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## A Tale of Two Developments

How the Dickens Do You Make Community Participation a Reality in the DA Process?



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## Introduction

- Participation, engagement, consultation:
  - We talk about it a lot, but do we practice it?
  - Can you do it under the IPA?
- The theory under IPA
- Tale of two developments:
  - Both include extensive community participation
  - One fails and the other succeeds
  - What are the lessons?
- Background:
  - Extensive experience in consultation processes in both strategic and development assessment areas from the LGA side of the fence
  - Now attempting something similar from the other side of the fence

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## What is community participation?

- Here it is, how do you like it?
  - Exclusion of community
  - Reactionary
  - *Fate accompli* or perhaps with slight variations
  - Often encountered in the 70s and 80s
- We want to build x-many of these things, tell us your ideas
  - Consultative, not participatory
  - Ambit claim
  - You do the work ... we make the money
  - Often encountered in the 80s and 90s
- Whoops, did we get it wrong, let's sit down and talk about it?
  - Consultative, not participatory
  - Threatening
  - Typical of the 90s

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## So what should it involve?

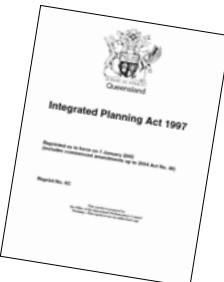
- Community participation involves:
  - Obtaining an understanding of the planning scheme and the community's needs and desires
  - Empowering the community to express its view
  - Permitting the community to participate in the decision-making process
- No one single technique does all these things

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## Does the IPA help?

- S3.2.8 of the IPA enables public scrutiny of applications on lodgement and post acknowledgement notice:
  - This helps but there are issues of:
    - Awareness
    - Proposal and supporting data can change dramatically
    - Length of period wearing down community efforts
  - No engagement between stakeholders
- S3.4.4 of the IPA enables public notification:
  - Reactionary
  - No engagement between stakeholders
- So the IPA does not enable participatory decision-making, nor does it hinder it ... or does it?



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## IPA hindrance

- Things change once an application is lodged:
  - First, there is a legal process
  - Second, the LGA has responsibilities to both the applicant and the community – but only via due process
  - Third, there is a threat
  - Fourth, the fundamentals of the application cannot be changed without starting over
- So the IPA hinders and can frustrate open engagement between applicant and community
- It can also limit the scope for change and improvement

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**Two Examples**

- Common features:
  - Both in Noosa Shire
  - Both dealt with land uses intended by the planning scheme
  - Both involved some outcomes that were different to those contemplated by the planning scheme
  - Both involved significant community participation
  - Both proponents were and remain significant developers
  - Coincidentally both 70 ha. sites
- Personal involvement:
  - The first for the Council
  - The second for the applicant
  - Both for the community!




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**Example 1: Overview of Shire Business Centre**

- Time period: 1999-2001
- LGA: Noosa
- Development: Major employment node
- Planning circumstances:
  - Node identified by Strategic Plan
  - Considerable detail on the required outcomes including the scale of development
  - Considerable detail on the required process to achieve the outcomes
- Site:
  - Greenfield site cleared in the 70s and 80s
  - Located on proposed major roads, at the time, yet to be constructed
  - Some environmental sensitivities in the lowlands

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**Example 1: Community Participation**

- Strategic Plan required participation by the community in preparation of a master plan
- Also required a master plan to be prepared prior to the submission of an application
- At Council's instigation and in consultation with the developer prior to application preparation, four reference groups were established
- Developer participating in each group

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**Example 1: Reference Groups**

- Business Reference Group
  - Designed to:
    - Help the business community understand the changes to be brought about by the SBC
    - Provide feedback on what works and what doesn't in Noosa
- Community Reference Group
  - Designed to assist understand environmental implications and community needs
- Design Reference Group
  - Designed to assist the applicant's architects achieve a development that complements Noosa's image
- State Reference Group
  - Designed to assist State agencies coming to grips with the proposal

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**Example 1: Reference Group Evolution**

- The reference groups met over a 12-month period
- As the work of the reference groups evolved it became apparent that there were problems:
  - Developer participating but not listening
  - Development evolving was inconsistent with what was needed and desired by the Noosa community
  - Lots of nodding from the developer but little change in direction as a consequence of advice
- Greater understanding by the groups of the threat of *getting it wrong*
- Reference groups empowered by the process and able to assist the Council

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**Example 1: Aspects of the Proposal**

- Using the threat process available under the IPA, the developer decided to lodge an application
- PR firm
- Flash presentation
- Copious documentation



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**Example 1: The Gloss**



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**Example 1: Concerns**

- Community and the Council very concerned about a range of issues:
  - Consistency with details of the Strategic Plan
  - Big box development - did not feel like Noosa
  - Plans inconsistent with documentation in terms of floorspace and use potential
  - Really an employment node or just another shopping centre
  - And more ... so the result ...

