



Responsible Officer	Adopted
Director Corporate and Community Services	August 2014
	Reviewed
Local Government Act 1999 Reference	July 2018
	Next Review*
	August 2022 or within 12 months of Periodic Election

OBJECTIVE

The objectives of this Policy are to:

- Fulfil the statutory requirements of section 50 of the *Local Government Act 1999* (the Act); and
- Enable and encourage the community to actively contribute to the Council's decision making through open and accountable processes;
- Keep the community informed of major achievements and initiatives;
- Promote equity through optimal access to consultation opportunities;
- Provide a framework for the implementation of the Council's principles for community engagement, including public consultation.

LEGISLATION

Legislative Requirements

The Act requires the Council to follow its 'public consultation policy' (i.e. this Policy) in relation to certain matters and decisions. Where the Act requires the Council to conduct consultation in accordance with this Policy, the minimum steps that will be taken pursuant to section 50(4) of the Act are:

1. The publication of a notice in a newspaper circulating within the area of the Council and on a website as determined by the Chief Executive Officer that describes the matter under consideration and invites interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and
2. Consideration by the council of any submissions made in response to a notice under paragraph 1 (above).

In some cases, the Act sets out additional requirements that the Council must follow in undertaking public consultation (i.e. such as the manner of publication of notices and the need for public meetings). In this case, the Council will ensure public consultation is conducted in accordance with the additional requirements.



In particular, the Act prescribes consultation requirements in relation to the following matters:

- The opening hours of the Council's principal office
- The Code of Practice for Access to meetings and documents
- Adopts of the Council's Annual Business Plan
- A change to the basis of rating, including change to differential rates
- Community land including:
 - Revoking the classification of land as community land
 - Adopting, amending or revoking a management plan for community land
 - Granting a lease or license over community land
- permits and authorisations for exclusive occupation of a road or that restrict access to a road
- planting vegetation where this may have a significant impact on residents, businesses or advertisers.

Further details of the consultation requirements prescribed by the Act in relation to the above and other matters are documented in **Attachment One**.

For the avoidance of doubt, this Policy does not apply to matters relating to development assessment. The Council will observe the consultation requirements prescribed by the *Development Act 1993* in relation to these matters.

For decision making in respect of which a public consultation is **not** prescribed by the Act, the following is relevant:

- The Council does not have a statutory obligation to undertake public consultation or community engagement;
- The Council may choose to undertake or not undertake community engagement, at its absolute discretion; and

the Council's ability to make a decision (including to commence a project or activity) is not contingent on the Council first determining whether or not to undertake public consultation. In circumstances where the Council considers whether or not it will undertake discretionary consultation, the Council will be guided by the following considerations:

- The nature and contentiousness of the matter;
- The number of people within the community that may be affected by the decision of the Council; and
- The impacts that may be experienced by the community as a result of the decision.

POLICY

The Council is committed to communicating with, involving, considering the views of and building relationships with its community and stakeholders through engagement and consultation.

In line with Council's commitment, Renmark Paringa Council will use the most appropriate tools and technology to engage, communicate and consult with the community and relevant stakeholders.



POLICY ADMINISTRATION

This Policy has been prepared pursuant to Section 50 of the Act and outlines the principles and framework that the Council will follow to encourage community involvement in decision making about the services Council provides and the management of community resources.

This Policy will apply to Council Elected Members, Council Committee Members, employees, contractors and agents or consultants acting on behalf of Council.

Roles & Responsibilities

Council will ensure adequate resources are provided to meet its commitment to sharing information and communicating openly with its community.

The Chief Executive Officer is responsible for:

- Implementing communication and consultation initiatives in accordance with this Policy;
- Reporting on outcomes of these initiatives to Council to inform the decision-making process; and
- Reporting on the review and evaluation of the policy.

Availability of the Policy

The Policy will be available for inspection at the Community and Civic Centre and Public Library during ordinary business hours. It has also been placed on Council's website – www.renmarkparinga.sa.gov.au. Copies will be provided to interested parties upon request at no cost.



