

- ensure engagement is inclusive and respectful for all South Australians by highlighting the need to consider appropriate opportunities for the following communities to influence planning decisions that affect or interest them:
 - First Nations
 - youth
 - culturally and linguistically diverse communities
 - people living with disability and neurodiverse communities
 - businesses, workers and employers
- streamline delivering changes to planning rules 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. These changes, referred to as 'complying changes', would be subject to a streamlined engagement process where it is clear the change was anticipated in the relevant regional plan
- better reflect that the Community Engagement Charter is now a well-established part of the South Australian planning system and the mandatory engagement requirements outlined in the *Planning, Development and Infrastructure Act 2016*.

We would particularly encourage you to provide feedback regarding the terminology and language used in the Charter and on best practice engagement with First Nations.

We would appreciate it if you could help raise awareness of this opportunity to influence how First Nations are engaged in key planning decisions, and have developed the following materials that may be of use:

- [YourSAy consultation website](#)
- [E-news story](#)
- [Facebook post](#)
- [LinkedIn post](#)
- [Twitter post](#).

A more in-depth review of the Community Engagement Charter will be carried out following the conclusion of the [Regional Planning Program](#).

Public consultation on the Charter is taking place alongside the Kangaroo Island Regional Plan engagement program.

The Kangaroo Island community is encouraged 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.

Have your say

Provide your feedback on the draft Community Engagement Charter by 5 pm on **06 June 2024**.

Feedback on the Community Engagement Charter can be provided via:

- the [YourSAY engagement platform](#)
- email: plansasubmissions@sa.gov.au
(subject: Submission – Community Engagement Charter)
- post:
Submission – Community Engagement Charter
Planning and Land Use Services Division
Department for Trade and Investment
GPO Box 1815
ADELAIDE SA 5001.

Kind regards,

PlanSA

Planning & Land Use Services | Department for Trade and Investment

E PlanSA@sa.gov.au | W plan.sa.gov.au

P 1800 752 664



Government of South Australia

Department for Housing
and Urban Development

We acknowledge and respect Aboriginal peoples as South Australia's first peoples and nations, we recognise Aboriginal peoples as traditional owners and occupants of land and waters in South Australia and that their spiritual, social, cultural and economic practices come from their traditional lands and waters; and they maintain their cultural and heritage beliefs, languages and laws which are of ongoing importance; We pay our respects to their ancestors and to their Elders.

DISCLAIMER:

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Instructions for reviewing the proposed updates:



= Amend or insert new text



= Delete existing text

This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016*.

Introduction

Section 42 of the *Planning, Development and Infrastructure Act 2016* (the Act) allows the State Planning Commission (the Commission) to issue practice directions for the purposes of the Act.

Generally, practice directions specify procedural requirements or steps in connection with a matter arising under the Act. In certain cases, the Act requires a particular matter to be addressed or dealt with by a practice direction.

This practice direction is provided by the Commission to support the operation of Part 5 Division 2, Subdivision 5 of the Act with respect to the requirements for:

1. Amendments to the Planning and Design Code (the Code).
2. Engagement required by the Community Engagement Charter (the Charter), which is to be undertaken and reported on under sections 73 and 75 of the Act.
3. The information requirements for requesting a Complying Change to the Code under section 75 of the Act.
4. The information requirements for requesting early commencement of a Code Amendment under section 78 of the Act.

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction 2 – Preparation and Amendment of Designated Instruments*.

2 – Commencement of operation

This practice direction came into operation on 9 August 2018, and was varied on:

- 28 November 2019
- 1 April 2021
- 27 May 2021

- 3 June 2022

Version 6 of this practice direction commences operation on xx DATE TBC 2024.

3 – Object of practice direction

The object of this practice direction is to specify:

1. Requirements under section 73 of the Act for the preparation of a proposal to initiate, consult and lodge for approval an amendment to the Code.
2. How, under sections 73 and 75 of the Act, engagement (as required by the Charter) is to be undertaken and reported on in relation to the preparation or proposed amendment of a designated instrument.
3. Requirements under section 75 of the Act for requesting a Complying Change to the Code.
4. Requirements under section 78 of the Act for requesting early commencement of a Code Amendment.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

Act means the *Planning, Development and Infrastructure Act 2016*.

