

This practice direction is issued by the State Planning Commission under section 42 of the *Planning, Development and Infrastructure Act 2016* for the purposes of section 73.

Introduction

Section 42 of the Planning, Development and Infrastructure Act 2016 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 set out how engagement required by the Community Engagement Charter (the Charter) is to be undertaken and reported on under section 73 of the Act. The direction sets out:

- the preparation and implementation of a community engagement plan that meets the principles and performance outcomes of the Charter as required under section (73)(6) of the Act;
- the details of the report required to be provided to the Minister under section 73(7) of the Act. The report is intended to:
 - describe the engagement undertaken and the outcomes of that engagement including how it has or has not influenced the preparation or proposed amendment of a designated instrument;
 - evaluate the effectiveness of the engagement in delivering on the principles of the Charter.
- how the report is to be published on the SA planning portal under section 73(8) of the Act.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the State Planning Commission Practice Direction – Engagement on the preparation or amendment of a designated instrument.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA Planning Portal.

3 – Object of practice direction

The object of this practice direction is to specify how 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 under section 73 of the Act.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

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

Charter means the Community Engagement Charter

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

Part 2 – Section 73 Report

5 – Requirements in relation to engagement under section 73

- (1) The entity authorised to prepare or amend a designated instrument is responsible for preparing a community engagement plan that:
 - (a) meets the principles and performance outcomes of the Charter;
 - (b) describes the persons or bodies to be consulted;
 - (c) outlines any relevant previous engagement undertaken to inform the proposal;
 - (d) describes the evaluation framework for the engagement.
- (2) Community engagement plan must be submitted to the State Planning Commission for approval.
- (3) The State Planning Commission, in reviewing the community engagement plan for the purposes of section 73(2)(b) may specify that the entity engage with a particular person or body.
- (4) At the completion of engagement on a draft of a proposal to prepare or amend a designated instrument an engagement report must be provided to the Minister by the designated entity.
 - (a) That report must set out:
 - (i) details of the engagement undertaken and how that engagement met the agreed community engagement plan, and reasons for variations, if any to that plan;
 - (ii) the outcome of the engagement including a summary of the feedback made (with the name of the person or body providing written feedback) and the response to the feedback;
 - (iii) details of, and reasons for, changes to the proposal to prepare or amend a designated instrument when compared to the proposal that was engaged on. This should specifically indicate:

- (A) where changes are proposed to the designated instrument based on the engagement;
 - (B) any other changes proposed based on additional investigations or information not available when the proposal was released for engagement.
- (iv) 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;
 - (B) all mandatory requirements identified in the Charter have been met where the consultation category is applicable.
- (5) The engagement report will be placed on the SA Planning Portal by DPTI Planning Division:
- (a) in relation to a regional plan, the planning and design code or a design standard - five days after the Minister has made a decision on the proposal to prepare or amend the designated instrument under section 73 (10);
 - (b) in relation to a state planning policy - five days after the Governor has approved the preparation or amendment of a state planning policy under section 73(12)(a).

Issued by the State Planning Commission on 9 August 2018.