

**POLICY ON GIVING PUBLIC NOTICE REQUIRED UNDER THE LOCAL GOVERNMENT ACT 1993 AND LOCAL GOVERNMENT (GENERAL) REGULATION 2005**

**1.0 INTRODUCTION**

1.1 To develop a policy for providing clear direction to staff and the public on how public notice is to be provided by Council when required under the provisions of both the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

**2.0 PURPOSE**

2.1 To provide definitive guidelines for staff and ensure that the public notice given is compliant with the provisions of both the *Local Government Act 1993* and *Local Government (General) Regulation 2005* only where both are silent as to the manner of giving Public Notice

**3.0 SCOPE**

3.1 The policies applies to all staff of Moree Plains Shire Council

**4.0 POLICY STATEMENT**

**4.1 Responsibilities**

The Executive Division is responsible for the implementation of this Policy

**4.2 Objectives**

The objectives of this policy are to ensure that:

- minimum requirements are established and met for the giving of public notice
- all statutory requirements for the giving of public notice are met
- public notices are brought to the attention of as many people as possible in the area having regard to the type of notice being given, the particular circumstances and the significance of the matter

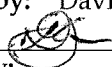
**4.3 Legislation**

Section 705 of the Act states:

*“What is a public notice?”*

*(1) if the council or another person is required to give public notice under this Act, the notice must state the place at which, the dates on which, and the times during which the matter publicly notified may be inspected by the public.*

*(2) the notice is to be in the approved form*

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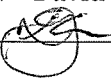

- (3) *the notice is to be given in a manner determined by the council with the object of bringing the matter notified to the attention of as many people in its area as possible.*

In addition to this, the definition of “approved form” in the dictionary of the Act is as follows:

- (a) *the form prescribed by the regulations for the purposes of the provision in relation to which the expression is used; or*
- (b) *if no such form is prescribed, the form (if any) approved by the Director-General for the purposes of the provision in relation to which the expression is used; or*
- (c) *if no such form is prescribed and no form is approved by the Director-General, the form approved by the Council for the purposes for the provision in relation to which the expression is used”*

The Act requires public notice to be given in the following circumstances:

Section	Matter Requiring Public Notice
9	Council and Committee meetings times and places
32	Proposal to reclassify land dedicated under Section 94 of the <i>Environmental Planning and Assessment Act 1979</i> to operational land
34	Proposal to classify or reclassify public land
38	Draft plan of management for community land
40	Amended and adopted plan of management for community land
47	Proposed lease/licence of community land, greater than 5 years
47A	Proposed lease/licence of community land, 5 years or less
55	Inviting of tenders
160	Draft local policy for approvals and orders
166	Adoption of local policy for approvals and orders
210A	Proposals to create or amend ward boundaries
216	Ministerial proposal to alter Council boundaries
224A	Proposal to reduce number of Councillors
253	Draft Councillors Expense and Facilities Policy
263	Boundaries Commission enquiries
356	Proposal to provide financial assistance in certain circumstances
361	Draft Code of Meeting Practice
384	Ministerial proposal to establish or dissolve a County Council
405	Draft Operational Plan
410	Proposal to make alternative use of money raised by special rates or charges
418	Presentation of financial reports
610E	Proposal to establish a category for waiving or reducing fees
610F	Proposed fees
675	List of approvals to establish time limit on proceedings questioning the validity of approvals

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Other Acts, such as the *Environmental Planning and Assessment Act 1979* and the *Roads Act 1993*, also have public notice requirements.

#### 4.4 Giving of Public Notice

Public notice will be given by Council in accordance with this policy whenever there is a requirement to do so under the *Local Government Act, 1993* or any other Act.


Council will comply with all public notice requirements as prescribed by the Act, any other Act, by the Director-General of the Department of Local Government or by any other statutory authority.

Where the public notice requirements are not prescribed they will be determined by the Council or, where there is no determination by the Council, they will be determined by the General Manager. Public notice requirements will be determined in accordance with this policy having regard to the type of notice being given, the particular circumstances and the significance of the matter.

#### 4.5 Approved Form of Public Notice

In all circumstances, unless prescribed or otherwise determined by the Council, the following minimum requirements will apply to the approved form of public notice:

1. A public notice will include:
  - a brief description of the subject of the notice
  - any additional information that is necessary to enable the subject of the notice to be clearly defined
  - details of the notice being given
  - a reference to the relevant legislation
  - details of the place at which, the dates on which and the times during which the matter may be inspected
  - the name and contact details for an enquiry person
  - the period in which submissions are invited
  - the place to which submissions are to be submitted
  - the closing time and date for submissions
2. Public notice will be given for not less than twenty eight (28) days or forty two (42) days depending on the matter concerned
3. Public notice will be given by:
  - advertisement in at least one local newspaper
  - inclusion on Council's website
  - copies in Council's customer service centre

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Depending upon the type of notice being given, the particular circumstances and the significance of the matter, these minimum requirements may be enhanced by:

- providing additional information in the notice
- extending the notification period
- providing additional forms of notification

Further to the above, section 77 of the *Local Government (General) Regulation 2005* also states:

*"The public notice required to be given by the council under section 160(1) of the Act must:*

- (a) be published in at least one (1) local newspaper circulating at least once weekly in the area, and*
- (b) be so published on at least two (2) separate occasions, the first occasion being not more than seven (7) days before the commencement of the public exhibition of the draft local policy and the second occasion being at least seven (7) days but not more than fourteen (14) days before the conclusion of the period during which submissions may be made to the council in relation to the policy"*

4. The period of notice shall commence from the date on which the notice appears in the newspaper or on the website, whichever occurs first.

## 5.0 Delegation

5.1 The General Manager is authorised, pursuant to Section 377 of the Local Government Act 1993, to allow a matter that does not conform with a policy to proceed if the General Manager is of the opinion that the variation from the Policy is of a minor nature.

## 6.0 References

6.1 Local Government Act 1993 and Local Government (General) Regulation 2005

## 7.0 Dispute Procedure



7.1 In the event of a dispute over any aspect of this policy, immediate action will be taken to resolve the situation through effective and construction consultation between the parties concerned. If a resolution cannot be reached, the services of a mediator will be requested to finalise the matter to the satisfaction of all parties concerned.

## 8.0 Attachments

8.1 Nil

## 9.0 Review

9.1 This policy is to be reviewed on an annual basis from the date of its original adoption by Council.

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