Affected Area means an area of land to which a proposed Code Amendment or Complying Change applies.

Charter means the Community Engagement Charter.

Code means the Planning and Design Code.

Code Amendment means an amendment to the ~~Planning and Design~~ Code under section 73 of the Act.

Complying Change means an amendment to the Code under section 75 of the Act.

Department means the ~~Attorney General's Department~~ the Department of the Minister responsible for the administration of the Act.

Designated Instrument means the instruments set out in section 70 of the Act.

Designated Entity means a person or entity authorised or approved to prepare a draft of a proposal to prepare or amend a designated instrument under section 73 of the Act.

Local Heritage Criteria means the criteria for designation as a place of local heritage value in the Code, as provided under section 67(1) of the Act.

Proponent means–

- (a) in the case of a proposed Code Amendment – the Chief Executive of the Department, another agency or instrumentality of the Crown, a joint planning board, a council, a provider of essential infrastructure, a scheme coordinator, or a person who has an interest in land, as listed in section 73(2)(b) of the Act; or
- (b) in the case of a proposed Complying Change – any person or body requesting that the Minister initiate or agree to a Complying Change.

Proposal to Initiate means—

- (a) in the case of a proposed Code Amendment – a “Proposal to Initiate a Code Amendment” document prepared in accordance with clause 7(2) of this Practice Direction; or
- (b) in the case of a proposed Complying Change – a “Proposal to Initiate a Code Amendment” document prepared in accordance with clause 11(3) of this Practice Direction.

Private Proponent means—

- (a) in the case of a proposed Code Amendment – a provider of essential infrastructure or a person who has an interest in the land, as listed in section 73(2)(b)(v) or (vii) of the Act; or
- (b) in the case of a proposed Complying Change – any person or body requesting that the Minister initiate or agree to a Complying Change, other than:
 - (i) the Commission; or
 - (ii) the Chief Executive of the Department.

Significant Tree Criteria means the criteria for declaration of a tree or stand of trees as significant tree(s) in the Code, as provided under section 68(1) of the Act.

Note: ~~Section 14 of the Acts Interpretation Act 1915~~ Section 12 of the Legislation Interpretation Act 2021 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Consultation for Designated Instruments

Note: The provisions in Part 2 do not apply to a proposed Complying Change under section 75 of the Act. These are addressed in Part 4.

5—Preparation of an Engagement Plan (prior to consultation)

- (1) The Designated Entity is responsible for preparing an engagement plan that:
 - (a) meets the principles and performance outcomes of the Charter;
 - (b) describes the persons or bodies to be consulted on the proposed amendment of the Designated Instrument, which must include any persons or bodies:
 - (i) required to be consulted with under a condition imposed by the Minister under section 73(5) of the Act;
 - (ii) specified by the Commission under section 73(6)(e) of the Act; and
 - (iii) who must be consulted with under the Charter.
 - (c) outlines any relevant previous engagement undertaken to inform the proposal;
 - (d) describes the evaluation framework for the engagement.
- (2) All engagement plans which relate to proposed preparation of or amendment to a State Planning Policy or a Regional Plan must be submitted to the Commission for approval prior to commencement of formal engagement on the proposal.
- (3) An engagement plan relating to a proposed amendment to the Code or a Design Standard does not need to be approved by the Commission or the Minister, unless a

condition has been imposed by the Minister under section 73(5) of the Act which requires such approval (in which case the condition will apply).

6– Preparation of an Engagement Report (following consultation)

