



COUNCIL POLICY

Community Engagement

Agriculturally rich - Naturally beautiful

Policy Number:	PO057		
Strategic Plan Objective	4. Community Engaged and Supported 4.12 Continuous improvement in communicating with and engaging the community		
Policy Owner:	Chief Executive Officer	File Number:	16/14028 [v4]
Responsible Officer:	Manager Business & Public Relations	Minute Reference:	34/2017 (08/02/2017)
Date Adopted:	8 th February 2017	Next Review Date:	June 2019

1. POLICY OBJECTIVES

This policy aims to provide the community, stakeholders, council staff and Elected Members with an understanding of the role of community engagement in the decision making processes of the Yorke Peninsula Council (the Council). This policy also outlines the minimum standards of community engagement techniques used by the Council and the circumstances of when and how each technique will be used.

2. SCOPE

This policy applies to:

- i. All employees of the Yorke Peninsula Council.
- ii. Elected Members.
- iii. Contractors or consultants acting on behalf of Council.

3. DEFINITIONS

Act	The Local Government Act 1999 (SA)
Community	The people who; live, work, conduct business activities or use the facilities in public places in the Yorke Peninsula region.
Council	The Yorke Peninsula Council.
Policy	Refers to this Community Engagement Policy.
Community of Interest	A group of people brought together by a common interest.
Primary Stakeholder	Is someone who may be directly affected by or have a direct interest in the decision or issue under consideration.
Secondary Stakeholder	Someone who has a general interest in the decision or issue under consideration.
Submissions	Written (including email) responses from the community in relation to a specific consultation which must be received by the Council within the specified timeframe.

4. POLICY STATEMENT

The Council recognises that community engagement plays an important role in its decision making processes and members of the community have a right to be informed about issues affecting their lives. The intention of this policy is to provide a planned, consistent and cost effective approach to consultation (community engagement). Council will follow this policy, as a minimum standard, in all instances where consultation should occur with the community.

Community involvement in Council decision making should result in greater confidence in the Council and will foster open, transparent and accountable processes.

As recommended by the Local Government Association of South Australia, this policy has been informed by the International Association for Public Participation (IAP2) products for public participation processes.

This Community Engagement Policy specifies four levels designed to suit all consultation requirements, ranging from the most basic public notification, to seeking input on a major project or issue of communitywide significance. These are:-

- **Level 1** – we will keep you informed.
- **Level 2** – we will keep you informed, listen to and acknowledge concerns and issues and provide feedback in how public input influenced the decision.
- **Level 3** – we will work to ensure that your concerns, issues and aspirations are directly reflected in the alternatives developed and provide feedback on how the public influenced the decision.
- **Level 4** – we will look for direct advice and innovation in formulating issues, alternatives and solutions.

Under the *Local Government Act 1999*, there are specific legislative requirements whereby Council **must** consult. Council is required to undertake particular types or levels of consultation (as a minimum) in relation to the following:

- Determining the manner, places and times of its principal office (section 45)
- Adopting or varying a public consultation policy (section 50)
- Altering the Code of Practice relating to the principles, policies and procedures 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)
- 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)
- Carrying out representation reviews (section 12(5))
- Considering a change of status of Council or name change (section 13)
- Carrying out commercial activities – Prudential Arrangements (section 48)
- Making Bylaws (section 249)
- Making Orders (section 259)

Refer to Appendix 1 for a Schedule of Minimum Requirements per the *Local Government Act 1999* and the steps to be followed.

Where there is no legislative requirement for consultation, selection of the appropriate level will determine the resource requirements for the consultation.

It should be noted that a certain degree of flexibility is required to suit specific situations. Therefore the following sets out the minimum standards for each level which may apply for certain activities without being too prescriptive.

Level 1 INFORM	Level 2 CONSULT	Level 3 PARTICIPATE	Level 4 COLLABORATE
<p>means providing information to assist understanding of how decisions will be/ were made.</p>	<p>Means obtaining feedback on preferences when there are options available.</p>	<p>Means involving people to understand all needs, concerns and aspirations.</p>	<p>Means involving people and working together to seek direct advice in formulating solutions.</p>
<p>Examples of when we will use Inform:</p> <ul style="list-style-type: none"> • A decision is made for legislative, financial, environmental or technical reasons. • There is no opportunity to influence the decision 	<p>Examples of when we will use Consult:</p> <ul style="list-style-type: none"> • There are several options available. • Final decisions are being shaped. • Issues and concerns are unclear. 	<p>Examples of when we will use Participate:</p> <ul style="list-style-type: none"> • We need community knowledge to influence the decision. • There is likely to be a high level of interest/ community impact. • There is a high degree of complexity. 	<p>Examples of when we will use Collaborate:</p> <ul style="list-style-type: none"> • We will seek direct advice from those who possess specific knowledge or special interests.
<p>We will explain:</p> <ul style="list-style-type: none"> • How the decision was made. • What is going to happen. • Where further information can be found. 	<p>We will ask:</p> <ul style="list-style-type: none"> • Which option is preferred? • What would the impact be? • Any suggestions for improvement? 	<p>We will ask:</p> <ul style="list-style-type: none"> • What would the community like to see happen, or • What have we not considered or are not aware of, or • How should we proceed with this? 	<p>We will partner to:</p> <ul style="list-style-type: none"> • Seek solutions or alternatives based on specific areas of expertise. • Gain acceptance of recommendations based on specific areas of expertise.

