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PUBLIC CONSULTATION

POLICY

1. Consultation Framework

The Flinders Ranges Council (the Council) is committed to open, accountable and responsive decision making, facilitated by effective communication and consultation between Council and the community. This Public Consultation Policy sets out the steps Council will take to establish partnerships and encourage community involvement in planning and decision making about the services Council provides and the management of community resources.

Council aims to ensure that appropriate and cost-effective methods are used to inform and involve the local community, key stakeholders and interested parties, relevant to the specific circumstances of each consultation topic.

This Policy addresses the key elements of both communication and consultation. Communication involves providing meaningful information in a timely and accessible manner. For example, a letter advising of certain events, an advertisement in the Council's newsletter or a local newspaper about a consultation forum. Consultation is a two-way process, providing opportunities to clarify information, raise issues and discuss ideas, options and views.

2. The Local Government Act 1999 (the Act)


The *Local Government Act 1999* (the Act) Part 5 requires the Consultation Policy to identify steps Council intends to take where the Act requires consultation. It also provides for the steps to vary according to the class of decisions to be made by Council. Other sections of the Act refer to consultation requirements, and in some instances set out what a Council must do rather than referring to 'consultation' or the Public Consultation Policy. A summary of these requirements is attached to this Policy as Appendix 1.

This Policy will apply to those circumstances required in the Act.

3. The Principles

Council's Policy is underpinned by the following Principles, which are central to effective communication and consultation. Council will:

- determine the level of public consultation required in each specific circumstance;
- determine the level of potential stakeholders in each specific circumstance;
- ensure information is easily understood and accessible to identified stakeholders, and include contact details for obtaining further information in all communications;
- ensure a range of appropriate opportunities is provided for people to access information and to be involved, taking account of local significant barriers to access due to language, geographical distance, disability or cultural issues;
- define the parameters of the consultation process for each specific topic, and identify what aspects of the decision can be influenced by community involvement;
- aim to listen and respond to community views in a balanced way, taking account of all submissions made by various stakeholders;
- keep records and provide feedback about the reasons for decisions, where relevant;
- review and evaluate the Policy to promote ongoing improvement in the way Council involves the community in its decision-making processes.

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4. The Decision Making Process

Council will take into account the views and aspirations expressed by the community and stakeholders, and balance those with other influences such as budgetary constraints, to make decisions within the context of Council endorsed strategic directions. These stakeholders consist of internal and external ones with the internal being Councillors, Council Staff, Council Committee/Advisory Group and the External stakeholders being Federal, State and other Local Government Agencies, regional organisations, community groups and representatives, residents and ratepayers.

5. Communication and Consultation Procedure

The following steps will be taken by Council to fulfil the requirements of this Policy.

Council's management executive, in consultation with Council as deemed necessary, will:


- identify the level of public consultation required in relation to this Policy in each specific circumstance and as per the Act;
- identify stakeholders relevant to the consultation topic;
- decide the key messages to deliver to stakeholders;
- identify the parameters of the consultation initiative, that is, what aspects of the decision can be influenced;
- identify a range of appropriate options for communicating information to stakeholders and inviting involvement – “the communication strategy”;
- identify a range of appropriate consultation initiatives – “the consultation strategy”;
- identify contact person(s) for interested parties to obtain further information;
- identify timeframes relevant to the consultation initiative. Council will aim to provide 14 days notice of any consultation forums or opportunities, and ensure a period of 21 days is allocated from the date of inviting involvement to the final closing date for submissions;
- determine responsibility for:
 - implementing the communication and consultation strategy;
 - reporting to Council on the outcomes;
 - providing feedback about the decision to participants; and
 - ensuring appropriate records are kept.

