

Planning (Good Consultation) Guidelines 2023 (No 1)

Notifiable instrument NI2023–779

made under the

Planning Act 2023, s 12 (Good consultation guidelines)

1 Name of instrument

This instrument is the *Planning (Good Consultation) Guidelines 2023 (No 1)*.

2 Commencement

This instrument commences on the day after it is notified.

3 Good consultation guidelines

I make the good consultation guidelines at schedule 1.

Mick Gentleman MLA
Minister for Planning and Land Management

4 December 2023



Good Consultation Guidelines

December 2023

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Purpose

The purpose of this document is to provide guidelines about good consultation and how the principles of good consultation, defined under the *Planning Act 2023* (the Planning Act), are to be implemented.

Principles of good consultation

The principles of good consultation are defined in section 11 of the Planning Act. The Act states:

In undertaking consultation under the Act, a person must consider that consultation should be accessible, balanced, inclusive, meaningful, resourced, respectful, timely, transparent and understandable (*principles of good consultation*).

Accessible

Consultation is **accessible** if information provided as part of the consultation, and processes for consultation, are easy to access and are presented in a variety of ways to accommodate different stakeholders.

Balanced

Consultation is **balanced** if it is undertaken in a way that facilitates and encourages constructive responses from a wide range of stakeholders; and community views are considered together with the views of other stakeholders.

Inclusive

Consultation is **inclusive** if it is undertaken in a way that engages stakeholders directly affected by the subject of the consultation; and aims to engage all other stakeholders affected by the subject of the consultation.

Meaningful

Consultation is **meaningful** if information provided as part of the consultation is adequate and well-informed to ensure stakeholders understand the subject of, and issues relating to, the consultation and can give informed responses; it genuinely seeks community feedback; and community views are genuinely considered and incorporated into final decisions.

Resourced

Consultation is **resourced** if the processes are appropriately supported, taking into account the significance, complexity and likely impact of the subject of the consultation.

Respectful

Consultation is **respectful** if it is collaborative, genuine and courteous towards all views expressed.

Timely

Consultation is **timely** if it is undertaken early and at other appropriate times in the planning process; it is undertaken in a way that considers the needs of stakeholders and facilitates participation; it allows sufficient time for stakeholders to engage with other members of their group or organisation to form a collective decision; and for a development application for a significant development—it is undertaken as early as possible.

Transparent

Consultation is **transparent** if information provided as part of the consultation and processes for consultation are clear and observable; planning decisions are made openly; and government and proponents provide reasons for decisions, including how community views have been taken into account.

Understandable

Information provided as part of consultation is **understandable** if it is clear about the overall objective of the consultation, the specific issues on which stakeholders are being consulted and what is not open to consultation or change; and it is accurate, written in plain language and presented clearly.

Application

A person or entity required to undertake consultation under the Planning Act must take the guidelines into consideration when undertaking consultation.

Examples of when this guideline must be taken into consideration include:

- the Executive in making the planning strategy
- an entity when preparing a planning and response report
- the Minister in amending a district strategy

Guidance is framed in a general nature and not all elements of this guideline are applicable or required. Consideration should be given to the most appropriate and reasonable elements of this guideline dependent on the proposal.

These guidelines do not apply to statutory planning processes, such as the development application public notification or territory plan amendments. Those statutory processes have their respective requirements outlined in the Planning Act.

Guidelines

The following sections provide guidance on how you could implement the principles of good consultation.

Accessible Consultation


- Provide equal access to consultation processes for stakeholders:
 - provide information in multiple formats including written, audio, visual
 - utilise online platforms and social media to increase reach to a wider audience.
 - consider physical accessibility of venues when conducting face-to-face consultation.
- Provide multiple channels for participation:
 - conduct surveys, interviews or focus groups
 - establish ways to submit feedback and ideas online
 - offer opportunities for remote participation through video conferencing.
- Consider the needs of diverse groups
 - provide translation services for people from non-English speaking backgrounds
 - accommodate individuals with disabilities, like providing accessible documents or offering sign language interpreters
 - engage with a diverse range of community organisations to make sure representation and response is balanced.

Balanced Consultation

- Make sure that there is fair and equitable representation from a range of stakeholders:
 - use random sampling techniques to select participants for focus groups or workshops
 - work with the community and other organisations to identify and involve underrepresented groups or cohorts
 - consider the interests of both directly affected and other interested parties.
- Avoid dominance of any particular group or interest:
 - implement facilitation techniques to make sure there is equal participation amongst groups
 - encourage diverse perspectives by actively seeking input from different stakeholders
 - use consensus-building methods to find common ground among conflicting interests.

