



PUBLIC CONSULTATION POLICY

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Responsible Department/Officer	Administrator
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Related Procedures/Policies	
Reference to Strategic Plan	

Policy Statement

The Roxby Downs Council ("the Council") is committed to open, accountable and responsive decision making, which is informed 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 is intended to encourage community involvement in planning, implementation, evaluation and decision making processes of Council services and the management of community resources.

The 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 Monitor – Your Community Newspaper or Adelaide Advertiser about a consultation forum. Consultation is a two-way process, providing opportunities to clarify information, raise issues and discuss ideas, options and views.

The Local Government Act 1999 ("the Act")

The Public Consultation Policy has been developed and adopted in accordance with Section 50 of the Local Government 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 the Public Consultation Policy. A summary of these requirements is attached as Appendix 2.

This Policy also takes account of other policies of Council and legislation that prescribes particular forms of consultation.

The Act requires Council to consult in accordance with its Public Consultation Policy, with regard to the following matters:

- Principal office – opening hours (s45(3)).
- Annual Business Plan (s123(3)).
- Rates - basis of rating (s151(7)).
- Rates – basis or differential rates (s156(14d)).
- Community land – revocation of classification (s194(2)).
- Community land – management plans (s197(1)).
- Community land – alienation by lease or licence (s202(2)).
- Roads – authorisations and permits restricting access, or for use or activity rerequiring public consultation under Regulations (s223).
- Roads – planting trees and vegetation (s232).

The requirements of the Act are summarised in Appendix 1 and 2. However, 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 (s12).
- Status of Council/changes of names (s13).
- Commercial activities – prudential requirements (s48).
- Public consultation policies (s50).
- Strategic management plans (s122(6)).
- Passing by-laws (s249).
- Policies on orders (s259).

The requirements of the Act are summarised in Appendix 3. However, Council should always refer directly to the relevant Section of the Act before determining the appropriate consultation requirements.

Purpose

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 in this circumstances where the Act requires the Council to follow this Policy and for the other public consultation initiatives where the Council determines that it is appropriate to follow this Policy.

The Principles

Roxby Downs 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 into account local significant barriers to access due to language, 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 into account 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;
- the Council's desire to balance community views and interests with other influences such as budgetary constraints.

Objectives

The objectives of this Policy are:

1. To promote positive relations between the Council and the community.
2. To promote effective communication and consultation between the Council and the community.
3. To enable the community to participate in Council planning and decision making.
4. To provide the framework for community involvement in Council planning and decision making.
5. To promote Council decision making which is open, transparent, responsive and accountable to the community.

1. The Decision Making Process

Community consultation is 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, there relevant appropriate to the matter before it.

Various Stakeholders - Influencing the Outcome



2. Roles and Responsibilities

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

The Administrator is responsible for:

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

3. 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. 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.

4. Communication and Consultation Methods

The method or combination of consultation methods to be used will be determined by the Administrator and relevant projects staff according to the needs of targeted parties to the consultation process, timeframes, resources and the intent of this policy.

Meetings with interested parties:

- Public meetings, forums or briefings
- Attendances at resident, trader, business and specific interest group meetings
- Creation of advisory panels, either on an ongoing or specific purpose basis, with representatives from the key groups or communities
- Project committees or working groups discussions and focus groups
- Workshops/seminars

Personal notification

- Letters to property owners and occupiers inviting comments/submissions
- Leaflets distributed to all properties within a certain areas inviting participation
- Random, or targeted surveys
- Notices delivered via The Monitor – Your Community Newspaper

Media coverage

- Advertisement for submissions/comment
- Press releases and interviews
- Community and local radio
- Local television
- Encouraging comment via to the internet/email

Displays and exhibitions

- Displays at the Council offices, local notice board and libraries or other such as shopping centres, shops and site offices. These may be attended from time to time by relevant staff.

Examples

Examples of what steps Council will take in specific circumstances are as follows:

Topic affects several residents - Letter addressed to individual residents with information and providing contact persons to obtain further information or to make a submission

Topic affects several streets - Letter box drop inviting expressions of interest. Follow up with details of a consultation forum if sufficient interest, or individual contact with interested parties.

Topic related to the disposal of significant Council assets - Notice in Adelaide Advertiser and/or local paper calling for submissions, public meeting to provide information and enable discussion, media release, information display in Council offices.

Topic affects broader community or likely to attract considerable community interest. For example, land management, major works, regional issue, topic with potential for City wide impact - Notice in Adelaide Advertiser or local paper, media release, invitation of expressions of interest. Consultation forum, which will include information session and opportunities to express views through questions and answers, follow up meetings where required, displays in Council facilities or public areas.

Where requirements are set out in the Local Government Act for specific topics, those requirements will be undertaken by Council in those circumstances.

5. Time frames

Each participation process should ensure that the maximum number of people who want to participate in the process are included.

