



DISTRICT COUNCIL OF LOXTON WAIKERIE

Public Consultation Policy

<i>Policy Identification:</i>	
<i>Adoption Date:</i>	12 April 2000
<i>Last Review:</i>	25 November 2011
<i>Next Review Date:</i>	The effectiveness of the Policy will be reviewed and evaluated following each general election.
<i>Responsible Officer(s):</i>	Director Corporate and Community Services
<i>Relevant Delegations:</i>	
<i>Council File GDS Reference:</i>	2.63.1
<i>Other Relevant Policies:</i>	
<i>Related Procedures:</i>	
<i>Relevant Legislation:</i>	Local Government Act 1999, Section 50
<i>File Path:</i>	N:\Council\Policies\Council\2011/Public Consultation .doc

POLICY OBJECTIVES

POLICY STATEMENT

Introduction

The purpose of this policy is to outline the principles and procedures that the Council will follow to involve the community in planning and decision making in the local area and to ensure accountability of the Council to the community through effective communication and consultation strategies.

This policy will apply as required by Section 50 of the Local Government Act 1999

Principles

The principles underpinning this policy are:-

- The community has a right to be involved in and informed about decisions affecting them.
- Community involvement in Council decision making will result in greater confidence in the Council and responsive decision making;
- Council decision making should be open, transparent and accountable;
- The Council recognises that the level of consultation with the community will vary depending on the community interest in the topic, the number of persons potentially affected by the topic and the requirements for consultation set out in the Act for specific topics;

- The Council's desire to balance community views and interests with other influences such as budgetary constraints;

Objectives

The objectives of this policy are to promote positive relations between Council and the community through:-

- effective communication and consultation between Council and the community in order to enable the community to contribute to Council planning and decision making.
- To provide a framework for community involvement in Council planning and decision making.
- To promote Council decision making which is open, transparent, responsive and accountable to the community.
- Educating the community on matters of legislation, procedure, policy and best practice.

The Local Government Act 1999

The Act requires Council to consult in accordance with its public consultation policy, with regard to the following matters:

- Principal Office – Opening hours (S.45 (3))
- Code of Practice – Access to meetings and documents (S.92(5)(b))
- Annual Business Plan (S.123(3))
- Rates – Basis of Rating (S.151(7))
- Rates – Basis of Differential Rates (S.156(14d))
- Community Land – Classification (193(2))
- Community Land – Revocation of Classification (S.194(2))
- Community Land – Management Plans (S.197(1))
- Community Land – Amendment or Revocation of Management Plan (S.198(2))
- Community Land – Alienation by lease or licence (S.202(2))
- Roads – Authorisations and Permits restricting access, or for use or activity requiring public consultation under regulations (S.223)
- Roads – Planting trees and vegetation (S.232)

Council should always refer directly to the relevant Section of the Act before determining the appropriate consultation requirements.

Other sections of the Act provide details of consultation steps to be followed which are not covered by this Policy, these include:-

- Representation Reviews (S.12)
- Status of council/changes of names (S.13)
- Commercial Activities – Prudential requirements (S.48)
- Public Consultation Policies (Section 50)
- Strategic Management Plans (S.122(6))
- Passing By-Laws (S.249)

- Policies on Orders (S.259)
- Removal of vehicles (S.237)

Council should always refer directly to the relevant Section of the Act before determining the appropriate consultation requirements.

In addition to the requirements under the various Acts Council undertakes public consultation in regard to the removal and possible eventual sale of abandoned vehicles.

Other Acts

Where there are legislative requirements for consultation under other legislation then these take precedence over the Public Consultation Policy if there is any inconsistency.

Roles and Responsibilities

This policy will apply to Council Elected Members, Staff, contractors and agents and consultants on behalf of the Council.

The Chief Executive Officer of the Council is responsible for:

- Implementing this policy
- Reporting on the Council's success in meeting the objectives of this Policy;
- Reporting on the review and evaluation of this Policy

Council has delegated responsibility to the Chief Executive Officer to determine the method of Public Consultation required for each circumstance.

