



# Public Consultation Policy

Reference Number:	4.3
Type:	Council
Category:	Safety and Community
Relevant Community Plan Outcome:	<p><b>Our Community - A strong and connected community</b></p> <ul style="list-style-type: none"> <li>• Create opportunities for community leadership and civic participation.</li> <li>• Educate and regulate to enable a safe and healthy environment.</li> </ul> <p><b>Our Liveability - A liveable City of great places</b></p> <ul style="list-style-type: none"> <li>• An urban environment that is adaptive to a changing and growing City.</li> <li>• Create valued urban places that bring people together and reflect local character and identity.</li> </ul> <p><b>Our Leadership - A leading &amp; transformational Local Government organisation</b></p> <ul style="list-style-type: none"> <li>• Be bold and innovative in our practices, leadership and decision making.</li> <li>• Practise transparent and accountable governance.</li> </ul>
Responsible Officer:	Community Engagement Coordinator
First Issued/Approved:	March 2000
Minutes Reference:	CI 23/07/2018, Item 6.73
Last Reviewed:	July 2018
Next Review Due:	July 2020
Applicable Legislation:	Local Government Act 1999
Related Policies:	Nil

## 1. Purpose

The purpose of this policy is to articulate the steps that Council intends taking under the Local Government Act 1999 (the Act) in relation to public consultation (also referred to in this Policy as community engagement). This Policy only applies to matters relating to the Act. Accordingly, public consultation prescribed by other legislation will be undertaken in accordance with that legislation.

Under Chapter 2 of the Act a council is established to provide for the governance and management of its area at the local level and, in particular:

- (a) to act as a representative, informed and responsible decision-maker in the interests of its community; and

- (b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and
- (c) to encourage and develop initiatives within its community for improving the quality of life of the community; and
- (d) to represent the interests of its community to the wider community; and
- (e) to exercise, perform and discharge the powers, functions and duties of local government under this and other Acts in relation to the area for which it is constituted.

More particularly, Section 8 of the Act establishes Principles to be observed by a council in the performance of its roles and function including but not limited to:

- provide open, responsive and accountable government;
- be responsive to the needs, interests and aspirations of individuals and groups within its community;
- seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations; and
- seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.

This Policy will guide Council with the planning, delivery and evaluation of community engagement prior to making decisions under the Act.

The Council recognises that consultation can result in diverse views being expressed in relation to a particular matter or proposal. In all cases, the Council will consider all relevant facts and circumstances, weighing and balancing competing considerations where necessary, before making a determination. The final decision in matters will rest with the Council.

## 2. Scope of the Policy

This policy will apply to public consultation processes required or undertaken under the Act.

## 3. Roles and Responsibilities

This policy applies to Council, staff, contractors, and agents or consultants with authority to act on behalf of Council in the delivery of community engagement activities for the Council.

**Council** is the elected body charged with responsibility for making decisions under the Act on behalf of the community. Under specific circumstances Council may delegate decision making to Council officers; or Council may override a delegation and call a matter to come before Council as and when it sees fit.

**The Chief Executive Officer (CEO)** is responsible for causing the implementation and review of this Policy, reporting outcomes of consultations and review(s) to Council.

**General Managers and Managers** are responsible for ensuring their staff comply with this Policy.

**Managers and staff that have Community Engagement Responsibilities** are to provide advice and assistance, and keep the Policy visible and readily accessible.

## 4. Local Government Act 1999

Section 50 of the Act requires that a council must prepare and adopt a public consultation policy, which may be altered from time to time or substituted with a new policy.

Elsewhere, the Act makes reference to public consultation in various sections.

In some cases, the Act prescribes that public consultation be undertaken in accordance with the minimum requirements of the Act. Refer Part 1 below.

In other cases, the Act prescribes that public consultation be undertaken in accordance with Council's public consultation policy. Refer Part 2 below.

In other cases, the Act does not require that public consultation be undertaken.