We will do this through:

<ul style="list-style-type: none"> • Council's website. • Public notices in the Country Times. • A letterbox drop. • Letter of advice to affected properties. • Letter / email to Progress Associations. 	<ul style="list-style-type: none"> • Council's website. • Media releases. • Letter or survey to primary &/or secondary properties. • Letter / email or survey to Progress Associations. • Copies of major reports or plans made available at Council offices. • Report to Council summarising submissions for formal Council 	<ul style="list-style-type: none"> • Council's website. • Advertisements. • Media releases & / or briefing sessions. • Facilitated workshops or focus groups. • Community forums. • Individual Progress Association Newsletters/noticeboards. • Surveys. • Letter or survey to affected properties / community groups. • Council publications. • Copies of major reports or 	<ul style="list-style-type: none"> • Council's Advisory Committees. • Community partnership projects.
---	--	---	---

	decision.	plans made available at Council offices. <ul style="list-style-type: none"> • Report to Council summarising submissions for formal Council decision. 	
--	-----------	--	--

Within the following timeframes:

No minimum period required. Or Compliance with statutory requirements (if applicable)	Minimum three weeks. Or Compliance with statutory requirements (if applicable)	Minimum six weeks. Or Compliance with statutory requirements (if applicable)	As required (e.g. per Terms of Reference regarding meeting schedules).
---	--	--	--

5. COMPLAINTS

Complaints about this policy can be made in writing to the Chief Executive Officer. All complaints will be managed in accordance with Council’s Complaints Policy PO147.

6. REVIEW

This policy will be reviewed within twelve months of a general election, in consultation with employees and/or their nominated representative(s).

This policy will also be reviewed as deemed necessary in consideration of any changes to legislation, guidelines, audit findings or stakeholder feedback.

In accordance with s.50 (6) of the *Local Government Act 1999*, before the Council adopts this policy or any future significant alterations to this policy, the community will be informed via a public notice in the Yorke Peninsula Country Times and invited to make submissions.

7. TRAINING

Council is committed to supporting Elected Members and employees in complying with this policy.

This policy will be provided to Elected Members and all employees who have responsibilities under this Policy to engage with the community.

Training needs will be reviewed annually, during individual performance reviews or when deemed necessary in consideration of any changes to legislation and relevant guidelines.

8. RELATED COUNCIL POLICIES AND DOCUMENTS

- Yorke Peninsula Council, Community Engagement Strategy

9. REFERENCES AND LEGISLATION

- Section 50 of the Local Government Act 1999
- Community Engagement Handbook; A Model Framework for leading practice in Local Government in South Australia, a joint initiative of the Local Government Association of SA (LGA) and the SA Government, March 2015.

10. COUNCIL DELEGATION

Details of Delegation:	Chief Executive Officer
Delegate:	Nil

11. VERSION HISTORY

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Public Consultation Policy	PO057		14/09/2010
Community Engagement Policy	PO057	10/06/2015	14/12/2016
Community Engagement Policy	PO057	08/02/2017	

The following information sets out the Yorke Peninsula Council's minimum standards to meet the legislative requirements of the Act.

Submissions must be received by Council within the timeframes outlined in the public notice (minimum of 21 days) and can be in the form of:-

- Written submissions
- Email submissions
- Web form submissions and
- Online form submissions.