- (1) At the completion of engagement on a proposal to prepare or amend a Designated Instrument, the Designated Entity must provide the Department with:
 - (a) if amendments to the proposal are required:
 - (i) written instructions (in a form acceptable to the Department) that set out any changes to the draft Designated Instrument for the purposes of the Department updating and providing the draft policy for inclusion in the draft Designated Instrument; and/or
 - (ii) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Designated Instrument;
 - (b) the updated draft Designated Instrument or amendment to the Designated Instrument in the form of amendment instructions (once finalised by the Designated Entity, incorporating any amendments); and
 - (c) a final engagement report as required under section 73(7) of the Act and prepared in accordance with these Practice Directions, for the purpose of the Department arranging for the engagement report and draft Designated Instrument to be furnished to the Minister.
- (2) An engagement report required under section 73(7) of the Act must set out:
 - (a) details of the engagement undertaken and how that engagement met the engagement plan and reasons for variations (if any) to the engagement plan;
 - (b) the outcome of the engagement including a summary of the written submissions or feedback received;
 - (c) any proposed changes to the proposal to prepare or amend a Designated Instrument (when compared with the proposal that was engaged on) and the reasons for those proposed changes. This should specifically indicate:
 - (i) where changes are proposed to the Designated Instrument based on or as a result of the engagement; and
 - (ii) any other changes which are proposed based on or as a result of additional investigations or information which was not available when the proposal was released for engagement.
- (3) The engagement report must also include an evaluation of the effectiveness of the engagement that considers whether:
 - (a) the principles of the Charter have been achieved; and
 - (b) all mandatory requirements identified in the Charter have been met (where the consultation category is applicable).
- (4) The engagement report will be placed on the SA Planning Portal by the Department:
 - (a) in relation to a regional plan, the Code or a design standard – five business days after the Minister has made a decision on the proposal to prepare or amend the Designated Instrument under section 73(10) of the Act; or

- (b) in relation to a State Planning Policy – five business days after the Governor has approved the preparation or amendment of a State Planning Policy under section 73(12)(a) of the Act.

Part 3 – Code Amendments

Note: The provisions in Part 3 do not apply to a proposed Complying Change under section 75 of the Act. These are addressed in Part 4.

7–Initiating a Code Amendment

- (1) To initiate ~~an amendment to the Code~~ a Code amendment, the proponent must lodge the following documents to the Department via the SA Planning Portal:
 - (a) a Proposal to Initiate
 - (b) SA Planning Portal Publication Instructions – for Initiation

- (2) The Proposal to Initiate must set out:

Designated Entity

- (a) With respect to proposals from Private Proponents, a request for either the Private Proponent or the Chief Executive of the Department to be the Designated Entity responsible for undertaking the Code Amendment process.

Professional Expertise

- (b) Where the Private Proponent will be the Designated Entity responsible for undertaking the Code Amendment process, the name, qualifications and experience of practitioner/s that will undertake the Code Amendment process (including any engagement) for or on behalf of the Private Proponent. In this case, the relevant practitioner(s) must have the following qualifications and experience:
 - (i) A relevant planning qualification, as set out in Schedule 1 of the Accreditation Authority's Qualifications, Skills & Experience Requirements for Accredited Professionals
 - (ii) A minimum 5 years full time or equivalent experience in role(s) using any one or more of the following skills:
 - a. Plan making, including strategic planning, master planning and structure planning.
 - b. Planning policy development, review and/or policy interpretation and advice.
 - c. Plan implementation including development assessment and statutory planning.
 - d. Place-making and urban design.

Code Policy

- (c) An outline of:
 - (i) any overlay, general development policy, zone, subzone or technical or numeric variation in the Code being proposed for amendment; and/or

- (ii) the intended spatial application of an overlay, zone, subzone or technical or numeric variation in the Code over an identified area.

Affected Area

- (d) A map or description of the Affected Area.

State Planning Policies

- (e) Identification of the relevant principles or objectives of the State Planning Policies and an assessment of the proposed Code Amendment's alignment with those State Planning Policies.

Regional Plan

- (f) Identification of relevant regional plans and assessment of how the matters or issues proposed to be addressed by the proposed Code Amendment will relate to the relevant regional plan.

Consultation

- (g) In the case where a Private Proponent is the Designated Entity, evidence that the Private Proponent has undertaken preliminary consultation with the Chief Executive Officer of the relevant council and/or with a relevant Joint Planning Board on the Proposal to Initiate and details of any matters raised on the Proposal to Initiate as a result. (Note: If consultation with the Chief Executive Officer of the relevant council or with the relevant Joint Planning Board has not been undertaken by the Private Proponent, consultation will be undertaken by the Department.)
- (h) Information regarding any consultation that has already occurred with respect to the proposed Code Amendment.
- (i) Details of further consultation proposed to be undertaken with respect to the proposed Code Amendment.