### Part 1: Council decisions where the Act prescribes specific public consultation requirements

The matters listed below require Council to follow the public consultation steps prescribed in the relevant parts of the Act. Refer **Table 1**.

**Table 1: Matters requiring public consultation in accordance with the Act**

Matter	Act Section reference
Representative Reviews	Section 12
Status of a council/change of names	Section 13
Commercial Activities – Prudential Requirements	Section 48
Public Consultation Policy	Section 50
Strategic Management Plans	Section 122(6)
Applying to vary certain trusts	Section 141
Conversion of Private Road to Public Road	Section 210
Impounding of vehicles	Section 237
Passing By-laws	Section 249
Policies on Orders	Section 259
Stormwater Management Plans	Schedule 1A, Clause 16(2)(c)

In relation to matters set out in *Table 1*, the Council will comply with its legislative obligations under the Act.

### Part 2: Council decisions where the Act requires that Council follow its Public Consultation Policy

The matters listed below require Council to follow public consultation steps prescribed in the Council's Public Consultation Policy. Refer **Table 2**.

**Table 2: Matters requiring public consultation in accordance with Council's Public Consultation Policy**

<b>Matter</b>	<b>Act Section reference</b>
Principal Office – Opening hours	Section 45(3)
Code of Practice – Access to meetings and documents	Section 92(5)(b)
Annual Business Plan	Section 123(3) and (4)
Changes to Basis of Rating	Section 151(5),(7) and (8)
Rating – Differential Rates	Section 156(14a) and (14d)
Community Land – Revocation of Classification	Section 194(2)(b)
Community Land – Adoption of a Management Plans	Section 197(1)
Community Land – Amendment or Revocation of a Management Plan	Section 198 (2)
Community Land – Alienation by lease or licence	Section 202(2)
Roads – Permits that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree or for use or activity requiring public consultation under regulations	Section 223
Trees – Planting of vegetation if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area	Section 232

In relation to matters set out in Table 2, the Council will consult in accordance with the steps set out below, together with any other requirements under the Act.

- Step 1: Prepare a document that outlines the proposed community engagement approach in relation to the matter having regard to the requirements of the Act and public consultation policy.
- Step 2: Obtain approval of the proposed community engagement approach from the Council or CEO. At the discretion of the CEO the approval of the community engagement approach may be elevated to Council or the Council may request the community engagement approach be brought before it.
- Step 3: Conduct (plan, deliver and manage) consultation activities in accordance with the approved community engagement approach. The consultation activities will provide for, at least the following:
- 1) The publication of a notice:
    - i. in a newspaper or newspapers circulating within the area of the council, such as the Westside Weekly Messenger, or Portside Messenger, or The City Messenger, or in some cases two or all three of these; and
    - ii. the City of Charles Sturt website or such other website as may be determined by the CEO, such as 'Your Say Charles Sturt' describing the matter under consideration and inviting interested persons to make submissions in relation to it within a period (which must be at least 21 calendar days) stated in the notice; and
  - 2) Copies of the proposal being made available for inspection and purchase at the council's principal office and available for inspection on the City of Charles Sturt website or a website determined by the CEO, such as the 'Your Say Charles Sturt' website; and

- 3) The consideration by the council of any submissions made in response to an invitation made in response to sub-step (1) above; and
- 4) Implementation of any other public consultation requirements (if any) prescribed in the relevant parts of the Act; and
- 5) In addition to sub-steps (1) to (4) above; in circumstances where Council is conducting a public consultation process to which Sections 123(4)(a), 151(7)(a) and (b), and 156(14d)(a) of the Act apply, inviting interested persons to attend a public meeting to be held at least 21 calendar days after publication of the notice regarding that meeting.

Step 4: At the conclusion of the public consultation activities, responsible staff will collate and analyse community contributions and responses to the extent necessary in the circumstances.

