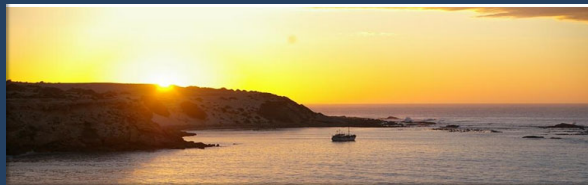




LOWER EYRE  
COUNCIL

## Policy – Public Consultation



*“Working with our Rural & Coastal Communities”*

	<h2>CR-POL-02 – PUBLIC CONSULTATION</h2>	Version No:	2.2
		Issued:	January 2024
		Next Review:	January 2026

Responsible Department	Corporate Services
Policy Adopted	17/01/2024
Minutes Reference:	OCM/24/006
Applicable Legislation:	<i>Local Government Act 1999</i>
Related Policies / Procedures/Codes:	CR-POL-01 – Media Policy CR-POL-02 – Community Engagement Strategy CR-PRO-01.01 – Facebook Administration Guidelines
Review Frequency:	24 months

## 1. INTRODUCTION

The Lower Eyre Council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between the council and the community.

In carrying out its consultation process, the council applies the following principles:

- Members of the community have a right to be informed about issues affecting their area and their lives and to influence council’s decisions about these
- Community interest will vary depending on the issue and the number of people affected, and council’s level of consultation will reflect this
- Community involvement in Council decision making should result in greater confidence in the Council and responsive decision making
- Council decision making will be open, transparent and accountable.

## 2. PURPOSE

The purpose of this policy is to ensure that Council meets its legislative obligations in regard to public consultation by:

- Using appropriate and cost-effective methods which are relevant to the specific circumstances of each consultation topic
- Informing and involving the local community, key stakeholders and interested parties
- Using feedback to enhance decision making.

## 3. SCOPE

This policy applies to Council Members sitting as the elected body, council employees, contractors, agents and consultants acting on behalf of Council.

The Chief Executive Officer is responsible for the implementation of the Public Consultation Policy, establishing the consultation level, reporting outcomes of the consultations to the council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

(continued)

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### 3. SCOPE

**Cont'd:**

Where legal agreements (such as Non-Disclosure Agreements or court orders) or confidentiality orders are in place, Council will not share information with the public to protect the Council and it's ratepayers from any legal ramifications pertaining to a breach of the above-mentioned documents.

### 4. POLICY

The preparation and adoption of this policy fulfils the Council's obligations under section 50(1) of the *Local Government Act 1999*. Section 50 provides that:

- The council must set out the steps that the council will follow in cases where the Local Government Act requires consultation on a matter, and
- The council may set out the steps that council will follow in other cases involving the council's decision-making.

In addition, under the Local Government Act the Council has the following obligations where it is required by law to follow its public consultation policy.

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice in a newspaper circulating in the area and on the council's website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the policy, the Council must submit the proposal to a public consultation process.

Other sections of the Local Government Act also refer to consultation requirements, and in some instances set out what a Council must do. See Appendix A.

Where there are legislative requirements for consultation under other legislation applicable to the council, such as the Planning Development & Infrastructure Act 2016, these specific processes take precedence over this policy, should there be any inconsistency.

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## 5. SPECIFIED CONSULTATION REQUIREMENTS

Under the Local Government Act, Council is required to undertake particular types or levels of consultation (as a minimum) in relation to the following:

- Determining the manner, places and times of its principal office (section 45)
- Adopting or varying a public consultation policy (section 50)
- 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)
- Adopting Strategic Management Plans (section 122)
- Adopting annual business plans and budgets (section 123)
- Excluding land from classification as community land (section 193)
- Revoking the classification as community land (section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (section 202)
- Alienating roads (section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (section 232)
- Proposing to remove trees and new road construction projects
- Carrying out representation reviews (section 12(5))
- Considering a change of status of Council or name change (section 13)
- Carrying out commercial activities - Prudential Arrangements (section 48)
- Making Bylaws (section 249)
- Making Orders (section 259)

For details of the specific requirements under these sections, refer to the specified sections of the Local Government Act.

## 6. OTHER CONSULTATION

Council may elect to undertake consultation on a case-by-case method on other Council projects or matters of community interest. Where a matter of community interest is the responsibility of a third party, Council may consider advocating for, or facilitating consultation between the community and the third parties on a case by case basis.