The community participation process must allow interested parties sufficient time to understand and discuss the issues before responding. The process of consultation will be well organised, providing a minimum of 21 days to respond after notice has been given to relevant stakeholders. It must also occur in time for the results of the process to be taken into account when a decision is made.

6. Feedback

Council needs to actively report back to the community as to why decisions have been made, how community views have influenced the outcome and why certain views or ideas may not have been adopted. Feedback should be provided as soon as possible after the final decision s has been made.

In the event that a final decision cannot be made within a reasonable time after the participation process had ended, or where the participation process is staged, progress updates should be given. This may be through direct contact with participants, use of the local media, advice in the Roxby Downs Council Newsletter or some other suitable arrangements.

7. Review, Evaluation and Amendments

The effectiveness of the Policy will be reviewed and evaluated annually within Council's strategic planning framework. The Administrator will make necessary amendments, alteration or substitution of a new Policy if relevant as a result of the evaluation.

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,
- the 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 persons 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.

8. Availability of the Policy

A copy of this Policy will be available for inspection at Council's principal office during ordinary business hours. Copies will be provided to interested parties upon request at the Council Offices, Richardson Place. All Council policies and codes are also available on Council's website www.roxbycouncil.com.

Appendix 1

LOCAL GOVERNMENT ACT 1999 (SA) PUBLIC CONSULTATION POLICY – SCHEDULE OF REQUIREMENTS Instances where Public Consultation Policy must be followed

The Act specifies that the **minimum** consultation required in the following instances is:

- (a) the publication in a newspaper circulating within the area of the Council a notice describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
- (b) the consideration by the Council of any submissions made in response to an invitation (Section 50(4)).

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

TOPIC	SECTION	SUMMARY OF CONSULTATION REQUIREMENTS
Definition of Public Consultation	Interpretation	Reference to Chapter 4, Part 5 only
Principal Office – Opening hours	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.
Annual Business Plan		Section 123 of the Act requires the following: <ul style="list-style-type: none"> • Council must have an Annual Business Plan for each financial year. • Before Council adopts this Annual Business Plan, the Council must prepare a draft Annual Business Plan and must follow the relevant steps set out in this Policy.
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Code of Practice – Access to meetings and documents	92 (2)(b)	Before a council adopts, alters or substitutes a code of practice under S 92 it must follow relevant steps set out in its public consultation policy.
Community Land		

TOPIC	SECTION	SUMMARY OF CONSULTATION REQUIREMENTS
<p>Revocation of classification</p>	<p>S 194 (2)</p>	<p>All local government land (except roads) that is owned by Council or is under the care, control and management of Council's community land, unless it has been exempted through legislation or the classification has been revoked.</p> <p>Section 194 of the Act requires that:</p> <ul style="list-style-type: none"> • Council may revoke the classification of land as community land only if: <ul style="list-style-type: none"> • the land is not required to be held for the benefit of the community under the <i>Local Government Act 1999</i>; • a Regulation does not exclude the right to revoke; and • the Minister approves revocation of the classification. • The Council must follow the relevant steps set out in its Public Consultation Policy before revoking the classification of land as community land; and • Submit a proposal with a report on all submissions made as part of the public consultation process to the Minister.
<p>Management Plans for community land</p>	<p>S196</p>	<p>All local government land (except roads) that is owned by Council or is under the care, control and management of Council is community land, unless it has been exempted through legislation, or the classification has been revoked.</p> <p>Section 196 of the Act requires that: Council must prepare and adopt a management plan(s) for community land if</p> <ul style="list-style-type: none"> • The land is required to be held by the community as identified by the <i>Local Government Act 1999</i>. • The land is Park lands. • The land is, or is to be occupied under a lease or licence. • The land has been, or is to be specifically modified or adapted for the benefit or enjoyment of the community.

TOPIC	SECTION	SUMMARY OF CONSULTATION REQUIREMENTS
	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>If Council has adopted a management plan after a process of public notification and consultation before the commencement of the Act, S197 (1) does not apply.</p>
<p>Amendment or revocation of management plans NB: A Council cannot dispose of community land until revocation of its classification as community land.</p>	S198	<p>Public consultation as required for a new management plan is to be carried out prior to adopting a proposal for amendment or revocation of a management plan. Public consultation is not required if the amendment has no significant impact on the interests of the community.</p>
<p>Alienation by lease or licence</p>	S202	<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, and the term is five years or less • the regulations provide for an exemption from compliance with a public consultation policy. <p>Council may grant a lease or licence over community land including community land that is a park or a reserve.</p> <p>A lease or licence may be granted or renewed for a term specified in the lease or licence but not exceeding 21 years.</p> <p>If the alienation also involves a Development Application, Council staff will seek to coordinate the consultation required for each assessment process.</p>