Investigations

- (j) Information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment.
- (k) An outline of the further investigations that will be undertaken to support the proposed Code Amendment.
- (l) Details of any infrastructure required to support development arising through proposed Code Amendment and how the infrastructure will be provided.
- (m) Details of any infrastructure agreement (or agreements) or infrastructure scheme which will need to be established or entered into in connection with the proposed Code Amendment.

Timetable

- (n) Identification of a consultation start date
 - (o) An outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits), and a commitment from the Proponent (where it is also the Designated Entity) that it will take steps to update the timetable and seek approval from the Department if it appears that timeframes will not be met.
- (3) The SA Planning Portal Publication Instructions – for Initiation must set out:

- (a) Identification of a consultation start date, consistent with the Proposal to Initiate timetable
 - (b) An outline of the consultation approach including period of consultation, key audience and consultation methods (noting the Commission may also recommend specific conditions)
 - (c) A summary of the Code Amendment in plain English.
- (4) To initiate a Code Amendment which is intended to designate a place as a place of local heritage value, the Proponent must provide a report which:
- (a) includes a heritage datasheet for each proposed Local Heritage Place, which includes:
 - (i) all relevant property details and descriptions (including images);
 - (ii) historical background and thematic analysis;
 - (iii) a statement of heritage value;
 - (iv) an assessment against the Local Heritage Criteria; and
 - (v) the extent of listing (including any exclusions).
 - (b) includes an analysis of historic themes of importance to the area;
 - (c) is prepared by a heritage architect, historian or person with similar qualifications, skills or experience; and
 - (d) is otherwise prepared in accordance with any guidelines prepared and published by the Commission under section 67(2)(c) of the Act.
- (5) To initiate a Code Amendment which is intended to designate a tree (or stand of trees) as a significant tree (or trees), the Proponent must provide a report which:
- (a) includes relevant details and descriptions of the tree or stand of trees (including images as necessary).
 - (b) includes an assessment of the tree (or stand of trees) against the Significant Tree Criteria;
 - (c) is prepared by an urban planner, arborist or person with qualifications, skills or experience relevant to the assessment in the report.

8—Preparation of a draft Code Amendment (prior to consultation)

- (1) Where the Designated Entity is any party other than the Commission or the Chief Executive of the Department, then prior to consultation occurring on a draft Code Amendment, the Designated Entity must:
- (a) carry out investigations and obtain such information:
 - (i) as provided in the Proposal to Initiate approved by the Minister;
 - (ii) as required under any conditions imposed by the Minister under section 73(5)(b) of the Act; and
 - (iii) as specified by the Commission under sections 73(6)(e) or 73(6)(f) of the Act;
 - (b) provide the Department with:

- (i) written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and
 - (ii) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment;
 - (c) prepare the draft Code Amendment in accordance with the approved Proposal to Initiate and any conditions imposed by the Minister under section 73(5)(b) of the Act and the requirements of this Practice Direction;
 - (d) provide the Department with written instructions (in a form acceptable to the Department) to prepare the SA Planning Portal for consultation on the draft Code Amendment; and
 - (e) provide the Department with the engagement plan prepared (and approved, if required) under these Practice Directions, for the purpose of the Department publishing the engagement plan on the SA Planning Portal.
- (2) Where an engagement plan is amended by a Designated Entity during any period of consultation or at any time prior to finalisation of the engagement report under these Practice Directions, the Designated Entity will provide the Department with the engagement plan (as updated) for the purpose of the Department publishing the updated engagement plan on the SA Planning Portal.

9–Requirements for a draft Code Amendment

- (1) A draft Code Amendment must be supported by the following information:
- (a) an explanation of the current code policy as it applies to the Affected Area (at the time of preparation of the draft Code Amendment);
 - (b) an explanation of the amendments to the Code policy proposed for the Affected Area;
 - (c) an assessment of the strategic planning outcomes intended to be achieved through the draft Code Amendment, including an analysis of the consistency of the draft Code Amendment with the relevant provisions of State Planning Policies, the Regional Plan and any other relevant strategic plans;
 - (d) a summary and explanation of the investigations undertaken and how these support the draft Code Amendment; and
 - (e) an explanation of any infrastructure or services required to support development facilitated by the proposed Code Amendment, and an explanation of how and when the infrastructure will be provided.

