

# THE BAROSSA COUNCIL PUBLIC CONSULTATION POLICY



<b>1.</b>	<b>Purpose</b>
1.	<p>The purpose of this Policy is to ensure that The Barossa Council ("Council") meets its legislative obligations in regard to public consultation by:</p> <ul style="list-style-type: none"><li>• Using appropriate and cost effective methods which are relevant to the specific circumstances of each consultation topic</li><li>• Informing and involving the local community, key stakeholders and interested parties</li><li>• Using feedback to enhance decision making.</li></ul>
<b>2.</b>	<b>Scope</b>
2.1	<p>This Policy applies to Elected Members sitting as the Elected Body, Council Employees, contractors, agents and consultants acting on behalf of Council.</p>
2.2	<p>Where there are legislative requirements for consultation under other legislation applicable to Council, such as the <i>Development Act 1993</i> or <i>Freedom of Information Act 1991</i>, these specific processes take precedence over this Policy, should there be any inconsistency.</p>
2.3	<p>The Chief Executive Officer is responsible for the implementation of this Policy, establishing the consultation level, reporting outcomes of the consultations to Council, reviewing the Policy, and determining elements within the supporting process.</p>
<b>3.</b>	<b>Policy Statement</b>
3.1	<p>Council is committed to open, accountable and responsive decision making, which is informed by public consultation.</p>
3.2	<p>In carrying out its consultation processes, Council applies the following principles:</p> <ul style="list-style-type: none"><li>• Council decision making will be informed, transparent and accountable.</li><li>• Members of the community have a right to be informed about issues affecting their area and their lives and to influence Council's decisions about these issues.</li><li>• Community interest will vary depending on the issue and the number of people affected, and Council's level of consultation will reflect this.</li><li>• Community involvement in Council decision making should result in greater confidence in the Council and responsive decision making.</li></ul>
3.3	<p>The preparation and adoption of this Policy fulfils Council's obligations under section 50(1) of the <i>Local Government Act 1999</i> ("the Act"). Section 50 provides that:</p> <ul style="list-style-type: none"><li>• Council <i>must</i> set out the steps that it will follow in cases where the Act requires consultation on a matter, and</li><li>• Council <i>may</i> set out the steps that it will follow in other cases involving its decision making.</li></ul>

3.4 Council has the following obligations where it is required by the Act to follow its Public Consultation Policy:

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters;
- Council where required under the Act shall provide opportunity to present at a public meeting or formal meeting of Council;
- Council must publish a notice in a newspaper circulating in the area and on its website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice; and
- Council must consider any submission received from the public during the prescribed consultation period.

### 3.5 Specified consultation requirements

Council is also required by the Act to undertake particular types and levels of minimum consultation in relation to the following issues (except where an exemption is provided for in the Act such as a minor variation):

- Carrying out representation reviews (section 12(5))
- Considering a change of status of Council or name change (section 13)
- Determining the manner, places and times of its principal office (section 45) –
- Carrying out commercial activities - Prudential Arrangements (section 48)
- Adopting or varying a public consultation policy (section 50)
- Altering the Code of Practice relating to the principles, policies and processes that Council will apply to enable public access to Council and Committee Meetings, their minutes and release of documents (section 92)
- Adopting Strategic Management Plans (section 122)
- Annual Business Plans (section 123) –
- Excluding land from classification as community land (section 193)
- Revoking the classification as community land (section 194)
- Adopting, amending or revoking a management plan for community land (section 197)
- Amending or revoking a management plan for community land (section 198)
- Alienating of community land where the management plan does not allow it (section 202)
- Alienating roads (section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (section 232)
- Making Bylaws (section 249)
- Making Orders (section 259)

3.6 Council may undertake additional consultation and community engagement on general or specific matters of interest to the community or specific stakeholders of the community e.g. changes to road names, proposal to remove a tree, road construction projects not covered by section 223 of the Act, or investment in particular projects. The level of consultation should be, at a minimum, in accordance with clause 3.4 above.

3.7 At Council's discretion, depending on the matter under consideration, the resources available to Council and the level of interest the matter is anticipated to generate, other consultation and engagement methods may include:

- Publication in a regular newsletter
- Letters to residents and other stakeholders

- Other direct mail publications or letterbox drops, as appropriate
- Advertising in media outlets as deemed appropriate
- Media releases to appropriate media outlets and community groups
- Community forums and stakeholder meetings.
- Direct consultation with community representative groups
- Active and passive use of Council's website and social media
- On-line engagement portal
- Use of a community email database
- Customer Surveys
- Fixed displays, e.g. community notice boards
- Community group representations to Council workshops

Whichever consultation method(s) is/are selected, Council is committed to ensure that all possible stakeholders are provided the opportunity to engage in consultation processes to provide comment to Council on matters being considered.

- 3.8 Council may, from time to time, alter this Policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, Council must submit the proposal to a public consultation process as described in clause 3.5 above. In the event that the Council deems that the alteration is of only minor significance and would attract little (or no) community interest, no consultation is required.
- 3.9 After consideration of community feedback, the final decision on any matter before Council rests with Council.
- 3.10 Those parties aggrieved by a decision of the Council are entitled to lodge a request for review under Council's *Internal Review of Council Decisions Policy* or lodge a complaint with the Ombudsman or Office of Public Integrity.

#### **4. Supporting Processes and Documents**

All consultation processes are prescribed within the Local Government Act as per clauses 3.5 - 3.7 above.

#### **5. Related Policies**

Internal Review of Council Decisions Policy

#### **6. Legislation and References**

Local Government Act 1999, section 50  
 Local Government Association's Model Public Consultation Policy  
 Local Government Association's Community Engagement Handbook  
*Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2)*

#### **7. Review**

This Policy will be reviewed by [the Council in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council's need changes.

#### **8. Further Information**

- 8.1. This Policy is available on Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au). It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 8.2. Complaints regarding this Policy or its application can be made to the Customer Service team on 8563 8444 or [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au) at first instance, who will

refer you to the most appropriate officer according to Council's *Customer Service Policy* (see clause 8.1 above for availability).

<b>9.</b>	<b>Document Control</b>
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<b>Community Plan Link:</b>		2.8 Provide opportunities for the community to participate in local decision-making.			
<b>Document Owner:</b>	Chief Executive Officer			<b>Document Control Officer:</b>	Governance Advisor
<b>Consultation Rating:</b>	N/A	<b>Audience:</b>	External	<b>Next Review Date:</b>	1/06/2024
Version history					
Version No.	Date		Description of Change		
5.0	19/7/2022		Removal of COVID-19 Pandemic legislative changes no longer applicable from 21 June 2022.		
4.0	19/05/2020		Policy updated to incorporate the <i>Public Access and Public Consultation Notice (No 2) 2020</i> , issued by the Minister for Transport, Infrastructure and Local Government pursuant to section 302B of the <i>Local Government Act 1999</i> in response to the COVID-19 public health emergency		
3.0	26/09/2016		Significant re-work of policy due to amendments from the Local Government (Accountability and Governance) Amendment Act 2015		
2.0	16/04/2013		Policy was significantly updated to provide details of requirements and occasions when Council must follow its Policy and where there are specific alternate processes.		
1.0	16/03/2010		New Policy		

<b>10.</b>	<b>Definitions</b>
Community Engagement	To involve the community in the decision making processes of Council through informing, consulting, involving and collaborating.
Employee	All full-time, part-time and casual employees of The Barossa Council including trainees and on-hire employees.
Public Consultation	Two way communications between Council and the community designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.