



MITCHAM

Public Consultation

Adopted by Council 28 June 2016

public policy

TABLE OF CONTENTS

1. PREAMBLE 3

2. PURPOSE 3

3. SCOPE 3

4. DEFINITIONS 3

5. PRINCIPLES 4

6. POLICY STATEMENT 4

7. CATEGORIES OF CONSULTATION 6

 7.1. Public Consultation required by the Act utilising the Public Consultation Policy 6

 7.2. Public Consultation required by the Act with specified consultation conditions 7

 7.3. Public Consultation prescribed by Other Legislation 8

 7.4. Public Consultation required by Council Resolution 8

8. COMMUNITY ENGAGEMENT 8

9. PETITIONS 9

10. REGISTER OF PUBLIC CONSULTATION 9

11. PRIVACY AND CONFIDENTIALITY 9

12. FURTHER INFORMATION 9

13. POLICY REVIEW 9

14. VERSION HISTORY 10

15. DOCUMENT CONTROL 10

Appendix A - Public Consultation Schedule of Requirements 11

Appendix B - Public Consultation Schedule of Requirements 15

MITTCHAM

1. PREAMBLE

Section 50 of the *Local Government Act 1999* (the Act) provides that Council prepares and adopts a public consultation policy. The policy must set out the steps that Council will follow in cases where the Act requires Council to follow its Public Consultation Policy.

Public consultation is one part of the community engagement process as espoused by the International Association of Public Participation (IAP2). This process is endorsed by the Local Government Association and the Office for Local Government and includes the key processes of Inform, Consult, Involve and Collaborate.

2. PURPOSE

The purpose of the Public Consultation Policy is to ensure that the City of Mitcham (the Council) effectively communicates with and consults stakeholders whilst fulfilling Council's obligations under the Act and other relevant Acts.

Council strives to foster and support a culture for effective community engagement to enhance decision making within the context of the Council's Strategic Planning.

3. SCOPE

There are a number of scenarios where Council is required or chooses to engage with the community. This policy addresses those initiatives or activities of Council for which consultation is:

- required by the Act utilising this Public Consultation Policy
- required by the Act with specific consultation conditions
- required by Council Resolution.

4. DEFINITIONS

Community engagement is about involving communities in decision making processes, which is critical in the successful development of acceptable policies and sustainable decisions in local government and the community.

Community – applies to residents, ratepayers, businesses, agencies and community groups.

Communication – is the provision of balanced and objective information to the community concerning a particular issue or topic in a timely and accessible manner. It is essentially a one way process. Communication includes but is not limited to advertisements, letters, brochures, use of Council's publications and website, phone calls, door knocks, signs, displays, drawings and models.

Consultation – where, based on the information provided, feedback is sought from the community on a particular issue or topic prior to Council making a decision. This process should allow all parties to respond and express concerns, ideas or issues so these may be considered by Council before a final decision is made. Consultation includes but is not limited to discussion, written submissions, surveys, group meetings, workshops, displays, formal advisory committees, focus groups, use of phone and web site.

Consultation period – The time period for consultation varies depending on the category of consultation, as per specific sections of this policy. For the purposes of this policy where notification is given via:

- the newspaper the consultation period commences on the day following the newspaper publishing date.
- a mail out of letters the period commences on the day following the postage of the letters.
- electronic notification eg: email, website, social media the consultation period commences the day following the sending of the email or the posting/submission of the information.

IAP2 - International Association of Public Participation, an international association of members who seek to promote and improve the practice of public participation in relation to individuals, governments, institutions, and other entities that affect the public interest in nations throughout the world.

Formal Submission - Required for some specific projects or decisions or to fulfil a legislative obligation to provide the community to express its opinion towards an issue/proposal which can contribute towards Council's decision.

The Act – is the Local Government Act 1999.

5. PRINCIPLES

The City of Mitcham has adapted the International Association of Public Participation (IAP2) Community Engagement principles.

When engaging the Community in a decision-making process, Council strives within budget and time constraints to:

- Seek out and encourage contributions from people who may be affected by or interested in a decision
- Provide relevant, timely and balanced information so people can contribute in a meaningful way
- Provide a variety of appropriate and accessible ways for people to have their say and to speak honestly
- Actively listen so that people's ideas and input assist in making the final decision
- Consider the needs and interests of all people in the decision-making process
- Tell the community about the final decision, and how their input was considered
- Collaborate with peak bodies and other levels of Government to achieve common goals for the City of Mitcham.