Consultation Requirements

Council acknowledges that the Act sets out minimum standards of consultation only and that it is committed to consultation in more instances than those specified in the Act.

This will include, but is not limited to, material changes in services standards.

Council will follow its Policy in all instances where consultation with the community occurs. The decision to consult and the scope and scale of the consultation will be determined based on the following criteria:

- number of residents or stakeholders likely to be affected.
- sensitivity and nature of the issue or decision.
- likely social, economic, environmental and cultural impact.
- scale of public and community interest and;
- the requirements of the Act, other legislation and Council policies

Procedure

The following steps will be taken by the Council to fulfil the requirements of this Policy:

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As a minimum the Council will publish a notice in either or all of the local papers circulating the Riverland area, describing the matter for which public consultation is required, and inviting interested persons to make submissions to the Council within a period being at least (21) days from the date of the Notice;

The Council will consider any submissions received as part of its decision making process and will also have regard to any relevant legislation;
Other options which the Council may choose to utilise to communicate information and invite submissions in addition to the above are;

- Notice in the Advertiser
- Letter drops to residents
- Telephone access line
- Media releases
- Letters to stakeholders
- Fact sheets and brochures
- Displays or notices in public places
- Public forums and meetings
- Council Website
- Meeting with relevant community members

All Council advertisements inviting submissions from interested persons will note the right of an interested person to indicate whether he/ she wishes to present their submission to Council, either in person or by advocate.

In all cases where an interested person does not indicate their desire to appear before Council, submissions will be summarised in a report to Council, noting the number of responses and their general intent, whether for or against the proposition.

Any steps taken by the Council in addition to the minimum requirements set out in the Act are at the absolute discretion of the Council and will depend upon the particular topic under consideration, the resources available to the Council and the level of interest the topic is likely to generate.

Adoption of Policy

This Policy was last adopted by the Council at its meeting on 21 April 2008.

Review, Alteration or Substitute of Policy

The effectiveness of the Policy will be reviewed and evaluated following each general election.

The Chief Executive Officer will report to Council on the outcome of the evaluation, and make recommendations for amendments, alteration or substitution of a new Policy if relevant.

Any alteration to the Policy or substitution of a new Policy will be subject to the provisions under Section 50 of the Act, which states that before a Council:-

- (a) adopts a public consultation policy; or
- (b) alters, or substitutes, a public consultation policy,

Council must –

- (c) prepare a document that sets out its proposal in relation to the matter; and
- (d) publish in a newspaper circulating generally throughout the State and in a newspaper circulating within the area of the council a notice of the proposal inviting interested person to make submissions on the proposal within a period (which must be at least one month) stated in the notice; and
- (e) consider any submissions made in response to an invitation under paragraph (d).

except where an alteration is of minor significance that would attract little (or no) community interest.

Availability of the Policy

This Policy will be available for inspection at the Council Offices at Loxton or Waikerie during ordinary business hours at no charge.

Copies of this Policy will also be available from Councils website www.loxtonwaikerie.sa.gov.au or postal copies may be obtained from the Council Office, to be charged at the scheduled rate according to the Fees and Charges Register.

Appendix 1

Local Government Act 1999 Public Consultation Policy – Schedule of Requirements

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Definition of Public Consultation	Interpretation	Reference to Chapter 4, Part 5 only

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Representation Reviews Review and reporting to the Electoral Commissioner	s.12	Representation Options Paper <ul style="list-style-type: none"> Public notice: <ul style="list-style-type: none"> – of the preparation of the representation options paper; and -- inviting written submissions within a minimum period of 6 weeks. Copy of notice to be published in newspaper circulating within its area. Report <ul style="list-style-type: none"> Public notice: <ul style="list-style-type: none"> • informing public of the preparation and availability of the report; and • inviting written submissions within a minimum 3 week period. Copy of notice to be published in newspaper circulating within its area. Provide opportunity for person who makes written submission on report to appear personally or by representative before Council or a Council committee to be heard on submissions Council must then finalise its report and refer to the Electoral Commissioner.
Status of a Council/ Change of Name <ul style="list-style-type: none"> Change from a municipal Council to a district Council , or change from a district Council to a municipal Council Alter the name of the Council, the area of the Council, or the name of a ward. 	s.13	<ul style="list-style-type: none"> Public notice of the proposal inviting written submissions within a minimum period of 6 weeks, and publication of the notice in a newspaper circulating within its area Provide opportunity for person who makes written submission to appear personally or by representative before Council or a Council committee to be heard on submissions
Principal Office – Opening hours	s.45	Consult in accordance with Council's public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.

