

POLICY

Public Consultation Policy

Policy Category:	Statutory Policies and Codes
Department / Officer	Governance/Chief Executive Officer
Date Adopted	26 April 2000
Date/s Reviewed	June 2001; May 2002, July 2003, June 2004, November 2005, November 2007, 18 October 2010, 17 December 2012; 27 May 2019; 27 April 2020 ; 22 June 2022 (OC2952020)
Review Frequency	As required and at least biennially
Strategic Plan Reference	Requirement under Section 50 of the Local Government Act; Community Plan & Strategic Direction 2016-2020 – Objective 5 An innovative Council empowering the community, Approach 5.2 Encourage active citizenship and community pride, 5.2.4 Engage with the broader community to seek their views and expectations

1. Purpose

The purpose of this policy is to contribute to a culture of effective community engagement, to enhance decision making and ensure that Council meets its obligations under the *Local Government Act 1999* (the Act) and other relevant Acts.

This Policy outlines the minimum communication and consultation requirements under the Act that Council is required to comply with.

Council's Community Engagement Toolkit is designed to further contribute to effective engagement, by providing guidelines, structure and process that ensures consistent, meaningful and effective community engagement is achieved, beyond the requirements of the Act.

2. Scope

This policy will apply to public consultation processes required or undertaken under the *Local Government Act 1999*.

It is not intended that this policy replace Council's consultation requirements under other legislation, e.g. Development Act 1993 or Planning, Development and Infrastructure Act 2017.

3. Policy Statement (Summary)

The City of Victor Harbor is committed to open, accountable and responsive decision making achieved by effective communication and consultation between Council and the community.

Council has developed and is committed to five principles that underpin its approach to community engagement:

1. Community Participation

We are committed to including, informing and involving our community in local decision making from project planning through to delivery.

2. Open and Accountable

We will provide clear and easy to understand information that will inform our community and encourage meaningful engagement.

3. Accessibility

Our community will be able to access information in a variety of ways.

4. Careful Planning and Evaluation

We will carefully plan community engagement activities and evaluate all feedback to meet the needs of our community.

5. Closing the Loop

We will inform our community of our decisions and outline how feedback was considered.

This policy draws on the International Association for Public Participation's engagement spectrum, which the council has adapted to fit our local context and expectations. The levels of community engagement include:

- **Informing** – one-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.
- **Consulting** – two-way communication designed to obtain public feedback on a proposal, initiative or issue to inform Council decision making.
- **Active Participation** – Ongoing communication, where community members and Council are working together to ensure concerns and aspirations are understood. While the decision ultimately rests with Council, the community is involved in identifying alternatives and preferred solutions. This may also include involving the community in the development of proposals and options.

Where the Local Government Act prescribes that public consultation is necessary, Council will obtain and consider community contributions and relevant information to ensure that any decision made is in the best interests of the community. However, it is important to note that having taken into account the submissions received, any final decision rests with Council.

4. Legislation and Compliance

Section 8 of the Act (Principles to be observed by a council) outlines, amongst other things, Council's responsibilities to provide open, responsive and accountable government.

More specifically, Section 50 requires Council to prepare and adopt a public consultation policy that sets out the steps that the Council must follow in cases where the Act requires that a council must follow its public consultation policy, to ensure it effectively consults with stakeholders and the community.

The Act prescribes the requirement for public consultation in numerous provisions of the Act. **Section 6** of this Policy lists the sections that specify when public consultation is required under the Act, and the consultation steps that need to be taken relevant to each section. Where the Act specifies that Council needs 'to follow the relevant steps set out in its public consultation policy', Council will follow the steps indicated in the relevant column. Where deemed appropriate by the Administration, or requested by Council, further public consultation may be undertaken that exceeds the requirements prescribed by the Act.

5. Definitions

The terms below are defined as:

The Act is the Local Government Act 1999 (SA).

Public or Community includes individuals or groups who have an interest in Council's decision-making and who are affected by Council decisions. These individuals or groups may be identified as residents and voters, ratepayers, business owners, Council customers, contractors and suppliers, community interest groups, agencies and hard to reach groups.

Engagement describes varying levels of participation in public consultation processes.

