Working Paper Series

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Australian Local Government and Community Engagement: Are All Our Community Engagement Plans the Same? Does it Matter?

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Abstract: Community engagement has become an established technique of Australian local government planning and decision-making. However, while several commentators have considered the normative validity of community engagement strategies (see, for example, Grant and Dollery, 2011; Aulich, 2009) and others have conducted detailed studies of particular jurisdictional contexts (Prior and Herriman, 2010; Wiseman, 2006) to date a comparative study of the different Australian local government systems has not been forthcoming. As an initial step toward undertaking this comprehensive empirical task, this paper examines systems of the legislative and regulatory frameworks for community engagement in Australian local government jurisdictions. It is argued that while the characteristics of Australia's federal system are to an extent played out in this policy arena, such that differences between the state frameworks enables the benefits of place-based policy making to be felt at the local community level.

Keywords: Community engagement; local government; place-shaping; planning.

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1 Introduction: Community Engagement in Australia

Bell and Hindmoor (2008, 137-8) defined community engagement as 'a wide range of governance engagements or partnerships between governments, citizens and communities'. They asserted that 'the scale and scope of engagement efforts have increased over the last decade or more' for several reasons. First, democratic theorists have successfully argued the case for forms of participation and deliberation as an adjunct to representative arrangements. Second, the value of an 'active citizenry' has formed an increasing element to policy in key western polities. Third, governments have come to realise that community engagement can assist in policy formulation and implementation, as well as increasing the legitimacy of particular administrations. Finally, advances in information and communications technology have greatly assisted governments' soliciting the opinions of citizens.

Conceptualised in such broad terms, community engagement has by no means the exclusive preserve of local governments in Australia. For example, the first year of the Rudd federal government (2007-08) saw a wide variety of consultative fora initiated, including the 2020 Summit, 'designed to harness the best ideas from across the nation and apply them to the challenges before us, to create a better future' (Australia 2020, 2008). At the state level, Bishop (2002, 13) has noted the effectiveness of the [then] Queensland Premier's Community Cabinet Meetings in garnering support prior to the 2001 State election, *contra* the perception that Victorian Premier Jeff Kennett was 'out of touch' with community sentiment at approximately the same time.

However, as electorally appealing as community engagement may be to both Australian state and federal governments, it is most empirically salient in Australia at the level of local government, as indeed it is globally, in both developed countries (see, for example, OECD, 2001) and developing contexts (see, for example, World Bank, 2008). In fact, all Australian state jurisdictions have implemented community engagement strategies as an increasingly central element to planning procedures, thereby

prescribing not merely the processes of decision-making, but also affecting the kinds of decisions that are made through these processes.

Further, there are three types of justifications for community engagement at a local level which ought to be added to the observations of Bell and Hindmoor (2008). The first of these coalesce with arguments for sub-national government at the level of political theory. For example, Chandler (2008) has noted that J.S. Mill argued that central defence of local government lays in its roles of both inculcating the values of democracy through participation, and acting as a 'training ground' for politicians on the broader national stage. More recent discussions have taken up the importance of the concept of community identified as 'between the state and individual' (see, for example, Studdert, 2005). Second, at the level of philosophy, the empirical validity of irreducibly different communities based upon particular experiences of place has been cogently asserted (see, in particular, Malpas, 1999). Third, perhaps the most pressing justification for community engagement resides in arguments concerned with economic development. In particular, the theoretical work of fiscal federalists (Tiebout, 1956; Buchannan, 1980) and public choice theorists (Oates, 1990) has emphasised that the difference between communities ought to have an economic dividend, wherein relatively discrete polities, accountable to their own members, can develop particular economic trajectories, as such both competing against and cooperating with one another, generating efficiencies through experimentation (see, for example, Dollery and Robotti, 2009; Shah, 2006). As such, important questions concerning community engagement and local government arise at this juncture. For example, what is the comparative legislative shape of community engagement strategies across Australia? To what extent have these strategies been taken up by particular local governments in comparative jurisdictions? More critically, are community engagement strategies reinforcing the promise of arguments for place-based policy making in a variety of existent literatures?

A number of studies have sought to address these questions with respect to particular Australian local government jurisdictions. For example, Prior and Herriman (2010) examined community engagement in NSW ; Wiseman (2006) provided an account of

the phenomena in Victoria; Reddel and Woolcock (2004) discussed participatory governance in Queensland, while Cavaye (2004) and Aulich (2009) have provided consecutive overviews of the Australian experience. More recently, Pillora and McKinlay (2011) have produced an Australia-wide literature review of community governance. Nevertheless, this field of policy making is indeed a fast-moving one, such that a contemporary, comparative overview of community engagement strategies is now required.

A comprehensive survey of all community engagement strategies in Australian local government and their assessment is an empirical task beyond the scope of any particular paper. Our concern in the present context is to augment studies of particular jurisdictions, as well as those more general overviews of the Australian experience of community engagement, with an overview and characterisation of the legislative and regulatory frameworks for community engagement across Australian local government jurisdictions. The paper is divided into four main parts. Section two provides a synoptic account of the contemporary legislative and regulatory environment in each Australian local government jurisdiction. Section three undertakes a comparative discussion of these frameworks. The paper concluded in section four by way of some brief remarks.

2   Contemporary Legislative and Regulatory Contexts

2.1   New South Wales

NSW has undergone significant legislative reform to encourage community engagement. The *Local Government Amendment (Planning and Reporting) Act 2009* introduced changes to the *Local Government Act 1993 (NSW)* requiring local governments to implement Community Plans, also referred to in the Act as Community Strategic Plans (CSPs) (NSW Government, 2009). These amendments are conceived as part of reforms to the planning and reporting structures of local government, both in relation to the State Government and local communities. This is best illustrated by emphasising that the Division of Local Government [NSW] (DLG [NSW]) conceives the reforms as part of the Integrated Planning and Reporting

4

(IP&R) framework, the 'specific aims' of which are *inter alia* to: 'improve integration of various statutory planning and reporting processes undertaken by councils' and to 'ensure ... a strategic and integrated approach to planning and reporting by local councils (DLG [NSW], 2010). As such, while the amendments to the 1993 Act address other goals, such as 'civic leadership' and 'social justice principles of equity, access, participation and rights' (NSW Government, 2009, s. 402 (3a)-(3b)) the amendments to the Act are, *prima face*, planning reforms.

