

TITLE: COMMUNITY CONSULTATION POLICY

REFERENCE NUMBER:	14/020391
RESPONSIBLE DEPARTMENT:	Corporate Services
APPLICABLE LEGISLATION:	Local Government Act 1999
STRATEGIC PLAN 2012-2017:	Governance and Leadership: Outcome 16 – The Council communicates and engages effectively with the community and other stakeholders
RELATED POLICIES:	<ul style="list-style-type: none">• Nil
SUPPORTING PROCEDURES:	<ul style="list-style-type: none">• Community Engagement Framework developed using the IAP2 framework
ENDORSED BY COUNCIL:	7 April 2014
NEXT REVIEW DATE:	February 2018

1. POLICY STATEMENT

The District Council of Mount Barker is strongly committed to genuine, effective and timely community consultation on a range of issues to ensure it meets (or exceeds) its obligations under the Local Government Act 1999 (“the Act”). Council consultation will often exceed the minimum consultation requirements

This Policy sets out the steps the Council will follow for community consultation as required under Section 50 of the Local Government Act 1999 (“The Act”) and provides options for other consultation topics.

2. SCOPE

The Policy will define the role of Council Members, employees, and contractors in consulting with the community and the methods which will be used.

3 POLICY OBJECTIVES

The primary policy objectives of this Policy are to:

- Encourage the community to actively participate in policy development, planning and programming, the management and evaluation of services and in identifying areas of concern.
- Ensure that Council’s objectives and initiatives are informed and improved by the valuable information gathered in community consultation
- Demonstrate that community consultation precedes action - it is the beginning of the cycle which results in action.
- Provide a community consultation process which serves and builds trust and positive relationships within the community.
- Demonstrates open, transparent and responsive decision making

4. DEFINITIONS

Community Consultation shall mean two-way communication to seek ideas, opinions, alternatives and proposals to inform decision making.

Contractors shall mean a company or person(s) engaged by Council to provide assets, goods, works or services.

Council shall mean the District Council of Mount Barker.

Employee: Any person engaged by Council under an Employment Contract, Enterprise Bargaining Agreement, Volunteers and Work Experience Persons undertaking work for or on behalf of the Council.

5 ROLES & RESPONSIBILITIES

Council:

- Prepare and adopt the Community Consultation Policy;
- Participate **in** and advocate **for** community consultation processes and activities;
- Receive, review and consider the information received from the community in the course of its decision-making to ensure it is aware of the community's perspective and incorporates reasonable consultation suggestions to make an informed decision to provide the community with the best possible outcomes.

Chief Executive Officer:

- Implement the Community Consultation Policy,
- Review the consultation levels, reporting outcomes of the consultations to Council, and review the value of the Policy

Employees & Contractors:

- Planning for and following the requirements of this Policy & requirements in the Act
- Provide a summary of consultation comments in the report to Council and all submissions as an attachment
- Provide the outcome of Council's decision to those who made a submission

6. COMMUNITY CONSULTATION REQUIREMENTS

6.1 Consultation Methods

Generally, the strategic objective of any community consultation plan is to ensure that all community stakeholders, residents and ratepayers receive regular information about Council's achievements, objectives and performance, are advised of major issues affecting the community and are given the opportunity to comment on, and be consulted about these.

To assist in this objective Council staff will also utilise the Community Engagement Framework and Toolkit which highlights that the community want consultation that is:

- meaningful;
- listened to;
- inclusive; and
- value for money

6.2 Statutory Requirements

In a number of areas the Council is required to comply with specific legislative timeframes and requirements regarding community consultation as set out in the Act, which include minimum consultation periods, publication in the Gazette and public meetings etc. Below are tables with consultation requirements which Council will comply with.

In addition, if not specified in the Act, as a minimum Council will ensure information related to the consultation topic as noted below will be included on Council's website and hard copies available for perusal or purchase at the Local Government Centre. Consideration will also be given to other optional consultation methods as noted in 5.4.

Sections with specific timeframes and requirements

Representation Reviews	Section 12 (7) (8) (9) (10)
Status of a Council/Change of Name	Section 13 (2)
Public Consultation Policies	Section 50
Annual Business Plan	Section 123 (3) (4) (5) (6) (7) (8) (9) (10)
Rates and Charges – Change to Basis of Rating Report	Section 151 (5a) (5b) (5c) (5d) (5e) (7) (8) (8a)
Rating – Differential Rates	Section 156 (14) (14a) (14b) (14c) (14d) (14e) (14ea)
Passing by-laws	Section 249 (1) (2)
Councils to develop policies (power to make orders)	Section 259

In addition reporting on community consultation is required for:

Representation Reviews	Section 12 (8a)
Prudential Requirements for certain activities	Section 48

6.3 Consultation Categories – Where A Timeframe is Not Defined in the Local Government Act 1999

The Community Consultation Policy specifies three (3) levels of activity designed to suit statutory requirements where the timeframe is not defined. Any good consultation strategy requires a certain degree of flexibility to suit the specific situation. While setting out minimum standards, each level reflects this need by not being too prescriptive.

