

NARACOORTE LUCINDALE COUNCIL

COUNCIL POLICY

PUBLIC CONSULTATION AND COMMUNITY ENGAGEMENT

94

RESPONSIBLE OFFICER:	Chief Executive Officer
RELEVANT DELEGATIONS:	Manager Governance and Community Development
LEGISLATION AND REFERENCES:	<i>Local Government Act 1999 sections 12, 50, 92, 122, 123, 151, 156, 193, 194, 197, 198, 202, 223, 232, 249 and 259</i> <i>Development Act 1993 and the Planning, Development and Infrastructure Act 2016, Roads (Opening and Closing) Act 1991, Land Acquisition Act 1969, South Australian Public Health Act 2011 and Burial and Cremation Act 2013</i>

PURPOSE OF POLICY

This policy outlines how Council will undertake public consultation and community engagement to achieve the following actions listed in theme 5 of Council's Strategic Plan:

- Engage with the community in Council decision making processes
- Inform the community of Council's progress in the delivery of strategic objectives
- Ensure transparency in Council's responsibilities and decision making

The Policy sets out the steps Council will follow in cases where the Local Government Act (the Act) requires Council to follow its public consultation policy as well as setting out the steps that Council will follow in other cases involving council decision-making.

Council is committed to providing opportunities for the community to contribute to solutions and be involved in its decision making processes. While Council encourages input from the community and will take into consideration community feedback, under the Local Government Act 1999 the final decision remains the responsibility of the Council Members.

WHEN COUNCIL MUST UNDERTAKE PUBLIC CONSULTATION

In cases where the Act requires Council to follow its public consultation policy Council must:

- publish a notice in a newspaper circulating within the area of the council, usually the Naracoorte Herald
- publish information on a website, usually www.naracoortelucindale.sa.gov.au and www.yoursay.naracoortelucindale.sa.gov.au
- ensure that copies of reports and documents relating to the consultation are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the Council office located at DeGaris Place, Naracoorte at least 21 days before the end of the period for public consultation

NARACOORTE LUCINDALE COUNCIL

COUNCIL POLICY

PUBLIC CONSULTATION AND COMMUNITY ENGAGEMENT

94

The notice in the newspaper and on the website must:

- describe the matter under consideration
- invite interested persons to make submissions in relation to the matter and
- provide interested persons with at least 21 days to make submissions

Some or all of the following may also be used to inform the public or to gather feedback

- a spotlight on the My Local app
- promote engagement opportunities and activities via Social Media
- a flyer included in rates notices
- an article in one of Council's newsletters
- YourSay newsletter
- media releases
- feedback forms and surveys and online engagement tools
- letters to residents and/or other stakeholders (via hand delivery, post or email)
- community engagement documents available at Council venues such as the Library
- display at Council venues and other public places
- public events / meetings
- Council meeting

Additional Provisions for consultation

In the following instances consultation must include either a public meeting or a meeting of Council where members of the public may ask questions and make submissions and this must be advertised in the public notice:

- Representation Review
- Annual Business Plan
- Basis of Rating
- Basis of differential rates

Copies of reports and documents that relate to the consultation must be available at the meeting.

When Council must follow its public consultation policy

In accordance with the Local Government Act 1999 Council must follow its public consultation policy in the following instances:

- Representation Options Paper (section 12 (7))
- Status of a Council / Change of Council name (section 13)
- Principal Office manner, places and times at which its offices will be open to the public (section 45 (3))

- Prudential requirements for certain activities (section 48 (2(d), 48(5), 48(6))
- Preparation, adoption and alteration of a public consultation policy (section 50)
- Adopt, alter or substitute a Code of Practice Access to meetings and documents (section 92(5))
- Development and review of Council's strategic management plans (section 122(6))
- Adoption of Council's annual business plan (section 123(3))
- Before Council changes the basis of the rating of any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or changes the basis on which land is valued for the purposes of rating; or changes the imposition of rates on land by declaring or imposing a separate rate, service rate or service charge on any land (section 151(5))
- Proposal to change the basis of differential rating of land (section 156 (14a))
- Before Council resolves to exclude land from classification as community land (section 193 (2))
- Revocation of classification of land as community land (section 194 (2))
- Adoption of a management plan for community land (section 197(1))
- Amendment or revocation of a management plan (section 198(2))
- Alienation of community land by lease or licence (section 202(2)), unless the granting 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, in the circumstances of the case, for an exemption from compliance with a public consultation policy (section 202(3))
- If Council proposes to grant an authorisation or permit that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or in relation to a use or activity for which public consultation is required under the regulations, (section 223(1))
- Before a Council plants vegetation, or authorises or permits the planting of vegetation, on a road, if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area (section 232(b))
- Passing by-laws (section 249)
- Prepare and adopt policies relating to power to make order (section 259(2))

Other Acts where this policy may apply, but not limited to, are the:

- Development Act 1993 and the Planning, Development and Infrastructure Act 2016
- Roads (Opening and Closing) Act 1991
- Land Acquisition Act 1969
- South Australian Public Health Act 2011
- Burial and Cremation Act 2013

Where there are legislative requirements for consultations under other legislation, then these take precedence over the Public Consultation and Community Engagement Policy if there is any inconsistency.