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## 7. CONSULTATION METHODS

Council will determine, on a case by case method (where minimum requirements are not stipulated by legislation) other consultation and engagement methods which may include:

- Publication in a regular newsletter
- Letters to residents and other stakeholders
- Other direct mail publications or letterbox drops, as appropriate
- Advertising in media outlets as deemed appropriate
- Media releases to appropriate media outlets and community groups
- Community forums and stakeholder meetings
- Direct consultation with community representative groups
- Active and passive use of Council’s website and social media
- Customer Surveys
- Fixed displays, e.g. community notice boards
- Community group representations to Council workshops

## 8. FURTHER INFORMATION

Copies of this policy may be purchased for the fees outlined within Council’s current Schedule of Fees & Charges. This policy is available for inspection at the Council offices during ordinary business hours or on Council’s website ([www.lowereyrepeninsula.sa.gov.au](http://www.lowereyrepeninsula.sa.gov.au)) at no cost.

DOCUMENT HISTORY		
Version:	Issue Date:	Description of Change:
1.3	20/03/2015	Adopted by Council
2.0	15/03/2019	Significant wording review to reflect model policy issued by Local Government Association & sent for public consultation.
2.1	16/08/2019	Adopted following public consultation with the inclusion of a statement indicating consultation will not occur where legal agreements / orders dictate it cannot.
2.2	17/01/2024	15/3/23 - Endorsed for community consultation 17/1/24 - Adopted



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## Appendix 1

### **Local Government Act 1999**

### **Public Consultation Policy – Schedule of Requirements**

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
<b>Definition of Public Consultation</b>	Interpretation	Reference to Chapter 4, Part 5 only
<b>Representation Reviews</b> Review and reporting to the Electoral Commissioner	s.12	<u>Representation Options Paper</u> <ul style="list-style-type: none"> <li>• Public notice:               <ul style="list-style-type: none"> <li>○ of the preparation of the representation options paper; and</li> <li>○ inviting written submissions within a minimum period of 6 weeks.</li> </ul> </li> <li>• Copy of notice to be published in newspaper circulating within its area.</li> </ul> <u>Report</u> <ul style="list-style-type: none"> <li>• Public notice;</li> <li>• informing public of the preparation and availability of the report; and</li> <li>• inviting written submissions within a minimum 3 week period.</li> <li>• Copy of notice to be published in newspaper circulating within its area.</li> <li>• 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</li> <li>• Council must then finalise its report and refer to the Electoral Commissioner.</li> </ul>
<b>Status of a Council/ Change of Name</b> <ul style="list-style-type: none"> <li>• Change from a municipal Council to a district Council, or change from a district Council to a municipal Council</li> <li>• Alter the name of the Council, the area of the Council, or the name of a ward.</li> </ul>	s.13	<ul style="list-style-type: none"> <li>• 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</li> <li>• Provide opportunity for a person who makes written submission to appear personally or by representative before Council or a Council committee to be heard on submissions</li> </ul>
<b>Principal Office – Opening hours</b>	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.



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<p><b>Commercial Activities – Prudential Requirements</b></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"> <li>the level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them</li> <li>the means by which the community can influence or contribute to the project or its outcomes.</li> </ul>
<p><b>Public Consultation Policies</b></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"> <li>Policy <b>must</b> set out steps that Council will follow in cases where the Act requires the Council to follow its public consultation policy</li> <li>Policy <b>may</b> also set out steps to follow in other cases involving Council decision making</li> <li>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</li> <li>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"> <li>publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days)</li> <li>consideration by the Council of submissions made in response.</li> </ul> </li> <li>Section 50(6) requires the Council before it adopts, substitutes and/or alters a public consultation policy (unless the alteration is considered of minor significance), to: <ul style="list-style-type: none"> <li>prepare a document that sets out its proposal; and</li> <li>publish in a newspaper circulating throughout within the area of Council a notice of the proposal inviting submissions within a minimum period of 1 month; and</li> <li>consider any submissions received, unless the alteration is of minor significance.</li> </ul> </li> <li>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.</li> </ul>



