

# Public Voice and Public Briefings Policy

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City of  
Newcastle

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## INTRODUCTION

### 1 Purpose

- 1.1 The purpose of this 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's) functions.
- 1.2 The Council does not make decisions at Public Voice or Public Briefings sessions. The sessions are an opportunity for discussion only.

### 2 Scope

- 2.1 This Policy applies to Public Voice and Public Briefings sessions.
- 2.2 In accordance with CN's Code of Meeting Practice, Public Voice and Public Briefings Committee Meetings are open to the public and all members of the public are welcome to attend or view online via webcast.
- 2.3 Public Voice sessions (refer Section 4) provide an opportunity for members of the public to make presentations to the Council on Development Applications (DAs) that are to be determined by CN's Development Applications Committee at a future meeting.
- 2.4 Public Briefings sessions (refer Section 5) provide an opportunity for members of the public to make presentations to the Council relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.

### 3 Principles

- 3.1 CN commits itself to the following:
  - a) **Accountability and transparency** – This 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. This Policy ensures decisions are made in a way that is open and accountable.
  - b) **Alignment with Council strategies** - This Policy aligns with Council priorities outlined in CN's Newcastle 2040 Community Strategic Plan.
  - c) **Openness** – This Policy enables members of the public to communicate opinions or concerns directly to Councillors by way of an address to the Council in an open forum.

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## 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 (DAs that are to be determined by CN's Development Applications Committee at a future meeting.

### 5 Procedure for applying for Public Voice sessions and assessment criteria

#### Frequency of sessions

- 5.1 One Public Voice Committee Meeting per month (generally the third Tuesday of the month when scheduled) or in accordance with Council's adopted meeting cycle.
- 5.2 A maximum of four items will be scheduled for each Public Voice Committee Meeting.
- 5.3 Sessions are normally scheduled to occur at least one month prior to the DA being scheduled for determination by CN's Development Applications Committee.

#### Availability

- 5.4 Sessions will be offered where a matter is to be determined by the Development Applications Committee and either:
- 25 or more unresolved Individual Written Objections were received during the DA notification period; or
  - Two or more Councillors call the matter to the Development Applications Committee.

#### Invitation to submit application

- 5.5 When a session is to be offered in accordance with clause 5.4, an invitation to submit an application to address a Public Voice session will be made to any person who submitted an Individual Written Objection. Any application received prior to the invitation being issued will not be considered.

#### Assessment of applications

- 5.6 Applications will be registered in the order they are received.
- 5.7 The first two applicants will be invited to address the Public Voice session.
- 5.8 If no applications are received by the deadline provided in the invitation, the Public Voice session will not proceed.
- 5.9 If more than two applications are received, CN staff may request all applicants to nominate from among themselves the two parties who are to address the Public Voice session on the item. If the applicants are not able to agree on whom to nominate, the first two applicants will be invited to address the Public Voice session.
- 5.10 The final decision to accept or decline a Public Voice application rests with the Manager, Planning, Transport & Regulation in consultation with the CEO and Executive Director Planning & Environment.
- 5.11 A list of decisions relating to Public Voice applications will be published quarterly on CN's website with an accompanying memo to be issued to Councillors including the reason any applications were declined.

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### Invitation to DA applicant

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

### Notice to applicants of Public Voice session

5.13 Notice to all applicants advising of a Public Voice session will be provided as soon as possible after applications are received and assessed in accordance with clause 5.6.

5.14 Confirmation of the arrangements for the Public Voice 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.

## **6 Conduct of Public Voice sessions**

6.1 Prior to a Public Voice session, Councillors are to be provided with an Agenda and Business Papers, including any reports outlining the key issues of each session. The Business Papers will be made available to the public on CN's website.

6.2 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 CN's Code of Meeting Practice.

6.3 Each session is limited to (in the following speaking order):

- a) two speakers on behalf of objectors to the DA (10 minutes in total);
- b) two speakers on behalf of the DA applicant (10 minutes in total); and
- c) questions from Councillors (10 minutes in total).