10–Objectors to local heritage listings

- (1) In the case of a Code Amendment that proposes to designate a place as a Local Heritage Place under section 67(1) of the Act, the Commission will give the owner of the land (if an objection was received) reasonable opportunity to make a submission to the Commission on the proposed designation.

Part 4 – Complying Changes

Note: This Part applies only to a Complying Change under section 75 of the Act.

11– Initiation of proposal

- (1) Section 75(1) of the Act allows the Minister to initiate or agree to a change to the Code in circumstances set out in section 75(1)(a) and (b), i.e., a “Complying Change”.
- (2) The Minister must seek the advice of the Commission.
- (3) The Commission will only provide advice to the Minister to agree to a proposed Complying Change where: (a) the proposed Complying Change has first been initiated in accordance with this Practice Direction (unless the Commission considers the proposed change minor), and (b) consultation under the Community Engagement Charter has taken place.
- (4) To initiate the process for a proposed Complying Change, the Proponent must lodge a completed “Proposal to Initiate” with the Department via the SA Planning Portal.
- (5) The Proposal to Initiate must set out:

Responsible Entity

- (a) with respect to proposals from Private Proponents, a request for that Private Proponent or the Chief Executive of the Department to be the Proponent responsible for undertaking the required procedures for the proposed Complying Change;

Affected Area

- (b) a map of the Affected Area;

Code Mapping

- (c) an outline of:
 - (i) any existing overlay, zone, subzone, concept plan or technical or numeric variation in the Code within the Affected Area which is proposed to be amended;
 - (ii) the intended spatial application of an overlay/s and/or amendment/s to the boundary of a zone or subzone; and
 - (iii) any associated application of a concept plan/s or 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 which relate to the proposed Complying Change, including any specific maps or other specific information which clearly and expressly identify the changes relevant to the proposed Complying Change;

Consultation

- (e) 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

- (f) information regarding any investigations which have already been undertaken with respect to the proposed Complying Change;
- (g) details of any infrastructure required to support development arising from the proposed Complying Change and how the infrastructure will be provided;
- (h) 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

- (i) the identification of a consultation start date.
- (6) Where the Commission is satisfied the Proposal to Initiate demonstrates:
- (a) the proposed Complying Change satisfies s 75(1)(a) and (b) of the Act; and
 - (b) has been appropriately investigated,
- the Commission may provide advice to the Minister recommending the initiation of the proposed Complying Change.

12–Consultation

- (1) Pursuant to section 75(2) of the Act, the Proponent must undertake consultation in accordance with the minimum mandatory requirements set out in the relevant part of the Charter that relates to a proposed Complying Change, as well as any additional consultation requirements specified by the Minister when initiating the proposed Complying Change.
- (2) Consultation must occur regardless of whether the Commission considers the proposed Complying Change to be minor such that an initiation was not required under clause 11 (3) (above).

Note: Section 75(2) of the Act requires all amendments under s 75(1) to be the subject of consultation under the Charter.

13–Final Determination of the Minister

- (1) When consultation on a proposed Complying Change is complete, a Proponent must provide the Department with:
 - (a) if amendments to the proposal are required:
 - (i) written instructions (in a form acceptable to the Department) that set out any changes to the Complying Change as it was initially proposed; and/or
 - (ii) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare mapping which is suitable for inclusion in the Code;
 - (b) the updated draft proposed Complying Change in the form of amendment instructions (once finalised by the Proponent, incorporating any changes); and
 - (c) a consultation report to be furnished to the Commission.
- (2) The consultation report in clause 13(1)(c) must set out:
 - (a) evidence of the consultation undertaken in accordance with the relevant part of the Charter and any additional requirements specified by the Minister when initiating the proposed Complying Change;

- (b) the outcome of the consultation, including a summary of the written submissions or feedback received;
 - (c) any proposed changes to the proposed Complying Change (when compared with the proposal that was consulted on) and the reasons for those proposed changes. This should specifically indicate:
 - (i) where changes are proposed to the Complying Change based as a result of the consultation; and
 - (ii) any other changes proposed based as a result of additional investigations or information that was not available when the proposal was released for consultation.
- (3) Where the Commission is satisfied the Proponent has:
- (a) undertaken appropriate consultation in accordance with the requirements of the Charter; and
 - (b) has appropriately addressed any concerns identified in written submissions and feedback,
- the Commission may provide advice to the Minister recommending agreement to the proposed Complying Change.
- (4) If the Minister agrees to the proposed Complying Change, it will be given effect in accordance with requirements established by the Chief Executive of the Department published on the SA Planning Portal ([hyperlink to Portal Page](#)).

