

<b>Policy Name</b>	<b>Community Engagement</b>
<b>Policy Number</b>	CS07
<b>Responsible Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Date Last Adopted</b>	July 2020
<b>Date of Next Review</b>	May 2024
<b>Applicable Legislation</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1999</li> <li>• Local Government Regulations 2013</li> <li>• Local Government (Public Health Emergency) Amendment Act 2020</li> </ul>
<b>Related Governance Documents</b>	Nil
<b>City Plan Theme</b>	<p>Economy – A city of opportunity.</p> <p>Community – A city that sounds community wellbeing.</p> <p>Placemaking – A city where people love to be.</p> <p>Leadership – A city confident in its leaders.</p>

## Purpose/Objective

This Policy outlines the principles to guide Council in engaging the community in its decision-making processes. It states Council's commitment to the requirements for public consultation as set out in the *Local Government Act 1999* ("**the LG Act**") and involving the community in shaping the future of the City.

This Policy fulfils the statutory requirements of section 50 of the LG Act requiring that the Council have a Public Consultation Policy.

## Scope

This Policy applies to the Council and its staff, contractors, agents and/or consultants acting on its behalf when:

- the LG Act requires Council to consult in accordance with its Public Consultation Policy (as identified in Appendix 1); and
- Council elects to undertake community engagement over and above relevant legislative requirements.

## **Public Health Emergency Amendments: Public Access and Public Consultation**

Due to the COVID-19 Pandemic and in the interest of public safety, this Community Engagement Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the LG Act.

### **Alterations to Community Engagement Policy**

#### **A. Definitions**

For the purposes of these alterations the Council includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

#### **B. Suspension of the Statutory Requirement to Hold Public Meetings**

The Council will only invite interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123 (Annual Business Plan and Budget), 151 (Basis of Rating) or 156 (Basis of Differential Rates) of the LG Act for which public consultation is required where the CEO considers the risk of COVID transmission to be such that the public meeting can safely occur. In making such a determination the CEO will be informed by: Government Emergency Directions & associated COVID measures, SA Health advice and information, LG COVID guidelines amongst others.

The Council will publish a notice in a newspaper circulating in the local area inviting interested persons to make written submissions within the period stated in the notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123 (Annual Business Plan and Budget), 151 (Basis of Rating) or 156 (Basis of Differential Rates) of the LG Act for which public consultation is required. The Council will consider the submissions at a meeting of the Council.

#### **C. Other Requirement to Hold Public Meeting Suspended**

The Council will not hold a public meeting in relation to any matter for which the LG Act requires the Council to follow the steps set out in its public consultation policy.

The Council will only hold a public meeting in relation to any matter for which the LG Act requires the Council to follow the steps set out in its public consultation policy; or, a public meeting in relation to any matter for which this Policy would normally require the Council to hold a public meeting;

Where the CEO considers the risk of COVID transmission to be such that the public meeting can safely occur. In making such a determination the CEO will be informed by: Government Emergency Directions & associated COVID measures, SA Health advice and information, LG COVID guidelines amongst others.

To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the local area inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the LG Act to consult for a lesser period). The Council will consider the submissions.

#### **D. Other Requirement to undertake in Person Consultation Activity Suspended**

The Council will only undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session or workshop,) in relation to any matter for which the LG Act requires the Council to follow the steps set out in its public consultation policy; or,

Undertake any form of face-to-face or in person public consultation activity (in relation to any matter for which this Policy would normally require the Council to hold such an activity;

Where the CEO considers the risk of COVID transmission to be such that the public meeting can safely occur. In making such a determination the CEO will be informed by: Government Emergency Directions & associated COVID measures, SA Health advice and information, LG COVID guidelines amongst others..

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the local area inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the LG Act to consult for a lesser period). The Council will consider the submissions.

#### **E. Suspension of Other Inconsistent Provisions**

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provisions of paragraph D operate in their stead.

