

Adelaide City Council

Principles for Engagement in a New Planning System

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Donna Ferretti & Associates



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Client Contact:

Mr Jim Allen
Policy Officer, Development and Heritage
City Planning and Development
Adelaide City Council
4th Floor, 25 Pirie Street
Adelaide, SA 5000
t: +61 8 8203 7684
e: j.allen@adelaidecitycouncil.com

Consultant Contact:

Dr Donna Ferretti
Principal
Donna Ferretti and Associates Pty Ltd
m: 0416 142 738
e: donnaferretti@bigpond.com

Contents

| | |
|--|-----------|
| 1. Introduction | 1 |
| 1.1 Study Objectives | 1 |
| 1.2 Study Inputs | 2 |
| 2. Current Engagement Practice | 3 |
| 2.1 Existing System Requirements | 3 |
| 2.2 Proposed Reforms | 5 |
| 2.3 Desired Approaches | 8 |
| 3. Effective Engagement Practice | 12 |
| 3.1 Engagement Principles | 12 |
| 3.2 Application to Strategy and Policy Setting | 13 |
| 3.3 Application to Development Assessment Practice | 14 |
| 4. Conclusion | 16 |
| 5. Reference List | 17 |

1. Introduction

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

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

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

Although the detailed development and intended application of the Expert Panel's proposals has yet to be released¹, there is sufficient evidence available to develop a critical response to the proposed planning reforms as these are likely to affect public engagement in the planning system. Given Council's desire to be proactive in showcasing model engagement principles for application in the City's planning functions, this study provides a basis for Council to meaningfully contribute to the progressive development and delivery of the South Australian Government's reform agenda.

1.1 Study Objectives

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

Additional objectives are to:

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

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

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

1.2 Study Inputs

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

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

2. Current Engagement Practice

The existing planning system in South Australia was brought into effect with the passage of the Development Act and Regulations in 1993. While there have been a number of changes to the system since that time – most notably the introduction of independent Development Assessment Panels and the Residential Code – there has been no change of substance to the legislative requirements for public participation and involvement in the various stages of the planning process².

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

2.1 Existing System Requirements

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

2.1.1. Planning Strategy

When creating and/or altering a volume of the South Australian Planning Strategy³, the Minister is required to place a public advertisement informing members of the public where copies of the Strategy are available for viewing and purchase, and inviting interested people to make written representations. For the most part, the 'public advertisements' take the form of notices in the local newspaper, notices on relevant council websites and signs at relevant council libraries and community facilities.

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

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

2.1.2. Planning Policy

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

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

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

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

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

2.1.3. Assessment of Development

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

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

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

2.1.4. Summary

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

1. Written submissions.
2. Public meetings.

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

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

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

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

2.2 Proposed Reforms

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

2.2.1. Charter of Citizen Participation

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

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

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

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

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

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

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

2.2.2. Strategy/Policy Setting

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

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

2.2.3. Assessment of Development

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

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

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

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

2.2.4. Summary

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

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

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

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

2.3 Desired Approaches

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

2.3.1. Strategy/Policy Setting

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

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

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

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

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

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

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

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

2.3.2. Assessment of Development

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

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

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

Equally important, however, is the fact that many people encounter difficulties responding to development proposals, particularly in reading and interpreting planning policy provisions, reading and interpreting plans of the proposed development and understanding the likely impacts associated with those plans. The 'on-balance' test⁴ used to assess development

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

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

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

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

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

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

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

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

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

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

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

3. Effective Engagement Practice

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

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

(Planning Institute of Australia 2011)

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

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

3.1 Engagement Principles

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

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

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

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

3.2 Application to Strategy and Policy Setting

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

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

3.2.1. Options

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

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

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

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

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

3.3 Application to Development Assessment Practice

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

3.3.1. Options

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

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

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

3.3.2. Notification

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

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

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

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

4. Conclusion

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

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

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

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

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