

Public Consultation Policy

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Public Consultation Policy

1. Consultation Policy Framework

The Clare & Gilbert Valleys Council is committed to open, accountable and responsive decision making, facilitated by effective communication and consultation between Council and the community. The Public Consultation Policy sets out the steps Council will take to establish partnerships and encourage community involvement in planning and decision making about the services Council provides and the management of community resources.

Council aims to ensure that appropriate and cost effective methods are used to inform and involve the local community, key stakeholders and interested parties, relevant to the specific circumstances of each consultation topic.

This Policy addresses the key elements of both communication and consultation. Communication involves providing meaningful information in a timely and accessible manner. For example, a letter advising of certain events, or an advertisement in The Northern Argus, The Flinders News and The Plains Producer about a consultation forum. Consultation is a two-way process, providing opportunities to clarify information, raise issues and discuss ideas, options and views.

2. Statutory Requirements

The Clare & Gilbert Valleys Council Public Consultation Policy has been developed and adopted in accordance with Section 50 of the Local Government Act, 1999 (the Act). Section 50 requires the policy to identify steps Council intends to take where the Act requires consultation, and provides for the steps to vary according to the

class of decisions to be made by Council. Other sections of the Act refer to consultation requirements, and in some instances set out what a Council must do rather than referring to consultation or the Public Consultation Policy. A summary of these requirements is attached as Appendix 1.

This Policy will apply to those circumstances required in the Act.

3. Principles

Council's Policy is underpinned by the following Principles, which are central to effective communication and consultation. Council will:

- ❖ identify potential stakeholders in each specific circumstance.
- ❖ ensure information is easily understood and accessible to identified stakeholders, and include contact details for obtaining further information in all communications.
- ❖ Provide a range of appropriate opportunities for people to access information and to be involved, taking account of local significant barriers to access due to language, geographical distance, disability or cultural issues.
- ❖ define the parameters of the consultation process for each specific topic, and identify what aspects of the decision can be influenced by community involvement.
- ❖ aim to listen and respond to community views in a balanced way, taking account of all submissions made by various stakeholders.
- ❖ keep records and provide feedback about the reasons for decisions where relevant.
- ❖ review and evaluate the Policy to ensure ongoing improvement in the way Council involves the community in its decision-making processes.

Explanation

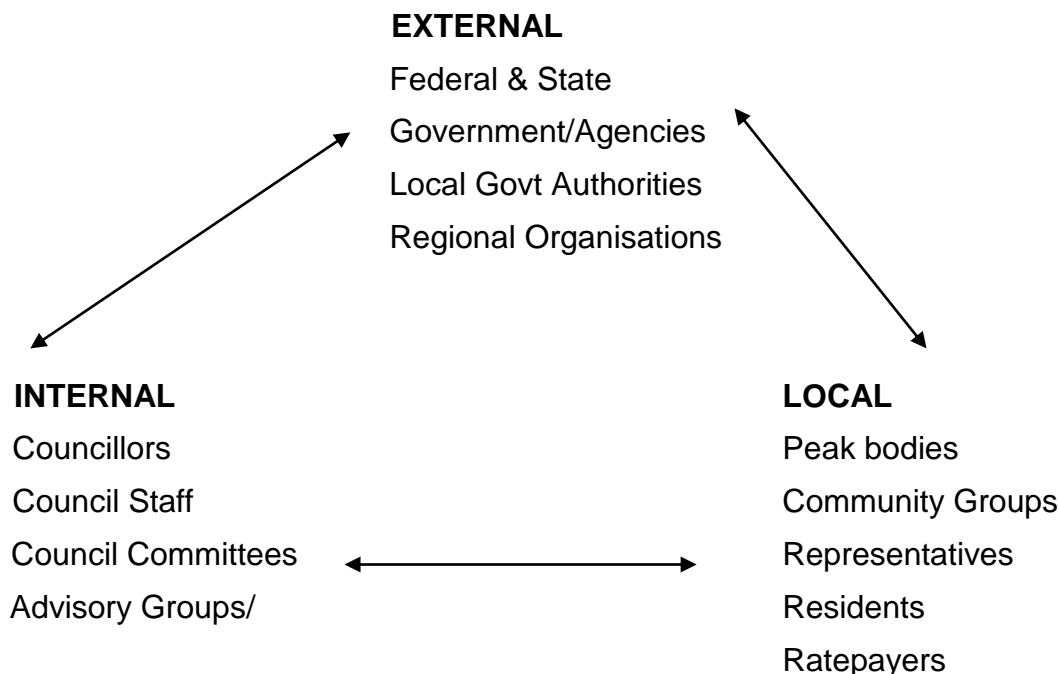
The term Peak Bodies (known locally as Community Management Committees, Community Associations, and Progress Associations etc) is used to describe a peak group in each community identified and acknowledged as such by that community, to whom council can communicate directly with.

