

Public Consultation & Community Engagement

Keywords: *Public Community Consultation Engagement*

Corporate Plan:	<i>Links with goals, direction and intent of the Corporate Plan</i>
Classification:	<i>Executive Services – Statutory Policies – Public Consultation</i>
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Next Review Due:	<i>2016</i>
Responsible Officer(s):	<i>CEO / EA</i>
Council File Reference:	<i>9.63.1</i>
Applicable Legislation:	<i>Section 50 Local Government Act 1999 (SA) – Public Consultation Policies</i>
Relevant Policies:	<i>Access to Meetings - Code of Practice; Order Making Policy</i>
Related Procedures:	<i>Sec. 50(4) – Public Consultation required prior to adoption of the “Public Consultation Policy” and/or alteration/amendment thereto unless (Pt. 6) alteration is determined to be of minor significance. Requires notification in the “Advertiser” for significant changes.</i>
Delegations:	<i>Berri Barmera Council Delegations Register</i>

Purpose

The Public Consultation and Community Engagement Policy has been developed in accordance with the intent and requirements of Section 50 of the Local Government Act 1999. The policy provides a basis for involving the community in planning and decision making processes to ensure effective community engagement and participation in the management of community resources, and to foster a partnership with the local community.

Objectives

The objectives of this Policy are:

- (a) to fulfil the statutory requirements of the Local Government Act 1999 Sec 50;
- (b) to enable the community to contribute to the Council’s decision making through open and accountable processes;
- (c) to promote equity through optimal access to consultation opportunities;
- (d) to provide a framework for the administration’s implementation of the Council’s principles for community engagement, including community consultation.

Interpretation

For the purposes of this Policy, the following definitions apply:

- (a) *Community* means “the public”. The community includes ratepayers, residents and all people who live, work, study, conduct business or use the services, facilities and public places in the Berri Barmera Council. These people are often referred to as “stakeholders” in the affairs of the Council.
- (b) *Communication* in this Policy, means conveying information to another party.
- (c) *The Act* means the Local Government Act 1999, as amended.
- (d) *Community Engagement* is any process that involves the community in problem solving or decision-making and uses community input to make decisions. Community engagement can include communicating with the community about decisions made; consulting on specific ideas or proposals; involving the community in planning processes; and collaborating with the community to make decisions.
- (e) *Community Consultation is part of community engagement and* means a planned process by which the Council formally invites its constituents and stakeholders to comment about matters upon which Elected Members are to deliberate. This means providing information to the community and eliciting opinions and comments from members of the public, for the Council to consider. The final decision regarding such matters rests with the Council. The Administration may also consult the community regarding specific aspects of programs to be implemented, within the framework of the Council’s decisions and the provisions of the Local Government Act or other legislation. The final decision regarding these operational matters, rests with the Chief Executive Officer.
- (f) *Council* means the Elected Members of the Berri Barmera Council. The *Council Administration* refers to the employees and contractors engaged by the organisation.

Principles

The Council has adopted the following principles as central to effective community engagement and public consultation:

- (a) The community has a right to contribute to and to be informed about key decisions affecting the local area.
- (b) The community is to be provided with adequate information in order to make informed opinions. Information is to be provided to identified stakeholders so that it:
 - (i) is clearly presented and relevant;
 - (ii) is readily accessible;
 - (iii) clearly defines the aspects of the matter which are subject to community comment;
 - (iv) is provided with due regard to the resources available and to relevant legislation, Council Policies and Codes of Practice;
 - (v) clearly states that submissions received will become public documents;
 - (vi) provides contact details for further enquiries; and
 - (vii) outlines the decision making process of which the consultation is a part.
- (c) Appropriate and timely opportunities are to be provided for people to gain access to information and to be involved in community engagement programs.

- (d) Presentations by members of the public at formal Council meetings are governed by Local Government (Procedures at Meetings) Regulation number 11 (Deputations).
- (e) The Council has a responsibility to consider all submissions in a balanced way, and recognises that community opinion is one aspect of the decision making process. The Council will strive to make decisions for the good governance of the district as a whole, over the long term, taking account of all the influences and factors relevant to any particular matter. The Council is required to make decisions that are equitable, economically, socially, culturally and environmentally appropriate, timely and in accord with legislation.
- (f) Community engagement processes will be open, accountable and within resource constraints. The level and style of engagement with the community will vary depending on the community interest in the matter, the number of people potentially affected by the Council's decision, the resources available, and legislative requirements. An appropriate period of time is to be provided for consideration of, response to and collation of input on the matter.
- (g) The community will be advised of significant decisions which have involved a community engagement process, and there will be readily available public access to the outcomes of all community engagement programs.

Statutory Requirements

- (a) Where there are statutory requirements for consultation, these will take precedence over this policy where there is any inconsistency.
- (b) Where the Local Government Act 1999 requires that the Council follows this policy, and the legislation does not specify steps to the contrary, the Council will:
 - publish in the local newspaper, a notice describing the matter under consideration and inviting interested people to make written submissions within a period of no less than 21 (twenty one) calendar days, which will be stated in the notice; and
 - consider any submissions made in response to the newspaper notice.
- (c) The Local Government Act 1999 requires that community consultation be undertaken in relation to the following matters. Legislative requirements must be followed with regard to:

• Composition and wards of the Council	Section 12(7)
• Status of Council or change of names	Section 13(2)
• Principal office of the Council	Section 45(3)
• Prudential requirements for certain activities	Section 48 (2)(d) (5) & (6)
• Public consultation policy	Section 50(6)
• Access to meetings and documents - code of practice	Section 92(5)
• Strategic management plans	Section 122(6)
• Annual Business Plans & Budgets	Section 123(3)(b)
• Basis of rating	Section 151(5)
• Basis of differential rates	Sec 156(14a) to (14f)
• Community land: classification	Section 193(2)
• Community land: revocation of classification	Section 194(2)
• Community land: proposed management plans	Section 197(1)
• Community land: amendment or revocation of management plan	Section 198
• Community land: alienation by lease or licence	Sec. 202(2)& (3)
• Permits for business purposes (on roads)	Section 223(1)

• Planting of vegetation on roads	Section 232
• Vehicles - Removal	Section 237
• Passing by-laws	Section 249
• Order making policies	Section 259

Additional Matters For Consultation

This policy does not apply to Development Applications under the Development Act 1993.

In addition to the matters set out in the Local Government Act 1999, the Council may choose to follow this policy in regard to other matters. Without limiting the extent of the operation of this policy, issues warranting community consultation may include:

- Major public infrastructure developments
- The provision of services and facilities
- Traffic management
- Proposals for change

Implementation Of This Policy

The Chief Executive Officer is responsible for implementing community engagement and consultation programs in accordance with this policy.

ACKNOWLEDGMENT:

This Policy has been sourced from the Unley City Council whose permission has been granted to use as a template by the Berri Barmera Council.