

	Public Consultation Policy	
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	Administered by: General Manager – Governance and Executive Office	Last Review Date: 2020 Next Review Date: 2022
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1. Objective

The purpose of this policy is to:-

- ensure that Adelaide Plains Council ('Council') complies with the mandatory consultation steps prescribed by the Local Government Act 1999 ('the Act') (class 1 decisions);
- outline the standard consultation steps that Council will follow in cases where Council must comply with its Public Consultation Policy as required by the Act (class 2 decisions); and
- ensure that Council complies with the standard consultation steps contained in its Public Consultation Policy as required by the Act (class 2 decisions).

2. Scope

This Policy applies to public consultation requirements prescribed by the Act.

This Policy does not apply to public consultation requirements under other legislation. Public consultation prescribed by other legislation affecting local government will be undertaken in accordance with the specific requirements set out in that legislation.

3. Definitions

Communication – refers to the exchange of information from Council to the community, and the views from the community to Council;

Community – all people who live, work, pay rates, conduct private / government business, visit, utilises services, facilities and public space within the Council. They may be referred to as stakeholders, or comprise stakeholders;

Consultation – a process of community engagement where information is provided, and the community is formally invited to comment about matters on which Council will deliberate.

Council – Adelaide Plains Council;

Engagement – describes varying levels of participation in public consultation processes.

4. Policy Statement

Council is committed to open, accountable and responsive decision making, which is informed by public consultation. Council is committed to genuine, effective and timely community consultation encouraging the public to participate in policy development and planning, the management and evaluation of services and in identifying areas of concern.

Council will endeavour to take into account the views and consideration of the community balancing those views with factors such as infrastructure, financial constraints, health and safety and legislative requirements in order to make decisions compatible with Council's strategic direction and providing accurate information while maintaining financial viability and confidentiality.

Council appreciates that the community seeks to be involved and consulted with respect to decisions that affect the community culturally, financially, environmentally and socially. Council understands that the consultation process can identify a range of issues, ideas and solutions, providing a balanced outcome for the community within the parameters set by Council.

5. Local Government Act Requirements

Section 50 of the Act provides that Council must prepare and adopt a Public Consultation Policy ('PC Policy') that sets out the steps the council will follow when exercising certain powers and functions and making certain decisions.

The Act contemplates three (3) classes of decisions as follows:-

- Classes of decisions for which the Act prescribes mandatory consultations steps (class 1 decisions);
- Classes of decisions for which the Act requires a council to follow the standard consultation steps set out in its public consultation policy:-
 - On their own (class 2a decisions); and
 - In addition to minimum statutory requirements (class 2b decisions)
(together, class 2 decisions)
- Classes of decisions for which the Act is silent in relation to consultation but for which a council may nevertheless determine to undertake optional consultation steps in its absolute discretion (class 3 decisions).

6. Class 1 decisions – mandatory consultation steps (prescribed by the Act)

In the matters listed in the table below, Council will undertake mandatory consultation steps in accordance with the relevant section of the Act For example, Section 13 – Status of a council or change of various names prescribes that, in addition to other requirements, prescribes a public consultation period of at least six (6) weeks (see the relevant sections of the Act for details of the mandatory consultation steps):-

Table 1

Topic	Act Reference
Representation Reviews – Composition and Wards	Section 12
Change of Status or Name of Council	Section 13
Commercial Activities – Prudential requirements	Section 48
Adopting or varying a Public Consultation Policy	Section 50
Strategic Management Plans	Section 122
By-Laws – the making of	Section 249
Order Making Policy	Section 259

7. Class 2 decisions – standard consultation steps (as per Council’s PC Policy)

As outlined in the Act, Council will undertake the standard consultation steps outlined in its PC Policy (refer clause 8 – Standard Consultation Steps):-

Table 2 (class 2a decisions)

Topic	Act Reference
Principal Office operating hours	Section 45
Code of Practice – Access to Meetings and Documents	Section 92
Annual Business Plan and Budgets	Section 123
Changes to Basis of Rating	Section 151
Rating – Differential Rates	Section 156
Community Land – Revocation of Classification	Section 194
Community Land – Management Plans	Section 197
Amendment or Revocation of Community Land Management Plans	Section 198
Community Land – Alienation by Lease or Licence	Section 202
Roads - Permits restricting access or for use of activity requiring public consultation under regulations	Section 223
Trees – Planting Trees and Vegetation.	Section 232

In some instances, the Act requires that the public consultation policy provide for minimum statutory requirements. These requirements, which will be observed by Council are as follows:-

Table 3 (class 2b decisions)

