

Community Consultation and Engagement

Introduction

This Policy ensures the Shire undertakes public consultation in accordance with s.94(c) of the *Freedom of Information Act 1992* so that members of the public have a number of opportunities to participate in the formulation of the Shire's plans, policies and strategies, as well as comment on the performance of the Shire's functions.

This consultation provides the community with adequate and appropriate opportunity to:

- Respond and comment on issues and proposals;
- Be informed on current issues and proposals that may potentially affect them; and
- Provide support and gain a sense of ownership of key Council functions and activities.

Where a decision is likely to attract significant public interest Council may determine the required level of consultation and engagement, notwithstanding the minimum requirements set out in this policy.

Objective

- To outline the principles of community consultation and engagement to encourage greater community participation in the decisions and affairs of the Shire.
- To demonstrate Council's commitment to inclusive and informed decision-making;
- To ensure better decisions for the best community outcomes;
- To reduce risk and build trust between the Shire and the community;
- To provide guidance on determining the level of impact, and the level of consultation and engagement relevant to Council issues; and
- To outline the process Council will use when undertaking consultation and engagement relevant to Council.

Scope

This policy applies to Members and Shire Officers to provide guidance in planning, implementing and reviewing community engagement and consultation for key projects, strategic planning and policy development.

Definitions

Term	Definition
Act	<i>Local Government Act 1995.</i>
Adjoining land	Land abutting site or is separated from it only by a road, pathway, driveway or similar thoroughfare.
CEO	Chief Executive Officer

Term	Definition
Community Engagement	Involves a range of activities that are designed to enable the community to be informed of and provide input into Shire activities and local issues.
Council	The local government, responsible for making decisions in formal meetings held under the auspices of Part 5 of the <i>Local Government Act 1995</i> and under the <i>Shire's Standing Orders Local Law 2008</i> .
Executive Managers Or Executive Management	The Managers defined as Senior Workers that Council resolved (Res. No. OCM026/03/22) to designate in accordance with section 5.37 of the <i>Local Government Act 1995</i> : <ul style="list-style-type: none"> • Manager Corporate and Community Services; • Manager Infrastructure and Assets; and • Manager Development and Regulation.
Land	All land and facility assets owned or controlled by the Shire of Toodyay. May also mean land that includes any building or part of a building created on the land.
Member	In relation to a council or committee, a Council Member in the Act; Elected Member; or Councillor; or a member of the committee.
Neighbouring Land	Any land, other than adjoining land which may be adversely affected by the use of a site for development (and includes properties in a neighbouring local Council area).
Notification	The act of notifying a person or persons in writing, to inform and/or consult that may provide an opportunity to formally respond, comment, or take action in regard to information conveyed."
Primary Stakeholders	Those persons/groups with a direct interest in an outcome: e.g. Councillors, residents or businesses who live or operate near a project, directly affected.
Regulations	<i>Local Government (Administration) Regulations 1996</i> .
Responsible Officer	Shire Officer responsible for a project, or a department that will respond to enquiries about the subject matter.
Secondary Stakeholders	Those persons/groups with a general interest in an outcome e.g. Shire Officers, Workers, consultants, or the broader community.

Term	Definition
Shire	The Shire of Toodyay.
Shire Officer	Employee of the Local Government. May also be referred to as Worker in accordance with Work Health and Safety (WHS) legislation.
Shire President	A mayor or president elected by the Council from amongst the councillors.
Submitters	Those persons affected, impacted, with an interest, or requested to make a written comment or submission on a proposal within the formal comment period or shortly thereafter at the discretion of the Shire.
Tertiary Stakeholders	Those persons/groups who do not necessarily fit into either primary or secondary stakeholder categories e.g. Government and non-government authorities and agencies, or other media organisations.
WHS Legislation	Work Health and Safety Act 2020. Work (Health and Safety) General Regulations 2022.
Workers	Employees, contractors, and volunteers of the Shire as per the Work Health and Safety legislation (WHS) and regulations.
Works	Any physical alterations made to land or property within the municipality, either by Council or a government agency or third party authorised by the relevant agency.