Step 5: Responsible staff will then prepare a report which:

- Summarises the public consultation process and outcomes;
- Presents information in the broader context of the matter under consideration; and
- Makes recommendations for Council to consider when deciding on the matter

Step 6: Council will consider the report and recommendation(s) and decide on the matter. The right of a member of the community to address Council by way of deputation in support of any submission may be granted at the discretion of the Presiding Member as per the applicable meeting procedure, unless otherwise prescribed in the relevant legislation.

Step 7: Following the decision making process, communicate the decision on the Charles Sturt website and/or a website determined by the CEO, such as the 'Your Say Charles Sturt' website.

### **Part 3: Additional public consultation at the Council's discretion**

For matters that fall under Part 1 or Part 2 of this Policy, Council or CEO may, on a case-by-case basis, determine in its discretion to undertake consultation over and above the minimum requirements.

Further, Council or the CEO, may conduct public consultation activities in relation to other Council decisions where the Act does not expressly require public consultation.

For example, additional or discretionary consultation may be appropriate for a project or matter which, in the opinion of the Council or CEO:

- involves significant expenditure on large scale capital works;
- is of economic, social, environmental or cultural importance;
- is, or is likely to be, of significant community interest; or
- is likely to be enhanced through engagement with the community.

Where it has been determined to undertake additional or discretionary consultation the Council or CEO may have regard to:

- Guidance materials for public consultation, such as the Local Government Association of South Australia Community Engagement Framework, and the International Association for Public Participation (IAP2) resources; and

- The Community Engagement Approach template attached at **Appendix 1**.

For the avoidance of doubt, there is no obligation on the Council or CEO to undertake, or to consider whether or not to undertake, any additional or discretionary consultation steps or consultation activities in matters covered by this Part 3 and, further, any additional steps or activities adopted or carried out under this Part 3 are not steps that Council is following under section 50(2)(b) of the Act.

## 5. Definitions

Key terms and acronyms that are referred to in the policy are defined in **Table 3**.