Commercial Activities – Prudential Requirements	s.48(2)(d) s.48(5) and s.48(6)	Report addressing prudential issues to Include: <ul style="list-style-type: none"> the level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them the means by which the community can influence or contribute to the project or its outcomes.
Public Consultation Policies	s.50	Requirements for preparation, adoption and alteration to Council's public consultation policy. <ul style="list-style-type: none"> Policy must set out steps that Council will follow in cases where the Act requires the Council to follow its public consultation policy Policy may also set out steps to follow in other cases involving Council decision making Steps may vary according to the classes of decisions within the scope of the policy, but must provide persons with a reasonable opportunity to make submissions in relevant circumstances Section 50(4) sets out minimum steps that must be provided for in a public consultation policy as follows: <ul style="list-style-type: none"> publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days) consideration by the Council of submissions made in response. Section 50(6) requires the Council before it adopts, substitutes and/or alters a public consultation policy, to: <ul style="list-style-type: none"> prepare a document that sets out its proposal; and publish in a newspaper circulating throughout the State and a newspaper circulating within the area of Council a notice of the proposal inviting submissions within a minimum period of 1 month; and consider any submissions received, unless the alteration is of minor significance. Council's public consultation policy is to

		be made available for inspection without charge at the principal office during ordinary office hours, and for purchase on payment of a fixed fee by Council.
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Code of Practice – Access to meetings and documents	s.92(5)	Before a Council adopts, alters or substitutes a code of practice under s.92 it must follow the relevant steps set out in its public consultation policy.
Strategic Management Plans	s.122(6)	Council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans.
Annual Business Plan	s.123(3)	<p>Before Council adopts an annual business plan it must follow the relevant steps set out in its public consultation policy which must provide for as a minimum:</p> <ul style="list-style-type: none"> • publication of a notice in a newspaper circulating in the area of Council informing the public of the draft annual business plan and inviting persons to; <ul style="list-style-type: none"> - attend a public meeting on the matter to be held at least 21 days after the publication of the notice; or - attend a meeting of Council to be held on a date stated in the notice at which members of the public may ask questions and make submissions for at least one hour; or - make written submissions within a minimum period of 21 days stated in the notice; and • Council to make arrangements for the public meeting or Council meeting and Council to consider written submissions or submissions made at public meeting or Council meeting; • draft annual business plan must be available at the public meeting or Council meeting above and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 7 days before that
Change to Basis of Rating Report	s.151(6)	<ul style="list-style-type: none"> • Before Council changes the basis of rating of any land or changes the basis on which land is valued for the purposes of rating or changes the imposition of rates on land it must prepare a report on the proposed change and follow the relevant steps set out in its public consultation policy which must as a minimum provide for: <ul style="list-style-type: none"> - publication of a notice in a newspaper

