

DISTRICT COUNCIL OF LOWER EYRE PENINSULA

Public Consultation



“Working with our Rural & Coastal Communities”

	CR-POL-02 – PUBLIC CONSULTATION	Version No:	1.2
		Issued:	February 2015
		Next Review:	February 2017

Responsibility:	Governance
Minutes reference:	C78 (2)
Applicable Legislation:	Local Government Act 1999
Related Policies / Procedures/Codes:	CR-POL-01 – Media Policy CR-POL-02 – Community Engagement Strategy
Review Frequency:	24 months

1. PURPOSE

The District Council of Lower Eyre Peninsula (“the Council”) is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between Council and the community.

This public consultation policy sets out the steps that Council will take to establish partnerships and to 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.

To promote greater local participation in Council’s decision making by the community, Council has adopted a Community Engagement Strategy, which outlines a closer interaction with local Community Reference Groups and the community.

2. PRINCIPLES

This 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;
- Listen and respond to community views in a balanced way, taking account of 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.

3. STATUTORY REQUIREMENTS

This policy has been developed and adopted in accordance with Section 50 of the Local Government Act 1999 (the Act). Section 50 requires Council to adopt a public consultation policy which sets out the steps that Council will follow in cases where the Act specifically requires the Council to follow its public consultation policy, and sets out the steps that Council will follow in other cases of Council decision making.

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3. STATUTORY REQUIREMENTS cont'd:

In many cases the Council is required to comply with specific legislative requirements, such as minimum periods of consultation, publication in the gazette and requirements of the Development Act.

NB: A summary of minimum public consultation requirements as specified by the Local Government Act is attached as Appendix 1.

4. 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.

5. ROLES AND RESPONSIBILITIES

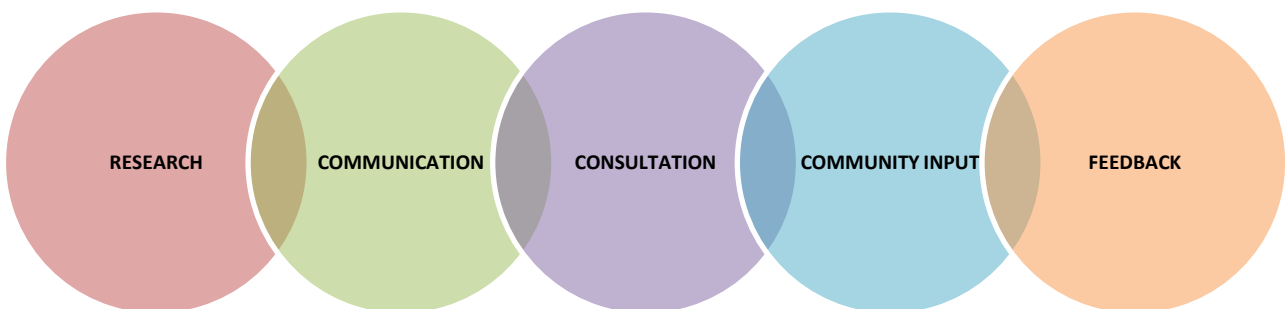
This Policy will be applied by Council Elected Members, staff, contractors, and agents or consultants acting on behalf of Council.


The Chief Executive Officer is responsible for:

- Implementing communication and consultation initiatives in accordance with this Policy
- Reporting the outcomes of consultation undertaken to Council to inform the decision making process

6. COMMUNICATION AND CONSULTATION

In determining whether public consultation is being undertaken in compliance with legislation or in line with sound decision making as determined by Council the following steps will be undertaken to fulfil the requirements of this policy: -



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6. COMMUNICATION AND CONSULTATION

cont'd:

6.1 RESEARCH

Prior to undertaking consultation, Council will identify potential stakeholders relevant to the consultation topic which could include (but are not limited to):

- Residents;
- Ratepayers;
- Community Reference Groups as defined in Policy 25.01.03;
- Government Agencies or Authorities;
- Regional Organisations;
- Elected Members;
- Council Staff;
- Council Committees or Advisory Groups.

Council will determine the key messages to deliver to stakeholders and gather all relevant reports and information relating to the consultation topic to ensure that accurate and timely information is conveyed.

6.2 COMMUNICATION

Communication involves providing meaningful information in a timely and accessible manner regarding Council issues e.g. a letter advising of certain events, an advertisement in the Port Lincoln Times or provision of information on Council's Website or social media pages / accounts.

Council will identify a range of appropriate options for communicating information to stakeholders and invite community involvement by: -

- Feature articles in the Port Lincoln Times;
- Advertisements in the Port Lincoln Times;
- Advertisements in the Advertiser if the matter has relevance to the broader community;
- Media releases;
- Social media
- Letters to stakeholders;
- FACT Sheets
- Local School newsletters (Wangary, Cummins, Poonindie);
- Community newsletters (Coffin Bay Sun, Cummins Connection);
- Web site;
- Displays in public places;
- Displays in Council offices.

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6.3 CONSULTATION

Consultation is a two-way process, providing opportunities to clarify information, raise issues and discuss ideas, options and views.

Council will identify and promote a range of appropriate consultation initiatives including: -

- Meetings with Elected Members and Staff;
- Meetings with Community Reference Groups;
- Workshops;
- Open days;
- Community surveys;
- Community meetings or forums;

6.4 COMMUNITY INPUT

To provide the community with genuine opportunities to be heard and have input into the decision making processes of Council (unless otherwise specified by legislation) the Council will:

- Aim to provide 14 days notice of any consultation forums or opportunities;
- Ensure a minimum period of 21 days is allocated from the date of inviting involvement to the closing date for submissions, in the event that written submissions are to be received
- Give genuine consideration to any written or verbal submissions
- Provide opportunities to be heard by Council or a Committee
- Impartially analyse any survey or feedback information;
- Provide a dedicated Council contact person(s) for interested parties to obtain further information.

6.5 FEEDBACK

All written submissions received will be summarised by staff in a ‘Public Consultation Summary Paper’.

This paper will be presented to Council and placed on the Council website with a copy sent to each person/organisation providing a written submission along with a letter of acknowledgement thanking them for the submission.

Council will provide feedback to the community regarding the reasons for arriving at a particular decision where relevant and it is considered warranted..

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7. AMENDMENT OR SUBSTITUTION OF POLICY

Any future amendment or alteration to the Policy, or substitution of a new Policy, will be subject to the public consultation provisions under Section 50 of the Local Government Act unless the alteration has only minor significance and is likely to attract little or no community interest.

SIGNED: 

CEO

Date: 20 / 02 / 2015



Mayor, DCLEP

Date: 20 / 02 / 2015

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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: • 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 a 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.



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<p>Commercial Activities – Prudential Requirements</p>	<p>s.48(2)(d) s.48(5) and s.48(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>s.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 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)	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: <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 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



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		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; and 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 principal office follow the relevant steps set out in its public consultation policy give public notice of its adoption of a management plan.



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<p>Amendment or revocation of management plans NB: A Council cannot dispose of community land until revocation of its classification as community land.</p>	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.
<p>Alienation by lease or licence NB: Specific provisions relate to the Adelaide Park Lands – under the <i>Parklands Act 2005</i></p> <p>Authorisations/Permits</p> <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.202 s.223	<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>Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit.</p>
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.
<p>Passing by-laws NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply</p>	s.249	<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.
Power to Make Orders	s.259(2)	Council must



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Councils must take reasonable steps to prepare and adopt policies relating to power to make orders.

- 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.

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.