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<b>Code of Practice – Access to meetings and documents</b>	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.
<b>Strategic Management Plans</b>	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.
<b>Annual Business Plan</b>	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"> <li>• 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"> <li>○ attend a public meeting on the matter to be held at least 21 days after the publication of the notice; or</li> <li>○ 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</li> <li>○ make written submissions within a minimum period of 21 days stated in the notice; and</li> </ul> </li> <li>• 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;</li> <li>• 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 Council at least 7 days before that</li> </ul>
<b>Change to Basis of Rating Report</b>	s.151(6)	<ul style="list-style-type: none"> <li>• 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"> <li>○ publication of a notice in a newspaper circulating in the area 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</li> </ul> </li> </ul>



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<b>Change to Basis of Rating Report</b> (continued)		submissions within a minimum period of 21 days; and <ul style="list-style-type: none"> <li>○ Council to organise the public meeting and Council to consider submissions made at that meeting or in writing.</li> </ul> <ul style="list-style-type: none"> <li>● 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.</li> </ul>
<b>Rating – Differential Rates</b>	s.156(14a)	<ul style="list-style-type: none"> <li>● 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"> <li>○ 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</li> <li>○ Council to organise the public meeting and Council to consider submissions made at that meeting or in writing.</li> </ul> </li> <li>● 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.</li> </ul>
<b>Community Land Classification</b> All local government land (except a road) acquired by or brought under the care, control and management of Council is taken to have been classified as community land unless Council resolves before it becomes local government land to exclude it from classification.	s.193(4)	Council must give notice in the Gazette of a resolution to exclude land from classification as community land under s.193(4) of the Act
<b>Revocation of classification of land as community land</b>	s.194(2)	Council must <ul style="list-style-type: none"> <li>● follow the relevant steps set out in its public consultation policy before revoking the classification of land as community; and</li> </ul>



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<p><b>Revocation of classification of land as community land</b> (continued)</p>		<ul style="list-style-type: none"> <li>submit a proposal with a report on all submissions made as part of the public consultation process to the Minister.</li> </ul>
<p><b>Management Plans – Public Consultation</b></p> <p><b>Amendment or revocation of management plans</b> NB: A Council cannot dispose of community land until revocation of its classification as community land.</p>	<p>s.197(1)</p> <p>s.198</p>	<p>Before Council adopts a management plan for community land it must</p> <ul style="list-style-type: none"> <li>make copies of the proposed plan available for inspection or purchase at the Council’s principal office</li> <li>follow the relevant steps set out in its public consultation policy</li> <li>give public notice of its adoption of a management plan.</li> </ul> <p>Public consultation, as Council would be required to do for a new management plan, is to be carried out prior to adopting a proposal for amendment to, or revocation of, a management plan. Public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.</p>
<p><b>Alienation by lease or licence</b></p> <p>NB: Specific provisions relate to the Adelaide Park Lands – under the <i>Parklands Act 2005</i></p> <p><b>Authorisations/Permits</b>  <input type="checkbox"/> Where road would be fenced enclosed or portioned so as to impede passage of traffic to a material degree  <input type="checkbox"/> Use or activity for which public consultation required under regulations</p>	<p>s.202</p> <p>s.223</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. Exceptions apply in circumstances where:</p> <ul style="list-style-type: none"> <li>the grant of the lease or licence is authorised in an approved management plan for the land, and the term of the proposed lease or licence is five years or less; or</li> <li>the regulations provide for an exemption from compliance with a public consultation policy.</li> </ul> <p>Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit.</p>
<p><b>Roads – Trees</b></p>	<p>s.232</p>	<p>Before planting or authorising planting of vegetation that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, Council must follow the relevant steps set out in its public consultation policy.</p>
<p><b>Passing by-laws</b></p> <p>NB: No specific reference to Council’s Public Consultation Policy, but minimum standards apply</p>	<p>s.249</p>	<p>At least 21 days before resolving to make a by-law, Council must:</p> <ul style="list-style-type: none"> <li>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 public</li> </ul>



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<p><b>Passing by-laws</b></p> <p>NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply</p> <p style="text-align: right;">(continued)</p>		<p>inspection without charge during ordinary office hours at the principal office of the Council</p> <ul style="list-style-type: none"> <li>• inform the public 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, through a notice in a newspaper circulating in the area</li> <li>• give reasonable consideration to a written or other acceptable submission made on a proposed by-law</li> <li>• Publish a notice of the making of a by-law in a newspaper circulating in the Council area.</li> </ul>
<p><b>Power to Make Orders</b></p> <p>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"> <li>• Prepare a draft of a policy</li> <li>• 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)</li> <li>• consider any submission made in response to the invitation.</li> </ul> <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>