6. POLICY STATEMENT

Community engagement provides a way for decision makers within the City of Mitcham to connect with our community in order to further develop relationships and inform decision making processes.

Community engagement involves levels of engagement which define the type of communication and the intent which provides clear expectations about the community's role in the decision making process.



Adapted from IAP2 Community Engagement Spectrum

- Inform:** One way communication providing balanced information to assist the community in understanding the topic, alternatives and/or solutions. Feedback is not sought and the decision is made by Council. (Flyers, Web Site, On-site signage, Open Days)
- Consult:** Two way communication whereby Council provides balanced information to assist the community in understanding a topic, alternatives and/or solutions and seeks feedback on the matter. Council will convey how the feedback was used to inform the decision. (Survey, Public Submissions, Focus Groups)
- Involve:** Two way communication whereby Council works with the community through the process of decision making to ensure that the concerns and aspirations are consistently understood and considered. The decision is influenced heavily by the community's input. (Workshops, Focus Groups, Deliberate Polling)
- Collaborate:** Partnership with the community to come up with a decision on a particular matter. Council will look to the community for direct advice and innovation in formulating alternatives and/or solutions. The final decision remains with the Council and will use the recommendations from the community in its decision to the maximum extent possible. (Citizen Advisory Committees, Participator Decision-Making)

Council community engagement seeks to obtain the community's feedback on matters which affect the community, but will not seek to obtain consensus among all in order to move forward with its decision making process.

Community engagement is a process, not an outcome or a solution. The objectives and parameters for any engagement process needs to be stated in a transparent way to avoid creating unrealistic expectations in the community.

Community engagement is a way to assist the decision-making process. It is not intended to replace the final decision making power of Elected Members, the Chief Executive Officer or their delegate.

Meaningful community engagement means good quality processes that endeavour to gain an objective, representative view from the broader community and relevant stakeholders, and is not limited to the view of a vocal minority.

Good decisions are informed by listening to diverse perspectives, gathering sound information, considering a range of opinions and alternatives and identifying common ground.

To ensure confidence in the transparency and integrity of Council's consultation processes, all formal submissions must include the name and residential address of the respondent.

7. CATEGORIES OF CONSULTATION

There are a number of categories of Community Consultation considered in this policy as follows.

7.1. Public Consultation required by the Act utilising the Public Consultation Policy

In some circumstances, the *Local Government Act 1999* (the Act) specifically requires Council to undertake Public Consultation in accordance with Council's Public Consultation Policy. A summary of these is listed below. The specific steps to be taken for each of these matters can be found in **Appendix A**.

Topic	Section reference
Principal Office – Opening Hours	Section 45
Code of Practice – Access to meetings and documents	Section 92
Annual Business Plan	Section 123
Rates and charges – Change to Basis of Rating Report	Section 151
Rating – Differential Rates	Section 156
Community Land – Exclusion from Classification	Section 193
Community Land - Revocation of Classification	Section 194
Community Land Management Plans	Section 197
Community Land – Alienation by lease or licence	Section 202
Authorisation / Permits	Section 223
Roads – Trees	Section 232

For each matter listed above, Council staff will:

- (1) Prepare a document that sets out Council's proposal in relation to the matter; and
 - (a) Publish a notice:
 - in a newspaper circulating within the area of the Council; and
 - on a website determined by the Chief Executive Officer

describing the matter under consideration and inviting interested persons to make submissions within a period (being at least 28 days).

- (2) When submissions have been received by the specified date, Council staff will:
 - (a) Summarise and analyse the information;
 - (b) Prepare a report for Council or the relevant Council Committee which:
 - summarises the public consultation outcomes;
 - presents the information in the broader context of the matter under consideration;
 - makes recommendations for Council or the Committee to consider when deciding on the matter/s; and
 - is included on the agenda for a suitable Council or Committee meeting.
- (3) Council will consider the report and relevant recommendation/s and decide on the matter/s.
- (4) The right to address Council or a Committee of Council by way of deputation in support of any submission may be granted at the discretion of the Mayor or Presiding Member, unless otherwise prescribed in the relevant legislation and in accordance with Council's Code of Practice – Meeting Procedures.

7.2. Public Consultation required by the Act with specified consultation conditions

For some matters that will come under Council's consideration, the Act does not require the generic steps set out in its Public Consultation Policy to be followed, but the Act does prescribe certain public consultation steps to be followed.