ATTACHMENT ONE

LEGISLATIVE PUBLIC CONSULTATION REQUIREMENTS UNDER THE LOCAL GOVERNMENT ACT 1999 MATTER	LEGISLATIVE REQUIREMENT
<p>Representation Reviews – section 12 Review and reporting to the Electoral Commissioner</p>	<p><input type="checkbox"/> Public notice of a review inviting written submissions within 6 weeks, including notice in a newspaper circulating within the Council’s area and copies made available at the principal office for inspection.</p> <p><input type="checkbox"/> Council to prepare report on the public consultation.</p> <p><input type="checkbox"/> By public notice, inform of the completion and availability of the report for inspection and invite written submissions within 3 weeks, including notice in a newspaper circulating within the Council area.</p> <p><input type="checkbox"/> Provide opportunity for person who makes written submission to appear before Council or a Council Committee to be heard on those submissions.</p>
<p>Status of a Council/Change of Name – section 13</p>	<p>Before altering the name of the Council, the area of the Council, or the name of a ward the Council must:</p> <p><input type="checkbox"/> Give public notice of the proposal inviting written submissions within 6 weeks, including notice in a newspaper circulating within the area.</p> <p><input type="checkbox"/> Provide opportunity for any person who makes written submission to appear before Council or a Council Committee to be heard on those submissions.</p>
<p>Principal Office - Opening Hours - section 45(3)</p>	<p>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>
<p>Commercial Activities: Prudential Reports – section 48(2)(d) and 48(5)</p>	<p>A report addressing prudential issues must include:</p> <p><input type="checkbox"/> the level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them;</p> <p><input type="checkbox"/> the means by which the community can influence or contribute to the project or its’ outcomes.</p>



	<p>The report must be available for inspection at the principal office once Council has made a decision on the relevant project (the report may be available at an earlier time unless the Council orders that the report be kept confidential).</p>
<p>Public Consultation Policies – section 50</p>	<p>Requirements for preparation, adoption, alteration or substitution of Council’s Public Consultation Policy.</p> <p><input type="checkbox"/> Before Council adopts, substitutes and/or alters a public consultation policy under Section 50 (6) the Council must:</p> <p><input type="checkbox"/> prepare a document that sets out its proposal in relation to the matter</p> <p><input type="checkbox"/> publish notice of the proposal in a newspaper circulating generally throughout the State and in a newspaper circulating in the Council area, and inviting submissions within stated period (at least 1 month)</p> <p><input type="checkbox"/> consider submissions made in response to the consultation</p> <p>The Council is note required to comply with section 50 (6) of the Act if the Council determines that the alteration is of a minor significance that would attract little (or no) community interest.</p>
<p>Code of Practice - Access to meeting and documents – section 92(5)(b)</p>	<p>Before Council adopts, alters or substitutes a Code of Practice under Section 92 it must:</p> <p><input type="checkbox"/> make copies of the proposed code, alteration or substitute code available for inspection or purchase the principal office and available for inspection on a website determined by the Chief Executive Officer; and</p> <p><input type="checkbox"/> follow relevant steps set out in the Council’s Public Consultation Policy.</p>
<p>Strategic Management Plans – section 122(6)</p>	<p>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</p>
<p>Annual Business Plans – section 123</p>	<p>Before Council adopts an annual business plan it must follow the relevant steps set out in the Council’s Public Consultation Policy. Section 123 (4) sets out the minimum steps which require Council to:-</p> <p>Publish in a newspaper circulating in the Council area and on a website (determined by the Chief Executive Officer) a notice informing</p>