In its summary of amendments to the 1993 Act, the DLG [NSW] (2009) stated that 'the new planning and reporting framework replaces the former Management Plan, Social Plan and Annual Reporting requirements' with what it called a 'hierarchy of documents' consisting of 'a long term Community Strategic Plan, a Resourcing Strategy and a Delivery Program for each elected council term' (DLG [NSW], 2009, 3). Further, the summation stated that 'by 2012, all councils will need to have in place the following documents:

- A Community Strategic Plan [with a minimum 10-year duration]

- A Community Engagement Strategy that sets out how each council will engage its community when developing its Community Strategic Plan

- A Resourcing Strategy that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans

- A Delivery Program

- An Operational Plan, including a statement of revenue policy, and a detailed annual budget (adapted from DLG [NSW], 2009, 4).

The requirements for these documents are specified in the 2009 amendments to the 1993 Act (NSW Government, 2009, 402-405). Further, these documents exist alongside

a series of reporting processes (an Annual Report, audited financial statements as part of the latter and an 'end of term report' for outgoing councils) with the DLG [NSW] (2009, 5-6) also specifying roles for the General Manager, senior staff, Councillors, community members and government agencies within the planning process. More specifically, the Community Strategic Plan (CSP) 'must include': a 'Community Vision Statement'; a 'Series of Strategic Objectives for the Community'; 'Strategies for Achieving each Objective' and 'Assessment Methods' for determining whether the objectives are being achieved (DLG [NSW], 2009, 7).

Since the introduction of these reforms the DLG has produced two documents which further specify the content of the CSPs. First, a 23-page *Guidelines* paper (DLG [NSW], 2010) placing the CSPs alongside other mandatory planning of a Long Term Financial Plan and Asset Management Plan (both of which are to cover a minimum 10-years) and a 4 year Workforce Management Plan. Second, a 115-page *Manual*, approximately one fifth of which is dedicated to the CSP ('Identifying the Big Issues', 'Engaging the Community', 'Developing Strategies', for example) alongside fulfilling other requirements to the reformed Act ('The Resourcing Strategy, 'The Delivery Program', 'The Operational Plan' and 'The Annual Report). Alongside the minutiae of these documents, it is notable that the reforms to the 1993 Act specified *inter alia* that CSPs are 'developed having due regard to the State Government's State Plan and other relevant State and regional plans of State government' (NSW Government, 2009, 5-6). Finally, the introduction of CSPs was mandated to be implemented in three phases: Councils could choose to be in one of three groups, those completing the CSP and Delivery Program to be adopted by 30 June 2010; 30 June 2011 or 30 June 2012. We will return to reconsider NSW in our comparative remarks below. However, at this point what is of immediate note is the complexity and specifications of the regulatory framework for both community engagement and CSPs in this jurisdiction.

2.2   Victoria

Community engagement in Victoria has a more heterogeneous institutional and legislative basis compared to NSW. The *Local Government Act 1989 (Victoria)* was

reformed through the implementation of *Local Government (Democratic Reform) Bill 2003*. This included the mandatory preparation of three plans for all councils: A Council Plan, a Municipal Strategic Statement (MSS) and a Municipal Public Health Plan (MPHP) (DP&CD [Vic], 2009). However, in contrast to the changes in NSW, community engagement is implied rather than explicit in the specifications for all three plans. A recent account of the plans by the Local Government Professionals Corporate Planner's Network, LG Pro (2008) provided a summary of the relationship between the three mandatory plans and community engagement. Firstly, with respect to the Council Plan, it observed: 'No requirements for community consultation are set out with regard to the development of the [4 year] Council Plan', (LGPro, 2008, 22). Rather, this relationship relies upon standard channels of accountability such as submissions and council meetings. Secondly, the Municipal Strategic Statement (MSS) – a principally a land-use planning document – rests inside a broader local planning mechanism, the Local Planning Policy Framework (LPPF), which is in turn dependent upon the State Planning Policy Framework (SPPF). Again, according to LG Pro (2008, 23) the latter 'makes no specific provision for including the community in land-use planning'. The third, mandatory plan is a 3 year Municipal Public Health Plan (MPHP). According to LG Pro, these 'exhibit the strongest commitment to involving the community in its planning process', with the relevant section of the (amended) 1989 Act stating: '"The involvement and participation of the municipal community in the development of the MPHP is an important part of the planning process."' Further, the MPHP documents specify that: '"Community participation involves engaging people as members of communities in identifying, deciding about, planning for, managing and/or delivering programs and policy. Ideas of social justice and equity involve inclusion and participation and the need to include not just other service providers but the users of those services"' (LGPro, 2008, 23).

While the latter statement represents a responsibility to undertake community engagement when designing the 3-year MPHPs, it is also indicative of the fact that from the election of the Bracks Labor Government in 1999 community engagement initially formed a part of the welfare function of state government, rather than being perceived

primarily as a tool of local government planning. The former Department of Communities actively pursued a place-based welfare policy, as evidenced in the 2005 document *A Fairer Victoria: Creating Opportunity and Addressing Disadvantage* (Victorian Government, 2005) which included fourteen strategies in all, three of which – 'Building Stronger Communities', 'Changing the Way we Work with Communities' and 'Developing Better Ways of Working Together at a Regional and Local Level' nevertheless can be viewed as combining welfare functions and community engagement functions (for an extended discussion, see Wiseman, 2006).

This combining of welfare and community engagement functions continued in the more comprehensive *Strong Communities: Ways Forward* (MACVC, 2006) a report prepared by a Ministerial Advisory Committee for the Department of Communities and chaired by former Premier the Hon. Joan Kirner. Listing its' three core values' as: 'Communities first – planning and engaging with people…'; 'People and place, not function', and 'Doing things differently – brokering for communities and acting as a catalyst to streamline and simplify services and programs', the Report *inter alia* stated that 'Communities want to be "worked with" rather than "worked on" by all sectors with whom they engage (Government of Victoria, 2006, 7-8). In its suite of nine broad recommendations, 'Community Planning' and 'Place-Based Community Renewal' were the second and third respectively.

