

Policy

Public Voice and Briefing

August 2019

Table of Contents

Part A	Preliminary	1
1	Purpose	1
2	Scope.....	1
3	Principles	1
Part B	Public Voice sessions	2
4	What are Public Voice sessions?	2
5	Procedure for applying for Public Voice (significant issues) session and assessment criteria	2
6	Procedure for applying for Public Voice (DA) session and assessment criteria	3
7	Conduct of Public Voice sessions (significant issues and DA).....	4
8	Alternatives to a Public Voice session	4
Part C	Public Briefing sessions	5
9	What are Public Briefing sessions?	5
10	Procedure for applying for Public Briefing session and assessment criteria	5
11	Conduct of Public Briefing sessions	6
	Annexure A - Definitions	7
	Annexure B - Policy Authorisations	8
	Document Control	9

Part A Preliminary

1 Purpose

- 1.1 The purpose of the Policy is to provide a framework to allow members of the public to address the Council on issues relevant to City of Newcastle's (CN) functions.
- 1.2 The Council does not make decisions at Public Voice or Public Briefing sessions. The sessions are an opportunity for discussion only.

2 Scope

- 2.1 The Policy applies to all Public Voice or Public Briefing sessions.

3 Principles

- 3.1 City of Newcastle (CN) commits itself to the following:
 - 3.1.1 **Accountability and transparency** - The Policy enables members of the public to bring before the Council issues of a general, strategic or policy nature relevant to CN's functions, facilities or services
 - 3.1.2 **Alignment with Council strategies** - The Policy aligns with Council priorities outlined in the Open and Transparent Governance Strategy.
 - 3.1.3 **Openness** – The Policy enables members of the public to communicate opinions or concerns directly to Councillors by way of an address to the Council in open session

Part B Public Voice sessions

4 What are Public Voice sessions?

- 4.1 Public Voice sessions provide an opportunity for members of the public to make presentations to the Council on:
- 4.1.1 significant issues relevant to CN's functions, facilities or services under the *Local Government Act 1993* (NSW); or
 - 4.1.2 Development Applications (DAs) that are to be determined by CN's Development Applications Committee at a future meeting.

5 Procedure for applying for Public Voice (significant issues) session and assessment criteria

5.1 Frequency of sessions
Once per month (when scheduled) or in accordance with Council's adopted meeting cycle.
5.2 Lodging an application
Applications are to be submitted on the approved Public Voice/Public Briefing Application Form (available on CN's website) with all sections of the form being completed. Incomplete forms will not be processed.
5.3 Criteria for assessing applications
Applications about significant issues will be assessed against the following criteria: <ul style="list-style-type: none">5.3.1 The application relates to an aspect of CN's functions, facilities or services; and5.3.2 The application does not relate to a DA; and5.3.3 The applicant has previously raised the matter with the relevant area of CN or Ward Councillor (details will be required of this and are to be attached to the application form – for example, copy of the response provided); and5.3.4 The applicant has not presented the matter to a Public Voice session in the past two years or the application does not relate to the same subject matter of a Public Voice application that has been refused by CN in the past two years, unless the CEO determines the matter has significantly changed or the Council request by resolution a Public Voice session; and5.3.5 The application does not request a decision or commitment of Council (such an issue would need to go before a Council Meeting); and5.3.6 The matter is not vexatious, defamatory, an abuse of process or outside the scope of CN.
5.4 Assessment of applications
The relevant Service Unit Manager/Director, in consultation with the CEO and Manager Legal, will assess and determine applications against the criteria set out in clause 5.3.

5.5 Notice to applicants

5.5.1 Applications will be acknowledged within 2 business days of receipt.

5.5.2 Within 28 business days of receiving an application, CN will advise the applicant:

- i) if the application is successful and associated details relating to the scheduling of a Public Voice session (subject to timing considerations in section 7); or
- ii) if the application is unsuccessful with reasons (taking into account the criteria set out in section 5.3).

6 Procedure for applying for Public Voice (DA) session and assessment criteria

6.1. Frequency of sessions

Once per month (when scheduled) or in accordance with Council's adopted meeting cycle.

6.2. Availability

Sessions will be offered where a matter is to be determined by the Development Applications Committee on the basis of:

- 6.2.1 25 or more Individual Written Objections were received during the DA notification period; or
- 6.2.2 Two or more Councillors call the matter to a Public Voice session.