LOCAL GOVERNMENT ACT 1999 (SA)		
TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Representation Reviews Review and reporting to the Electoral Commissioner.	12	Representation Options Paper By public notice: <ul style="list-style-type: none"> ◦ Inform the public of the preparation of the representation options paper; and ◦ Invite interested persons to make written submissions to the council on the subject of the review within a period specified by the council (being a period of at least 6 weeks) Publish a copy of the notice in a newspaper circulating within its area. Ensure that 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. Report Make copies of its report available for public inspection at the principal office of the council; and By public notice: <ul style="list-style-type: none"> ◦ inform the public of the preparation of the report and its availability; and ◦ invite interested persons to make written submissions to the council on the report within a period specified by the council (being a period of at least 3 weeks); and Publish a copy of the notice in a newspaper circulating within its area. The council must give any person who makes written submissions in response to an invitation under subsection (9) an opportunity to appear personally or by representative before the council or a council committee and to be heard on those submissions. Council must then finalise its report and refer to the Electoral Commissioner.
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(2)	<ul style="list-style-type: none"> • The council must give public notice of the proposal; • The notice must contain an invitation to interested persons to make written submissions to the council on the matter within a period specified by the council (being a period of at least 6 weeks); • Publish a copy of the notice in a newspaper circulating within its area; • The council must give any person who makes written submissions in response to an invitation under this section an opportunity to appear personally or by representative before the council or a council committee and to be heard on those submissions.
Principal Office – Opening hours	45 (3)	A council should consult with its local community in accordance with its 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 the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes ◦ A report under subsection (1) must be available for public inspection at the principal office of the council once the council has made a decision 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). ◦ However, a council may take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council).
Public Consultation Policies	50	<p>(1) For the purposes of this Act, a council must prepare and adopt a public consultation policy.</p> <p>(2) A public consultation policy—</p> <p>(a) must set out steps that the council will follow in cases where this Act requires that a council must follow its public consultation policy; and</p> <p>(b) may set out steps that the council will follow in other cases involving council decision-making.</p> <p>(3) The steps referred to in subsection (2)—</p> <p>(a) in a case referred to in subsection (2)(a)—must provide interested persons with a reasonable opportunity to make submissions in the relevant circumstances; and</p> <p>(b) may vary according to the classes of decisions that are within the scope of the policy.</p> <p>(4) However, a public consultation policy for a case referred to in subsection (2)(a) must at least provide for—</p> <p>(a) the publication of a notice—</p> <p>(i) in a newspaper circulating within the area of the council; and</p> <p>(ii) on a website determined by the chief executive officer,</p> <p>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 (b) the consideration by the council of any submissions made in response to an invitation under paragraph (a).</p> <p>(5) A council may from time to time alter its public consultation policy, or substitute a new policy.</p> <p>(6) However, before a council—</p> <p>(a) adopts a public consultation policy; or</p> <p>(b) alters, or substitutes, a public consultation policy, the council must—</p> <p>(c) prepare a document that sets out its proposal in relation to the matter; and</p> <p>(d) publish 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</p> <p>(e) consider any submissions made in response to an invitation under paragraph (d).</p> <p>(7) A council is not required to comply with subsection (6) in relation to the alteration of a public consultation policy if the council determines that the alteration is of only minor significance that would attract little (or no) community interest.</p> <p>(8) A person is entitled to inspect (without charge) a public consultation policy of a council at the principal office of the council during ordinary office hours.</p> <p>(9) A person is entitled, on payment of a fee fixed by the council, to a copy of a public consultation policy.</p>
Code of Practice – Access to meetings and documents	92 (5) (6) (7)	<p>(5) Before a council adopts, alters or substitutes a code of practice under this section it must—</p> <ul style="list-style-type: none"> ◦ 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

		<p>office and available for inspection on a website determined by the chief executive officer; and</p> <ul style="list-style-type: none"> ◦ follow the relevant steps set out in its public consultation policy. <p>(6) A person is entitled to inspect (without charge) the code of practice of a council at the principal office of the council during ordinary office hours.</p> <p>(7) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.</p>
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 Plan	123 (4) (5)	<p>(4) For the purposes of subsection (3)(b), a public consultation policy must at least provide for the following:</p> <ul style="list-style-type: none"> (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 — <ul style="list-style-type: none"> (i) to attend— <ul style="list-style-type: none"> (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). <p>(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 at least 21 days before the date of that meeting.</p>
Change to Basis of Rating Report	151(7) (8)	<p>(7) A public consultation policy for the purposes of subsection (5)(e) must at least provide for—</p> <ul style="list-style-type: none"> (a) the publication in a newspaper circulating within the area of the council a notice describing the proposed change, informing the public of the preparation of the report required under subsection (5)(d), and inviting interested persons— <ul style="list-style-type: none"> (i) 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; 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 organise the public 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). <p>(8) The council must ensure that copies of the report required under subsection (5)(d) are available at the meeting held under subsection (7)(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 at least 21 days before the end of the period for public consultation.</p>
Rating – Differential Rates	156 (14a) (14d) (14e)	<p>(14a) Before a council changes from declaring differential rates in relation to any land on the basis of a differentiating factor under either paragraph (a), (b) or (c) of subsection (1) to a differentiating factor under another of those paragraphs, the council must –</p> <ul style="list-style-type: none"> (a) prepare a report on the proposed change; and (b) follow the relevant steps set out in its public consultation policy . <p>(14d) A public consultation policy for the purposes of subsection (14a) must at least provide for—</p> <ul style="list-style-type: none"> (a) the publication in a newspaper circulating within the area of the council a