**Table 3: Definitions**

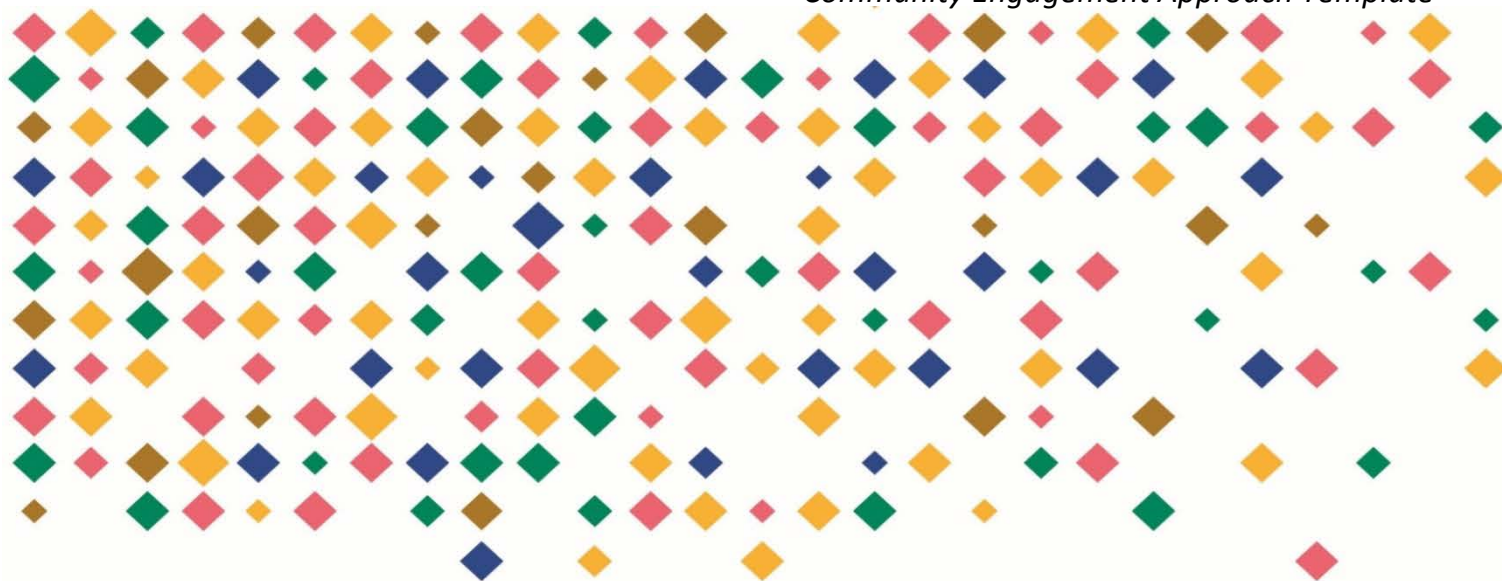
Key Term – Acronym	Definition
Communication	The imparting or exchange of information between the Council and the community to produce greater understanding.
Community	A general term for the people who live, work, study, own property, conduct private or government business, visit or use the services, facilities and public spaces and places of the City of Charles Sturt. The community are often referred to as “stakeholders” in the affairs of Council. A community may be a geographic location (community of place), a community of similar interest (community of interest), or a community of affiliation or identity (such as industry or sporting club).
Public Consultation	Public consultation involves providing information and opportunities for community input to inform the decision maker. Public consultation is important in the successful development of acceptable policies and decisions in government, the private sector and the community. In the context of this policy, the term “community engagement” is synonymous with the term “public consultation”.
Community Engagement Approach	A document that articulates the community engagement approach and process for a specific matter, sometimes also referred to as a Community Engagement Plan.
Council	Means the elected member body representing the City of Charles Sturt community (and includes a delegate)
CEO	Refers to the Chief Executive Officer of the City of Charles Sturt and includes a person acting in the office of the chief executive officer.
Engagement	A generic term to describe the broad range of interactions between Council and the community. Engagement can include a variety of approaches, such as communication, and consultation.
Policy	Refers to this Public Consultation Policy.
Public	Refer to the definition for “Community”.
Stakeholder	An individual, group of individuals or agency/organisation that has an interest in a decision or proposal, or may be directly or indirectly affected by a decision that has been made or is being proposed.
The Act	Means the <i>Local Government Act 1999</i> , as amended from time to time.

## 6. Appendices

APPENDIX 1 – Community Engagement Approach Template

## APPENDIX 1

### Community Engagement Approach Template



## TEMPLATE

*Template Only – this template may be used to assist plan for additional consultation activities under Part 3 of Council's Public Consultation Policy*

## Community Engagement Approach for (Add Project Name)

July 2018

Contact: Community Engagement Coordinator

# Community Engagement Approach for (*Add Project Name*)

## 1. Purpose and Objectives

State the purpose and objectives of the Community Engagement Approach, which is to outline the proposed community engagement approach in relation to a specific project (matter) having regard to the requirements of the Local Government Act 1999 and Council's Public Consultation Policy.

## 2. Project Background

Set the context and background to the project and community engagement.

## 3. Consultation Scope

Outline the scope of the consultation including aspects of the project that are negotiable and non-negotiable. Present a clear understanding of the aspects the community may be in a position to influence. Examples of non-negotiables might relate to State Government funding parameters, need to comply with legislation or a pre-determined timeframe.

## 4. Communities of Interest

Identify the stakeholders and broader communities of interest for the project. A stakeholder may be an individual, group of individuals or agency/organisation that has an interest in a decision or proposal, or may be directly or indirectly affected by a decision or proposal.

A community of interest may be a geographic locality (community of place); a community of similar interest (community of interest); or a community of affiliation or identity (such as industry group, sporting club, resident action group, cultural group or language-based group) who may be interested in or affected by a project.