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**Example 1: Outcomes**

- Community groups via the various Reference Groups had been harnessed to achieve the right outcome
- As the right outcome seemed in jeopardy, the groups came out in force with sentiments like *our groups will stand shoulder-to-shoulder with the Council to defeat this proposal*
- Faced with the prospect of battling:
  - The clear outcomes sought by the Strategic Plan;
  - The community and Council; and
  - Potential competitors
- The developer walked away ... withdrawing its proposal

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**Example 1: Lessons**

- Community participation achieved the following in this DA process:
  - Informed and assisted in passing on desired outcomes to the developer;
  - Created greater understanding in the community about both the need for and impacts from the facility;
  - Created greater understanding about how it should perform in an operational sense; and
  - Enabled the harnessing of community and Council energies in a common cause when things went wrong.

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**Example 2: Overview of Noosa North Shore Eco-Tourism Portal**

- Time period: 2003-2004
- LGA: Noosa
- Development: Major tourism node
- Planning circumstances:
  - Identified by Strategic Plan and DCP
  - Considerable detail on the required outcomes including the scale of development
  - Some tension between the various planning instruments
- Site:
  - Former dairy farm supporting important environmental values
  - Located on Noosa's North Shore - scene of major battles over development issues for 20 years
  - Passionate concern within the community
  - Likely World Heritage candidate

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**Example 2: Site & Noosa North Shore Battles**

- 1986: 4 resorts, two golf courses, public marina, town centre, 1400 units, 600 hotel suites, 300 staff accommodation, airstrip to jet standard, bridge, navigable connection via Lake Coorrobah to river
- 1986: 3022 hotel rooms and units, 2 golf courses
- 1987: 3400 hotel rooms and units
- 1988: 447 units, 513 hotel suites, golf course, health facilities, airstrip
- 1988: Hotels, 620 units, recreation facilities
- 1991: Cabin park – 162 cabins, golf courses, national park interpretive centre
- 1992: 2 hotels, 314 units, golf, tennis, equestrian, shops



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**Example 2: The Site**



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**Example 2: Community Participation**

- No specific consultation processes required by planning instruments
- Developer instigated consultation process using *Enquiry by Design* technique as the first process
- Followed up by various other engagement processes
- Almost all processes were put in place prior to a DA being lodged

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**Example 2: Enquiry by Design 1**

- Information enhanced by experiences with other EbD workshops
- 5-day workshop (May 2003)
- Workshop carried out on-site
- Facilitated by Chip Kaufman and Wendy Morris of Ecologically Sustainable Development P/L based in Melbourne
- Invitation list included:
  - All developer's consultants
  - Residents
  - Community organisations
  - Councillors and staff
  - State Agency representatives
  - Industry representatives
- Process requires careful design and resourcing, background data and technology is needed

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**Example 2: EbD Process**

- Analytical sessions initiate the process where all parties are brought up to speed with the data that is available
- Intensive design sessions for full site scenarios carried out in multiple team environments – each team provided with an artist
- Critique sessions then follow, as various design solutions are tested and shredded!
- What works and doesn't work gradually emerges – but more importantly why things work or otherwise emerges
- By a series of refinements based on the various scenarios – final solutions start to emerge
- External participants then leave the developer's consultant team to work up a final proposal
- Final session invites back all participants to review the overall proceedings and the final design

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**Example 2: In Action**

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**Ring-In Example: Does It Always Work?**

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**Example 2: Day 1 Products**

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**Example 2: Day 2 Products**

