



Mt Barker & District Residents' Association Inc

PO Box 494 Mount Barker, South Australia 5251

For the Community

11 March 2014

Chief Executive Officer
Mr Andrew Stuart
District Council of Mount Barker
PO Box 54
Mt Barker SA 5251

Dear Andrew

RE: Draft Community Consultation policy for community consultation

The Mt Barker and District Residents' Association appreciates this opportunity to provide feedback on the Council's draft Community Consultation policy. This is a draft policy to which we give our broad 'in principle' support. However we wish to provide feedback about several items within the policy.

Item 1: Policy Statement

It is stated that the policy will '*set out the steps the Council will follow....*'. It would seem to us that the policy should provide the high level strategic requirements and levels of consultation and any 'steps' would form part of a 'procedures document'. Perhaps 'steps' could be replaced with 'levels' to provide this focus?

The Policy Statement could be expanded to include the 'scope' of the policy. The Sunshine Coast provides a good example of this:

This policy applies to all facets of Council's operations including council's corporate, land use and financial planning and our day to day business activities. It defines the principles underpinning Council's engagement activities, the role of councillors and staff in engaging with the community, and the mechanisms which council will use to engage the community.

([Sunshine Coast Council](#) website.)

Item 2: Policy Objectives

These policy objectives, including the two additional objectives, are encouraging to read. However they are only relevant if they are retained as principles for all Council activities. The recent example of Development Applications (DAs) for large scale land developments (Lanser, Walker Corp's Wistow Park and Steinert's) have not been subject to any community

consultation activities despite being large scale developments which will have significant impact on the existing residents, ratepayers, businesses and other stakeholders.

Can we be assured that the policy our Council approves for public consultation is superior to the legislative process in the Ministerial DPA which rezoned 1310ha of agricultural land in Mount Barker? It is of particular concern to our members that 'legislative requirements' have been quoted (e.g. in the Council Agenda papers (Report 10.1) for meeting dated 3rd February, 2014) as adequate and '*it is not required to duplicate these in the policy*'. It is clear that the 'legislative requirements' were not adequate in that a public meeting was not required; large, clear maps indicating road and street names for defining boundaries were not available and decision makers were not required to even read the submissions.

Our community is now fully aware of what is, and is not good public consultation and has expectations that our Council, having been caught in the same poor legislation and reduced to a single submission like any other ratepayer, would endeavour to provide a more superior community consultation policy than merely that 'required by legislation'. Thus we would hope to see something of a higher quality for our community.

We also suggest that the Council should underpin its community engagement activities using the **International Association of Public Participation (IAP2) model and framework**. This is not mentioned in the policy despite it being a best practice model for the LGA and Government.

Item 3: Definitions

The definition of 'Community Consultation' is somewhat limited. A suggested alternative definition is again taken from the Sunshine Coast Council: '*Council defines community engagement as: an ongoing dialogue with our community to identify civic issues and opportunities, assist with planning and inform decision making.*'

([Sunshine Coast Council](#) website.)

Item 4: Roles and Responsibilities

The second dot point is not clear. Does it mean 'participate in and advocate for' community consultation processes and activities?

The revised dot point does not provide sufficient strength to closing the consultation feedback loop. Could there be additional points ie '*receive, review, consider and provide feedback to the community about information received...*'

We are unsure what the statement '*make the best decision for the whole community*' means. This is somewhat subjective. Would the words '*make an informed decision in order to provide the community with the best possible outcomes*' or something similar be better?

It is unclear how the CEO will '*review the value of the policy*'? Has he done this in the past 10 years? What criteria would he use? Perhaps this information could be added to this section?

'Employees and contractors only providing a summary of consultation comments in the report to Council' is, we believe inadequate in this planned approach of open and transparent communications to the community. All Elected Members, as well as the community should have the possibility of reviewing the full documented feedback to any request for community input to an issue. The Government follows this practice for its community engagement activities and we believe the Council should undertake a similar process. We would not expect all responses to be printed but they should be available online. This would also enable Elected Members to determine if their constituents required further feedback from the Members themselves about particular issues.

Item 5.1: Consultation Methods

It is pleasing to read that the use of the Community Engagement Framework and Toolkit are encouraged. These could be appended to this report for Elected Members and the community to review, or added as a link to their online versions.