6.3 Invitation to submit application

When a session is to be offered in accordance with clause 6.2, an invitation to submit an application will be made to any person who submitted an Individual Written Objection.

6.4 Assessment of applications

- 6.4.1 Applications will be registered in the order they are received.
- 6.4.2 The first two applicants will be invited to address the Public Voice (DA) session.
- 6.4.3 If no applications are received by the deadline provided in the invitation, the Public Voice (DA) session will not proceed.

6.5 Invitation to DA applicant

Once it is confirmed that a session will proceed, the DA applicant will also be invited to address Council.

6.6 Notice to applicants

- 6.6.1 Sessions are normally scheduled to occur at least one month prior (generally the third Tuesday of the month) to the DA being scheduled for determination by CN's Development Applications Committee.
- 6.6.2 Notice to applicants will be provided as soon as possible after applications are received and assessed in accordance with clause 6.4.
- 6.6.3 Confirmation of the arrangements for the Public Voice (DA) session will be provided at least 7 days in advance of the scheduled meeting including an invitation to submit presentations or supporting materials in advance of the meeting. Supporting material must be provided by close of business the day prior to the scheduled session.

7 Conduct of Public Voice sessions (significant issues and DA)

- 7.1 Prior to a Public Voice Session, Councillors are be provided with a report outlining the key issues of the session. The report will also be made available to the public in advance on the Council meeting.
- 7.2 For Public Voice (DA sessions), where the DA is to be determined by the Development Applications Committee, Councillors are provided with a report making a recommendation on determination of the DA which will include a summary of the submissions made at a Public Voice session. The report will also be made available to the public in advance on the Council meeting.
- 7.3 Sessions are 30 minutes in duration, subject to the discretion of the Chairperson and are conducted as a Committee of the Whole in accordance with the Code of Meeting Practice.
- 7.4 A maximum of four sessions will be scheduled for each Public Voice Committee meeting.
- 7.5 Each session is limited to:
 - 7.5.1 two speakers for an issue (10 minutes in total);
 - 7.5.2 two speakers against an issue (10 minutes in total); and
 - 7.5.3 questions from Councillors (10 minutes in total).
- 7.6 In respect of a Public Voice (DA) session, objectors to a DA proposal will speak first.
- 7.7 Speakers are to confine their address to Council to the matters identified in their application.
- 7.8 Councillors will receive an Agenda and Business Papers in connection with the Public Voice session in advance of the meeting. The Business Papers are available to members of the public on CN's website.
- 7.9 The Chairperson may direct a speaker to cease their address if the speaker does not conduct themselves in accordance with this Policy or the Code of Meeting Practice.
- 7.10 Speakers should not attempt to provide additional supporting material to Councillors immediately before, or during, a Public Voice session. Supporting material must be provided by close of business the day prior to the scheduled session.
- 7.11 Sessions are webcast and open to the public. As such speakers should not:
 - 7.11.1 make personal reflections on any person; or
 - 7.11.2 make statements that may cause offence or be defamatory or insulting.
- 7.12 The minutes of the Public Voice session are a summary record of the session. The minutes are available to members of the public on CN's website following the meeting.

8 Alternatives to a Public Voice session

- 8.1 As an alternative to applying for Public Voice, members of the public are encouraged to communicate or raise issues with CN by:
 - 8.1.1 submitting a Customer Service Request;
 - 8.1.2 engaging with CN through DA assessment, public exhibitions, events and activities; or
 - 8.1.3 writing to Councillors directly using the contact details available on the CN website.

Part C Public Briefing sessions

9 What are Public Briefing sessions?

- 9.1 Public Briefing sessions provide an opportunity for members of the public to make short presentations relating to significant issues of a general, strategic or policy nature including in relation to planning proposals relevant to CN's functions, facilities or services.