A summary of these matters is listed below:

Topic	Section reference
Representation Reviews	Section 12
Status of a Council / Change of Name	Section 13
Commercial Activities – Prudential Requirements	Section 48
Public Consultation Policies	Section 50
Strategic Management Plans	Section 122
Amendment or revocation of Community Land Management Plans	Section 198
Roads Naming Policy	Section 219
Passing by-laws	Section 249
Making Orders	Section 259

For details of the specific requirements under these sections, refer to **Appendix B**.

7.3. Public Consultation prescribed by Other Legislation

Where there are legislative requirements for consultation under other legislation applicable to the Council, these specific processes need to be followed. Other pieces of legislation with public consultation requirements include (but may not be limited to):

- Roads (Opening and Closing) Act 1991
- Land Acquisition Act 1969
- Development Act 1934
- Public Health Act 2011

7.4. Public Consultation required by Council Resolution

In addition to matters which require consultation as prescribed by the *Local Government Act 1999*, consultation may be required as a result of a Council decision.

In these instances, the Council resolution will make specific reference to the Public Consultation Policy.

The minimal consultation period for any consultation in this category is 28 days and will include as a minimum, public notification on Council's website.

Additional consultation requirements may be determined by Council resolution or as deemed appropriate by Administration.

8. COMMUNITY ENGAGEMENT

In addition to its Public Consultation obligations as detailed in this Policy, Council often engages with the community on a range of other topics. The level and style of engagement will vary in each circumstance depending on the:

- Level of community interest or awareness
- Sensitivity of the issue
- Number of persons potentially affected
- Spread of the affected population
- Likely social, economic, environmental and cultural impacts
- Availability of Council resources.

These engagement activities are aligned to the levels of engagement detailed in Section 6 above of Inform – Consult – Engage – Collaborate. This Community Engagement complements and does not replace the Council's minimal consultation requirements.

Guidelines to assist staff to undertake appropriate levels and styles of community engagement are to be developed. This will include topics such as radius of suggested engagement to a location, direct mail outs, letter box drops use of on-site signage, use of social media etc.

9. PETITIONS

Petitions received from the community in response to a community engagement must be completed in accordance with the requirements of Council's Code of Practice – Meeting Procedures.

Petitions are considered as one submission and will be considered alongside all other pertinent factors, when a decision is made.

10. REGISTER OF PUBLIC CONSULTATION

An on line register will be maintained detailing major public consultations being conducted by the City of Mitcham.

11. PRIVACY AND CONFIDENTIALITY

To ensure confidence in the transparency and integrity of Council's consultation processes, all formal submissions must include the name and residential address of the respondent. The identity of those who provide input to community engagement activities will be made known only to those who need to know in the process of compiling the feedback. Identities will not be revealed or made public by the Council, except where required by law. For example, all formal submissions made as part of a Council consultation process are subject to the *Freedom of Information Act 1991*.

12. FURTHER INFORMATION

This policy will be available for inspection at the Council offices located at 131 Belair Road, Torrens Park, during ordinary business hours and available to be downloaded, free of charge, from Council's website:

www.mitchamcouncil.sa.gov.au

13. POLICY REVIEW

This policy will be subject to review every two years or sooner at the discretion of the responsible Director.

MITCHAM

14. VERSION HISTORY

VERSION	AUTHOR(S) POSITION	CHANGES	DATE
1	Project Officer		Mar 2000
2	Project Officer		Aug 2001
3	Governance Officer		Aug 2006
4	Governance Officer	Comprehensive Review	Mar 2013
5	Governance Officer	Comprehensive Review	May 2016

15. DOCUMENT CONTROL

Responsible Department	Corporate Affairs		
Delegations Apply	No		
Classification	Community Relations		
Applicable legislation	Local Government Act 1999 Development Act 1993 Freedom of Information Act 1991 Roads (Opening and Closing) Act 1991 Land Acquisition Act 1969 Public Health Act 2011		
Related Policies & Corporate Documents	Code of Practice – Meeting Procedures		
Additional references	LGA Community Engagement Handbook		
Endorsed by Council:	28 June 2016	Item No:	7.3
Effective Date:	28 June 2016	Next Review Date:	June 2018
TRIM Record Number:	13.33726[v7]	TRIM Folder No:	FF/2011/1900
Template Folder No:	FF/2012/245	Template Record No:	12.60143[v4]

MITCHAM

Appendix A - Public Consultation Schedule of Requirements

For matters where the Local Government Act 1999 **requires** Council to follow the steps set out in its Public Consultation Policy.