Policy Statement

Council is committed to providing leadership and a strong commitment to information sharing, consultation and active participation of the community in contributing to the decision-making processes of Council.

Council shall ensure adequate resources are allocated in the Shire's Annual Budget to provide the opportunity for the Shire to undertake community consultation and engagement initiatives.

1. Principles of Community Consultation and Engagement

To enable Council to consult with the community on any matter, and in ways that are ethical, transparent and accountable, the following principles will apply:

- (a) The purpose and scope of each consultation exercise is to be clear and unambiguous;
- (b) Timeframes for any consultation undertaken, including the opening and closing dates, are to be stated;

- (c) Consultation and engagement is not to be conducted during the summer break (between the last Ordinary Meeting of Council in any year to the first Ordinary Meeting of Council in the following year), unless otherwise stipulated by Council;
- (d) Non-negotiable or otherwise 'out of scope' aspects of a consultation are to be identified and stated from the outset;
- (e) The target audience for any consultation exercise is to be identified from the outset and may involve random selection of participants. The following is to be taken into consideration.
 - (i) Where the matter impacts on a specific location, those most closely affected are to be consulted.
 - (ii) Where the matter concerns service users, participation is to be sought from user groups/organisations and individuals.
 - (iii) Where a matter is deemed to impact on all residents and ratepayers, the community would be invited to participate.
- (f) Accurate, adequate and unbiased information is to be provided to the public to enable them to give informed opinions on the matter in hand. Information is to be made available in alternative formats, upon request.

2. Consultation criteria

The level of consultation used by the Shire shall relate to the extent of community impact or interest associated with a proposed development, project or Council works, and shall be selected according to the following criteria:

(a) Level A – No Consultation

Circumstances where Council may decide not to consult are as follows:

- (i) Emergencies – matters concerning public safety and the like;
- (ii) Legal Constraints;
- (iii) No likely detrimental impact on the character or amenity of the immediate or general locality;
- (iv) Consultation is not required or is precluded under relevant legislation; and
- (v) Consultation has previously occurred and only minor modifications are proposed.

(b) Level B – Notification

- (i) Works or proposals of interest to properties fronting or adjoining the land subject to development but which are unlikely to involve a detrimental impact outside the subject land;
- (ii) Activities or events on a reserve which are consistent with the purpose of the reserve purpose where no detrimental impact is likely;
- (iii) Works, activities and Council functions associated with a previously advertised schedule of works or statutory plan, where no significant alteration to the existing function or environment will occur; and
- (iv) Statutory requirements for notification exist.

(c) Level C – Locality

Development, use or activities which are likely to affect the amenity, character or function of an area greater than neighbouring properties.

(d) Level D – District

Proposals, projects or Council functions which are of Shire wide significance.

3. Engagement criteria

Engagement shall be based on the framework developed by the International Association for Public Participation at Attachment A to this policy, supported by Attachments B and C to this policy.

The level of engagement to be determined will depend on the likely degree of political sensitivity or community impact/outrage and the degree of complexity as shown in Attachment C of this policy, and detailed below:

(a) Level A – Information

The Shire may inform the whole community through a variety of methods, as listed in the “Inform” column of Attachment B of this policy.

(b) Level B – Notification

Prior to the commencement of any development, work or activity:

- Information should be sent out to the whole community at least 21 days prior; and
- Consultation with primary, secondary and tertiary stakeholders is to be undertaken at least 21 days prior (or where appropriate or specified under relevant legislation).

No formal public comment period applies at this level – the consultation process is only for the purpose of providing information and consulting where necessary; as listed in the “Inform” and “Consult” columns of Attachment B of this policy.