10 Procedure for applying for Public Briefing session and assessment criteria

10.1 Frequency of sessions
Once per month (when scheduled) or in accordance with Council's adopted meeting cycle.
10.2 Lodging a Public Briefing application
10.2.1 Applications are to be submitted on the approved Public Voice/Public Briefing Application Form (available on CN's website) with all sections of the form being completed. Incomplete forms will not be processed.
10.2.2 Public Briefings may also be scheduled at the direction of the CEO or by resolution of Council.
10.3 Criteria for assessing Public Briefing applications
Public Briefing applications will be assessed against the following criteria:
10.3.1 the application relates to an aspect of CN's functions, facilities or services;
10.3.2 the application does not relate to DAs;
10.3.3 the applicant has not presented on the issue to a Public Briefing session in the past two years or the application does not relate to the same subject matter of a Public Briefing application that has been refused by CN in the past two years, unless the CEO determines the matter has significantly changed or the Council request a Public Briefing session;
10.3.4 the application does not request a decision or commitment of Council (such an issue would need to go before a Council Meeting); and
10.3.5 the matter is not vexatious, defamatory, an abuse of process or outside the scope of CN.
10.4 Assessment of applications
The relevant Service Unit Manager/Director, in consultation with the CEO and Manager Legal, will assess and determine applications against the criteria in clause 10.3.
10.5 Notice to applicants
10.5.1 Public Briefing applications will be acknowledged within 2 business days of receipt.
10.5.2 Within 28 business days of receiving an application for a Public Briefing session, CN will advise the applicant:
i) if the application is successful and associated details to the scheduling a Public Briefing session (subject to timing considerations in clause 10.6) and advise the applicant of the details; or
ii) if the application is unsuccessful with reasons (taking into account the criteria set out in clause 10.3).

11 Conduct of Public Briefing sessions

- 11.1 Sessions are 30 minutes in duration, subject to the discretion of the Chairperson and are conducted in accordance with the Code of Meeting Practice.
- 11.2 A maximum of two sessions will be scheduled for each Briefing Committee meeting.
- 11.3 Each session is limited to:
 - 11.3.1 two speakers on an issue (20 minutes in total); and
 - 11.3.2 questions from Councillors (10 minutes in total).
- 11.4 Speakers are to confine their address to Council to the matters identified in their application.
- 11.5 Councillors will receive an Agenda and Business Papers in connection with the Briefing session in advance of the meeting. The Business Papers are available to members of the public on CN's website.
- 11.6 The Chairperson may direct a speaker to cease their address if the speaker does not conduct themselves in accordance with this Policy or the Code of Meeting Practice.
- 11.7 Speakers should not attempt to provide additional supporting material to Councillors immediately before, or during, a Briefing session. Supporting material must be provided by close of business the day prior to the scheduled session.
- 11.8 Sessions are webcast and open to the public. As such speakers should not:
 - 11.8.1 make personal reflections on any person; or
 - 11.8.2 make statements that may cause offence or be defamatory or insulting.
- 11.9 The minutes of the Briefing session are a summary record of the session. The minutes are available to members of the public on CN's website following the meeting

Annexure A - Definitions

Application means a request submitted on the approved Public Voice/Public Briefing Application Form (available on CN's website).

CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

Chairperson means the Lord Mayor, or Councillor, chairing the Public Voice Committee or Briefing Committee meeting.

City of Newcastle means Newcastle City Council.

CN means City of Newcastle.

Council means the elected Council.

Individual Written Objection means a written submission opposing a Development Application emanating from an individual household submitted during the DA public notification period. For clarity, more than written objection received from the same individual household will be counted collectively as one objection.

Annexure B - Policy Authorisations

Function	Position Number / Title
Assess and determine, in consultation with the CEO and Manager Legal, applications for a Public Voice or Public Briefing session against the criteria of the Policy.	Service Unit Managers/Directors

Document Control

Policy title	Public Voice and Public Briefing Policy
Policy owner	Director Governance / Manager Legal
Policy expert/writer	Legal and Governance Officer
Associated procedure Title	Nil
Procedure owner (if applicable)	Nil
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Legislative amendments	Nil
Relevant strategic direction	Open and Collaborative Leadership
Relevant strategy	Open and Transparent Governance Strategy
Relevant legislation/codes (reference specific sections)	NIL - this provides for public participation above the requirements of the <i>Local Government Act 1993</i> and the Model Code of Meeting Practice
Other related policies/documents/strategies	Code of Meeting Practice Code of Conduct Public Voice/Public Briefing Information Sheet
Related forms	Public Voice/Public Briefing Application Form
Required on website	Yes
Authorisations	Functions authorised under this policy at Annexure B.