Consider the need to seek out the interests of 'hard to reach' sectors in our community who experience barriers to participation or remain unheard on a project or issue that may affect them. Examples include youth, socially-disadvantaged, Aboriginal and Torres Strait Islander representatives, and non-English speaking residents.

## 5. Planning Community Engagement

The consultation steps and activities will be planned and tailored to best suit the project having regard to guidance materials for public consultation, such as the Local Government Association of South Australia Community Engagement Framework and International Association for Public Participation (IAP2) resources.

The consultation steps and activities selected will vary from project to project according to:

- Project context and background (project history, previous community engagement, and project goal);
- Community context within which the project sits (social and political context, level of community interest); and
- Project parameters (project scale, legislative requirements, budget, timeline and resources available).

There will be times when available timelines, legislation, policy or budget may dictate the consultation steps and activities selected. In such cases the approach should clearly state which consultation steps and activities meet the consultation requirements of the Local Government Act 1999 and PCP, and which form additional non-legislated steps.

### **Levels of Engagement**

The Local Government Association of South Australia Community Engagement Framework and International Association for Public Participation (IAP2) provide information about the five ascending levels of engagement including: inform, consult, involve, collaborate and empower.

The level “empower” will not be considered as one of the levels of public engagement for the purposes of the Public Consultation Policy under the Local Government Act 1999. The Act empowers an elected Council in South Australia to make policy, strategic and budget decisions on behalf of its community, and delegations for decision making cannot be provided to the public.

The level of engagement and reasoning may be selected from the following:

The “**inform**” level of engagement:

- Single issue nature of the matter.
- Minor degree of complexity across a localised or broad community of interest.
- Low degree of impact on the community.
- Clear process forward.
- Routine, “like for like”, replacement of existing assets.

The “**consult**” level of engagement:

- Single issue or a few issues involved in the matter.
- Multiple issues within a localised community.
- Moderate degree of complexity across a localised or broad community of interest.
- Moderate degree of impact on the community.
- Clear process forward or clear options for the way forward.

The “**involve**” level of engagement:

- Multiple issues involved in the matter.
- Divided community views.
- Moderate or high degree of impact on the community.
- Moderate or high political interest.
- Clear options for the way forward or no clear way forward.

The “**collaborate**” level of engagement:

- Council partnering with a key stakeholder. For example: rebuild of a sporting club, or master planning a specific place or main street.

### **Communication and Engagement Techniques and Promotions**

The communication and engagement techniques and promotions listed below, whilst not intended to be all-encompassing, provide a wide variety of activities for consideration when Council’s Managers and staff design and tailor a community engagement approach for a specific project.

Not all techniques are valid for all projects and the most appropriate techniques should be selected having regard to the project, consultation scope and communities of interest. Some techniques are useful when the purpose of a project is to generate new ideas; other techniques are useful when presenting and comparing options; some are useful when consulting with a defined geographic area; and others work well when trying to consult 'hard to reach' sectors in our community.