- Level 1:**
- a) **At least 21 days consultation period;**
 - b) **Follow any legislative requirements**
 - c) **A notice in The Courier (minimum) inviting submissions on the matter;**
 - d) **Information will be available at the Local Government Centre and on Council’s website.**
 - e) **Consideration will be given to other optional consultation methods as noted in 5.4.**

Principal Office – Opening Hours	Section 45(3)
Code of Practice – Access to Meetings and documents	Section 92 (5) (6) (7)
Community Land Management Plans	Section 197 (1) (3)
Community Land – Alienation by lease or licence	Section 202 (2)
Authorisation / Permits for works on Roads	Section 223
Roads – Trees if planting impacts on residents, businesses or advertisers	Section 232 (b)
Time limits for dealing with certain applications	Section 242 (4)

- Level 2:**
- a) **At least 28 days consultation period;**
 - b) **Follow any legislative requirements;**
 - c) **A notice in The Courier (minimum) inviting submissions on the matter,**
 - d) **Information available at the Local Government Centre and on Council’s website.**
 - e) **Signage will be installed for the consultation period at the site.**
 - f) **Consideration will be given to other optional consultation methods as noted in 5.4.**

Community Land – Revocation	Section 193(3) and 194(2)
Community Land Management Plans – amendment or revocation	Section 198 (2) (4)

- Level 3:**
- a) **At least 6 weeks consultation period;**
 - b) **Follow any legislative requirements;**
 - c) **A notice in The Courier (minimum) inviting submissions on the matter,**
 - d) **Information available at the Local Government Centre and on Council's website.**
 - e) **Information will also be included in District Matters (where time allows)**
 - f) **Consideration will be given to the other optional consultation methods as noted in 5.4.**

Strategic Management Plans	Section 122 (6)
----------------------------	-----------------

6.4 Consultation for Matters Not Stipulated by the Local Government Act 1999

It is Council's prerogative to establish the level of consultation for topics not identified in the Act as requiring consultation. This includes matters brought to its attention by the community as requiring consultation. If not stipulated in the Act, the level of engagement will be dependent on project complexity, community impact, community interest, political sensitivity, timelines and resource availability and may include:

- Information within Council's quarterly newsletter (District Matters);
- Other direct mail publications or letterbox drops within a particular street or radius of the subject matter;
- Advertising in The Advertiser, The Courier, The Weekender Herald, PowerFM radio station, local township newsletters and other media outlets;
- Media releases to appropriate media outlets and community groups;
- Community forums, workshops and stakeholder meetings;
- Use of facilitators at community meetings for controversial issues;
- Market research or surveys;
- The Council website (www.dcmtbarker.sa.gov.au);
- General fixed displays (noticeboards in the Council foyer and Library); and
- Specific displays or signage, as appropriate.

6.5 Council Decision

Community consultation assists the Chief Executive Officer or their delegate in the decision making process and in formulating recommendations to Council. However the final decision rests with the Council Members via a resolution at a Council meeting.

6.6 Submissions

People making submissions should carefully consider the information provided as these will be published as submitted in a Council report, however Council will consider any request to keep a submission and contact information confidential.

A summary of all submissions will be provided to Council as part of the report on the consultation. The summary will include the name of the Author, dot points of the submission and Council's response to the points raised clarifying either:

- If the issue is already identified - where;
- If the matter is deemed not relevant – why;
- Whether the suggestion will be included

A copy of all submissions will be provided as an attachment (unless determined to remain confidential). Depending on the volume of submissions this may only be via an electronic attachment, with one hard copy available at the Local Government Centre with the agenda, and one copy at the Council meeting.

7. REVIEW

This Policy will be reviewed every four (4) years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Risk & Governance Officer.

8. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.dcmtbarker.sa.gov.au.

9. FURTHER INFORMATION

For further information on this Policy, please contact:

Title: Risk Governance Officer
Address: PO Box 54, Mount Barker
South Australia, SA, 5251
Telephone: (08) 8391 6231
Email: rmcdouga@dcmtbarker.sa.gov.au