4. The Decision Making Process

Community consultation is only one aspect of Council's decision making process. Council seeks to take account of the views and aspirations expressed by the community and stakeholders, and balance those with other influences such as budgetary constraints, to make decisions within the context of Council endorsed strategic directions.

The following diagram identifies the various stakeholders that Council will consult with, where relevant and appropriate to the matter before it.

Various Stakeholders - Influencing the Outcome



5. Roles and Responsibilities

This Policy will apply to Councillors, staff, contractors, and agents or consultants acting on behalf of Council.

The Chief Executive Officer is responsible for:

- ❖ implementing communication and consultation initiatives in accordance with this Policy;
- ❖ reporting on outcomes of these initiatives to Council, to inform the decision making process; and
- ❖ reporting on the review and evaluation of the policy.

6. Public Consultation Advisory Group Communication and Consultation Strategy

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

- a) A Public Consultation Advisory Group will be convened to determine the communication and consultation strategy for each specific consultation topic.

Membership of the Group will vary, depending on the topic under consideration, but representation will generally include the following:

- ❖ Chief Executive Officer or nominated representative;
- ❖ Elected Member nominated by Council;
- ❖ Council Manager or nominated representative.

b) The Public Consultation Advisory Group will:

- ❖ identify stakeholders relevant to the consultation topic;
- ❖ decide the key messages to deliver to stakeholders;
- ❖ identify the parameters of the consultation initiative, that is, what aspects of the decision can be influenced;
- ❖ identify a range of appropriate options for communicating information to stakeholders and inviting involvement – “the communication strategy”;
- ❖ identify a range of appropriate consultation initiatives – “the consultation strategy”;
- ❖ identify contact person(s) for interested parties to obtain further information;
- ❖ Inform peak bodies of consultation being undertaken
- ❖ identify timeframes relevant to the consultation initiative. Council will aim to provide 2 weeks notice of any consultation forums or opportunities, and ensure a period of 21 days is allocated from the date of inviting involvement to the final closing date for submissions;
- ❖ determine responsibility for :
 - ❖ implementing the communication and consultation strategy;
 - ❖ reporting to Council on the outcomes;
 - ❖ providing feedback about the decision to participants; and
 - ❖ ensuring appropriate records are kept.

7. Communication and consultation strategies

Examples of the options to be considered in deciding the appropriate communication and consultation strategies are as follows:

Communication Options may include:	Consultation Options may include:
<ul style="list-style-type: none"> ❖ <i>Feature articles in Council Newsletter</i> ❖ <i>Advertisements in local paper.</i> ❖ <i>Advertisements in The Advertiser if matter has relevance to broader community</i> ❖ <i>Media releases/editorial</i> ❖ <i>Fact Sheets or brochures</i> ❖ <i>Letters addressed to stakeholders</i> ❖ <i>Letters to advise Peak bodies</i> ❖ <i>Letter box drops in the relevant area</i> ❖ <i>Web site</i> 	<ul style="list-style-type: none"> ❖ <i>Meetings with Elected Members and staff</i> ❖ <i>Council Advising Peak bodies and Committee's</i> ❖ <i>Focus Groups</i> ❖ <i>Workshops for stakeholders</i> ❖ <i>Surveys through interviews/self completion</i> ❖ <i>Door Knock Surveys</i> ❖ <i>Community Forums and Meetings</i> ❖ <i>Calling for public written comment and/or representation</i>

<ul style="list-style-type: none"> ❖ Telephone access line ❖ Displays in public places ❖ Notice in public places 	<p>to Council.</p>
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In specific situations, the minimum approaches as outlined below will be adopted:

Topic affects several residents

Letter addressed to individual residents with information and contact person(s) details to obtain further information or to make a submission

Topic affects several streets

Letter box drop, inviting expressions of interest and a letter to Relevant Peak body. Follow up with details of a consultation forum if sufficient interest, or individual contact with interested parties.

