



NAME OF POLICY: Community Consultation

POLICY MANUAL: Governance

BACKGROUND

Section 50 of the *Local Government Act 1999*, requires that the Council must develop a Public Consultation Policy and specifies the minimum standards regarding community consultation. This is expressed both in terms of the activity (for example, changes to the basis of rating) and the type of consultation (for example, public notification in a newspaper and the calling of submissions).

Notwithstanding the provisions of the *Local Government Act 1999* (the Act), and other relevant legislation, the Council has a number of policies which require or may require consultation to be undertaken in certain circumstances.

The Council has identified that community engagement and consultation is important and indeed fundamental to its role and is committed to enhancing the methods and techniques which are used when engaging with the community across a broad range of issues. It is also recognised that the community is multi-dimensional and that different sections of the community respond better to certain methods of consultation and that appropriate structures are necessary to enable input by the community to be made.

DISCUSSION

Local Government as a level of government, is regarded as the closest and most accessible to the people. Whilst the decisions of the Federal and State Governments impact significantly on the community, it is the expectation of the community and indeed of Local Government, that the community can interact with its local council and make representations on issues which impact on them. Local Government has a strong history of respecting the rights of its local citizens and has a number of processes which enable this to occur on a regular basis. These include Deputations to the Council, presentation of Petitions and Representation through Elected Members – the procedures for which are set out in *Code of Practice Access to Meetings & Documents*.

The Decision Making Process

The Council is bound to make decisions that are equitable, economically, socially, culturally and environmentally appropriate, timely and in accordance with the relevant legislation.

Decisions are made, in keeping with legislative requirements, to determine:

- policies to be applied by the Council in exercising its discretionary powers;
- the type, range and scope of projects to be undertaken by Council;
- the resources which are to be made available to undertake such works and services.

Other factors are also taken into consideration when the Council is considering and ultimately making a decision on an issue. These include:

- the impact (cultural, social, economic, environmental, etc);
- any financial and resource implications for the Council.

In making decisions, the Council will have regard to a number of factors. In this respect an important factor which may be taken into account, is community opinion.

Communication between the community and the Council improves decision making and is valued by the Council, as it enables the Council to be responsive to the needs and aspirations of the local community.

Nevertheless, input derived as a result of community consultation needs to be considered in the decision making process together with a range of other factors to ensure that balanced and equitable decisions are made.

The Purpose of Communication, Engagement and Consultation

Community engagement and consultation is an essential component of local governance, assisting the Council to govern in the knowledge that the directions have the support of the Community. Engagement and consultation is however, one component of a whole community involvement approach to governance. To ensure that engagement and consultation leads to greater information and improved decision-making processes, it needs to be undertaken in tandem with education and other partnership and communication programmes.

This Council believes that open communication, engagement and consultation with the community, will lead to community capacity building, the formation of partnerships and the development of better governance and is therefore committed to a policy and process of meaningful communication, engagement and consultation.

Community engagement and consultation is a way of supporting principles of social justice and:

- building partnerships with the community;
- providing people with a process to exercise their right to have access to information;
- providing people with the ability to contribute to and influence decisions that will affect them;
- ensuring that plans, actions and services reflect, where relevant, the aspirations of the community; and
- utilising community networks and resources.

Definitions and Nomenclature

"Communication" - the act of imparting or exchanging news and information.

"Community" - for the purposes of this policy the term Community is used to include all residents, businesses and landowners and any other individual or organisation with an interest in the City of Norwood Payneham & St Peters. Community is used in this Policy in place of the term "public".

"Consultation" - the act of seeking input and feedback on specified issues and matters affecting the City.

"Engagement" - 'Community engagement' is any process 'that involves the public in problem solving or decision making and uses public input to make decisions'. *The International Association of Public Participation, (IAP2)*

"The Act" - for the purposes of this Policy, the Act refers to the *Local Government Act 1999*.

Provision of Information

To ensure that the community is well informed about all matters pertaining to the City and Council business, the Council will provide a range of culturally and gender sensitive information.

The information may be provided and distributed in a range of forms including, but not limited to:

- the Council's Newsletter, *Look East*;
- commercial print media;
- fact sheets;
- brochures;
- the Council's Web Site;
- the Council's E Newsletter, *Your NPSP*;
- the Council's digital marketing platforms (ie, Facebook, Instagram);
- Library Noticeboards;
- via letterbox drops of various publications both generic and specific; and
- through public displays.