(c) Level C – Locality

In addition to the above, this level of engagement will also require:

- Advertisements in a local or state newspaper;
- Notices displayed on Council’s website;
- Sign(s) on site in a prominent location; and
- Involvement of the community through forums, surveys, or workshops, etc, as noted in the “Involve” column of Attachment B of this policy.

(d) Level D – District

All applications, projects and Council functions within this consultation category shall be subject to the requirements above in addition to the development, by a responsible Officer, of a consultation program to include activities as per the “Collaborate” and “Empower” columns in Attachment B of this policy.

The program shall:

- set out a timeline of outcomes to be achieved and mechanisms to be used, in order to meet the consultation and engagement criteria above.
- include consultative, policy, financial, legislative and workforce implications.

The objectives of the program may include, but not be limited to:

- (i) Raising awareness about a particular issue, facility or service;
- (ii) Establishing communication links with the community;
- (iii) Encouraging active participation in programs;
- (iv) Collecting views, opinions and ideas;
- (v) Fostering community pride, support and 'ownership'; and
- (vi) Building trust and confidence between Council and the community.

A minimum level of consultation for Level D shall include two separate local newspaper advertisements associated with a formal comment period of 21 days, or more, if considered appropriate.

The program is to be assessed and approved by the Executive Managers or Council (whichever is appropriate).

4. Receipt of submissions

Acceptable submissions will be those that do not contain defamatory remarks, offensive language or matters pertaining to the personal affairs or actions of Members, or Workers.

It is not the intention of the Shire to release a submission in its entirety to the public. A schedule of submissions shall be created by the Shire as stated in clause 5(b) of this policy.

Any copies of submissions received from the public will not be intended to be released to the public by the Shire, and efforts will be undertaken by Shire Officers to ensure that personal information such as names, addresses, and contact details are not included in the Schedule of Submissions provided publicly to Council.

5. Consideration of Submissions

- (a) Upon receipt of a submission, the Records Officer shall send correspondence to the submitter acknowledging receipt of the submission;
- (b) When a decision is to be made by Council, all submissions received will be summarised in a "Schedule of Submissions" by a Responsible Officer or Shire Officer assigned the task within one week of the closing date. The Schedule of Submissions is to be included as an attachment to the next available Council Meeting Agenda to ensure that Councillors may consider the submissions when determining the action to be taken; and
- (c) Matters taken into account in the consideration of submissions are outlined as follows:
 - (i) Consideration outlined in the relevant Council policy or strategy;

- (ii) Potential for detrimental impact on the enjoyment of nearby properties due to alteration of views to and from the proposed site, overshadowing, privacy, noise impact, proposed use or activities, or building scale, height, external appearance and bulk;
 - (iii) Impact of the proposal on streetscape and the amenity of the locality;
 - (iv) Heritage values or significance;
 - (v) The adequacy of access, egress, parking and manoeuvring including disabled access;
 - (vi) Traffic generation and probable effect on safety and traffic movement;
 - (vii) Whether the area contains species of endangered native flora and fauna;
 - (viii) Removal of, or increased threat to, native vegetation;
 - (ix) Any other environmental consideration including, but not limited to, potential for soil erosion or land degradation, water quality degradation, or increased environmental risk;
 - (x) Potential loss of any community service or benefit;
 - (xi) Adequacy of community and public utility services; and
 - (xii) Any other matter relevant to the orderly and proper functioning of Local Government, as outlined in Section 3.1 of the *Local Government Act 1995*.
- (d) Once a decision has been made on the relevant matter the Responsible Officer or Shire Officer assigned the task, shall write to all submitters advising them of the outcome.

6. Late Submission

Late submissions may be included for consideration at the discretion of the CEO where:

- (a) Deliberation of the submission will not delay the matter to be considered; or
- (b) The submission is from a primary, secondary, or tertiary stakeholder where exclusion would compromise the quality of the decision.

7. Functions requiring specific Consultation or engagement

The table below:

- outlines the appropriate level of consultation with affected persons and the community, for key Council activities, projects, and other matters; and
- only lists those functions that do not require consultation under another Policy, Local Law or Legislation.