Importantly in this context, *Strong Communities: Ways Forward* (MACVC, 2006, 14-15) also contained a specific commitment to what it termed 'Measurement and Evaluation' of community engagement, or what it labelled 'Captur[ing] economic, social and environmental benefits'. This commitment to empirical social science information was reflected in Victorian Community Indicators Project (VCIP), a multi-institutional partnership project that ran alongside the *Strong Communities: Ways Forward* project. The VCIP Report *Measuring Wellbeing: Engaging Communities: Developing a Community Indicators Framework for Victoria: The Final Report of the Victorian Community Indicators Project (*VCIP, 2006, 5) Executive Summary stated:

The work and recommendations of the VCIP needs to be seen as part of a rapidly expanding international movement focused on the development of integrated frameworks for measuring the progress and sustainability of societies and communities across social, economic, cultural, environmental and governance dimensions. The particular importance of local community wellbeing indicators lies in their capacity to be:

i   **A democratic tool** for engaging citizens and communities in informed discussions about shared goals and priorities.

ii   **A policy tool**, guiding evidence-based planning and action to address the issues identified as important by communities.

iii   **A reporting tool**, tracking and communicating progress towards agreed goals and outcomes.

Further, the strategy was supported by a data tool developed by the project, which specified the type of data useful for community wellbeing reports, the sources from which this data could be derived and the reporting plan to which the data was appropriate.

The extent to which this level of detail has in fact formed the basis of the three plans required by Victorian legislation is an empirical question beyond the scope of this paper. Nevertheless, as an instrument of governance it has to be assessed as qualitatively very distinct from the requirements for community engagement described elsewhere in this paper. Again, we will return to this point in the comparative remarks in this paper.

2.3   Queensland

In common with NSW, and distinct from Victoria, community engagement as the basis of community planning in Queensland derives its importance as an element to planning policy. In 2009, planning in Queensland received a substantial overhaul with the

introduction of two major new Acts, the *Sustainable Planning Act 2009* and the *Local Government Act 2009*. The former governs statewide planning and, befitting Queensland's geographic size, exhibits a emphasis on regional planning. As well as the State Plan, Regional Plans and Local Plans, the *Sustainable Planning Act 2009* governs what are termed 'Master planned areas', defined as: 'typically greenfield sites which are to transition from rural, non-urban land to urban land', five of which currently exist (DLG&P, 2011a)). This Act also specifies relationships between the three levels of planning and the establishment and form of regional planning committees. Importantly for the purposes of this discussion, at the time of writing, the Queensland Department of Local Government (DLG&P [QLD]) was calling for submissions to its 'Regionalisation Strategy, commenced July 2011 (DLG&P, 2011b).

Despite this emergent emphasis on regional planning the *Sustainable Planning Act 2009* still devotes a complete chapter to 'Local Planning Instruments'. This specifies various elements of Planning Schemes, including that they must meet the satisfaction of the Minister for Local Government as well as the particular local government (s. 88(1)) and that all local governments must review their planning scheme every ten years (s. 91) as well specifying the power of the state government in relation to local planning (Queensland Government, 2009a). However it is the *Local Government Act 2009* that local government responsibilities in terms of community engagement are specified. Section 4 of Chapter 1 ('Preliminary') states that all actions of individuals in relation to the Act are to be guided by five 'local government principles', the third of which is 'democratic representation, social inclusion and *meaningful community engagement'*(emphasis added).

While the *Local Government Act 2009* does not specify what 'meaningful community engagement' entails, it does specify the role of the community in two specific respects. Firstly, ss. 81-91 stipulate that in the case of Indigenous Regional Councils (of which there were two at the time the Act was assented to – the Northern Peninsula Area Regional Council and the Torres Strait Island Regional Council) a 'Community Forum' and a 'Convenor' of that forum be established by the Minister in consultation with the

local community. Secondly and more broadly, as part of the requirements for financial sustainability, s. 104 of the Act specifies a series of documents are necessary, of which a Long Term Community Plan is one, specified to cover a period of 'at least 10 years' (in accordance with the *Sustainable Planning Act 2009*). This requirement accompanies those for both a Long Term Financial Plan and a Long Term Asset Management Plan in the same section (104) of the Act. Taken together, these plans comprise a Local Government's Planning Schemes. The Department of Planning and Local Government lists several goals of the plans, including to 'identify the strategic outcomes for the area' and to 'coordinate and integrate community, state and regional needs and wants'. Further, the Department also states that: 'Local planning integrates and balances economic, social and environmental needs and aspirations of the local community to provide an orderly approach to land use and change. They focus on land use, development, infrastructure and 'valuable features of the area' (DP&LG, 2011c).

Using this legislative framework the overwhelming majority of Queensland local governments have developed a Planning Scheme. In some instances, these planning schemes have been carried over from the period prior to the (enforced) amalgamation program in 2008. For example, the Planning Scheme for Toowoomba Regional Council is scheduled to be introduced in 2012. However, Planning Schemes exist for what are now eight 'service centres' which nevertheless formed municipalities in their own right under the pre-2007 boundaries (see DP&LG, 2011c).

The *Sustainable Planning Act 2009* and the *Local Government Act 2009* do not specify the form and content of community engagement (which nevertheless is required to be 'meaningful' under the *Local Government Act 2009*). However, the Queensland Government gives assistance in designing community engagement for Local Area Planning. The most salient example of this is the Department's website incorporating a link to the *Strong Communities Handbook*. Co-edited by Simone Cures and Jamaica Hewtson in 2006, this document contains detailed instructions for community engagement alongside several other 'planning activity areas' ('Planning for Cultural Diversity', 'Political Engagement in Planning', 'Enhancing Access and Mobility', Urban

Design', Housing' and Indicators for Use in Identifying and Measuring Community Strengths' (Cures and Hewtson, 2006, ii).