		<p>notice describing the proposed change, informing the public of the preparation of the report required under subsection (14a)(a), and inviting interested persons—</p> <ul style="list-style-type: none"> (i) 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; 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 <p>(b) the council to organise the public 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).</p> <p>(14e) The council must ensure that copies of the report required under subsection (14a)(a) are available at the meeting held under subsection (14d)(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 at least 21 days before the end of the period for public consultation.</p>
<p>Community Land Classification:</p> <p>All local government land (except a road) acquired by or brought under the care, control and management of Council is taken to have been classified as community land unless Council resolves before it becomes local government land to exclude it from classification.</p>	193(2) (6)	<p>(2) Before the council resolves to exclude land from classification as community land under subsection (1)(a), it must follow the relevant steps set out in its public consultation policy.</p> <p>(6) A council must give notice in the Gazette of a resolution—</p> <ul style="list-style-type: none"> (a) to exclude land from classification as community land under subsection (4); or (b) to classify, as community land, land that had previously been excluded from classification as such under subsection (5).
<p>Revocation of classification of land as community land.</p>	194 (2)	<p>Before a council revokes the classification of land as community land—</p> <ul style="list-style-type: none"> (a) the council must prepare a report and make publicly available a report on the proposal containing— <ul style="list-style-type: none"> (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 (b) the council must follow the relevant steps set out in its public consultation policy.
<p>Management Plans – Public Consultation</p>	197 (1) (2) (3)	<p>(1) Before a council adopts a management plan for community land it must—</p> <ul style="list-style-type: none"> (a) make copies of the proposed plan available for inspection or purchase at the council's principal office; and (b) follow the relevant steps set out in its public consultation policy. <p>(2) A council may adopt a management plan without complying with the requirements of subsection (1) if the council adopted the plan after a process of public notification and consultation before the commencement of this Act.</p> <p>(3) A council must give public notice of its adoption of a management plan.</p>
<p>Amendment or revocation of management plans</p>	198 (2) (3) (4)	<p>(2) A council may only adopt a proposal for amendment to, or revocation of, a management plan after the council has carried out the public consultation that would be required if the proposal were for a new management plan.</p>

<p>NB: A Council cannot dispose of community land until revocation of its classification as community land.</p>		<p>(3) However, public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.</p> <p>(4) A council must give public notice of its adoption of a proposal for the amendment or revocation of a management plan.</p>
<p>Alienation by lease or licence</p> <p>NB: Specific provisions relate to the Adelaide Park Lands – under the Parklands Act 2005.</p>	202 (2) (3)	<p>(2) Before the council grants a lease or licence relating to community land, it must follow the relevant steps set out in its public consultation policy.</p> <p>(3) However, a council need not comply with the requirements of subsection (2) if -</p> <p>(a) 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</p> <p>(b) the regulations provide, in the circumstances of the case, for an exemption from compliance with a public consultation policy.</p>
<p>Authorisations /Permits</p> <ul style="list-style-type: none"> • Where road would be fenced, enclosed or portioned so as to impede passage of traffic to a material degree • Use or activity for which public consultation required under regulations 	223 (1) (2)	<p>(1) If a council proposes to grant an authorisation or permit—</p> <p>(a) 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</p> <p>(c) in relation to a use or activity for which public consultation is required under the regulations,</p> <p>the council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.</p> <p>(2) The council must also give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.</p>
<p>Roads – Trees</p>	232	<p>Before a council plants vegetation, or authorises or permits the planting of vegetation, on a road that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, follow the relevant steps set out in its public consultation policy.</p>
<p>Passing by-laws</p> <p>NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply.</p>	249 (1) (2)	<p>(1) If it is proposed that a council make a by-law, the council must, at least 21 days before resolving to make the by-law—</p> <p>(a) 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 so far as is reasonably practicable on the Internet; and</p> <p>(b) by notice in a newspaper circulating in the area of the council—</p> <p>(i) inform the public of the availability of the proposed by-law; and</p> <p>(ii) set out the terms of the by-law, or describe in general terms the by-law's nature and effect.</p> <p>(2) A council must give reasonable consideration to a written or other acceptable submission made to the council on a proposed by-law.</p>
<p>Power to Make Orders</p> <p>Councils must take reasonable steps to prepare and adopt policies relating to the power to make orders.</p>	259 (2)	<p>A council must—</p> <p>(a) prepare a draft of a policy; and</p> <p>(b) by 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).</p> <p>The requirement of s.259(2) also apply to Council adopting an amendment to a policy, unless the council determines that the amendment is of only minor significance.</p>