6. Communication and Consultation Strategies

Examples of the options to be considered in deciding the appropriate communication and consultation strategies are as follows:

Communication Options may include:	Consultation Options may include:
<ul style="list-style-type: none"> • <i>Monthly newsletters</i> • <i>Advertisements in local paper(s)</i> • <i>Advertisements in The Advertiser if matter has relevance to broader community</i> • <i>Media releases/editorial</i> • <i>Fact sheets or brochures</i> • <i>Letters addressed to stakeholders</i> • <i>Letter box drops in the relevant area</i> • <i>Displays in public places</i> • <i>Notice in public places</i> • <i>Council Facebook site</i> • <i>Council Website</i> 	<ul style="list-style-type: none"> • <i>Meetings with elected members and staff</i> • <i>Community management committees and town organisations</i> • <i>Focus groups</i> • <i>Workshops for stakeholders</i> • <i>Surveys</i> • <i>Community forums and meetings</i> • <i>Calling for public written comment and/or representation to Council</i>

In situations noted below, the minimum approaches as outlined will be adopted, however where requirements are set out in the Act for specific topics, those requirements will be included in the steps taken by Council (refer Appendix 1):

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Topic affects several residents

Letter addressed to individual residents with information and providing contact person(s) to obtain further information or to make a submission.

Topic affects several streets

Letter box drop, inviting expressions of interest. Follow up with details of a consultation forum if sufficient interest, or individual contact with interested parties.

Topic affects broader community or likely to attract considerable community interest.

For example, lands management, major works, regional issues, – notice in Council's newsletter, local paper, media release, signage in targeted locations, inviting expressions of interest. Convene consultation forum, which will include information session and opportunities to express views through questions and answers, workshop session, and formal submissions.

Inviting submissions following initial consultation phase

Display at Council offices or public places. Individual consultation and comment sheets to enable stakeholder feedback to be recorded.

7. Availability of the Policy

The Policy will be available for inspection at Council's offices during ordinary business hours and on Council's website. Copies will be provided to interested parties upon request at the Council offices.

RESPONSIBILITIES

This Policy will apply to Council members, staff, contractors, and agents or consultants acting on behalf of Council.

The Chief Executive Officer is accountable 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.

LEGISLATION

Local Government Act 1999.

REFERENCES

Nil

REVIEW

To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

Adopted by Council 14 August 2012
Resolution 164/2012


Review Date	Version Number	Change	Resolution
13 August 2013	1	Nil	181/2013



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17 February 2015	2	Inclusion of first dot point, item 5 – level of consultation (Reviewed by Policy Review Reference Committee – Minutes endorsed by Council)	038/2015
21 April 2015	2	Nil - Adopted	110/2015
30 June 2015	3	4. deletion of first sentence, <i>'Community consultation is only one aspect of Council's decision making process'</i> 6. reference to Facebook included Review – standard policy wording (Reviewed by Policy Review Reference Committee – Minutes endorsed by Council; public consultation process approved 21 July 2015)	229/2015
19 September 2017	4	Schedule 1 updated to include Section 123	157/2017
15 June 2021	5	Minor grammatical and formatting changes only.	132/2021
21 March 2023	6	Minor changes and legislation review	46/2023

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APPENDIX 1

LOCAL GOVERNMENT ACT 1999

PUBLIC CONSULTATION POLICY – SCHEDULE OF REQUIREMENTS

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
DEFINITION OF PUBLIC CONSULTATION	4 (Interpretation)	Reference to Chapter 4, Part 5 only
Representation Reviews – Composition and Wards <ul style="list-style-type: none"> Review and reporting to the Electoral Commissioner 	12	<ul style="list-style-type: none"> The council must undertake public consultation on the representation report.
Status of a Council/ Change of Name <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. 	13	<ul style="list-style-type: none"> Public notice of the proposal inviting written submissions within six (6) weeks, including notice in a newspaper circulating within its area Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions
Principal Office – Opening hours	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.
Commercial Activities – Prudential Requirements	48 (2) (d) 48 (5), (6)	Report addressing prudential issues to include <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.
Public Consultation Policy	50	Requirements for preparation, adoption and alteration to Council's Public Consultation Policy. <ul style="list-style-type: none"> Policy must set out steps that Council will follow in cases where the Act prescribes public consultation Policy may also set out steps to follow in other cases involving council decision making Steps may vary, but must provide for a reasonable opportunity to make submissions in relevant circumstances