To supplement the requirements of Section 132 of the *Local Government Act 1999*, the Council has a philosophy of equity in respect to access to information and therefore, will provide information for inspection at its Principal Office, Libraries and on its web site, free of charge. This includes all information of a non-confidential matter including:

- advance notice of Council and Committee meetings and meeting schedules;
- Council Meeting Agendas;
- Council Minutes;
- notice of forums;
- matters for public consultation and any supporting documentation;
- Council Policies, Procedures and By-Laws;
- Development Plans;
- Infrastructure works, and special projects;
- changes (eg: suburb names, new legislation etc.)
- Council registers; and
- other administrative information.

Section 132 of the Act enables the Council to charge for copies of information. However, to ensure that there is equity in access to Council information, copies of such information will generally be provided to citizens free of charge. In cases where the provision of the information incurs a significant cost to the Council, basic cost recovery charges will apply.

All information will be provided in a timely fashion and in accordance with copyright laws.

The Council will endeavour to make all information freely available and thereby reduce the need for formal applications under the *Freedom of Information Act 1991*. However, this Policy does not replace the requirements of the *Freedom of Information Act 1991* and therefore the provisions of the *Freedom of Information Act 1991* will apply in those circumstances whereby the information is not freely available.

KEY PRINCIPLES

In shaping the Key Principles for this Policy, it is recognised that engagement and consultation is not an end in itself and that the purpose of consultation (in its broadest sense), is to provide structured or facilitated opportunities for the broad community, community interest groups and other viewpoints, to be taken into account.

Community consultation is designed to inform the decision making process, but does not involve making the decision as this rests with the Council. To this end, it is therefore not a substitute for the decision making role which forms part of the governance role of the Council. The task of reconciling conflicting interests rests with the Council itself and in addition, it is important that the decisions of the Council do not alienate the community.

The Community Consultation Policy is guided by the Council's Community Development Principles and the processes which contribute to the good governance of the City.

The Community Development Principles are set out below:

- *Equity – We promote equality of opportunity*
- *Access – We are committed to removing barriers to participation and improving access to services, facilities and programs*
- *Participation – We encourage active involvement in community life*
- *Inclusion – We value diversity*
- *Collaboration – We value a partnership approach to achieving shared goals*

Associated with the above Principles, is the adoption by this Council of the International Association for Public Participation's *Public Participation Spectrum*. (Refer to Attachment 1)

POLICY

The City of Norwood Payneham & St Peters recognises that community consultation enables the Council to best meet the needs of the community, by ensuring that planning and decision making is based upon an understanding of the needs, aspirations and expectations of the community.

The objectives of effective community consultation are to:

- foster positive relations between the community and the Council;
- promote effective communication and consultation between the community and the Council;
- promote access and equity so that the community can participate in planning and decision-making processes;
- provide a framework for community involvement in City planning and decision making.
- enhance decision making – based on a comprehensive understanding of the needs, aspirations and expectations of the community;
- increase participation by citizens in the life and future directions of the City.

Options for Consultation

There are a number of alternative methods of consultation recognised as providing the opportunity for people to have meaningful input into decision-making processes.

The most appropriate process for consultation will be dependant largely on the topic or issue upon which consultation is occurring and consequently the "target market" with which the consultation will occur.

Accordingly the Council will develop specific consultation programs, in accordance with the *International Association for Public Participation's Public Participation Spectrum* (IAP2) (Refer to Attachment 1) for each specific matter upon which consultation is to occur.

It is important that the broadest cross section of the community can become involved. This requires the removal of any barriers that individuals or sections of the community may face in respect to becoming involved in the consultation process. Employing a number of varied relevant consultation techniques and providing information to the community to enable discussion on the issues, is important and leads to meaningful community input and can assist to overcome these barriers.

The consultation techniques may be drawn from, but are not limited to, the following list of options and any specific consultation programme may include all or some of these techniques as judged appropriate for each specific topic:

- Invitation for submissions (written, and verbal) to be placed in the local media and on the Council's website. (The time for written submission will be no less than a minimum of 21 working days and will be extended subject to the complexity of the topic under consultation.)
- Letterbox (for example, individual letters or notices) the community to notify of an issue.
- Public meetings/hearings/workshops and problem solving sessions.
- Focus groups.
- Questionnaires and surveys.
- The opportunity for interested persons to appear before the Council or a Committee of the Council in support of their comments.
- Publication of information brochures, booklets and papers.
- Dedicated issue based Forums.
- Information displays in public places.