14–Early Commencement of a Code Amendment

- (1) A request for early commencement of a Code Amendment under section 78 of the Act must be provided to the Department and must include:
- (a) explanation, justification and evidence as necessary to demonstrate how early commencement of the Code Amendment is:
 - (i) necessary in the interest of the orderly and proper development of an area of the state; or
 - (ii) required in order to counter applications for undesirable development (which should identify possible future development that would detract from or negate the object of the proposed Code Amendment) ahead of the outcome of consideration of the Code Amendment;
 - (b) written instructions (in a form acceptable to the Department) that set out the intent of the proposed Code Amendment for the purposes of the Department writing the draft policy for inclusion in the draft Code Amendment; and
 - (c) mapping instructions or a description of the Affected Area (in a form acceptable to the Department) in order to enable the Department to prepare and provide to the Designated Entity, mapping which is suitable for inclusion in the draft Code Amendment.

~~Practice Direction 2 Preparation and Amendment of Designated Instruments issued by the Commission on the 27 May 2021 is revoked.~~

This Version 6 of Practice Direction 2 supersedes the current Version 5 and Version 5 is hereby revoked.

Issued by the State Planning Commission on ~~3 June 2022~~ xx DATE TBA 2024.

Note: This Practice Direction commences operation in accordance with clause 2 'Commencement of operation'.

Version 6: Commences on xx DATE TBA 2024

Version 5: Commences operation on 3 June 2022

Version 4: Commences operation on 27 May 2021

Version 3: Commences operation on 1 April 2021

Version 2: Commenced operation on 28 November 2019

Version 1: Commenced operation on 9 August 2018



Agenda Report for Decision

Meeting Date: 30 November 2023

Item Name	Community Engagement Charter Review
Presenters	Tom Victory and Tyler Johns
Purpose of Report	Decision
Item Number	5.1
Strategic Plan Reference	4 Discharging Statutory Obligations
Work Plan Reference	4.1. Review the Community Engagement Charter
Confidentiality	Not Confidential (Release Delayed) – to be released following the public release of the draft Kangaroo Island Regional Plan in 2024.
Conflicts Declared	Nil
Related Decisions	Item 4.1 Community Engagement Charter Scheme 2022 (10 November 2022) Item 5.3 Community Engagement Charter Review (24 August 2023)

Recommendation

It is recommended that the State Planning Commission (the Commission) resolves to:

1. Approve the designation of this item as Not Confidential (Release Delayed) – to be released following the public release of the draft Kangaroo Island Regional Plan in 2024.
2. Approve the draft Community Engagement Charter Review 2023 Report (the Report) at **Attachment 1** in order to meet the Commission's statutory obligations under section 45(7) of the *Planning, Development and Infrastructure Act 2016* (the Act).
3. Authorise the Chair to approve any minor amendments to the final Report and furnish a copy to the Minister for Planning (the Minister) in accordance with section 45(8) of the Act.
4. Authorise the Department for Trade and Investment (the Department) to publish the final Report on the PlanSA website, following tabling by the Minister.
5. Approve the revised timing and approach to the initiation of an amendment of the Community Engagement Charter (the Charter) to early 2024 to coincide with the engagement on the draft Kangaroo Island Regional Plan, in addition to the timing anticipated by Resolution 3 of Agenda Item 5.3 at the 24 August 2023 meeting being that a

further review of the Charter will be undertaken upon the conclusion of all of the Regional Planning engagement programs.

6. Approve the updated communications materials for the Community Engagement Charter Review shown in **Attachment 2** which reflect the revised timing and approach outlined in Recommendation 5.