Where the LG Act requires Council to conduct consultation in accordance with this Policy, the minimum steps that will be taken pursuant to section 50(4) of the LG Act are:

1. the publication of a notice in a newspaper circulating within the area of the Council and on a website, as determined by the Chief Executive Officer, that describes the matter under consideration and invites 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
2. consideration by Council of any submissions made in response to a notice under paragraph 1 (above).

In some instances, the LG Act sets out additional requirements that Council must follow in undertaking public consultation (i.e. such as the manner of publication of notices and the need for public meetings). In these cases, the Council will ensure public consultation is conducted in accordance with any additional requirements.

Where legislation other than the LG Act requires public notification and/or community consultation on particular matters, the requirements of that legislation will apply in place of this Policy. However, when the Council elects to consult beyond the minimum statutory requirements of either the LG Act, or any other legislation, the requirements under this Policy will be applied.

Council may also undertake broader community engagement activities when it believes this will enhance its decision-making or its ability to deliver on the outcomes stated in the City Plan 2030.

A decision on whether to undertake broader community engagement will be determined by a number of factors including the impact on the community, the practicality of community engagement and the timeliness of delivery. Each engagement process will be considered on its individual merits.

When public consultation is **not** prescribed by the LG Act, or otherwise when Council elects to undertake community engagement above legislative requirements, the following is relevant:

- Council does not have a statutory obligation to undertake public consultation or community engagement;
- Council may choose to undertake or not undertake community engagement, at its absolute discretion; and

Council's ability to make a decision (including to commence a project or activity) is not contingent on the Council first determining whether or not to undertake public consultation.

## **Principles**

The Council will apply the following principles to community engagement:

### **Inclusive Decision-Making Process**

Council recognises the importance of the community to be informed and have the ability to participate in decisions that affect them. The Council will endeavour to include the community in its decision-making processes, where appropriate, and will ensure that key decisions are explained in plain English.

### **Inclusive Engagement**

Council believes that all parties with an interest in, or who are impacted by, an issue should have the opportunity to participate in the decision-making process. Council will use plain English and will offer engagement opportunities using interpreters and/or cultural advisers, as required.

### **Community-Oriented Service Delivery**

Council believes that community engagement is fundamental in order for the Council to provide appropriate and well-informed programs and services to the community.

### **Transparency and Open Communication**

Council is committed to ensuring that the community has access to relevant information so that it may participate in community engagement activities in a meaningful way. All of Council's engagement materials will use plain English, will be easy to find and will be accessible.

### **Genuine Engagement**

Council will not engage beyond legislative requirements simply for engagement sake. Council will clearly communicate the aims and objectives of all community engagement activities, and will apply an appropriate level of engagement to best serve the interests of the community and Council.

### **Effective Design and Management of the Process**

Council will ensure that all community engagement processes are well designed using contemporary best practice approaches to fit the scope and nature of the project. Careful planning of engagement strategies and activities will ensure that a minimum of 21 business days are available for the community to consider and respond.

## Policy

1. Community engagement compliments, but does not replace, the decision-making functions of Council. Whether community or stakeholder opinion is divided or overwhelmingly in one (1) direction, while this is a relevant factor to take into account, the final decision-making power rests with Council or the Chief Executive Officer.
2. Council's community engagement activities falls into two (2) categories:
  - 2.1 legislative compliance, which refers to activities prescribed by relevant legislation, including the LG Act; and
  - 2.2 non-legislative matters, which involve instances where the Council has no statutory requirement to undertake public consultation, but determines to engage the community beyond its legislative requirements.
3. Appropriate approval will be sought for community engagement processes and programs as required by legislation, or in cases of non-legislative consultation activities.
4. The community will be provided with the information necessary to provide an informed opinion. Information provided to identified stakeholders will:
  - 4.1 be clearly presented and relevant;
  - 4.2 be readily accessible;
  - 4.3 clearly define the aspects of the matter, subject to community engagement;
  - 4.4 be provided with due regard to the resources available and to relevant legislation, Council Policies and Codes of Practice;
  - 4.5 clearly state that submissions received will be treated as public documents;
  - 4.6 provide contact details for further enquiries; and
  - 4.7 outline the decision-making process of the matter, subject to the community engagement.
5. Appropriate and timely opportunities are to be provided to the community for the purposes of gaining access to information and to be involved in community engagement programs.
6. Council may involve the community in its community engagement programs by inviting submissions and/or participation in engagement activities as it may deem fit for the requirements of the issue and/or project, subject of the community engagement.