WHEN COUNCIL CHOOSES TO INVOLVE THE COMMUNITY IN COUNCIL DECISION-MAKING

When Council chooses to involve the community in council decision-making, unless directed otherwise by an Act, the following steps will be followed:

- A resolution by Council to undertake consultation that
 - includes a clear statement of the problem to be solved and
 - identifies key stakeholders (A stakeholder is someone who may be affected by or have a specific interest in the decision or issue under consideration).
- In consultation with the Manager Governance and Community Development plan and select a level of consultation (using the Public Participation Spectrum) including the preparation of a document that includes:
 - a project summary
 - background information
 - how people can find out more and have a say
 - what happens to their ideas and feedback
- Publish a notice in a newspaper circulating within the area of the council, usually the Naracoorte Herald and publish information on a website, usually www.naracoortelucindale.sa.gov.au and www.yoursay.naracoortelucindale.sa.gov.au
- Utilise some or all of the following to inform the public or to gather feedback
 - a spotlight on the My Local app
 - promote engagement opportunities and activities via Social Media
 - a flyer included in rates notices
 - an article in one of Council's newsletters
 - YourSay newsletter
 - media releases
 - feedback forms and surveys and online engagement tools
 - letters to residents and/or other stakeholders (via hand delivery, post or email)
 - community engagement documents available at Council venues such as the Library
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These steps may also be followed in cases where the Act requires Council to follow its public consultation policy.

RECORD KEEPING

- Maintain a record of consultation activities including:
 - Public notices and how information was shared
 - Techniques used to collect and compile input
 - Events that were used to bring people together such as public forums and meetings including a record of attendance and discussion
 - Submissions and feedback received

DECISION MAKING

At the conclusion of the consultation period Council must consider any submissions made in response to an invitation to make submissions at a meeting of Council or Council Committee.

- A report will be provided to Council or a Council Committee that:
 - includes an outline of public consultation undertaken
 - a summary of submissions and feedback received
 - takes into account feedback and provides Council Members with the information and sufficient time to inform their final decision
 - recommends actions or decisions
- Council members will:
 - Consider the outcomes of the consultation
 - Weigh up and deliberate the information, facts and recommendations presented
 - Make final decisions

ACKNOWLEDGEMENT OF SUBMISSIONS AND FEEDBACK

Where practical, a report will be provided to stakeholders who contributed to the consultation, the outcomes and how their contribution was considered.

INFLAMMATORY OR OFFENSIVE SUBMISSIONS AND FEEDBACK

Where submissions or comments received are inflammatory or offensive, the following will occur:

- if the feedback is relevant, the offensive language will be removed, while maintaining the integrity of the submission
- in cases where the submission or comment is not related to the question or topic and / or is of threatening or inflammatory content, the response will be removed from all Council reports and submission summaries.

NARACOORTE LUCINDALE COUNCIL

COUNCIL POLICY

PUBLIC CONSULTATION AND COMMUNITY ENGAGEMENT

94

PUBLIC PARTICIPATION SPECTRUM

IAP2's Public Participation Spectrum will assist Council with the steps to follow when engaging the community in Council decision making processes.

	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and / or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Minimum consultation	<ul style="list-style-type: none"> Public notices and advertisement Information on website Social media My Local app spotlight 	<ul style="list-style-type: none"> Invite public comment Appear before Council or a Council committee to be heard on submissions Petitions Deputations Report to stakeholders who contributed to the community engagement 	<p>Public event such as:</p> <ul style="list-style-type: none"> Meeting with stakeholders Workshop Working groups Focus Groups <p>Public involvement via</p> <ul style="list-style-type: none"> Surveys & questionnaires Online engagement tools Interviews Deliberate polling Informal sessions targeting high traffic areas 	<ul style="list-style-type: none"> Section 41 Committee 	<ul style="list-style-type: none"> Council meeting

NARACOORTE LUCINDALE COUNCIL

COUNCIL POLICY

PUBLIC CONSULTATION AND COMMUNITY ENGAGEMENT

94

POLICY REVIEW

This policy will be reviewed every four years.

Future reviews will be subject to the provisions of Section 50 of the Local Government Act 1999.

AVAILABILITY OF POLICY

The public may inspect a copy of this policy, without charge, at the Council's Naracoorte and Lucindale offices during office hours, and may obtain a copy for a fee fixed by Council.

The Policy is also available on Council's website www.naracoortelucindale.sa.gov.au

REFERENCES

International Association for Public Participation - www.iap2.org.au, Planning for Effective Public Participation and Techniques for Effective Public Participation.

ADOPTION AND AMENDMENT HISTORY

<i>Date</i>	<i>Authorised by</i>	<i>Minute Reference</i>
June 2021		Next review
June 2017	Council	299/17
May 2013	Council	MAJOR REVIEW – Resolution 13/14
26 July 2011	Council	MAJOR REVIEW - Resolution 55/12
18 December 2007	Council	Review - Resolution 216/08
19 December 2006	Council	Review - Resolution 273/07
28 February 2006	Council	Review - Resolution 196/06
26 September 2000	Council	Policy Adopted