Background

- At its meeting on the 24 August 2023, the Commission was recommended to undertake two reviews of the Charter with:
 - the first review being a high level, limited scope review of the Charter to meet the Commission's statutory obligations under section 45(7) of the Act (Phase 1); and
 - the second review being a comprehensive review of the Charter following the conclusion of the Regional Planning Program. The intention of undertaking a second review is to enable the Commission to consider the lessons learned through the Regional Planning engagement and for the community to provide feedback as to what improvements could be made to the Charter (Phase 2).
- At that time, it was anticipated that the Charter would only be amended following the conclusion of Phase 2.
- In relation to agenda item 5.3 for the Community Engagement Charter Review (the Review), the Commission resolved to:

- 1) *Approve the designation of this item as Not Confidential (Release Delayed) – to be released following the Commission's endorsement of the Community Engagement Charter Review Report (when prepared), or the release of the Expert Panel for the Planning System Implementation Review Final Report, whichever is the later.*
- 2) *Approve the review of the Community Engagement Charter in accordance with the Project Plan shown in Attachment 3 (the Statutory Review) in order to meet the Commission's statutory obligations under section 45(7) of the Planning, Development and Infrastructure Act 2016 (the Act).*
- 3) *Note the following further work is anticipated following the Statutory Review:*
 - *a further review of the Community Engagement Charter will be undertaken following conclusion of the Regional Planning engagement program (anticipated late 2024); and*
 - *any subsequent amendments to the Charter would require an amendment process under section 45 of the Act with full public consultation.*
- 4) *Approve the proposed communications pertaining to the Statutory Review as shown in Attachment 4.*

- Following the Commission's resolutions, Phase 1 was undertaken between September and October 2023 and a final Review Report (see **Attachment 1**) has been prepared.

Discussion

Outcome of the Review

- The evaluation on the Charter in this Review has been based upon the following sources of information:
 - feedback and advice from internal stakeholders within the Department with significant experience and knowledge of the Charter through planning and undertaking engagement on State led Code Amendments and the preparation of Designated Instruments, as well as reviewing and reporting on engagement activities related to council or proponent-led Code Amendments;
 - submissions and recommendations related to the Charter arising from the Expert Panel;
 - reviewing a sample of Engagement Reports from completed Code Amendments (as published on the PlanSA website); and
 - reviewing documentation which relates to the Charter, in particular the [Toolkit, Guide](#) and [Practice Direction 2 – Preparation and Amendment of Designated Instruments](#) (PD2).
- The Report was prepared in accordance with the Scheme approved by the Minister and makes 12 recommendations for amendments to the Charter and/or its supporting documentation, being the Toolkit and Guide.
- The Report finds that the Charter is fit for purpose and does not require any significant amendments in the short term.
- However, noting the impending implementation of Regional Plans, it does recommend additional engagement requirements are included for the purposes of a section 75 Complying Change to the Code.
- As discussed later in this report, it will therefore be necessary to amend the Charter prior to the commencement of Phase 2, despite the initial intention presented to the Commission in August 2023.

Potential Section 75 Process

- Section 75 relates to the ability to undertake a much quicker and more streamlined 'Complying Change' to the Code where it relates to a specific recommendation in a Regional Plan. A Complying Change can be initiated or agreed to by the Minister, after seeking the advice of the Commission. However, under section 75(2), a Complying Change must still be the subject of consultation under the Charter.
- The Charter does not currently specify consultation requirements for the purposes of section 75(2). This means that to comply with the Charter, a proposed section 75 Complying Change would need to undertake full consultation (and full post-consultation reporting) in accordance with the current terms and principles of the Charter.
- As the first draft Regional Plan (Kangaroo Island) is expected to be released for public consultation in early 2024 and finalised by mid-2024, it is desirable that:

- a revised Charter (inclusive of the draft Mandatory Minimum Consultation Requirements proposed to apply to a section 75 Complying Change) is prepared and consulted on alongside the engagement on the draft Regional Plan. This will allow the community and practitioners to understand the ‘full picture’ of what engagement would be required for a future streamlined Code Amendment, facilitated by the Regional Plan.