Public Consultation is a planned process of engagement where information is provided, and community and stakeholders are formally invited, as per the relevant requirements in the Act, to comment about matters on which Council will deliberate.

6. Policy Content

The following table outlines Council's legislative requirements under the Local Government Act 1999.

Legend:

1. Carrying out representation reviews (Section 12(5))
2. Considering change of status of council or name change (section 13)
3. Determining the manner, places and times of its principal office (section 45)
4. Adopting or varying a public consultation policy (section 50)
5. Altering the 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)
6. Strategic Management Plans (Section 122)
7. Council's Annual Business Plan (section 123)
8. Changing or amending council's rating policy (section 151)
9. Basis of differential rates (section 156)
10. Excluding land from classification as community land (section 193)
11. Revoking the classification as community land (section 194)
12. Adopting, amending or revoking a management plan for community land (section 197)
13. Amendment or revocation of a management plan¹ (section 198)
14. Alienating of community land where the management plan does not allow it² (section 202)
15. Alienating roads (section 223)
16. Planting vegetation where it will have a significant impact on residents, the proprietors, or nearby residents³ (section 232)
17. Making bylaws (section 249)
18. Making orders (section 259)

¹Public consultation is not required unless the amendment has no impact or no significant impact on the interests of the community.

²Public consultation is not required if the grant of a lease or licence is authorised in an approved management plan for the land and the term is five (5) years or less; or the regulations provide for an exemption from compliance with the public consultation policy.

³Public consultation is only required if the Council considers that the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area.

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Consultation steps	1. Carrying out representation reviews (section 12(5))	2. Considering change of status of council or name change (section 13)	3. Determining the manner, places and times of its principal office (section 45)	4. Adopting or varying a public consultation policy (section 50)	5. Code of Practice for Access to Meetings, their minutes and release of documents (Section 92)	6. Strategic Management Plans (Section 122)	7. Annual Business Plan (Section 123)	8. Rating Policy (Section 151)	9. Basis of Differential Rates (Section 156)	10. Excluding land from classification as community land (section 193)	11. Revoking the classification as community land (section 194)	12. Adopting, amending or revoking a management plan for community land (section 197)	13. Amendment or revocation of a management plan (section 198)	14. Alienating of community land where the management plan does not allow it (section 202)	15. Alienating roads (section 223)	16. Planting vegetation (section 232)	17. Making bylaws (section 249)	18. Making orders (section 259)
Council will provide public notice of the options for consideration	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Information provided on a City of Victor Harbor website	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Information is available for viewing at the Civic Centre	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Notice is published in a local newspaper (The Times) circulating the City of Victor Harbor council area	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Provide a minimum of 21 days for people to make submissions to council (unless otherwise stated)	6 weeks ✓	3 weeks ✓	6 weeks ✓	✓	1 month ✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Receipt of submissions by City of Victor Harbor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Submissions to be considered by council in decision making	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Inform public of outcome	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Public meeting (as determined by legislation)							✓	✓	✓	✓								
Provide opportunity for people to attend a Council meeting or Council Committee meeting	✓	✓	✓				✓											
Submit report and proposal/other to Minister or Government Department as required	✓	✓										✓						
Give written notice to agencies that are under regulations to be notified of the proposal														✓				

7. Implementation/Delegations

This Policy applies to Elected Members, staff, contractors and agents or consultants acting on behalf of Council.

Council is the elected body charged with responsibility for making decisions on behalf of the community. Under certain circumstances Council may delegate decision-making to Council officers.

The Chief Executive Officer supported by staff and/or external contractors, is responsible for implementing and reviewing this Policy, and reporting outcomes of consultations and review(s) of this Policy to Council.

Directors are responsible for ensuring their staff comply with this Policy and make use of the support mechanisms and tools provided to guide implementation.

The Communications Officer is responsible for providing advice and assistance to the community and stakeholders internal and external to City of Victor Harbor and keeping this policy and tools up to date, visible and readily accessible.

8. Related Documents

Community Engagement Toolkit

9. Availability of Policy

This policy is available on Council's website at www.victor.sa.gov.au. It may also be inspected or purchased at the Principal Office of the Council at 1 Bay Road, Victor Harbor.