

	<h1>District Council of Cleve</h1>	Version No:	6.0
		Issued:	April 2023
		Next Review:	March 2027

Policy Name: **2.1 – Public Consultation**

1 PURPOSE

The purpose of this policy is to outline the principles and procedures that the Council will follow to involve the community in planning and decision making in the local area and to ensure accountability of the Council to the community through effective communication and consultation strategies.

This policy will apply as required by *Section 50 and other sections of the Local Government Act 2021*.

2 PRINCIPLES

The principles underpinning this policy are:

- The community has a right to be involved in and informed about potential issues affecting their area and actual decisions affecting them.
- Community involvement in Council decision making will result in greater confidence in the Council and responsive decision making;
- Council decision making should be open, transparent and accountable;
- The Council recognises that the level of consultation with the community will vary, according to whether it is mandatory or discretionary, depending on the community interest in the topic, the number of persons potentially affected 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;

3 OBJECTIVES

The objectives of this policy are to ensure Council meets its legislative obligations in regard to public consultation and to promote positive relations between Council and the community through:

- effective communication and consultation between Council and the community in order to enable the community to contribute to Council planning and decision making.
- to provide a framework for community involvement in Council planning and decision making.
- Informing and involving the community, stakeholders and interested parties.
- to promote Council decision making which is open, transparent, responsive and accountable to the community.
- educating the community on matters of legislation, procedure, policy and best practice.
- Using feedback to enhance decision making.

4 **LEGISLATION**

The Act requires Council to consult in accordance with its public consultation policy, with regard to the following matters:

- Principal Office – Opening hours (section 45 (3))
- Adopting or varying a public consultation policy (section 50 and 50(4)(a))
- Code of Practice – Access to meetings and documents (section 92(5)(b))
- Adopting Strategic Management Plans (section 122)
- Adopting Annual Business Plans and Budgets (section 123)
- Rates – Basis of Rating (section 151(5))
- Rates – Basis of Differential Rates (section 156(14d))
- Community Land – Classification (section 193(2))
- Community Land – Revocation of Classification (section 194(2b))
- Community Land – Management Plans (section 197(1))
- Community Land – Amendment or Revocation of Management Plan (section 198(2))
- Community Land – Alienation by lease or licence (section 202(2))
- Roads – Authorisations and Permits restricting access, or for use or activity requiring public consultation under regulations (section 223)
- Roads – Planting trees and vegetation (section 232)

Council should always refer directly to the relevant Section of the Act before determining the appropriate consultation requirements.

Other sections of the Act provide details of consultation steps (sometimes referred to as 'public notice' or 'notice to the public') to be followed which are not covered by this Policy, these include:

- Representation Reviews (Section 12)
- Status of council/changes of names (Section 13)
- Public Initiated Submissions (Section 28)
- Commercial Activities – Prudential requirements (Section 48)
- Public Consultation Policies (Section 50)
- Strategic Management Plans (Section 122(6))
- Passing By-Laws (Section 249)
- Policies on Orders (Section 259)

Council should always refer directly to the relevant Section of the Act before determining the appropriate consultation requirements.

4.1 Other Acts

Where there are legislative requirements for consultation under other legislation then these take precedence over the Public Consultation Policy if there is any inconsistency.

5 **ROLES AND RESPONSIBILITIES**

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

The Chief Executive Officer of the Council is responsible for:

- Implementing this policy
- Reporting on the Councils success in meeting the objectives of this Policy;
- Reporting on the review and evaluation of this Policy

Council has delegated responsibility to the Chief Executive Officer to determine the method of Public Consultation required for each circumstance.

6 CONSULTATION REQUIREMENTS

Council acknowledges that the Act sets out minimum standards of consultation only. The decision to consult and the scope and scale of the consultation will be determined based on the following criteria:

- number of residents or stakeholders likely to be affected.
- sensitivity and nature of the issue or decision.
- likely social, economic, environmental and cultural impact.
- scale of public and community interest and;
- the requirements of the Act, other legislation and Council policies

Accordingly, it is acknowledged that the Council may undertake consultation as a matter of discretion where there is no legislative imperative to do so. Where the Council does undertake discretionary consultation, it may choose to follow this Policy in doing so or may determine any other process of its choosing.

7 PROCEDURE

Subject to any procedures mandated by legislation, the following steps will be taken by the Council to fulfil the requirements of this Policy:

- As a minimum the Council will publish a notice in the local newspaper and on Councils Website, describing the matter for which public consultation is required, and inviting interested persons to make submissions to the Council within a period being at least (21) days from the date of the notice;
- The Council will consider any relevant submissions received as part of its decision-making process and will also have regard to any relevant legislation;
- Other options which the Council may choose to utilise to communicate information and invite submissions in addition to the above are;
 - Notice in the Advertiser
 - Letter drops to residents
 - Media releases
 - Letters to stakeholders
 - Fact sheets and brochures
 - Displays or notices in public places
 - Public forums and meetings
 - Social Media (currently Facebook, Instagram & Twitter)
 - Meeting with relevant community members

Any steps taken by the Council in addition to the minimum requirements set out in the Act are at the absolute discretion of the Council and will depend upon the particular topic under

consideration, the resources available to the Council and the level of interest the topic is likely to generate.

8 REVIEW, ALTERATION OR SUBSTITUTION OF POLICY

The effectiveness of the Policy will be reviewed and evaluated following each general election.

The Chief Executive Officer will report to Council on the outcome of the evaluation, and make recommendations for amendments, alteration or substitution of a new Policy if relevant.

Any alteration to the Policy or substitution of a new Policy will be subject to the provisions under Section 50 of the Act, which states that before a Council:

- (a) adopts a public consultation policy or
- (b) alters, or substitutes, a public consultation policy,

Council must:

- a) prepare a document that sets out its proposal in relation to the matter; and
- b) publish in a newspaper circulating generally throughout the State and in a newspaper circulating within the area of the council a notice of the proposal inviting interested person to make submissions on the proposal within a period (which must be at least one month) stated in the notice; and
- c) consider any submissions made in response to an invitation under paragraph (d).
- d) except where an alteration is of minor significance that would attract little (or no) community interest.

9 COUNCIL ENDORSEMENT

This Policy was adopted by resolution of the Council on 3 April 2023.

10 DOCUMENT REVIEW

This Policy is scheduled for review by Council in March 2027.

11 AVAILABILITY OF POLICY

This policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.cleve.sa.gov.au. Hard copies of the policy can be obtained upon request and payment of the relevant fee as per Council's schedule of fees and charges.