If the table does not include an activity, project or matter then the criteria outlined above shall be used to establish the consultation or engagement process.

Function	Consultation Level
Health	
Offensive Trades	B

Function	Consultation Level
Engineering	
Forward Infrastructure Management Programs (e.g. 5-year road upgrade programs, waste management strategy)	C
Road Upgrading (e.g. resealing, re-sheeting)	B
Road Maintenance	A
Road/Footpath Construction	B
Street Tree Removal	B
Street Tree Planting	B
Road Closure – Permanent (DLI)	C*
Road Closure – Temporary (Local Government)	C*
Road Closure – Festivals and Events	^^
Asset Management	
Development Plans – Council Reserves	C
Governance	
Policy Development – Council/Admin procedures only	A
Policy Development – Involves specific user groups	C
Policy Development – major Shire/Regional/State impact	D
Policy Development - Development of issue specific strategies and policies	B
Changes to Council function/service provisions (e.g. library opening times, rubbish collection).	C
New Rating Structure/Formant	D*
Pre Budget-Consultation	C
Community Strategic Plan Consultation (statutory)	D
Major capital projects	D
Property purchase and disposal (statutory)	D
Change in services, activities or infrastructure	D

* Consultation Procedures already set out by Local Law, existing legislation (*Local Government Act 1995*, Residential Planning Codes, Road Traffic Code, etc.).

Includes consultation with Council's Heritage Advisor

^^ As per Council's Policy A.13 – Temporary Road Closures

This policy does not include approvals and other planning related matters addressed by the *Planning and Development Act 2005, Land Administration Act 1997, Town Planning Regulations 1967*.

Reference Information

- Attachment A – Extract of framework developed by the International Association for Public Participation.
- Attachment B – Table to clarify how the Shire will engage.
- Attachment C – Tables to determine the level of engagement.
- [Disability Access and Inclusion Plan](#).

Legislation

- *Local Government Act 1995*
- *Freedom of Information Act 1992*

Associated documents

Public Comments form

Public Submission form

Survey forms where applicable

Version control information

Version No.	Date Issued	Review position	Developed by	Approved by
V7	24/7/2018	Minor	CEO	Council
V8	29/09/2022	Following June 22 Council Meeting CRN: 106/06/22 policy review	Executive Services	Council
V8	23/11/2022 OCM243/11/22	Continuation of review	Executive Services	Council

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Attachment A -Extract of framework developed by the International Association for Public Participation.