6.4 Speakers are to confine their address to Council to the matters identified in their application.

6.5 The Chairperson may direct a speaker to cease their address if the speaker does not conduct themselves in accordance with this Policy or CN's Code of Meeting Practice.

6.6 All supporting material sought to be presented to Councillors must be provided to CN by close of business the day prior to the scheduled session. Speakers are not permitted to provide additional supporting material to Councillors immediately before, or during, a Public Voice session.

6.7 Sessions are webcast and open to the public. As such speakers should not:

- a) make personal reflections on any person; or
- b) make statements that may cause offence or be defamatory or insulting.

6.8 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 after the Ordinary Council Meeting the following month.

6.9 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 of the Council meeting.

## **7 Alternatives to a Public Voice session**

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

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## **PUBLIC BRIEFINGS SESSIONS**

### **8 What are Public Briefings sessions?**

- 8.1 Public Briefings sessions provide an opportunity for members of the public to make short presentations relating to significant issues of a general, strategic or policy nature relevant to CN's functions, facilities or services.
- 8.2 Public Briefings sessions are not for DAs but can include matters relating to Planning Proposals.

### **9 Procedure for applying for Public Briefings session and assessment criteria**

#### Frequency of sessions

- 9.1 One Public Briefings Committee Meeting per month (when scheduled) or in accordance with Council's adopted meeting cycle.

#### Lodging a Public Briefing application

- 9.2 Applications are to be submitted on the approved Public Voice/Public Briefings Application Form (available on CN's website) with all sections of the form being completed. Incomplete forms can not be processed.
- 9.3 Public Briefings may also be scheduled at the direction of the CEO or by resolution of Council.

#### Criteria for assessing Public Briefings applications

- 9.4 Public Briefings applications will be assessed against the following criteria:
- the application relates to an aspect of CN's functions, facilities or services;
  - the application does not relate to DAs;
  - the applicant has not presented on the issue to a Public Briefings 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 Briefings session;
  - the application does not request a decision or commitment of Council (such an issue would need to go before a Council Meeting); and
  - the matter is not vexatious, defamatory, an abuse of process or outside the scope of CN.

#### Assessment of applications

- 9.5 The relevant Service Unit Manager/Director, in consultation with the CEO and Manager Legal & Governance, will assess and determine applications against the criteria in clause 9.4.
- 9.6 A list of decisions relating to Public Briefings applications will be published quarterly on CN's website with an accompanying memo to be issued to Councillors including the reason any applications were declined.

#### Acknowledgement and notification to applicants

- 9.7 Public Briefings applications will be acknowledged within 5 business days of receipt.

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- 9.8 Within 28 business days of receiving an application for a Public Briefings session, CN will advise the applicant:
- a) if the application is successful and associated details for the scheduled Public Briefings session; or
  - b) if the application is unsuccessful with reasons (taking into account the criteria set out in clause 9.4).

## **10 Conduct of Public Briefings sessions**

- 10.1 Prior to a Public Briefings session, Councillors are to be provided with an Agenda and Business Papers, including any reports outlining the key issues of each session. The Business Papers will be made available to the public on CN's website.
- 10.2 Sessions are 30 minutes in duration, subject to the discretion of the Chairperson and are conducted in accordance with CN's Code of Meeting Practice.
- 10.3 A maximum of two sessions will be scheduled for each Public Briefings Committee Meeting.
- 10.4 Each session is limited to:
- a) speakers on an issue, which may include CN Staff (20 minutes in total); and
  - b) questions from Councillors (10 minutes in total).
- 10.5 Speakers are to confine their address to Council to the matters identified in their application.
- 10.6 The Chairperson may direct a speaker to cease their address if the speaker does not conduct themselves in accordance with this Policy or CN's Code of Meeting Practice.
- 10.7 Speakers should not attempt to provide additional supporting material to Councillors immediately before, or during, a Public Briefings session. Supporting material must be provided by close of business the day prior to the scheduled session.
- 10.8 Sessions are webcast and open to the public. As such speakers should not:
- a) make personal reflections on any person; or
  - b) make statements that may cause offence or be defamatory or insulting.
- 10.9 The minutes of the Public Briefings session are a summary record of the session. The minutes are available to members of the public on CN's website after the Ordinary Council Meeting the following month.

