



PUBLIC CONSULTATION POLICY

<i>Responsible Officer/s</i>	Personal Assistant Director Commercial and Community Services Commercial and Community Services
<i>Relevant Legislation / Documents</i>	Local Government Act 1999, section 50
<i>Adopted</i>	12 April 2000
<i>Reviewed</i>	19 March 2021
<i>Next Review</i>	Following each general election

A. Purpose

Council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between Council and the community.

In carrying out our consultation process we will apply the following principles:

- The community has a right to be involved in and informed about decisions affecting \ their area and their lives and to influence council's decision about these
- Community interest will vary depending on the issue and the number of people affected, and council's level of consultation will reflect this
- Community involvement in Council decision making should result in greater confidence in the Council and responsive decision making
- Council decision making should be open, transparent and accountable.

B. Objective

The purpose of this policy is to ensure that Council meets its legislative obligations in regard to public consultation by:

- Using appropriate and cost effective methods which are relevant to the specific circumstances of each consultation topic
- Informing and involving the local community, key stakeholders and interested parties
- Using feedback to enhance decision making.

C. Policy

1. Scope

This policy applies to Council Members sitting as the elected body, Council employees, contractors, agents and consultants acting on behalf of Council.

The Chief Executive Officer is responsible for the implementation of the Public Consultation Policy, establishing the consultation level, reporting outcomes of the consultations to the Council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

2. Policy Statement

The preparation and adoption of this policy fulfils the Council's obligations under section 50(1) of the *Local Government Act 1999*. Section 50 provides that:

- The Council must set out the steps that the Council will follow in cases where the Local Government Act requires consultation on a matter, and
- The Council may set out the steps that Council will following in other cases involving Council's decision- making.

In addition, under the Local Government Act Council has the following obligations where it is required by law to follow its public consultation policy.

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice in a newspaper circulating in the area and on the Council's website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy, in the instance that any significant changes are being proposed to the public, the Council must submit the proposal to a public consultation process.

Other sections of the Local Government Act also refer to the consultation requirements, and in some instances set out what a council must do. See **Specified consultation requirements** below.

Where there are legislative requirements for consultation under other legislation applicable to the Council, such as the Development Act 1993, these specific processes take precedence over this policy, should there be any inconsistency.

3. Specified consultation requirements

- 3.1 Under the Local Government Act, Council is required to undertake particular types or levels of consultation (as a minimum) in relation to the following:

- Determining the manner, place and times of its principal office (section 45)
- Adopting or varying a Public Consultation policy (section 50)
- Altering a Code of Practice relating to the principles, policies and procedures that Council will apply to enable public access to Council and Committee Meetings, their minutes and release of documents (section 92)
- Adopting Strategic Management Plans (section 122)
- Excluding land from classification as community land (section 193)
- Revoking the classification as community land (section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (section 202)
- Alienating roads (section 223)
- Planting vegetation where it will have a significant impact of residents, the proprietors or nearby residents (section 232)
- Carrying out representation reviews (section 12(5))
- Considering a change of status of Council or name change (section 13)
- Carrying out commercial activities – Prudential Arrangements (section 48)
- Making Bylaws (section 249)
- Making Orders (section 259)

For details of the specific requirements under these sections, refer to the specified sections of the Local Government Act.

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.

3.2 Other consultation and engagement methods may include

- Publication in a regular newsletter
- Letters to residents and other stakeholders
- Other direct mail publications or letterbox drops, as appropriate
- Advertising in media outlets as deemed appropriate
- Media releases to appropriate media outlets and community groups
- Community forums and stakeholder meetings
- Direct consultation with community representative groups
- Active and passive use of Council's website and social media
- Use of a community email database
- Customer surveys
- Fixed displays, e.g. community notice boards
- Community group representations to Council workshops
- Street stalls

3.3 Consultation Requirements

Council acknowledges that the Act sets out minimum standards of consultation only and that it is committed to consultation and public 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.

Council will resolve upon the method, timeframe and duration of public consultation for a specific process apart from those instances where Council may issue delegation to officers of Council.

4. Procedure

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

As a minimum the Council will publish a notice in the local paper 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 have been referenced within this policy (Other consultation and engagement methods).

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.

5. 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.

6. Additional references:

Community Engagement Handbook; a Model Framework for Leading Practice in Local Government in South Australia (Local Government Association).

D. Availability

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.lwdc.sa.gov.au or postal copies may be obtained from the Council Office free of charge.

E. Document history and version control

Date	Version	Authorisation	Amendment Details
15/07/2016	1.10	Council	Amended to note change of policy from Public Consultation to that of Community Engagement Policy
19/03/2021	2.0	Council	<ul style="list-style-type: none">- Amendments made to reflect current LGA Public Consultation Model Policy (ECM 581888)- Amended to new Policy template- Renamed Public Consultation Policy