Topic affects broader community or likely to attract considerable community interest. For example, lands management, major works, regional issues, topic with potential for District wide impact– Notice in local paper, letters to Peak bodies, media release, signage in targeted locations. Inviting expressions of interest. Convene consultation forum, which will include information session and opportunities to express views through questions and answers, workshop session, and formal submissions.

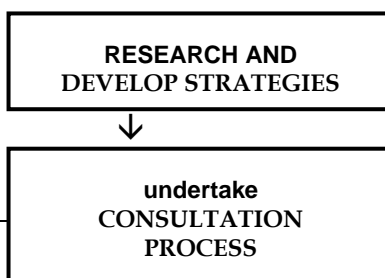
Inviting submissions following initial consultation phase

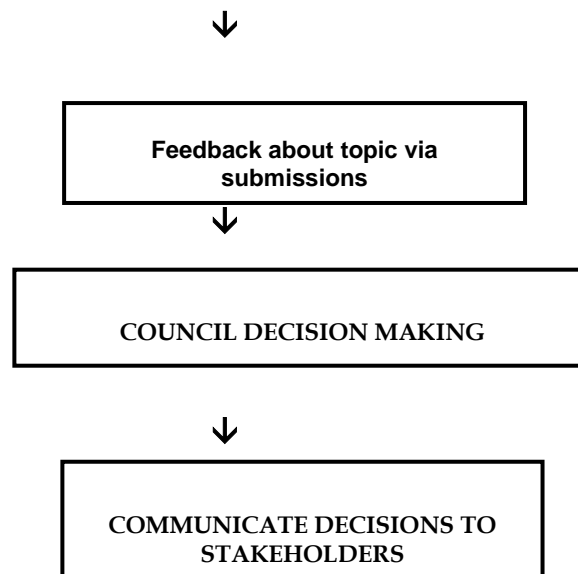
Display at Council offices or public places. Individual consultation and comment sheets to enable stakeholder feedback to be recorded.

Where requirements are set out in the Local Government Act for specific topics, those requirements will be included in the steps taken by Council in those circumstances. (Refer Appendix 1).

8. Consultation as part of the decision making process

The following diagram outlines how Council views its consultation activities in relation to the decision making process





9. Availability of the policy

The Policy will be available for inspection at Council's offices during ordinary business hours.

Policy is available on Councils website <http://www.claregilbertvalleys.sa.gov.au>

Copies will be provided to interested parties upon request at a fee of \$4.

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
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.

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 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

		<p>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.
<p>Community Land Classification All local government land (except a 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.</p> <p>Revocation of classification of land as community land</p>	<p>s.193(4)</p> <p>s.194(2)</p>	<p>Council must give notice in the Gazette of a resolution to exclude land from classification as community land under s.193(4) of the Act</p> <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)	Before Council adopts a management plan for community land it must <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.
Amendment or revocation of management plans NB: A Council cannot dispose of community land until revocation of its classification as community land.	s.198	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.
Alienation by lease or licence NB: Specific provisions relate to the Adelaide Park Lands – under the <i>Parklands Act 2005</i>	s.202	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: <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.
Authorisations/Permits <ul style="list-style-type: none"> • Where road would be fenced enclosed or portioned so as to impede passage of traffic to a material degree • Use or activity for which public consultation required under regulations 	s.223	Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit.
Roads – Trees	s.232	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.
Passing by-laws NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply	s.249	At least 21 days before resolving to make a by-law, Council must: <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

		<p>hours at the principal office of the Council</p> <ul style="list-style-type: none"> 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 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>