TOPIC	SECTION	SUMMARY OF CONSULTATION REQUIREMENTS
<p>Permits</p> <ul style="list-style-type: none"> • 	<p>S223</p>	<p>If Council proposes to grant an authorization or permit: That would have the effect of restricting access to a road, or in relation to a use or activity for which public consultation is required under the Regulations, then Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit. The Council must also give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal.</p>
<p>Roads – Trees</p>	<p>S232</p>	<p>Before planting or authorising planting of vegetation: If the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, councils must follow the relevant steps set out in its public consultation policy. <i>Note: "Road" is defined in the Local Government Act 1999 as a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes a bridge, viaduct, subway, alley, laneway or walkway.</i></p>

Appendix 2

SCHEDULE OF REQUIREMENTS

Consultation requirements when Council undertakes a review of the basis of rating defined in sections 151 and 156 of the Local Government Act*

The Act specifies that the **minimum** consultation required in the following instances are:

1. In relation to Section 151(7):
 - (a) The publication in a newspaper circulating within the area of the Council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (5)(d), inviting interested persons –
 - (i) To attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or
 - (ii) To make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
 - (b) The council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the Council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).

The Council must ensure that copies of the report under subsection (5)(d) are available at the meeting held under subsection (7)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the council at least seven days before the date of that meeting.

NB: In accordance with Section 151(8a), if a report is required under subsection (5)(d) it may form part of the Council's draft Annual Business Plan; and the public consultation required under Section 151(7) may be undertaken as part of the public consultation required with respect to the Council's draft Annual Business Plan.

2. In relation to Section 156(14d):
 - (a) The publication in a newspaper circulating within the area of the Council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (14a)(a), inviting interested persons –
 - (i) To attend a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or
 - (ii) To make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
 - (b) The council to organise the public meeting contemplated by paragraph (a)(i) and the consideration by the Council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).

The Council must ensure that copies of the report under subsection (14a)(a) are available at the meeting held under subsection (14d)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the council at least seven days before the date of that meeting.

NB: In accordance with Section 156(14ea), if a report is required under subsection (14a)(a) it may form part of the Council's draft Annual Business Plan; and the public consultation required under Section 156(14d) may be undertaken as part of the public consultation required with respect to the Council's draft Annual Business Plan.

MATTER	SUMMARY OF PUBLIC CONSULTATION REQUIREMENTS
<p>Rating Changes</p>	<p>Section 151 and 156 of the Act requires the following:- Before a Council:-</p> <ul style="list-style-type: none"> • changes the basis of rating of any land (including by imposing or no longer imposing differential rates on land) • changes the basis upon which land is valued • changes the imposition of rates by declaring a separate rate, service rate or service charge • changes the basis of the differentiating factor in Section 156(a)(b) or (c) under subsection (1) e.g. from locality to land use <p>the council must:-</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change, to be available to the public • Publish a notice in a newspaper describing the proposed change and inviting interested people to attend a public meeting • Invite written submissions on the proposed change; and • Hold a public meeting to consider the matter and any submissions. • follow the relevant steps set out in its public consultation policy

*all section numbers refer to the South Australian Local Government Act 1999

Appendix 3
SCHEDULE OF REQUIREMENTS
Instances where minimum consultation is required

TOPIC	SECTION	SUMMARY OF CONSULTATION REQUIREMENTS
<p>Representation Reviews.</p> <ul style="list-style-type: none"> Review and reporting to the Electoral Commissioner 	<p>12</p>	<ul style="list-style-type: none"> Public notice of a review inviting written submissions within 6 weeks, including notice in a newspaper circulating within its area Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions Council to prepare report on the public consultation By public notice inform of the completion and availability of the report for inspection and invite written submissions within 3 weeks, including notice in a newspaper circulating within its area Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions Council must then finalise its report and refer to the Electoral Commissioner.
<p>Status of a Council/ Change of Name</p> <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. 	<p>13</p>	<ul style="list-style-type: none"> Public notice of the proposal inviting written submissions within 6 weeks, including notice in a newspaper circulating within its area Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions
<p>Commercial Activities – Prudential Requirements</p>	<p>48 (2) (d) 48 (5), (6)</p>	<p>Report addressing prudential issues to include</p> <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.
<p>Public Consultation Policies</p>	<p>50</p>	<p>Requirements for preparation, adoption and alteration to Council's public consultation policy.</p> <ul style="list-style-type: none"> Policy must set out steps that Council will follow in cases where the Act prescribes public consultation Policy may also set out steps to follow in other cases involving council decision making Steps may vary, but must provide for a reasonable opportunity to make submissions in relevant circumstances

TOPIC	SECTION	SUMMARY OF CONSULTATION REQUIREMENTS
		<ul style="list-style-type: none"> • Section 50 (4) sets out minimum steps which require Councils to • publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days) • consider submissions made in response. • Section 50 (40) applies before Council adopts, substitutes and/or alters a public consultation policy, unless the alteration is only 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.
<p>Strategic Management Plans</p>	<p>122 (6)</p>	<p>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. (Council's objectives for the area over a period of at least 4 years).</p>
<p>Passing by-laws NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply</p>	<p>S249</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 other code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection • inform the public of the proposed by-law and set out the terms 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>S259 (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 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 S259 (2) apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.</p>