7. To ensure confidence in the transparency and integrity of Council's consultation processes:
  - 7.1 all submissions must include the name and residential address of the respondent;
  - 7.2 a copy of all submissions will be made available to Councillors; and
  - 7.3 reports to the Council will include a summary of the key themes raised in the submissions received.
8. Council commits to evaluating and continually improving its community engagement practices.

### **Availability of the Policy**

This Policy will be available for inspection at the Council during ordinary business hours, at no cost. It has also been placed on Council's website – [www.cityofpae.sa.gov.au](http://www.cityofpae.sa.gov.au).

### **Definitions**

Community	Is any individual (or group of individuals), organisation, government or non-government entities with an interest in the outcome of the Council's decision.
Community engagement	<i>"Is about involving the community in decision making processes, which is critical in the successful development of acceptable policies and decisions in government, the private sector and the community."</i> <u><a href="http://www.dpi.wa.gov.au/communityengagement/717.asp">www.dpi.wa.gov.au/communityengagement/717.asp</a></u>
Submission	An opportunity for a member of the community to express an opinion towards an issue and/or proposal which will be taken into account in the Council's decision-making process.

## Appendix 1

Legislative requirements	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.
1.Council will provide public notice of the options for consideration	Y	Y		Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y
2. Information provided on a City of Port Adelaide Enfield corporate Website	Y			Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Information is available for viewing in Council Centres (without charge) or for purchase (for a fixed fee) in the Customer Centre	Y			Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y
4. Notice published in a local newspaper circulating in the City of Port Adelaide Enfield	Y	Y		Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Provide min 21 days for people to make submissions to Council (unless stated)	6 wks	6 wks		Y	1 mth	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4 wks
6. Receipt of submissions by City of Port Adelaide Enfield	Y	Y		Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Submissions to be considered by Council in decision making	Y	Y		Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
8. Inform public of outcome	Y			Y	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y		Y	Y	Y
9. Public meeting (as determined by relevant legislation)								Y	Y	Y									
10. Provide opportunity for people who may be affected to be involved																			
11.Provide opportunity for people to attend Council meeting or Council committee meeting	Y	Y						Y											
12. Submit report and proposal/other to Minister or Government Department as required	Y																		

	Statutory Compliance with <i>Local Government Act 1999</i> (SA)	Section
1.	Composition and wards - Review and reporting to the Electoral Commissioner	12
2.	Status of a Council or change of various names	13
3.	Council initiated proposal for constitution of a council	27
4.	Principal Office - the manner, places and times at which its offices will be open to the public for the transaction of business	45
5.	Public Consultation Policies	50
6.	Code of Practice – Access to Meetings and Documents	92
7.	Strategic Management Plans	122
8.	Annual Business Plans and Budget	123
9.	Basis of rating	151
10.	Basis of differential rates	156
11.	Community Land - Classification	193
12.	Community Land - Revocation of classification	194
13.	Community Land - Management Plan	197
14.	Amendment or Revocation of Management Plan Note: Public consultation is not required under section 198(3) if the amendment has no impact or no significant impact on the interests of the community.	198
15.	Alienation of Community Land by lease or licence Note: Public consultation is not required under section 202 if the grant of a lease or licence is authorised in an approved management plan for the land and the term is five (5) years or less; or the regulations provide for an exemption from compliance with the public consultation policy.	202
16.	Public consultation (Control of works on roads) Note: Section 223 public consultation is required for the granting of an authorisation or permit when the proposed activity 'would result in any part of a road being fenced, enclosed or partitioned so as not to impede the passage of a traffic to a material degree' or 'in relation to a use or activity for which public consultation is required under the regulations'	223
17.	Trees Note: Public consultation is only required if the Council considers that the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area.	232
18.	Passing by-laws	249
19.	Policies relating to the power to make orders	259

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