As such, despite being a relative 'latecomer' to community strategic plans and community engagement as an element to these plans, through the *Sustainable Planning Act 2009* and the *Local Government Act 2009* Queensland has now reached a point of relative uniformity with NSW and Victoria. Nevertheless, evidence of community strategic plans (the 10 year mandatory plan under the new *Local Government Act 2009*) is far thinner on the ground than it is in other states, despite the Local Planning Schemes being in place. The Queensland community planning landscape is also characterised by a distinct lack of third-sector players (*contra* the Victorian case) as is evidenced in the fact that one of these – the QUT *Strong Communities Handbook* – is linked to the Departmental website, rather than existing in a competitive field of third-sector operators.

2.4 Western Australia

The authority for requiring community involvement in local area planning in Western Australia derives from the *Local Government Act (1995)* [WA] as well as from the *Local Government (Administration) Regulations 1996*. More specifically, amendments to this latter Act, due to be gazetted in July 2011, then enforced from 30 June 2013, stipulate that 'Section 5.56(1) and (2) of the Act requires that each local government is 'to plan for the future of the district by developing plans in accordance with the regulations', inclusive of both [i] a Community Strategic Plan, and [ii] a Corporate Business Plan (DLG [WA], 2011a).

Western Australia Community Strategic Plans (CSP) must provide community-based, long term (10 + years) plans based upon what the Act refers to as '...*vision, values, aspirations and priorities*...'. Further, while initially CSPs are obliged to refer to other local government plans, information and resourcing capabilities, the Act also specifies that 'ultimately [they will] be the driver for *all other planning* (DLG [WA], 2011b; emphasis in original). Moreover, under 'Who is Involved?' the DLG [WA] (2011b) specifies that (i) local government administration 'facilitates the [CSP] process by

providing the necessary information, plans and strategies'; that the Council (i.e.: the elected members) has an important role to play in terms of, *inter alia*, 'approv[ing] the process and structure of the community engagement model' and 'adopt[ing] the Strategic Community Plan'. The DLG [WA] (2011b) states that CSPs ought to involve '... genuine and, as far as practicable, representative community input'.

As is the case in NSW and Queensland, CSPs in WA form an element to a broader planning scheme, the 'Integrated Planning and Reporting Guidelines'. Under these, the DLG [WA] (2011c) has provided what we will label as a blueprint of how to go about achieving a Strategic Community Plan. This provides extensive guidelines for 'Getting Started', 'What do I do' and 'What do I end up with', including 'identified service expectations', 'identified asset expectations' and 'informing strategies' (DLG [WA], 2011c). Alongside these guidelines the DLG [WA] also provides 'Strategic Community Plan Case Studies' in three categories, 'Plans by large local governments' ('City of Rockingham Strategic Community Plan' and 'Sustainable Blue Mountains 2025'); 'Plans by medium sized local governments' (City of South Perth Strategic Plan 2010-2015', 'Shire of Roebourne (WA)', Vision 2030: Community Plan Bassendean, WA' and 'Shire of Broome – Strategic and Corporate Plan 2011-2016') and 'Plans by small local governments' (Tenterfield, NSW and Walcha, NSW) (DLG [WA], 2011d).

While Integrated Planning is defined by the DLG [WA] (2011e) as '... the development of a Strategic Community Plan and Corporate Business Plan', it is also supported by other strategies, including Asset Management which is comprised of an Asset Management Policy, Strategy and Plans, and Long Term Financial Planning and Workforce Planning. The DLG [WA] (2011e) also makes it clear that these planning instruments '... have been developed as part of the State Government's Local Government Reform Program', which includes considerable emphasis on structural reform and is supported by a Local Government Advisory Planning Board, alongside the (pre-existing) Local Government Grants Commission and the State-Local Government Agreement signed 6 August 2010. The latter document has stipulated that: 'Underpinning the Agreement is the understanding that the relationship it is not one of a sharing of powers but, rather, a

delegation of powers by the State to local government' (DLG [WA], 2010; emphasis added).

As such, Community Strategic Planning in WA ought to be viewed as an element to a systematic program of mandatory reform processes and instruments designed by the government. The specific agencies listed as providing input are the Institute of Public Works Engineering Australia, Department of Planning, Department of Treasury and Finance and the Department of Regional Development and Lands) alongside the WA Local Government Association and the Local Government Managers Association [WA Division]. This has led us to label it as a 'Whole of Government' approach.

2.5   South Australia

Reforms since 2008 to the overall planning architecture in South Australia have included the publication of a 30-year plan for greater Adelaide and the launch of 5 new Regional Plans for country South Australia (DP&LG, 2010). Alongside these reforms, the *Local Government Act 1999* (South Australia) has remained comparatively intact. With respect to local governments' obligations to local communities, Chapter 1 ('Preliminary') s. 3 stipulates the 'The Objects of this Act', which *inter alia* include 'to encourage the participation of local communities in the affairs of local government and to provide local communities, through their councils, with sufficient autonomy to manage the local affairs of their area' (Government of South Australia, 1999, Chapter 1, 1). Further, s. 6 lists five 'Principal Roles' of councils, the third of which is 'to encourage and develop initiatives within its community for improving the quality of life of the community' (Government of South Australia, 1999, Chapter 2, 1). As such, as in other jurisdictions, participation of local communities in local government affairs is legislatively prescribed, which effectively opens the possibility of pursuing mandated community involvement in planning, through a community engagement process or otherwise. Nevertheless, it does not form an element to the planning requirements in the 1999 Act or ancillary regulations.

In terms of planning, s. 122 of the 1999 Act specifies the requirements for an Annual Report as well as several other plans, the most salient of which are [i] a Long Term

Financial Plan and [ii] an Infrastructure and Asset Management Plan, both of which must cover 'a period of at least 10 years'. Further, under the same section of the 1999 Act, Strategic Management Plans must be implemented and must be reviewed 'within 2 years after each general election of the council' (Government of South Australia, 1999, Chapter 8, 3).Yet there is no requirement for a long term community plan in the 1999 Act itself. Rather, the impetus for community engagement has been provided by the Local Government Association of South Australia (LGASA). The Association provides an account of its own activities in this regard, stating:

> LGA has undertaken work with the International Association for Public Participation's **public participation spectrum,** recognising that a range of processes and activities are parts of a whole and the whole rests on the need for a community well educated about civics and well informed on key issues affecting the community (LGASA, n.d).