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**Workshop Product**

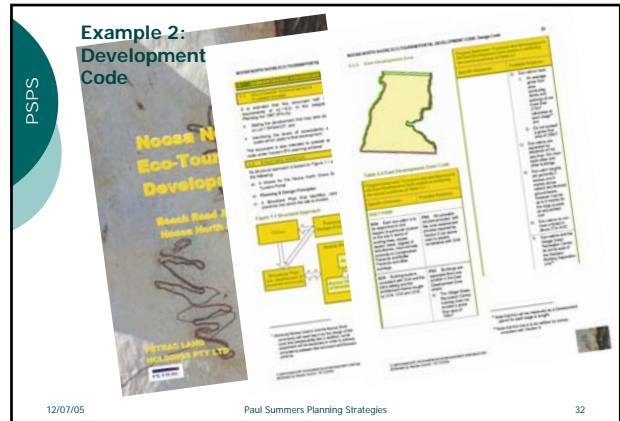
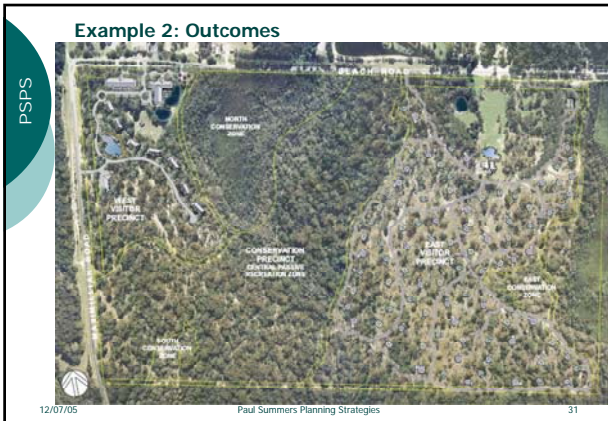
- \$2.5m Interpretive Centre
- Laguna Lodge & Guest Lodges accommodating 100 persons
- 90 Eco-Cabins
- All accommodation for visitors

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**Example 2: Post-Workshop**

- Ran special session at Council offices for those who could not attend EbD workshop
- Prepared a web page with all documentation and updated regularly
- Established a community working group for ongoing consultation
- Attendance at various community organisation meetings
- Various radio 'appearances'
- All the while proving up the final concept ...

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**Example 2: Outcomes from the DA**

- o DA lodged around 5 months after the EbD workshop
- o Intended development consistent with that which emerged from the EbD workshop
  - Only change was to include 15 motor home sites
- o 4 submissions only (2 in support)
  - Previous applications had received thousands!
- o Developer also proposed a range of off-site community benefits including shuttle bus, provision of lifeguard service, beach parking, ferry-beach track, public jetty etc.
- o In Oct 2004 Noosa Council approved the application:
  - with the only variation being the exclusion of the motor home sites

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**Example 2: Mayor's comment**

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**Example 2: Lessons**

- o Community participation achieved the following in this DA process:
  - Informed and assisted in passing on desired outcomes to the developer.
  - Created greater understanding in the community about the planning scheme's intent for the area and about the site and how it could be used in the future.
  - Created an atmosphere where the community wanted to help – when would the next compliant developer come along!

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**Overall Lessons**

- o Comparing the two examples Shire Business Centre vs Noosa North Shore Eco-Tourism Portal:
  - Develop a real understanding of the site and the community with which you are working.
  - Develop a rapport with the locals – they know stuff you need to know and they want to be asked!
  - Align your vision with that of the planning scheme and the community – you are on their home turf.
  - Resource your efforts in terms of analysis and time – rushing hinders not helps.
  - Be brutally honest in your dealings with the community and Council – second time around doubled the numbers of community participants.

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## Further information

- Noosa North Shore Eco-Tourism Portal:
  - [www.petrac.com.au/nnsetp/](http://www.petrac.com.au/nnsetp/)
- Redland Bay Leisure Life
  - [www.petrac.com.au/centralredlandbay/](http://www.petrac.com.au/centralredlandbay/)
- Enquiry by Design Manual published by West Australia Planning Commission at:
  - [www.wapc.wa.gov.au/Publications/28.aspx](http://www.wapc.wa.gov.au/Publications/28.aspx)
- Paul Summers Planning Strategies:
  - [www.paulsummersplanning.com.au](http://www.paulsummersplanning.com.au)
- Google *enquiry by design* to find more

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