Matter	Section of the Act	Summary of Public Consultation Steps
Principal Office – Opening hours	section 45	Council should follow the steps set out in section 7.1 of this Policy regarding 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 those arrangements.
Code of Practice – Access to meetings and documents	Section 92	As per steps set out in section 7.1 of this Policy with the addition of: <ul style="list-style-type: none"> • Before Council adopts, alters or substitutes a code of practice under this section it must make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the Council's principal office.
Annual Business Plan	Section 123	Before Council adopts an Annual Business Plan it must follow the steps set out in section 7.1 of this Policy. In addition, the consultation process must provide at least for the following: <ul style="list-style-type: none"> • The publication in a newspaper circulating within the area of the Council of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons to attend: <ul style="list-style-type: none"> ○ 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 ○ 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 a least one hour; and • Council must make arrangements for a meeting and the consideration of any submissions made at that meeting, including ensuring copies of the draft annual business plan are available at the meeting for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the date of that meeting. <p>Council must ensure that provision is made for a facility for asking and answering questions and the receipt of submissions on its website during the public consultation period.</p>

Matter	Section of the Act	Summary of Public Consultation Steps
Rates and charges – Change to Basis of Rating Report	Section 151	<p>Before Council can change the basis of rating of any land; or change the basis on which land is valued for the purposes of rating; or change the imposition of rate on land by declaring or imposing a separate rate, service rate or service charge on any land Council must follow the steps set out in section 7.1 of this Policy.</p> <p>In addition, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change and inviting interested persons to attend 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; • Organise a public meeting and the consideration by the Council of any submissions made at that meeting or in response to the invitation; and • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation. <p>Note: A Report required under subsection (5)(d) may form part of the Council's draft annual business plan (and that plan as adopted) and the public consultation may be undertaken as part of the public consultation required with respect to the Council's draft annual business plan.</p>
Rating – Differential Rates	Section 156	<p>Before Council changes from declaring differential rates in relation to any land it must follow the steps set out in section 7.1 of this Policy.</p> <p>In addition, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change, informing the public of the preparation of the report and inviting interested persons to attend 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; • Organise a public meeting and the consideration by Council of any submissions made at that meeting in response to the invitation; and • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for public consultation.

MITCHAM

Matter	Section of the Act	Summary of Public Consultation Steps
Community Land – Exclusion from Classification	Section 193	As per the steps set out in section 7.1 of this Policy.
Community Land - Revocation of Classification	Section 194	<p>As per the steps out in section 7.1 of this Policy.</p> <p>In addition, as part of the consultation process, Council must prepare and make publically available a report on the proposal containing:</p> <ul style="list-style-type: none"> • A summary of the reasons for the proposal; and • A statement of any dedication, reservation or trust to which the land is subject; and • 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 • An assessment of how implementation of the proposal would affect the area and the local community; and • 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. <p>After complying with the above requirements Council must:</p> <ul style="list-style-type: none"> • Submit the proposal with a report on all submissions made on it as part of the public consultation process to the Minister; and • If approved by the Minister, may make a resolution revoking the classification of the land as community land.
Proposed Community Land Management Plans	Section 197	<p>As per the steps set out in section 7.1 of this Policy.</p> <p>In addition Council must:</p> <ul style="list-style-type: none"> • Make copies of the proposed plan available for inspection or purchase at the Council's principal office; and • Give public notice of its adoption of a management plan.

Matter	Section of the Act	Summary of Public Consultation Steps
Community Land – Alienation by lease or licence	Section 202	<p>Before Council grants a lease or licence over community land (including community land that is or forms part of a park or reserve) it must follow the steps set out in section 7.1 of this Policy.</p> <p>Note: However, a Council need not comply with these requirements if:</p> <ul style="list-style-type: none"> • 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 • the regulations provide, in the circumstances of the case, for an exemption from compliance with a public consultation policy.
Roads - Authorisation / Permits	Section 223	<p>If Council proposes to grant an authorisation or permit that would</p> <ul style="list-style-type: none"> • 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 • in relation to a use or activity for which public consultation is required under the Regulations <p>then the steps set out in section 7.1 of this Policy should be followed prior to granting the authorisation or permit.</p> <p>In addition, Council must give written notice of the proposal to agencies that are, under the Regulations, to be notified of the proposal.</p>
Roads – Trees	Section 232	<p>Before planting or authorising planting of vegetation, on a road, that may have significant impact on residents, the proprietors of nearby business or advertiser in the area, Council must follow the steps set out in section 7.1 of this policy.</p>

Appendix B - Public Consultation Schedule of Requirements

For matters where the Local Government Act 1999 **does not** require Council to follow the generic steps set out in its Public Consultation Policy but is required to comply with specific public consultation steps set out in the relevant sections of the Act.