Topic	Act Reference	Minimum statutory requirements to be included in policy
Annual business plans and budgets	Section 123(4)(a)	Publication of a notice in a newspaper and on a website describing the draft annual business plan and inviting interested persons to attend a public meeting or a meeting of council or to make written submissions in relation to the matter within a period (at least 21 days).
Annual business plans and budgets	Section 123(4)(b)	Hold a public meeting or a meeting of council and consideration of any submissions made at the meeting or written submissions.
Changes to Basis of Rating	Section 151(7)(a)	Publication of a notice in a newspaper and on a website describing the proposed change and informing of the preparation of the report and inviting interested persons to attend a public meeting or to make a written submissions within a period (at least 21 days).
Changes to Basis of Rating	Section 151(7)(b)	Hold a public meeting and consideration of any submissions made at the meeting or written submissions.
Differential Rates	Section 156(14d)(a)	Publication of a notice in a newspaper describing the proposed change and informing of the preparation of the report and inviting interested persons to attend a public meeting or to make written sub missions within a period (at least 21 days).
Differential Rates	Section 156(14d)(b)	Hold a public meeting and consideration of any submissions made at the meeting or written submissions.

8. Standard Consultation Steps

8.1 Where Council is required to follow its PC Policy (refer matters listed in clause 7, table 2), the following minimum steps will be followed in accordance with Section 50(4) of the Act:-

- A notice will be published in local newspapers – The Bunyip and The Plains Producer and on Council’s website describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period being **at least twenty-one (21) days** from the date of the notice;
- Council will consider any submissions received as part of its decision making process and will also have regard to any relevant legislation.

8.2 Other options *may* be utilised to enhance communications (in addition to the minimum steps outlined in clause 8.1 above). These options may include, but are not limited to, the following:-

- Article in Council’s newsletter, the ‘Communicator’;
- Flyers included in rates notices;
- Letters to residents and/or other stakeholders ;
- Advertisement in local newspaper, ‘The Echo’ and other township newsletters;
- Media releases; Community engagement forums; informal workshops and stakeholder meetings, as identified;
- Market research or surveys;
- Fixed displays, noticeboards within Council’s Principal Office, Two Wells Service Centre, Two Wells Public Library and Dublin General Store Noticeboard; and
- A flyer in local business premises throughout the District.

The additional consultation options outlined above are at the absolute discretion of Council (or the CEO) in observance of the principles set out within Section 8 of the Act, with consideration given to the particular topic under deliberation, the resources available to Council and the level of interest that the topic is likely to generate. There is no obligation on Council, or the CEO, to undertake or give consideration whether or not to undertake any of these additional options.

9. Class 3 decisions – optional consultation steps (Council discretion)

Where there is no legislative requirement to undertake public consultation, Council has the discretion as to whether it resolves to undertake public consultation in accordance with this Policy. This may include specific matters of interest to the community or specific stakeholder groups. Some examples of discretionary consultations are listed below:-

- **Targeted policies, strategies and initiatives**

This includes policy and strategy development on issues that impact particular groups and/or areas.

- **Operational matters**

This includes activities undertaken to identify community needs and establish community interests in the discretionary services and day to day operation matters of Council.

- **Performance evaluation/customer satisfaction**

This includes council-wide and individual service/issue assessment of community perceptions of council performance (otherwise known as satisfaction surveys or market research).

Undertaking consultation in these circumstances is at the Council's, or the CEO's absolute discretion. When Council elects to consult beyond the minimum statutory requirements, Council staff will approach and undertake consultation in a manner that is consistent with the scope and principles of the PC Policy. There is no obligation for Council, or the CEO, to undertake non-statutory consultation in any given case.

10. Related Documents

Code of Practice – Meeting Procedures

Community Engagement Strategy (Forums across Adelaide Plains Council)

Public Consultation Letter Template

11. Records Management

All documents relating to this Policy will be registered in Council's Electronic Records Management System and remain confidential where identified.

12. Document Review

This Policy will be reviewed every two (2) years in accordance with Council's Policy Review Schedule to ensure legislative compliance and that it continues to meet the requirements of Council, its activities and programs. To review its PC Policy, Council must submit the proposal to a public consultation process, unless it determines that the alteration is of only minor significant that would attract little (or no) community interest.

13. References

Local Government Act 1999

14. Further Information

Members of the public may inspect this Policy free of charge on Council's website at www.apc.sa.gov.au or at Council's Principal Office at:

2a Wasleys Rd, Mallala SA 5502

On payment of a fee, a copy of this policy may be obtained.

Any queries in relation to this Policy must be in writing and directed to Council's General Manager – Governance and Executive Office via info@apc.sa.gov.au.