Borrowing from the Western Australian government, it defined community engagement as 'involving the community in the decision making process', asserting that 'it is critical in the successful development of acceptable policies and decisions in government, the private sector and the community' (LGASA, n.d.). With this underlying definition and justification, the LGASA undertook what it termed a 'Citizen/Community Engagement Survey' from March 2007 (LGASA, 2007a) to determine levels of community engagement in planning, producing a 'Community Engagement Snapshot' of Councils in April of 2007. The survey was completed by 26 councils (12 metropolitan and 14 country) and the resultant portrait of community engagement had several salient features, principal of which was that at this time the interface between councils and communities was conceived as a 'Public Consultation Policy' (as per the 1999 Act) rather than community engagement *per se*. The survey also produced tables documenting the types of consultation, selection processes for representatives and who was involved (with a focus on recording the diversity of groups in the community – youth, Aboriginal people, low income and the aged, for example – see LGASA, 2007b, 6).

Nevertheless, the survey also revealed a trend toward adopting community engagement. For example, it noted that 'several larger councils state[d] that they have embraced and adopted the IAP2 [International Association for Public Participation] principles and are moving towards an integrated community engagement framework across their organisations' (LGASA, 2007b, 3); that 'more than half' of the respondents allocated some budget resources to the process of 'engaging communities in decision-making' and that 35 per cent had 'prepared handbooks, charters, guidelines to assist in the design of strategies to engage communities in decision-making processes (LGASA, 2007b, 4). However, only three of the participating councils had developed processes of evaluating citizen/community engagement initiatives ((LGASA, 2007b, 7).

Since the survey, the LGASA, in conjunction with the South Australian Office of State/Local Government Relations (an element of the Department of Planning and Local Government) has developed several documents to encourage the take-up of community engagement as an element to local government planning. These include the 'Community Engagement Showcase: Lead Practice Examples in Local Government in South Australia' (LGASA/GoSA, 2007) and the 'Community Engagement Handbook: A Model Framework for Leading Practice in Local Government in South Australia' (LGASA/GoSA, 2008). The former document provided case studies of community engagement strategies adopted around specific projects (rather than overall council plans, as is the case, for example, in NSW) which were nevertheless organised around several themes, including 'Building Communities', 'Listening and Responding to Aboriginal Communities', 'Local Democracy' (aimed at greater voter turnout for local elections) and 'Strategic Planning, Financial Management and Service Review' (LGASA/GoSA, 2007). The latter document is a comprehensive instruction booklet, inclusive of eleven appendices of templates for engagement strategies (for example, a 'Community Engagement Table of Techniques'; Public Consultation 'Stakeholder Lists', with the instruction 'Adjust this template to suit your needs' – LGASA/GoSA, 2008, 56) which incorporated a five-phase process ('Planning', 'Strategy Development', 'Implementation' [of community engagement], 'Providing Feedback' and Compile Evaluation' – LGASA/GoSA, 2008, 3-4). Both documents emphasised the International

Association of Participation Spectrum, the goals of which range from 'Informing', through 'Consulting', 'Involving', 'Collaborating With' then 'Empowering the Community' **(**LGASA/GoSA 2007, 3; 2008, 3).

In the context of this comparative paper dealing with the legislative frameworks and regulations of community planning, space does not permit an examination of the extent to which the IAP2 Public Participation Spectrum has been incorporated into community planning in South Australian local government council plans. Nevertheless, two general features of this jurisdiction can be highlighted. First, the framework for community planning in South Australia is a-typical when compared to other Australian jurisdictions due to it not being mandated in the 1999 Act. However, it has nevertheless been actively pursued by the South Australian LGA, which has successfully encouraged the Office of State/Local Government Relations to develop as a complimentary point from which to encourage the implementation of community engagement. The overview of the program frameworks provided here suggests that the South Australian situation is a-typical also in the sense that community engagement is program-specific, rather than being embedded in the overall planning of municipalities.

2.6   Tasmania

Community engagement in Tasmania has taken a similar form to its counterpart in South Australia. Under s. 20 'Functions and Powers' of the *Local Government Act 1993 (Tasmania)* local governments have a responsibility to 'represent and promote the interests of the community'; further, 'in performing these functions, a council is to consult, involve and be accountable to the community' (Tasmanian Government, 1993). Moreover, under s. 66, 'Strategic Plan', mandatory strategic plans are required 'to be in respect of at least a 5 year period and updated as required', and 'in preparing a proposed strategic plan or updating an existing strategic plan, a council is to consult with the community in its municipal area and the authorities and bodies it considers appropriate' (Tasmanian Government, 1993).

The 1993 Act was significantly reformed in 2002, particularly with respect to both procedural and managerial functions (a Code of Conduct for councillors was introduced, as were 'more comprehensive pecuniary interest provisions' (DPAC [Tas], 2010a). However, the issue of community engagement and community involvement in planning was not reinforced at this point. Rather, as in South Australia, the impetus for an increased salience in community engagement has derived from the Local Government Association of Tasmania (LGAT) as opposed to legislatively or from the relatively small Division of Local Government in the Department of Premier and Cabinet (see DPAC [Tas], 2010b).

In March 2003 an intergovernmental agreement, 'Statewide Partnership between Government of Tasmania and Tasmanian Councils on Communication and Consultation' was signed by the Premier and the President of the LGAT. The IGA contained commitments from both parties to both communicate, and consult (the latter being defined as 'a more formal, structured framework for participation, requiring feedback, opinion or advice' (IGA # 1, 9)). Organisationally, a Premier's Local Government Council was matched by a LGAT Legislative Committee, with various undertakings with respect to consultation and decision-making being given by both parties in the Agreement, inclusive of issues identified as of primary or secondary importance to local government (IGA # 1, 17). In December 2008 a second IGA was signed which further codified responsibilities of the two tiers of government with respect to one another, including, notably, that 'cabinet minutes ... include information on consultation with local government on all relevant matters' (IGA, # 2, 8), a specific commitment to communicate on issues flowing from COAG initiatives and national reforms (LGA # 2, 12) as well as in other areas of state policy In this way, local government was included in the *Together 2020* 20 year social, environmental and economic plan for the future development of the state (IGA # 2, 3).

