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Responsible Officer:	Chief Executive Officer
Applicable Legislation:	<i>Section 50 Local Government Act 1999</i>
Relevant Policies:	
Related Procedures:	
Compliance Standard:	

Introduction

The District Council of Robe 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 encourage community involvement in the planning and decision making processes of Council. Council is required to seek public consultation on any legislative requirement under the Local Government Act 1999 or any other Act relevant to Council.

The aim of this policy is to ensure that appropriate and cost effective methods are used to inform and involve the local community, key stake holders and interested parties relevant to the specific circumstances of each consultation topic.

This policy addresses the key elements of both communication and consultation. Communication is the provision of information by Council in a timely and accessible manner, it is essentially a one way process.

Consultation is the process of seeking informed responses from the community prior to Council making a decision. This process allows people to respond, express concerns, ideas and issues so they can be considered before a Council decision is made.

Purpose

The Public Consultation Policy has been developed and adopted in accordance with Section 50 of the Local Government Act 1999. 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. The District Council of Robe is committed to achieving a best practice standard on public consultation issues. Pursuant to section 50 of the Local Government Act 1999, Council is required to adopt a public consultation policy and to consult the community in respect to the matters as detailed in appendix 1 of this policy:

This policy does not cover consultation in respect to planning and building applications (development) as Council's role and responsibilities in this area are prescribed in the development Act and Regulations.

A development Act consultation policy has been prepared and appears as an adjunct to this policy.

Principles

The principles underpinning this policy are as follows.

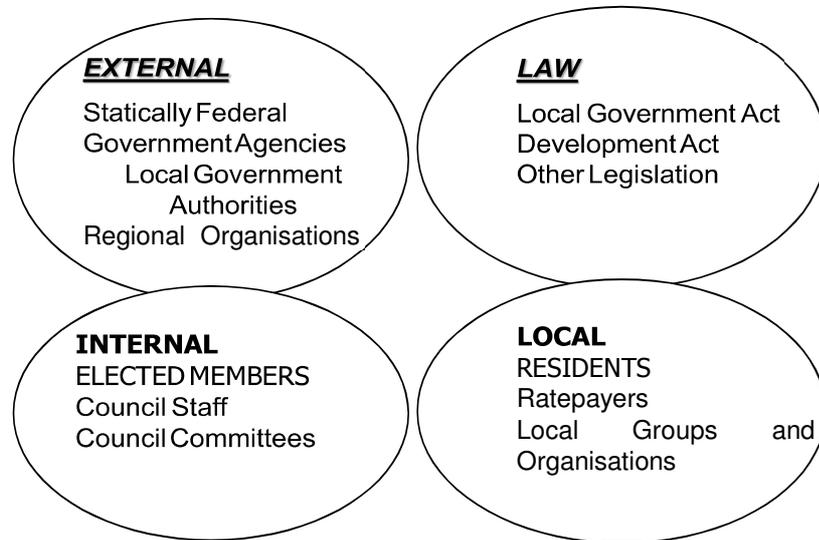
- ↯ The community has a right to be involved and informed about decisions affecting their area, and to make comment on such decisions.
- ↯ Community involvement in Council proposals will result in continued confidence in Council and thorough, informed decision making by Council.
- ↯ Council decision making should be open, transparent and accountable.
- ↯ Council recognises that the level of consultation with the community will vary depending on the community interest in the topic, number of persons potentially affected by the topic and the requirements for consultation set out in the Act for specific topics.
- ↯ The Council's desire to balance community views and interests with other influences such as budgetary constraints, legal issues, liability etc.

Decision Making Process

Community consultation is one aspect of Council's decision making process. Council seeks to take account of the views and opinions expressed by the community and stake holders, and balance those with other influences such as budgetary constraints, legal requirements and restrictions etc to make decisions within the context of Council's endorsed strategic directions.

The following diagram identifies the various stake holders that Council will consult with where relevant and appropriate to the matter under consideration.

Various Stakeholders – Influencing the Outcome



Objectives

The objectives of this Policy are:

- √ Promote positive relations between Council and the community.
- √ Promote effective communication and consultation between Council and the community.
- √ Enable the community to participate in Council planning and decision making.
- √ Provide the framework for community involvement in Council planning and decision making.
- √ Promote Council decision making which is open, transparent, responsive and accountable to the community.

Roles and Responsibilities

This policy will apply to Elected Members, staff, contractors and agents/ consultants acting on behalf of Council.