This will ensure stakeholders are properly informed about the impact a recommendation in the Regional Plan may have. It will also allow feedback on the proposed consultation requirements to be received and considered; and

- the Charter is amended to include the section 75 Mandatory Minimum Consultation Requirements at the same time as the Kangaroo Island Regional Plan (KIRP) is implemented, to ensure the streamlined Code Amendment pathway is available as soon as possible.
- A proposal to amend the Charter at this time differs from the approach approved by the Commission in August 2023. At that time, and as noted earlier, it was anticipated a more comprehensive review of the Charter (with public consultation) would be undertaken following finalising the Regional Planning Program (expected late 2024) and prior to amending the Charter. It is still intended that the Charter will be subject to a further review following the conclusion of the Regional Planning Program, to capture all learnings identified through that process.
- However, given the need to incorporate the section 75 processes into the Charter as soon as possible, it is now recommended that in the interim, the Commission initiates a proposal to amend the Charter alongside the engagement on the draft KIRP. This amendment process will include broad community consultation as required under the Act.
- It is noted that the formal engagement on the draft GARP is earmarked to commence in mid-late 2024. Whilst, ideally, the Charter would be amended in advance of the engagement plan being prepared for the draft GARP (to enable the updated version of the Charter to inform that engagement planning), it is likely the engagement plan will be prepared at a similar time as the Charter amendment is on consultation.
- However, noting the engagement on the GARP Discussion Paper went above and beyond the current requirements of the Charter, there is no prohibition on ensuring the same occurs with the draft GARP engagement program. That is, the Commission can still ensure engagement is undertaken that would be consistent with the key recommendations in the Review, and which will be sought to be included in the amended Charter.

Practice Direction Amendments

- As noted earlier in this report, section 75(1) requires the Minister to seek the advice of the Commission prior to initiating or agreeing to a proposed Complying Change.
- On that basis, the Commission can determine, through Practice Direction, what a proponent must demonstrate to it before it will provide such advice to the Minister.
- Whilst Practice Direction 2 (PD2) currently makes some provision for a section 75 proposal, it is recommended this be updated to reflect a process which includes (but is not limited to):

- a proposal must always be initiated at first instance (and the Commission will not provide advice to the Minister to agree to a proposal in the absence of it having already been initiated);
 - the proponent must demonstrate it has undertaken all necessary investigations to inform the proposal in advance of initiation (which investigations may or may not have occurred through the Regional Planning process); and
 - a limited engagement report must be produced when an application for agreement is received, demonstrating compliance with the Charter.
- Accordingly, to enable the Commission to develop an initial understanding of the connection between Recommendation 4 in the Report and the operation of section 75, appended to this report is a:
 - marked-up version of PD2 which identifies the proposed process a Complying Change application would be subject to before the Commission would provide the Minister with advice to initiate or agree to the proposal (**Appendix A**);
 - flow chart highlighting the key steps associated with the proposed section 75 process (**Appendix B**); and
 - draft KIRP case studies for potential complying changes to the Code, hypothetically demonstrating how the section 75 process may work in practice (**Appendix C**).
- These documents are currently provided for information and awareness only. It is intended that formal advice will be sought from the Crown Solicitor's Office and presented to the Commission, prior to final approval being sought to amend the relevant documents.
- A final amended PD2 is expected to be provided to the Commission for endorsement in early 2024, prior to the commencement of engagement on the amended Charter.

Communications

- The revised recommended approach to the Charter review and amendment came to light following internal discussions in PLUS after the Commission's August 2023 meeting.
- It is for this reason the previously approved communications materials were not distributed and have since been revised to be released alongside the Report, if approved.
- The revised communication materials are **Attachment 2** and explain, at a high level, the:
 - process undertaken by the Commission in preparing the Review;
 - recommendations arising from the Review;
 - timing for next steps, including the proposed timing to amend the Charter (which will include public consultation) alongside the draft KIRP engagement; and
 - confirming a further review of the Charter will be undertaken following the conclusion of all the Regional Plan engagement programs.
- For the benefit of the Commission, a flow chart demonstrating the next steps in amending the Charter is shown at **Appendix D**.

Attachments:

1. Draft Community Engagement Charter Review Report (#20452328)
2. Draft Communications to be issued following release of the Review Report (#20488313)

Appendices:

- A. Marked - up version of the relevant section of *Practice Direction 2 – Preparation and Amendment of Designated Instruments* (#20817888)
- B. Flow chart of potential section 75 process (#20799633)
- C. Draft Kangaroo Island Regional Plan case studies for section 75 (#20835836)
- D. Flow chart – Next steps in Charter amendment process (#20886970)

Prepared by: Tom Victory / Tyler Johns

Endorsed by: Jane Trotter

Date: 22 November 2023