	<p>the public of the preparation of a draft annual business plan and inviting interested persons to attend:-</p> <ul style="list-style-type: none"> <input type="checkbox"/> a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice); or <input type="checkbox"/> 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 in relation to the draft annual business plan (at least 1 hour to be made available for these questions/submissions); or <input type="checkbox"/> to make written submissions in relation to the draft annual business plans within a period (which must be at least 21 days) stated in the notice; <input type="checkbox"/> To make arrangements for a meeting contemplated above and the consideration by the council of any submissions made either at the meeting or in writing as a response to the public consultation; and <input type="checkbox"/> A copy of the draft annual business plan are available at the meeting and for inspection (without charge) or purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the date of the meeting.
<p>Basis of Rating – section 151</p>	<p>Before the 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 by declaring or imposing a separate rate, service rate or service charge on any land under Section 151 the Council must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> prepare a report on the proposed change <input type="checkbox"/> follow the relevant steps set out in the Council's Public Consultation Policy. <p>Section 151 (7) requires that the Council:</p> <ul style="list-style-type: none"> <input type="checkbox"/> publish in a newspaper circulating in the Council area a notice describing the proposed change, and informing the public of the preparation of the report, and inviting interested persons <input type="checkbox"/> to attend a public meeting in relation to the matter to be held on a date (at least 21 days after the publication of the notice) stated in the notice; or <input type="checkbox"/> to make written submissions in relation to the matter within stated period (at least 21 days) stated in the notice;



	<p><input type="checkbox"/> To make arrangements for a meeting contemplated above and the consideration by the Council of any submissions made either at the meeting or in writing as a response to the public consultation.</p> <p>A copy of the report must be available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office at least 21 days before the end of the period for public consultation.</p>
<p>Community Land Revocation of classification of land as Community Land – section 194 Management Plans - Public Consultation – section 197 & 198</p>	<p>Council must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> prepare and make publicly available a report on the proposal; <input type="checkbox"/> follow the relevant steps set out in Council's Public Consultation Policy before revoking the classification of land as Community Land; and <input type="checkbox"/> Submit a proposal with a report on all submissions made as part of the Public Consultation process to the Minister. <p>Before Council adopts a Management Plan for Community Land it must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> make copies of the proposed plan available for inspection or purchase at the Council's principal office; <input type="checkbox"/> follow the relevant steps set out in the Council's Public Consultation Policy; and <input type="checkbox"/> give Public Notice of its adoption of a Management Plan. <p>Public Consultation as required for a new Management Plan is to be carried out prior to adopting a proposal for amendment or revocation of a Management Plan. Public Consultation is not required if the amendment has no significant impact on the interests of the community. The Council must give notice of its amendment or revocation of a management plan.</p>



<p>Alienation of Community Land by lease or license – section 202</p>	<p>Council must follow the relevant steps set out in its public consultation policy, before granting a lease or licence relating to community land.</p> <p>Exceptions apply in circumstances where:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the lease or licence is authorised in an approved management plan, and the term is five years or less; or <input type="checkbox"/> the regulations provide for an exemption from compliance with its public consultation policy.
<p>Road Permits & Authorisations – section 223</p>	<p>Where a permit/authorisation confers a right of exclusive occupation of a road and/or restricts access to a road, Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit.</p> <p>The Council must give written notice of the proposal to agencies that are to be notified under the Regulations.</p>
<p>Trees on roads – section 232</p>	<p>Council must follow the relevant steps set out in its public consultation policy before planting or authorising planting of vegetation on a road if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area.</p>
<p>Passing By-Laws – section 249</p>	<p>At least 21 days before resolving to make a by-law, Council must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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 inspection without charge at the principal office during ordinary office hours, and so far as is reasonably practicable on the Internet; <input type="checkbox"/> by notice in a newspaper circulating in the local area inform the public of the availability 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; <input type="checkbox"/> give reasonable consideration to a written or other acceptable submission made on a proposed by-law; and <input type="checkbox"/> publish a notice of the making of a by-law in a newspaper circulating in the Council area.



Order Making Policy – section 259

Council must:

- prepare a draft of a policy
- by notice in a newspaper circulating in the Council area, advise 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 within a period specified by the Council (at least 4 weeks)
- consider any submission made in response to the draft policy.

The requirements of Section 259 (2) apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.

Note that '**public notice**' is defined under the Act and means a notice published in the Gazette and in a newspaper circulating generally throughout the State.