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TOPIC	SECTION	LEGISLATIVE REQUIREMENT
		<ul style="list-style-type: none"> Section 50 (4) sets out minimum steps which require Councils to publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days) consider submissions made in response. Section 50 (4) applies before Council adopts, substitutes and/or alters a public consultation policy, unless the alteration is only 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	92 (5)	Before a council adopts, alters or substitutes a code of practice under Section 92 it must follow relevant steps set out in its public consultation policy.
Strategic Management Plans	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 Plans, Budgets and Long Term Financial Plans	123 (4), (5), (5)(a)	<p>For the purposes of subsection (3)(b), a public consultation policy must at least provide for the following: (a) the publication in a newspaper circulating within the area of the council and on a website determined by the chief executive officer of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons—</p> <p>(i) to attend— (A) 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) stated in the notice; or (B) a meeting of the 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 matter for a period of at least 1 hour, (on the basis that the council determines which kind of meeting is to be held under this subparagraph); or (ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and (b) the council to make arrangements for a meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii). (5) The council must ensure that copies of the draft annual business plan are available at the meeting under subsection (4)(a)(i), and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council and on the website at least 21 days before the date of that meeting. (5a) The council must ensure that provision is made for— (a) a facility for asking and answering questions; and (b) the receipt of submissions, on its website during the public consultation period.</p>



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TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Community Land Classification: All local government land (except roads) that is owned, or under care, control and management of Council is to be classified as community land unless Council resolves to exclude it from classification within 3 years of the commencement of the Act.	193 (2)	Before Council excludes land from classification as community land (within three years after commencement of the Act) it must follow the relevant steps set out in its public consultation policy.



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TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Revocation of classification of land as community land	194 (2) (3)	<p>Council must</p> <ul style="list-style-type: none"> follow the relevant steps set out in its public consultation policy before revoking the classification of land as community land and the council must prepare and make publicly available a report on the proposal containing— (i) a summary of the reasons for the proposal; and (ii) a statement of any dedication, reservation or trust to which the land is subject; and (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and (iv) an assessment of how implementation of the proposal would affect the area and the local community; and (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification; and Following the community consultation process, Council must submit a proposal with a report on all submissions made as part of the public consultation process to the Minister.
Management Plans - Public Consultation	197 (1)	<p>Before Council adopts a management plan for community land it must</p> <ul style="list-style-type: none"> make copies of the proposed plan available for inspection or purchase at the Council's principle office follow the relevant steps set out in its public consultation policy give public notice of its adoption of a management plan.
Amendment or revocation of management plans NB: A Council cannot dispose of community land until revocation of its classification as community land.	198	<p>If Council has adopted a management plan after a process of public notification and consultation before the commencement of the Act, Section 197 (1) does not apply.</p> <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.</p> <p>Council must give public notice of its adoption of a proposal for the amendment or revocation of a management plan.</p>
Alienation of community land by lease or licence	202	<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>

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		<ul style="list-style-type: none"> lease or licence is authorised in an approved management plan, and the term is five years or less regulations provide for an exemption for compliance with a public consultation policy.
Permits <ul style="list-style-type: none"> Right of exclusive occupation Restricting access to a road Use or activity for which public consultation required under regulations 	223	Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit and give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal
Roads – Trees	232	Before planting or authorising planting of vegetation: If the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, councils must follow the relevant steps set out in its public consultation policy

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Passing by-laws NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply	249	At least 21 days before resolving to make a by-law, Council must: <ul style="list-style-type: none"> make copies of the proposed by-law (and other code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection inform the public of the proposed by-law and set out the terms or describe in general terms the nature and effect of the by-law, through a notice in a newspaper circulating in the area give reasonable consideration to a written or other acceptable submission made on a proposed by-law Publish a notice of the making of a by-law in a newspaper circulating in the Council area.
Power to Make Orders – Councils to Develop Policies Councils must take reasonable steps to prepare and adopt policies relating to power to make orders.	259 (2)	Council must <ul style="list-style-type: none"> 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 with a period specified by the Council (at least four weeks) consider any submission made in response to the invitation. The requirements of Section 259 (2) apply prior to Council adopting an amendment to a policy pursuant to this Part (i.e. Orders) of the Act , unless Council determines that the amendment is of only minor significance.