## **11 Alternatives to a Public Briefings session**

- 11.1 As an alternative to applying for a Public Briefings session, members of the public are encouraged to communicate or raise issues with CN by:
- a) Submitting a Customer Service Request;
  - b) Engaging with CN through public exhibitions, events and activities; or
  - c) Writing to Councillors directly using the contact details available on the CN website.



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## ANNEXURE A - DEFINITIONS

**Agenda** has the same meaning as in CN's Code of Meeting Practice.

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

**Business Papers** has the same meaning as in CN's Code of Meeting Practice.

**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 Public Briefing Committee Meeting in accordance with CN's Code of Meeting Practice.

**City of Newcastle (CN)** means Newcastle City Council.

**Council** means the elected Council.

**Development Application (DA)** means a formal application for development that requires consent under the *Environmental Planning and Assessment Act 1979* (NSW).

**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.

**Planning Proposal** means a document that explains the intended effect of a proposed Local Environmental Plan and sets out the justification for making that plan.

**Public Voice session** means a session to provide an opportunity for members of the public to make presentations to the Council on Development Applications (DAs) that are to be determined by CN's Development Applications Committee at a future meeting.

**Public Briefings session** means a session to provide an opportunity for members of the public to make short presentations relating to significant issues of a general, strategic or policy nature, relevant to CN's functions, facilities or services.

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

## ANNEXURE B - POLICY AUTHORISATIONS

In accordance with section 378 of the Local Government Act 1993, the Chief Executive Officer delegates the following functions to the positions listed:

Title of Authorisation	Description of Authorisation	Position Title and Number
Assess and determine Public Briefings applications	Authority to assess and determine, in consultation with the CEO and Manager Legal & Governance, applications for a Public Briefings session against the criteria of the Policy.	P60629 – Executive Director Corporate Services P60631 – Executive Director Creative & Community Services P60632 – Executive Director Planning & Environment P60630 – Executive Director City Infrastructure  P40005 - Art Gallery Director P20107 – Chief Information Officer P60633 – Manager Assets & Facilities P20689 – Manager Civic Services P20679 - Manager Civil Construction & Maintenance P60638 - Manager Community & Recreation P30003 – Manager Customer Experience P60640 - Manager Environment & Sustainability P60636 - Manager Finance Property & Performance P60642 - Manager Legal & Governance P60639 - Manager Media Engagement Economy & Corporate Affairs P60635 – Manager People & Culture P60641 - Manager Planning, Transport & Regulation

		<p>P60634 - Manager Project Management Office</p> <p>P60637 - Museum Director Archive Libraries &amp; Learning</p>
<p>Assess and determine Public Voice applications</p>	<p>Authority to assess and determine, in consultation with the CEO, applications for a Public Voice session against the criteria of this Policy.</p>	<p>P60632 – Executive Director Planning &amp; Environment</p> <p>P60641 - Manager Planning, Transport &amp; Regulation</p>

**DOCUMENT CONTROL**

Policy title	Public Voice and Public Briefings Policy
Policy owner	Manager Legal & Governance
Policy expert/writer	Manager Governance & Councillor Services
Associated Procedure Title	Nil
Procedure owner	Nil
Prepared by	Legal & Governance
Approved by	Council
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Details of previous versions	Version #3 - ECM 6108316
Legislative amendments	Nil
Relevant strategy	Nil
Relevant legislation/codes (reference specific sections)	Nil.
Other related documents	Code of Meeting Practice Codes of Conduct
Related forms	Public Voice/Public Briefings Application Form
Required on website	Yes
Authorisations	Refer to functions authorised under this Policy at Annexure B.