		<p>circulating in the area of Council describing the proposed change and informing the public of the preparation of the report and inviting persons to attend a public meeting in relation to the matter at least 21 days after publication of the notice or to make written submissions within a minimum period of 21 days; and</p> <ul style="list-style-type: none"> - Council to organise the public meeting and Council to consider submissions made at that meeting or in writing. • Copies of the report must be available at the public meeting and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 21 days before the end of the public consultation period.
Rating – Differential Rates	s.156(14a)	<ul style="list-style-type: none"> • Before Council changes declaring differential rates on the basis of a differentiating factor under sections 156(1)(a), (b)(c) to another factor it must prepare a report on the proposed change and follow the relevant steps set out in its public consultation policy which must as a minimum provide for: <ul style="list-style-type: none"> - publication of a notice in a newspaper circulating in the area describing the proposed change and informing public of the preparation of the report and inviting persons to attend a public meeting in relation to the matter at least 21 days after publication of the notice or to make written submissions within a minimum period of 21 days; and - Council to organise the public meeting and Council to consider submissions made at that meeting or in writing. • Copies of the report must be available at the public meeting and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 21 days before the end of the public consultation period.
Community Land Classification All local government land (except a	s.193(4)	Council must give notice in the Gazette of a resolution to exclude land from

road) acquired by or brought under the care, control and management of Council is taken to have been classified as community land unless Council resolves before it becomes local government land to exclude it from classification.		classification as community land under s.193(4) of the Act
Revocation of classification of land as community land	s.194(2)	<p>Council must</p> <ul style="list-style-type: none"> • follow the relevant steps set out in its public consultation policy before revoking the classification of land as community; land • submit a proposal with a report on all submissions made as part of the public consultation process to the Minister.
Management Plans – Public Consultation	s.197(1)	<p>Before Council adopts a management plan for community land it must</p> <ul style="list-style-type: none"> • make copies of the proposed plan available for inspection or purchase at the Council's principle office • follow the relevant steps set out in its public consultation policy • give public notice of its adoption of a management plan.
<p>Amendment or revocation of management plans</p> <p>NB: A Council cannot dispose of community land until revocation of its classification as community land.</p>	s.198	<p>Public consultation, as Council would be required to do for a new management plan, is to be carried out prior to adopting a proposal for amendment to, or revocation of, a management plan. Public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.</p>
<p>Alienation by lease or licence</p> <p>NB: Specific provisions relate to the Adelaide Park Lands – under the <i>Parklands Act 2005</i></p>	s.202	<p>Council must follow the relevant steps set out in its public consultation policy, before granting a lease or licence relating to community land. Exceptions apply in circumstances where:</p> <ul style="list-style-type: none"> • the grant of the lease or licence is authorised in an approved management plan for the land, and the term of the proposed lease or licence is five years or less; or • the regulations provide for an exemption from compliance with a public consultation policy.
<p>Authorisations/Permits</p> <ul style="list-style-type: none"> • Where road would be fenced enclosed or portioned so as to 	s.223	<p>Council must follow the relevant steps set out in its public consultation policy before</p>

<p>impede passage of traffic to a material degree</p> <ul style="list-style-type: none"> • Use or activity for which public consultation required under regulations 		<p>granting the authorisation or permit.</p>
<p>Roads – Trees</p>	<p>s.232</p>	<p>Before planting or authorising planting of vegetation that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, Council must follow the relevant steps set out in its public consultation policy.</p>
<p>Passing by-laws</p> <p>NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply</p>	<p>s.249</p>	<p>At least 21 days before resolving to make a by-law, Council must:</p> <ul style="list-style-type: none"> • make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection without charge during ordinary office hours at the principal office of the Council • inform the public of the proposed by-law and set out the terms of the by-law or describe in general terms the nature and effect of the by-law, through a notice in a newspaper circulating in the area • give reasonable consideration to a written or other acceptable submission made on a proposed by-law • Publish a notice of the making of a by-law in a newspaper circulating in the Council area.
<p>Power to Make Orders</p> <p>Councils must take reasonable steps to prepare and adopt policies relating to power to make orders.</p>	<p>s.259(2)</p>	<p>Council must</p> <ul style="list-style-type: none"> • Prepare a draft of a policy • By notice in a newspaper circulating in the Council area, advise the place(s) where the draft is available for inspection (without charge) or purchase (on payment of a fee fixed by Council), and invite written representations on the draft with a period specified by the Council (at least four weeks) • consider any submission made in response to the invitation. <p>The requirements of s.259(2) also apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.</p>

Appendix 2

Communication and Consultation Techniques