Alongside this galvanising of intergovernmental relations, the LGAT, rather than the DPAC itself, has emphasised the importance of community engagement within individual councils. In particular, the LGAT has stated: 'The community expects that any government will keep it informed about programs, services and matters which may

affect its benefits, rights and obligations', and that: 'The community also expects government to listen: to find out its views, priorities, needs and expectations. It wants communication that is understandable and that takes into account the needs of a diverse society' (LGAT, n.d.). Moreover, the LGAT provides tools for those working in the sector to fulfil these dual roles. As such, on its website listed under 'For Council Employees' it has provided hotlinks to several external community engagement procedures, including the Connecting with Communities (IDeA) UK, Local Government Consultation and Engagement Victoria and ADBasics (USA) (see LGAT, n.d.).

Despite the helpful stance taken by the LGAT in this regard, and the two intergovernmental agreements which have sought to fold the two spheres of governmental activity more heavily into one another, it is clear that both the legislative guidelines and the surrounding regulatory framework for community engagement and community involvement in planning has not been as fully codified as in other Australian jurisdictions thus far discussed. This is perhaps best represented in the LGAT argument of the dual benefits of communications cited above – i.e.: that is beneficial for both constituents on the one hand and local governments' on the other: As such, at least at the rhetorical level, the shift has not been made from community involvement in local government to participatory governance in Aulich's (2009) sense. It is also readily demonstrated that not one template of community engagement is offered; rather several imported ones are linked to a site designed for employees (as opposed to citizens') use.

2.7   Northern Territory

Local government in the Northern Territory has undergone significant reform since 2008, firstly with the implementation of a consolidation program which saw the number of LGAs reduced from 61 to 16 effective 1 July (DITRDLG, 2010, 8); secondly with the introduction of the *Local Government Act 2009 (Northern Territory)*. Within the 'Preamble' of the new Act (as in force 1 March 2011) local governments are afforded what we will describe as a broader custodial role than is the case with comparable acts

in Australia discussed above, with an eye to 'the diverse interests and needs of the many communities within the Territory' (NTG, 2011, 1) in particular:

> The rights and interests of Indigenous traditional owners, as enshrined in the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and the *Native Title Act 1993* (Cth), must also be recognised and the delivery of local government services must be in harmony with those laws' (NTG, '2011, 1).

Nevertheless, the Preamble also states that local government 'needs to be comprehensive, democratic, responsive to community needs and accountable to both local communities and the public generally' (NTG, 2011, 1) and that it is required '... to promote and assist constructive participation by their local communities in achieving effective local government for their areas' (NTG, 2011, 2).

More specifically, participation in planning is required at two levels and is of two different kinds. First, the Northern Territory is divided into regions. Under s. 16(1) 'There must be a regional management plan for the region', and under s. 16(2) 'A regional management plan is to be primarily the product of consultation' (NTG, 2011, 12). However, this consultation is between *councils* of the specified region as well as 'The Agency' (defined as 'The Department or departmental unit to which responsibility for administering this Act is allocated' – NTG, 2011, 6) and, if it so chooses, the Local Government Association of the Northern Territory (LGANT). Other than this, specifications for regional plans are quite broad, save the provision that they must be revisited very four years (s. 18(1)) that a draft must be publically accessible and free of charge (s. 21) (NTG, 2011, 13-15).

Second, under s. 22 of the 2009 Act, both municipalities and shires are required to have plans for their areas, and these plans must contain the council's long term financial plan (which is specified further in the Act as 'at least 4 financial years' under s. 126 – NTG, 2011, 62). However, while the plans must be reviewed annually, be publically available and councils are obliged to consider submissions made to the planning process, long term community plans are optional: While the municipal/shire plan 'must contain, or

incorporate by reference ... any long term community or strategic plan adopted by the council or local board and relevant to the period to which the municipal or shire plan relates' (s. 23(1) – NTG, 2011, 16) LGAs are not required to formulate these plans and as such are not required to formulate them in any particular way.

In addition to the 2008 Act, the Northern Territory government houses two departments which touch upon community engagement in planning. First, the Department of Lands and Planning has the declared responsibility 'for developing and providing the strategic planning and growth frameworks, strategies and infrastructure plans required to sustainably develop the Territory (DLP [NT], 2011). However, despite this ambit, neither the Northern Territory Planning System (NTPSa [NT], 2011) nor the more specific Northern Territory Planning Scheme (NTPSb [NT], 2011) contains requirements for community engagement in strategic planning or an interface with local government in that regard. *The Planning Act* (as in force 16 September 2009) s. 2A(f) lists one of it objects as 'ensuring, as far as possible, that planning reflects the wishes and needs of the community through appropriate public consultation and input in both the formulation and implementation of planning schemes' (Planning Act [NT], 2009, 2). No formal mechanism is contained in the Act to stipulate procedure for ensuring this is the case.

Further, in terms of Indigenous land use planning, the DLP states, *inter alia*, that: 'Area Plans are progressively being prepared for remote communities'; '[T]he Department of Lands and Planning's Indigenous Land Use Planning unit is working with landowners, leaseholders and residents to develop the plans', and: 'Under the *Northern Territory National Emergency Response Act 2007* the Commonwealth hold statutory 5 year leases over most communities' (DLP [NT], 2011b). Further, while it states that some 'area plans have been finalised', these are land use plans represented diagrammatically and provide no detail of community engagement or involvement (DLP [NT], 2011c).
Second, the Department of Housing, Local Government and Regional Services is primarily service-focused, with the Local Government element concentrating on regulations, application processes for specific amenities and grant application documents (DHLGRS [NT], 2011a).. However, the Regional Services component of the

Department lists five functions: 'Service Delivery Coordination'; 'Regional Economic Development'; 'Indigenous Policy' (specifically, implementing Closing the Gap strategies); Indigenous Economic Development and 'Remote and Regional Communities in our Delivery Areas' (DHLGRS [NT], 2011b). Alongside these functions, specified regional centres, called 'Territory Growth Towns' (of which there are fifteen) have a Local Implementation Plan (LIP) which are 'built around the Closing the Gap Building Blocks of early childhood, economic participation, governance and leadership, health, healthy homes, safe communities and schooling', and which, as 'living documents', and 'set out the priorities for each community and include targets, actions, success measures and timelines for achieving those priorities. Further, 'existing plans and agreements also complement the LIP in each community'. Moreover, the Department states:

> LIPs are developed through close consultation between governments and Local Reference Groups in each community. Transforming the communities into Territory Growth Towns will require a two-way commitment to change (DHLGR, 2011c).