All relevant documentation will be available for inspection free of charge at the Council's Principal Office, Libraries and on the Council's web site.

Public Consultation - Provisions under the *Local Government Act 1999*

Pursuant to Section 50 of the *Local Government Act 1999*, each council must develop a Public Consultation Policy. This Policy must set out the steps that the council will follow in cases where the Act requires the council to follow its Public Consultation Policy.

Section 50(4) of the Act requires that the Public Consultation Policy must, as a minimum, provide for:

- the publication in a newspaper circulating within the area of the council a notice describing the matter under consideration and inviting 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
- the consideration by the council of any submissions made in response to the invitation.

In accordance with Section 50(5) of the Act, the Council may from time to time alter its Public Consultation Policy, or substitute a new Policy. However, prior to adopting, substituting or altering the Policy, the Act stipulates a consultation process, of documentation and public notification that must occur.

The Council is required to have reference to its Public Consultation Policy in regard to the following matters as contained in the *Local Government Act 1999*:

- Principal Office opening hours - Section 45(3);
- Code of Practice - Access to meetings and documents – Section 92;
- *Rating* – Section 151
- Community Lands classification – Section 193(2);
- Community Lands Revocation of classification –Section 194(2);
- Community Lands Management Plans – Section 197(1);
- Community Lands Amendment or Revocation of Management Plans – Section 198;
- Community Lands Alienation by Lease or Licence – Section 202(2);

- Public Consultation – Section 223; and
- Trees – Section 232.

The Act also requires that specific consultation should be undertaken in respect to other detailed activities. In this respect, the Council will follow the requirements as set out in the relevant sections of the Act, namely:

- Representation Reviews - Section 12;
- Status of a Council and Change of Name - Section 13;
- Commercial activities prudential requirements - Sections 48(2)(d), 48(5), 48(6);
- Strategic Management Plans – Section 122(6);
- Passing By-Laws – Section 249; and
- Policies on Orders – Section 259.

The document, *Schedule of Requirements – Instances Where Public Consultation Must Be Followed*, provides a summary of the legislative requirements associated with the items listed above. (Refer to Attachment 2)

Additional matters for which Council may undertake consultation in accordance with this Policy

In addition to the matters which are set out in the Act, the Council may choose to follow this Policy in regard to other matters. Without limiting the extent of the operation of this Policy, other situations may include:

- major development programmes;
- the provision of services and facilities;
- significant planning initiatives (strategic, corporate and local area);
- physical infrastructure;
- traffic management; and
- proposals for significant change.

This Policy may also be used to supplement specific public consultation requirements as required by statute.

Any decision to undertake consultation in this regard, is at the discretion of the Council.

This Policy does not apply in respect to Development Applications which are lodged, assessed and determined under the *Development Act 1993*.

Reporting on Community Consultation

At the conclusion of the decision making process, and dependent on the nature of the consultation, the number of submissions received and the complexity of the matter, a Council response to the consultation may be provided, at the discretion of the Council, via one or more of the following methods:

- a letter/or email to all citizens who provided comments as part of the consultation; and/or
- a letter/or email to all affected citizens; and/or
- a notice published on the Council's website; and/or
- a notice published via the Council's digital marketing platforms (ie, Facebook, Instagram); and/or
- a notice published in the local Messenger Newspapers.

ATTACHMENTS

Attachment 1: *International Association Public Participation's (IAP2) Public Participation Spectrum.*

REVIEW PROCESS

The Council will review this Policy within 24 months of the adoption dated.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Governance & Community Affairs.

ADOPTION OF THE POLICY

This Policy was adopted by the Strategy & Policy Committee on 8 April 2002.

This Policy was reviewed by Council on 6 November 2006.

This Policy was reviewed by the Council on 13 October 2008.


This Policy was reviewed by the Council on 4 March 2019.

TO BE REVIEWED

November 2021

IAP2'S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.

		INCREASING IMPACT ON THE DECISION 				
		INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL		To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
	PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.