The Chief Executive Officer is responsible for:

- √ implementing the policy
- √ reporting on the Council's success in meeting the objectives of the policy
- √ reporting on the review and evaluation of the policy

Procedure

The following steps will be taken by Council to fulfil the requirements of the policy

1. Council will identify a range of options available to communicate information and invite submissions, to interested persons
2. As a minimum, Council will publish a notice in the Coastal Leader and Council's

- website, describing the matter for public consultation and inviting interested persons to make written submissions to Council within a period being a minimum of twenty-one days from the date of the publication of the notice.
3. Council will consider any submissions received as part of its decision making process and will also have regard to any relevant legislation.
 4. Other options that Council may choose to utilise to communicate information and invite submissions include:
 - ↳ notice in The Advertiser or other regional paper
 - ↳ notice in the Robe Community News
 - ↳ letter drops (mail out) to residents / ratepayers
 - ↳ media release
 - ↳ letters to stakeholders
 - ↳ social media ie Facebook
 - ↳ signs
 - ↳ displays in public places
 - ↳ meetings and workshops with the community
 5. Any steps taken by Council in addition to the minimum requirements set out in the Act are at the discretion of Council and will depend upon the particular topic under consideration, the resources available to Council and the level of interest that the topic is likely to generate.

Alteration to or Substitution of Policy

Any alteration of the Policy or substitution of the Policy with a new Policy will require Public Consultation pursuant to Section 50(6) of the Local Government Act 1999 unless the alteration has only minor significance and is likely to attract little or no community interest.

FURTHER INFORMATION

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.robe.sa.gov.au

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email council@robe.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

POLICY REVIEW

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).

Public Notification – Development Act

Introduction

Approval from a relevant authority is required before undertaking development. Applications are not required for matters that fall outside the definition of development and therefore matters that are not development cannot be given public notification.

By virtue of Section 50(1) and 50 (2) (a) of the Local Government Act , the public consultation policy prepared pursuant to the Local Government Act does not apply to the assessment of the applications under the Development Act.

The Development Act details the public notification process and too deviate from the legal process would expose Council to legal redress from applicants.

It is the practice of Council not to deviate from the public notification requirements of the Development Act.

Procedures

The public notification requirements are set out in the Development Act, Development Regulations, schedules of regulations and the Development Plan.

The Council is not always the relevant authority to process an application and undertake public notification.

In some instances this may be;

- The Development Assessment Commission,
- The Minister of the crown,
- Or the Governor.

Where the Council is not the relevant authority it has no responsibility or authority to give public notification of an application.

Development are categorised into three categories;

- Category 1 exempt from public notification
- Category 2 limited public notification
Adjoining owners are notified of the application by individual correspondence
There is no automatic right to redress the relevant authority although the relevant authority has discretion.
People who make representations have no 3rd party rights of appeal.
- Category 3 full public notification.
Adjoining owners are notified by individual correspondence and the general community is notified by a notice placed in the Coastal Leader. Council cannot use the Council Community newsletter as it is not a registered newspaper.
Anyone may make a written submission and anyone who does has a right to address the relevant authority if they nominate to do so.
There are third party rights of appeal.

Various types of development are listed as category 1 or 2 in the schedules of the Development Plan and development regulations. Anything not specifically listed as category 1 or 2 is by default a category 3 development. If there is conflict between the provisions of the schedules of the regulations and the Development Plan the listing in the development plan takes precedence.

The listings in the schedules of the regulations are determined by the State Government and are subject to normal parliamentary processes. The listing in the Development Plan are normally determined by the Council (although the Minister may do so) as part of the Plan Amendment report process that does its own public notification process with Ministerial oversight and approval.

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
<p>Representation Reviews Review and reporting to the Electoral Commissioner</p>	s.12	<p>Representation Options Paper</p> <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. <p>Report</p> <ul style="list-style-type: none"> • Public notice: <ul style="list-style-type: none"> • 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 finalize 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. 	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 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.

<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.

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)	<p>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:</p> <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
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

		<p>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</p> <ul style="list-style-type: none"> - Council to organize 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
<p>Rating – Differential Rates</p>	<p>s.156(14a)</p>	<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 organize 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>Power to Make Orders Councils must take reasonable steps to prepare and adopt policies relating to power to make orders.</p>	<p>s.259(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 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. <p>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.</p>
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