Matter	Section of the Act	Summary of Public Consultation Steps
Representation Reviews	Section 12	<p>Council must:</p> <ol style="list-style-type: none"> 1. Prepare a Representation Options Paper: <ul style="list-style-type: none"> • By public notice, published in a newspaper circulating within its area, inform the public of the preparation of the Representation Options Paper and invite written submissions on the subject of the review within a period specified by the Council (being a period of at least 6 weeks) • Ensure copies of the Representation Options Paper are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period of consultation. 2. Prepare a Report <ul style="list-style-type: none"> • Make copies of the Report available for public inspection at the principal office of the Council; and • By public notice, published in a newspaper circulating within its area, inform the public of the preparation of the report and its availability and invite written submissions on the report within a period specified by Council (being a period of at least 3 weeks). • Give any person who makes a written submission an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions. 3. Finalise the Report <ul style="list-style-type: none"> • Submit the report, accompanied by copies of written submissions received, to the Electoral Commissioner for certification.

Matter	Section of the Act	Summary of Public Consultation Steps
Status of a Council /Change of Name	Section 13	<p>Council must:</p> <ul style="list-style-type: none"> • Give public notice of the proposal inviting interested persons to make written submissions on the matter within a period specified by the Council (being at least 6 weeks); • Publish a copy of the notice in a newspaper circulating within its area; • Give any person who makes a written submission in response to an invitation to do so an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.
Commercial Activities – Prudential Requirements	Section 48	<p>Discretionary consultation or engagement as described in section 7.2 of this policy.</p> <p>Any prudential report obtained and considered under this section must be made available for public inspection at the principal office of the Council once the Council has made decisions on the relevant project (and may be available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>
Public Consultation Policies	Section 50	<p>Before Council adopts, substitutes and/or alters a public consultation policy, it must :</p> <ul style="list-style-type: none"> • Prepare a document that sets out its proposal; and • Publish in a newspaper circulating generally throughout the State and in a newspaper circulating within the area of the Council a notice of the proposal inviting interested persons to make submissions on the proposal within a period (which must be at least one month) stated in the notice; and • Consider any submissions made.
Strategic Management Plans	Section 122	<p>Discretionary consultation or engagement as described in section 7.2 of this policy.</p> <p>Council must adopt a process or processes to ensure that the members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans.</p> <p>Council must ensure that copies of its strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) by the public at the principal office of the Council.</p>
Amendment or revocation of Community Land Management Plans	Section 198	<p>As per the steps above for proposed land management plans, however, public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.</p>

Matter	Section of the Act	Summary of Public Consultation Steps
Altering or Adopting Roads Naming Policy	Section 219	<p>Council must</p> <ul style="list-style-type: none"> • Publish a notice of the adoption or altering of a Roads Naming Policy in the Gazette, in a newspaper circulating within the area of the council and on a website determined by the chief executive officer.
Passing By-Laws	Section 249	<p>Council must:</p> <ul style="list-style-type: none"> • At least 21 days before resolving to make a by-law, 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 inspection, without charge and during ordinary office hours, at the principal office of the Council and on the internet; and • At least 21 days before resolving to make a by-law, by publication of a notice in a newspaper circulating in the area of the Council inform the public of the availability of the proposed by-law and set out the terms of the by-law, or describe in general terms the by-law's nature and effect • Give reasonable consideration to a written or other acceptable submission made • Once a by-law has been made, publish a notice of the making of a by-law in a newspaper circulating in the area of the Council.
Making Orders	Section 259	<p>Before adopting a policy relating to Powers to make Orders Council must:</p> <ul style="list-style-type: none"> • Prepare a draft of the Policy • by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks) • Consider submissions made in response to the invitation <p>Before adopting an amendment to a Policy, by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the amended policy are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks). Consider submissions made in the response to the invitation.</p>