IAP2 Spectrum of Public Participation



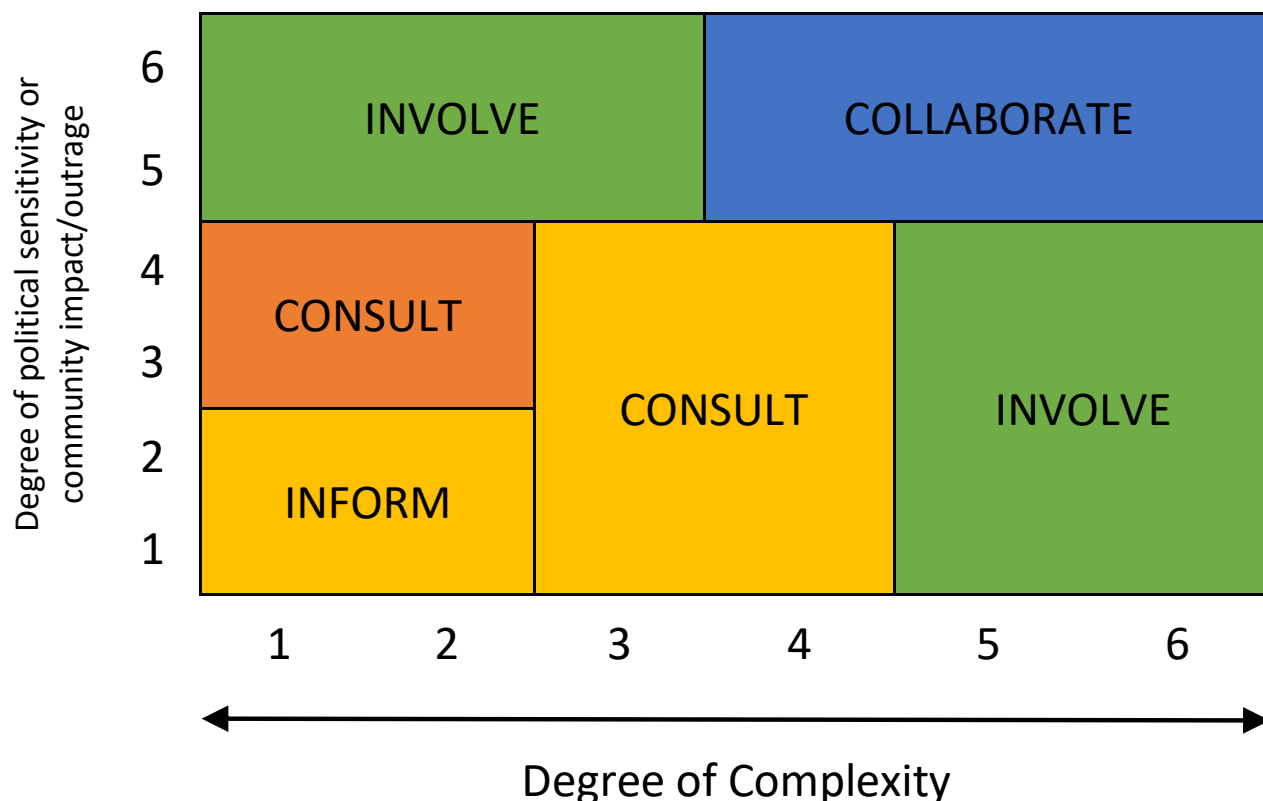
IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

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.

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Attachment B – Table to clarify how the Shire will engage				
INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
COMMUNITY'S ROLE				
Listen	Contribute	Participate	Partner	Decide
ENGAGEMENT METHODS				
<ul style="list-style-type: none"> • Fact Sheets • Website • Social Media • Newspaper • Media Release • Presentation • Correspondence 	<ul style="list-style-type: none"> • Public comment • Focus group • Survey • Community meetings • Submissions • Engagement Platform 	<ul style="list-style-type: none"> • Workshops • Survey • Web/social media forums • Community Displays • Field Trips 	<ul style="list-style-type: none"> • Advisory Committees • Working Groups • Consensus building activities • Participatory decision-making 	<ul style="list-style-type: none"> • Delegated authority • Citizens jury • Ballot
SOME REASONS FOR ENGAGEMENT				
<ul style="list-style-type: none"> • Events • Fire bans • Legislative changes 	<ul style="list-style-type: none"> • Traffic projects • Infrastructure Redevelopments (simple) 	<ul style="list-style-type: none"> • Infrastructure Redevelopments (complex) 	<ul style="list-style-type: none"> • Strategic Community Plan; • Other Council Plans and strategies. 	

Attachment C – Tables to determine the level of engagement



	Score 1 – 2	Score 3 – 4	Score 5 – 6
Degree Complexity of	One clear issue to be addressed	More than one or two issues that can be resolved	Multiple issues / problems and it is unclear how to resolve them
	Score 1 – 2	Score 3 – 4	Score 5 – 6
Degree of political sensitivity or community impact / outrage	Little effect – any changes hardly noticeable. General acceptance by the community.	Will fix a problem that will benefit the community but cause minor inconvenience. Certain groups may see an opportunity to gain attention for a cause	Change that will have an impact on the community living environment. Impact / Outrage may vary. Community expectations need to be carefully managed.