Inclusive Consultation

- Engage a wide range of stakeholders:
 - conduct targeted outreach to specific communities and interest groups
 - collaborate with a wide range of stakeholders to target different cohorts, for example first nations, youth, aged, disability and multicultural organisations
 - establish partnerships and utilise networks to connect with community-based organisations



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- Encourage participation from individuals of different backgrounds:
 - provide incentives and opportunities to encourage participation, for example pop-up stalls with small items to take away.
 - conduct consultation sessions in multiple languages to accommodate linguistic diversity
 - conduct consultation through a variety of means, for example if face-to-face, offering different times in which engagement activities could occur.
- Foster an environment that values and respects diverse opinions
 - establish ground rules for respectful dialogue and have facilitators enforce them
 - encourage active listening and empathy among participants
 - provide training for facilitators on cultural sensitivity and inclusivity

Meaningful Consultation

- Establish clear purpose and objectives for consultation processes:
 - clearly communicate the goals and expected outcomes of the consultation
 - provide background information on the relevant matter to give context to stakeholders
 - clearly define the scope of input and decision-making authority of the consultation process
- Provide relevant and accurate information to stakeholders:
 - develop plain language summaries of technical documents and reports
 - use visual aids, maps, and diagrams to enhance understanding of complex concepts
 - offer opportunities for stakeholders to ask questions and seek clarification
- Allow sufficient time for stakeholders to understand and provide input:
 - provide advance notice of consultation activities to allow stakeholders to plan their participation
 - provide reasonable consultation periods to consider the matter, accommodating for different schedules and availability
 - offer multiple rounds of consultation to allow for iterative feedback and refinement of proposal

Good Consultation Guidelines

Principles of good consultation (Planning Act 2023) and how they are to be implemented.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Resourced Consultation

→ Allocate adequate resources to support effective consultation:

- allocate sufficient budget for consultation activities
- facilitators have sufficient knowledge and capability to deliver the relevant consultation
- utilise technology and other tools to present information and collect data for analysis
- material presented as part of the consultation is sufficient for the consultation being undertaken
- facilitators are effective communicators and can resolve conflict and use consensus-building techniques
- offer workshops or webinars for stakeholders to enhance understanding
- provide resources and guidance on how to effectively engage with the consultation

→ Make sure resources are available, and are transparent:

- make clear what resources are available for stakeholders
- provide reports or summaries of relevant information

Respectful Consultation

→ Treat all stakeholders with respect and dignity:

- create a welcoming and inclusive atmosphere at consultation events
- encourage participants to share their experiences and perspectives without fear of judgment or reprisal
- address any disrespectful behaviour promptly and firmly

→ Create a safe and inclusive environment for open and honest dialogue:

- establish ground rules for respectful and constructive dialogue
- provide opportunities for anonymous feedback to encourage honest input from stakeholders who wish to engage but keep their identity out of public processes

→ Acknowledge and consider different perspectives:

- actively listen to stakeholders and validate their concerns and ideas
- provide opportunities for stakeholders to respond to and challenge each other's viewpoints
- document and address any conflicting opinions or concerns raised during the consultation process

Timely Consultation

→ Initiate consultation processes early in the planning and development stages:

- engage stakeholders as early as possible to allow for meaningful input
- provide regular updates on progress
- seek input and clarity on key decisions and milestones throughout the process.

→ Allow sufficient time for stakeholders to provide input and feedback:

- set realistic deadlines for stakeholders to review and respond to consultation materials
- extend consultation periods if able to make sure there is adequate time for stakeholders to provide input
- communicate clear timelines for decision-making and inform stakeholders of any changes.

→ Communicate clear timelines and deadlines to stakeholders:

- publish a consultation schedule with key dates and milestones
- clearly communicate the expected timeframe for decision-making and implementation
- provide regular updates on the progress of the consultation process to keep stakeholders informed.

Transparent Consultation

→ Provide clear and accessible information about the consultation process:

- develop a dedicated website, webpage or online portal to provide information and updates on the consultation process
- clearly communicate the objectives, scope, and expected outcomes of the consultation
- Make consultation materials available in multiple formats.

→ Communicate decisions and their rationale to stakeholders:

- clearly communicate the decisions made based on the consultation process and the reasons behind them
- provide feedback to stakeholders to see how their input contributed to the relevant decision
- offer opportunities for stakeholders to review and provide feedback on draft reports or plans.



- Maintain transparency in the collection, analysis, and use of data:
 - clearly communicate how data collected during the consultation will be used and protected
 - publish reports or summaries of the consultation process, including data collected and how contributed to the relevant decision.

Understandable Consultation

- Use plain language and avoiding technical jargon if possible:
 - develop plain language summaries of technical reports and documents
 - use clear and concise language in all communication materials
 - provide definitions or explanations for technical terms.
- Provide clear explanations of planning and development concepts and processes:
 - use visual aids, diagrams, and infographics to simplify complex concepts
 - provide examples or case studies to illustrate concepts and processes.
- Use visual aids and other tools to enhance understanding for all stakeholders
 - utilise maps, plans, models, or simulations to help stakeholders visualise proposals
 - create interactive platforms that allow stakeholders to explore and provide feedback on matters
 - use storytelling techniques to engage stakeholders and help them understand the potential impacts on them.

To assist the community and proponents to understand, in practical terms, how these guidelines have been used in best practice, the ACT Government will provide case study examples via www.planning.act.gov.au

For more information on the guidelines and the new planning system visit
www.planning.act.gov.au



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