In this mode, community engagement in planning resides in the coordination of service delivery based around the achievement of nationally prescribed welfare targets. As such, community engagement as an element to planning in the Northern Territory resides primarily at the point of service delivery for communities struggling with disadvantage.

3   COMPARATIVE OBSERVATIONS

Turning to make some comparative observations, two important caveats have to be introduced. First, the examination of the legislative frameworks and ancillary regulations in this context does not provide a platform to compare community plans *per se*; this is a different, although related empirical task. Second, the preceding discussion has not documented the influence of the federal government on state and territory legislative and regulatory frameworks for community planning. For example, the *Local Government*

National Report 2007-2008 noted the prescribed influence of the Local Government Planning Ministers' Council upon planning decisions in both Australia and New Zealand, with the Council's Terms of Reference, including to 'agree [to] policy and strategic approaches for local government planning issues', to exchange information and brief jurisdictions concerning trends in planning, to promote intergovernmental cooperation and 'liaise with other ministerial councils … on matters relevant to the activities of the Council (DITRDLG, 2010, 10). The LGPMC, in turn, is supported and advised by the Development Assessment Forum (DAF), which describes itself as '... an independent think tank and advisory forum of government, industry, and the professions, which develops and recommends leading practices for planning systems and development assessment in Australia' comprised of representatives of the three tiers of government as well as from the Property Council of Australia' and '…related professional associations' (see DAF, 2011). Again, this is a separate, although related empirical question.

Nevertheless, the primary contours of each jurisdiction's approach to community engagement as an element to planning procedures can be summarised to Table 1.

Table 1   Australian Local Government and Community Strategic Planning: A Comparative Synopsis

	Community Engagement specified in the Act?	CSPs mandatory?	From when?	Length of plan?	Part of planning framework?	Function other than Planning?	Template provided?	Emphasis on baseline data + reporting?
NSW	Yes	Yes	2012	'10 + years'	Yes; IPR Framework	No	Yes	Emergent importing from Victoria
Vic.	For MPHP [Health] plans only	No; CE as part of MPHP [Health] plans only	2003	4 years	Yes; LPPF	Health + welfare	No; template for [complex] baseline data only	Pronounced
Qld.	Yes; 'meaningful community engagement'	Yes	2009	10 + years	Yes; 'Planning Schemes'	No	Yes; QIT template linked to site	Emergent importing from Victoria

WA	Yes; 'vision, values', etc.	Yes	2013	10 + years	Yes; IPR Framework	No	Yes	No
SA	Preliminary only	No	N/A	N/A	Yes	No	Yes; IAP2 Principles	No
Tas.	Yes	Strategic Management Plans, etc. not CSPs...	N/A	N/A	N/A	No	Yes -- several	No
NT	Yes; Preamble and planning sections...	No	N/A	N/A	N/A	LIPs built on 'Closing the Gap'	No	No

Source: State and Territory Governments; various Acts and regulations.

Examining Table 1 and reflecting upon the discussion preceding it, we can observe, firstly, that it provides a more finely calibrated empirical picture of community strategic planning and community engagement as an element of this, than previous attempts at generalising across Australian local government jurisdictions (see, for example, Aulich, 2009). Further, it also forms the basis of a comparative account which is more detailed that that accompanying studies of individual jurisdictions (see, for example, Wiseman, 2006). Secondly, examining the relationship between community engagement as a general phenomenon the one hand and legislatively prescribed Community Strategic Plans (CSPs) on the other hand, it is possible to divide the jurisdictions into three types: First, those wherein community engagement is a compulsory element to compulsory, '10 year +' CSPs, and for which CSPs fall under a revitalised planning framework. The legislative frameworks of NSW, Queensland and WA share these characteristics. Next, those for which community engagement is legislatively required, but for which it falls inside another element to planning, namely in Victoria (where it is required as an element of the mandatory 4-year MPHP (health) plans) and the in the NT, where it is required as an element to LIPs in the fifteen 'Territory Growth Towns'. There is also a distinct third grouping where community engagement has largely been an initiative of the local government associations, and then has been taken up by the relevant departments, namely in South Australia and Tasmania.

Importantly, this does not entail that in jurisdictions that have *not* made community engagement a mandatory element to CSPs commitments to community engagement have *not* been made. For example, both the South Australian and Tasmanian Acts

exhibit a clear commitment to community engagement; the former in the 'Preliminary' section of the 1999 Act, the latter with respect to the requirements for Strategic Management Plans. Nevertheless, CSPs do not form an element of their overall planning and reporting framework. Rather, community engagement is an element to (non-compulsory) community planning. Nor does this necessarily entail that community planning is *not* a salient feature of the municipal planning landscape; rather, it is simply not legislatively required.

Secondly, in two jurisdictions, namely Victoria and the NT, community engagement as an element to the planning process clearly involves a health and welfare function in addition to a planning function. In Victoria this was the case more in the immediate post-Kennett era than it is currently; in the Territory planning in general (i.e.: for regions, shires and for Territory Growth Towns, wherein LIPs are in place) the function of delivering federally defined, 'Closing the Gap' requirements spills over to constitute an element of planning regimes.

Thirdly, in two jurisdictions, namely NSW and WA, CSPs are set to become the *dominant* planning instrument for municipalities in those jurisdictions. Conversely, in both Queensland and Tasmania there is a degree of direct ministerial oversight of the plans.