Communication Techniques and Promotions	Engagement Techniques and Promotions
<p><b>Print Media Techniques</b></p> <ul style="list-style-type: none"> <li>• CCS Column in the Messenger Newspaper</li> <li>• Public Notice in the Messenger Newspaper or other newspaper</li> <li>• Insert or Article in Messenger Newspaper</li> <li>• Article in CCS Kaleidoscope Magazine</li> </ul> <p><b>Social Media Techniques</b></p> <ul style="list-style-type: none"> <li>• CCS Facebook</li> <li>• CCS Twitter</li> <li>• CCS Instagram</li> <li>• CCS Snapchat</li> <li>• CCS Linked In</li> </ul> <p><b>Online Techniques</b></p> <ul style="list-style-type: none"> <li>• City of Charles Sturt website</li> <li>• City of Charles Sturt social media platforms</li> <li>• City of Charles Sturt's e-Newsletter Diamond Bytes</li> <li>• Your Say Charles Sturt</li> <li>• Newsletter to Your Say Charles Sturt registered participants (includes over 1,900 registered participants)</li> <li>• Video</li> </ul> <p><b>Public Display Techniques</b></p> <ul style="list-style-type: none"> <li>• Corflute Sign in project area</li> <li>• Charles Sturt Banner in project area</li> <li>• Display in CCS Libraries</li> <li>• Display in CCS Community Centres</li> <li>• Display in Civic Centre Internal Street</li> <li>• Display in local shopping centre</li> <li>• Travelling Display</li> <li>• Poster</li> <li>• Flyer</li> </ul> <p><b>Other Communication Techniques</b></p> <ul style="list-style-type: none"> <li>• Letter Box Drop / Mail Out</li> <li>• Email</li> <li>• Insert in Rates Notice</li> <li>• Fact Sheet</li> <li>• Frequently Asked Questions</li> </ul>	<p><b>Online Engagement Techniques</b></p> <ul style="list-style-type: none"> <li>• Your Say Charles Sturt engagement - open to the general community</li> <li>• Survey of CCS E-Panel (an advisory panel of 800 members which provides Council with a geographically and demographically representative community across the eight Wards)</li> <li>• Online Survey – open to the general community</li> <li>• Story Telling Forum</li> <li>• Ideas Generation Forum</li> <li>• Livestream Meeting</li> <li>• Livestream Q &amp; A Session</li> <li>• SMS / Text Messages</li> </ul> <p><b>Conventional Engagement Techniques</b></p> <ul style="list-style-type: none"> <li>• Survey - hardcopy, telephone or face to face</li> <li>• Door Knocking</li> <li>• Interview - individual or small group</li> <li>• Written Submission</li> <li>• Stakeholder Briefing</li> <li>• Stakeholder Meeting</li> <li>• Community Workshop</li> <li>• Focus Group</li> <li>• Involvement in a regular meeting of existing local group</li> <li>• Advisory or Reference Group</li> <li>• Mediation / Negotiation</li> <li>• Public Meeting</li> <li>• Contact number for further information and questions</li> <li>• Council Deputation</li> </ul> <p><b>Other Engagement Techniques</b></p> <ul style="list-style-type: none"> <li>• Community Open Day</li> <li>• Community Event Activity</li> <li>• Marketplace Activity</li> <li>• Expo Activity</li> <li>• Street-corner Meeting</li> <li>• Kitchen Table Meeting</li> <li>• Site Visit, Local Area Walkabout or Field Trip</li> <li>• Shop Front/Project Office in project area</li> <li>• World Café</li> <li>• Design Charrette / Enquiry by Design</li> <li>• Open Space Technology</li> <li>• Fish Bowl</li> <li>• Future Search Conference</li> </ul>

## **6. Reporting on Community Engagement**

Outline how the community engagement process and feedback will be captured; analysed, summarised, and reported on. Following the decision making process, community will be informed and the feedback loop closed.

## **7. Budget**

Outline the resources required to plan, deliver and report on the community engagement for this project. Resources may include administration costs, public advertisement costs, printing costs, banner or corflute sign production and installation costs, venue hire, event running costs, consultant services, and the like. Consultation will generally increase in line with project complexity and associated costs need to have regard to budget constraints associated with the project.

## **8. Timeframe**

Provide an outline of the timeframe for planning, delivering and reporting on the community engagement for the project. The time required to successfully plan, implement and report on an engagement project is generally proportionate with project complexity. Some consultation techniques will require a greater time commitment from staff in order to deliver them successfully. The consultation approach needs to fit within the overall timeframe associated with the project.

## **9. Risk Management**

Consider risks associated with the community engagement and plan to minimise and mitigate the impacts. Potential risks include:

- Balancing individual views with broader community views.
- Community satisfaction.
- Failing to understand community sentiments on a project.
- Impacts associated with project delays.
- Media interest.
- Reputational risks.

## **10. Approval of the Community Engagement Approach**

Seek Council or CEO approval for the community engagement approach.