Item 5.2: Statutory Requirements

We understand this section has been reformatted to be simpler to read. It includes items which were Level 4 in the previous table (Attachment B) and statutory requirements. However, it is unclear if some elements of the previous Level 4 activities have been lost? These include *'As decided by Council, organising of workshops, forums, displays, focus groups; summarising of responses; letterbox drops and options for neighbourhood forums'*. These are all not listed in Item 5.4.

It would be disappointing if these elements were no longer included as options in Level 4 activities which require statutory consultation. Furthermore, an item which previously had Level 4 actions: *'Excluding land from classification as community land (more than one parcel)'* appears to have been omitted from the list. We suggest it be retained as it is important to the community.

Item 5.3: Consultation Categories

We understand the need to not be 'too prescriptive' however the reverse is also valid. Some level of detail is required to ensure the community is fully aware of the community engagement requirements for each activity. The previous 'Attachment A' provided a greater level of detail and clarification which was helpful in understanding the consultation requirements. For example, the level of consultation for Community Land was relatively easy to understand in Attachment A. This simplicity is now lost in the new version. We state the example below related to the topics of Community Land and Community Land Management Plans:

- Level 1: Community Land – Classification – is this for one parcel or more than one parcel? If it is only for one parcel, where is the level of consultation for more than one parcel?

- Level 1: Community Land Management Plans – is this for new, adopting plans? It was Level 1 – 3 but has now been reduced to Level 1. It should be at least Level 2, similar to the other Community Land items (Community Land Revocation and Community Land Management Plans: amendment or revocation).
- Level 1: Community Land – alienation by lease or licence – this was Levels 1 – 3 but has now been reduced to Level 1. It should be at least Level 2, similar to the other Community Land items.

Other Level 1 items:

- Roads – Trees – this is somewhat vague. Does this include the proposed removal of trees? Road construction projects? Planting of trees or vegetation that will have impact on others? Again the detail in Attachment A was helpful in understanding the topic.

Level 2 items:

Community Land – Revocation: this was Level 2 – 4 in the previous version and has been reduced to Level 2. We would argue that revocation is an important (and often emotive) issue for the community; residents often require time to put together a case, gather their community for discussions or meetings in order to prepare a quality submission. This item should be moved to Level 3 with 6 weeks consultation PLUS signage on the site.

Level 3 item:

It is disappointing to read that Strategic Management plans are the only item listed here. In the previous version of the policy, four other topics had the potential to be consulted at Level 3. We would argue that additional items from the Community Land listing be added here.

The item at f) does not really indicate when or how this ‘consideration’ will be given to optional consultation methods. The adoption of a new Strategic Plan should include workshops, forums, discussions with the community as was done the time before last when a new Strategic Plan was developed. We suggest this level of activity be strengthened to add value to the level.

Item 5.5: Council Decision

The statement in this section is somewhat patronising and negates the previous positive elements of the amended policy. It is possibly better to move the first sentence to Item 5.1 (p20) where it has a more logical fit after the first sentence in that section. The second sentence is unnecessary in this document.

Item 5.6: Submissions

We were very pleased to read in Item 5.6 Submissions: *'People making submissions should carefully consider the information provided as these will be published as submitted in a Council report, however Council will consider any request to keep a submission and contact information confidential.'*

This indicated to the Association that all submissions received would be published in the agenda papers – a position which the Association encourages and endorses. However following a question seeking assurances about this matter asked by our representative, Mr Gellon at the 3 March 2014 Council Meeting, and then in a subsequent phone conversation with the Risk and Governance Officer, Ms Ros McDougall, it now seems that what is stated in the paragraph is not quite absolute. In this conversation it was said that in some instances when there are many submissions, and to save paper, then submissions would not be published in the printed agenda papers. All submission (except those requesting confidentiality) would however be available in the electronic version of the agenda papers on the Council website.

This Association believes that paragraph 5.6 needs to be reworded to better reflect/explain what would actually happen in various circumstances. As stated previously, we would encourage online availability of all submissions.

Finally, there are some minor grammatical errors throughout the document which require attention.

Thank you for the opportunity to provide this submission. We would be pleased to discuss any aspects of this with Council staff.

Yours sincerely

DE van Eck

Dianne van Eck
Chairperson