While other, more detailed comparative observations could be made (for example, the relationships between community planning and compulsory long-term financial planning) two other features of this cross-jurisdictional comparison can be deemed particularly important in this context. First, in most jurisdictions (NSW, Queensland, WA, SA and Tasmania) templates for the design of community engagement in planning procedures are provided. In the cases of NSW, Queensland and WA, these are relatively simple documents that council employees can opt to use in developing their compulsory CSPs. In the case of South Australia, the template originates from (international) IAP2, while in Tasmania, a suite of templates are offered from a variety of sources (Britain, the U.S., for example) from which local government employees are

free to choose – or not. URL links to all of these community engagement planning instruments have been included in Appendix A to this paper.

Finally, in the Victorian case, there is a pronounced emphasis on gathering accurate baseline data through the Community Indicators Victoria (CIV) matrix, specifying not just the kind of data, but also from where it ought to be derived. Interestingly, in the cases of both NSW and Queensland, a third sector participant is positioning itself to provide the service that the CIV matrix is designed to generate (Elton Consulting/ISF, 2011). A URL link to the CIV matrix, and a link to the discussion of it by the third-sector participant, have been included in Appendix A to this paper.

4   CONCLUDING REMARKS

The introduction to this paper noted that within the literatures of political theory, philosophy and political economy a swathe of reasons have been put forward as to why communities ought to exhibit differences; perhaps the most pressing of these resting in the area of economic sustainability, particularly in regional areas. The empirical investigation undertaken here has revealed that there are some signs of the replication of legislative and regulatory frameworks for community engagement and CSPs – particularly across NSW and WA, and to a lesser extent Queensland. Further, we have also noted that the requirement for robust, baseline empirical data in Victoria is spreading to other jurisdictions to constitute the basis of better informed planning – at least potentially.

Further, it has been possible to group the jurisdictions into types based on particular, salient criteria. This has produced some predictable pairings – for example SA and Tasmania, both exhibiting a heightened role for their respective local government associations. However, the comparison has also produced some unpredictable groupings – for example, the direct similarities of the NSW and WA CSPs and the place in the states' overall planning structures. Yet the overwhelming portrait of the role of community engagement and CSPs as an element to legislative and regulatory

frameworks is one of heterogeneity over the particular jurisdictions. The extent to which this is a desirable, overall characteristic of these frameworks is – perhaps – not as straightforward as was asserted in the introduction to this paper. On the contrary, having examined the approaches of the different governments here, it is possible to argue that the approaches to both community engagement and community strategic plans are so diverse that some must be better than others. Nevertheless, according to what criteria an assessment of this kind can be made is (again) by no means straightforward.

Finally, with respect to community engagement and community strategic planning as elements of Australian local government systems, one area of further research in particular suggests itself: Case studies of particular CSPs within jurisdictions would *prima face* appear to be a fruitful way to proceed. Nevertheless, to devise a methodology for the selection of particular plans is itself a complex task. This paper has sought to both describe and analyse the frameworks for community engagement in Australian local government, thereby operating at a level of useful, comparative *generality*. The next logical step, designed to complement those jurisdiction-based approaches outlined in the introduction to this paper, would be to move to examine particular case studies and build insights from this detail.

APPENDIX A   COMMUNITY ENGAGEMENT PLANNING INSTRUMENTS IN AUSTRALIAN LOCAL GOVERNMENT JURISDICTIONS: A COMPENDIUM

NSW	DLG[Division of Local Government (New South Wales)] (2010). *Planning a Sustainable Future: Planning and Reporting Manual for Local Government in NSW* (Version 1, January 2010). URL: < http://www.dlg.nsw.gov.au/dlg/dlghome/Documents/Information/IPRManualJanuary2010.pdf >. Consulted 12 September 2011 (see, in particular, p. 39).
Victoria	DPLG [Department of Planning and Local Government (Victoria)]. (2007). *Planning Together. Lessons from Local Government Planning in Victoria*. URL: < http://www.dpcd.vic.gov.au/__data/assets/pdf_file/0009/38097/2007_Planning_Together.pdf >. Consulted 12 September 2011.
Queensland	Cuers, S. and Hewston, J. (2006). Strong Communities Handbook. In What Ways can Urban and Regional Planning Contribute towards High Levels of Social Capital and Community Strengths in New and Re-developing Communities?

	Queensland University of Technology. Available at URL: < http://www.dlgp.qld.gov.au/local-area-planning/strong-communities.html >. Consulted 31 August 2011.
Western Australia	DLG [WA] (Department of Local Government [Western Australia]). 2011c. 'Integrated Planning and Reporting Guidelines >> Getting Started – Strategic Community Plan'. Available at < http://integratedplanning.dlg.wa.gov.au/Page.aspx?PID=13 >. Consulted 2 September 2011.
South Australia	LGASA/GoSA [Local Government Association of South Australia/Government of South Australia Office of State/Local Government Relations] (2008). 'Community Engagement Handbook: A Model Framework for Leading Practice in Local Government in South Australia.' URL: < http://www.localgovt.sa.gov.au/__data/assets/pdf_file/0006/68955/Community_Engagement_Handbook.pdf >. Consulted 5 September 2011.
Tasmania	LGAT [Local Government Association of Tasmania] (n.d.). 'For Council Employees. Communications Toolkit.' URL: < http://www.lgat.tas.gov.au/site/page.cfm?u=369 >. Consulted 5 September 2011.
Northern Territory	DHLGRS [NT] [Department of Housing, Local Government and Regional Services (Northern Territory) (2011c). 'Local Implementation Plans'. URL: < http://www.dhlgrs.nt.gov.au/regional_services/territory_growth_towns/local_implementation_plans >. Consulted 6 September 2011.
Consultant's Guidelines for implementing MIV Matrix:	Elton Consulting/Institute for Sustainable Futures (University of Technology, Sydney) (2011). 'Integrated Planning and Reporting Framework. Community Indicators Project. Community Strategic Planning Indicators Resource.' Prepared for Division of Local Government, Department of Premier and Cabinet (NSW). URL: < http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/IPR%20Community%20Strategic%20Planning%20Indicators%20Resource.pdf >. Consulted 12 September 2011.

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