

Public Consultation Policy

As required under section 50 of the Act

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1. Purpose

- 1.1. The purpose of this policy is to comply with Council’s legislative requirements,¹ and ensure Council are using appropriate, cost-effective methods relevant to the specific circumstances of a consultation topic, are informing and involving the community, and using community feedback to enhance decision-making.²

2. Scope

- 2.1. This policy applies to all employees and Council Members.
- 2.2. This policy only applies to matters relating to the Act. Where other legislative requirements for consultation are applicable, the specific processes of those prevail over this policy, to the extent of the inconsistency.³

3. Definitions

- 3.1. **Act** means the *Local Government Act 1999*;
- 3.2. **CEO** means Chief Executive Officer of Council;
- 3.3. **Council** means Adelaide Plains Council;
- 3.4. **community** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area or may otherwise be interested in, or impacted by Council’s decision making or actions (may also be referred to as a stakeholder);
- 3.5. **consultation** means a process of community engagement where information is provided, and the community is formally invited to comment and make submissions to Council;
- 3.6. **Council Meeting** means formal meetings of Council Members open to the public (under certain conditions, Council Meetings can be closed to the public under provisions of the Act);
- 3.7. **Council Member** means a member of Council elected in accordance with the Act;
- 3.8. **employee** means any person carrying out duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council’s electronic systems and services in a full-time, part-time or casual capacity;

4. Council’s Core Values

Our approach to undertaking public consultation is underpinned by Council’s core values:

 Honesty and Integrity	 Innovative and Open-minded	 Leadership and Diplomacy	 Professionalism	 Respect	 Teamwork
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

¹ Section 50 of the Act.

² Section 8 of the Act.

³ e.g., the *Planning, Development and Infrastructure Act 2016*.

5. Types of Public Consultation

Type A: Matters requiring consultation in accordance with the Act

5.1. Type A consultation requirements are those which the Act prescribes *mandatory* consultation steps. Council may also undertake additional consultation in accordance with section 7 of this policy. Council will (but is not limited to) undertake Type A public consultation for:

- (a) Representation Reviews;⁴
- (b) Status of Council or change of various names;⁵
- (c) Prudential requirements for certain activities;⁶
- (d) Public Consultation Policy;⁷
- (e) Strategic Management Plans;⁸
- (f) Passing of by-laws;⁹ and
- (g) Order Making Policy.¹⁰

Type B: Matters requiring consultation in accordance with section 7 of this policy

5.2. Type B consultation requirements are those the Act requires Council to follow consultation steps set out in this policy, alongside any other requirements under the Act. Council will (but is not limited to) undertake Type B public consultation for:

- (a) Principal office operating hours;¹¹
- (b) Access to meetings and documents–Code of Practice;¹²
- (c) Annual Business Plan and Budgets;¹³
- (d) Changes to basis of rating;¹⁴
- (e) Rating–differential rates;¹⁵
- (f) Community land–revocation of classification;¹⁶
- (g) Community land–management plans;¹⁷
- (h) Community land–amendment or revocation of management plans;¹⁸
- (i) Community land–alienation of lease or licence;¹⁹
- (j) Control of work on roads–authorisation or permit;²⁰ and
- (k) Trees–planting, authorising or permitting planting of vegetation on a road.²¹

Type C: Matters where the Act is silent in relation to requirements for consultation

5.3. Type C requirements are those where consultation is not required to be undertaken, but Council may, on a case-by-case basis, nevertheless determine to undertake consultation. This consultation is at the absolute discretion of Council, and may be for a project or matter which Council considers:

- (a) Involves significant expenditure on large scale capital works;
- (b) Is of economic, social, environmental or cultural importance;
- (c) Is, or is likely to be, of significant community interest; or
- (d) Is likely to be enhanced through engagement with the community.

⁴ Section 12 of the Act.

⁵ Section 13 of the Act.

⁶ Section 48 of the Act.

⁷ Section 50 of the Act.

⁸ Section 122 of the Act.

⁹ Section 249 of the Act.

¹⁰ Section 259 of the Act.

¹¹ Section 45 of the Act.

¹² Section 92 of the Act.

¹³ Section 123 of the Act.

¹⁴ Section 151 of the Act.

¹⁵ Section 156 of the Act.

¹⁶ Section 194 of the Act.

¹⁷ Section 197 of the Act.

¹⁸ Section 198 of the Act.

¹⁹ Section 202 of the Act.

²⁰ Section 223 of the Act.

²¹ Section 232 of the Act.

6. Consultation Steps–Type A & B Matters

- 6.1. Council will (as a minimum) consult with the community as set out below:²²
- 6.1.1. Prepare a document outlining the proposed community consultation plan.²³
 - 6.1.2. A proposed community consultation plan will be obtained by line manager, CEO or by resolution in a Council Meeting (Council Members can request a summary of the community consultation plan be presented at a Council Meeting).
 - 6.1.3. Consultation will then be conducted in accordance with the community consultation plan, including but not limited to:
 - 6.1.3.1. Publication of notice (describing matter under consideration and inviting interested persons to make written submissions);
 - (a) In the local newspapers: The Bunyip and Plains Producer;
 - (b) On Council's website;
 - (c) On Council's corporate social media channels; and
 - (d) Available for inspection (including associated documents) and purchase at Council's Principal Office;
 - 6.1.3.2. Submissions will be open for a period of at least 21 days (from date of notice).
 - 6.1.4. Council will also implement any other consultation requirements (if any) under the Act.
- 6.2. In addition to the steps set out in 6.1., in circumstances where Council is conducting consultation in accordance with sections 123(4)(b), 151(7)(a)(b) and 156(14d)(a)(b) of the Act, a public meeting will be held in relation to the matter.
- 6.3. At the conclusion of the submissions period, Council will collate and analyse all submissions to the extent necessary (determined on a case-by-case basis) and prepare a Consultation Report to be presented at a Council Meeting which:
- (a) Summarises the consultation process and outcome (including broader context of matter under consideration); and
 - (b) Makes a recommendation for Council Members to consider when determining the matter.
- 6.4. Council Members will then consider the report, the recommendation and make a decision.²⁴
- 6.5. Following such decision, the outcome will be communicated to the community on Council's website.

²² Along with any other requirements under the Act.

²³ The plan may be informed or guided by the Local Government Association SA's Community Engagement Handbook; refer to section 8 of this policy.

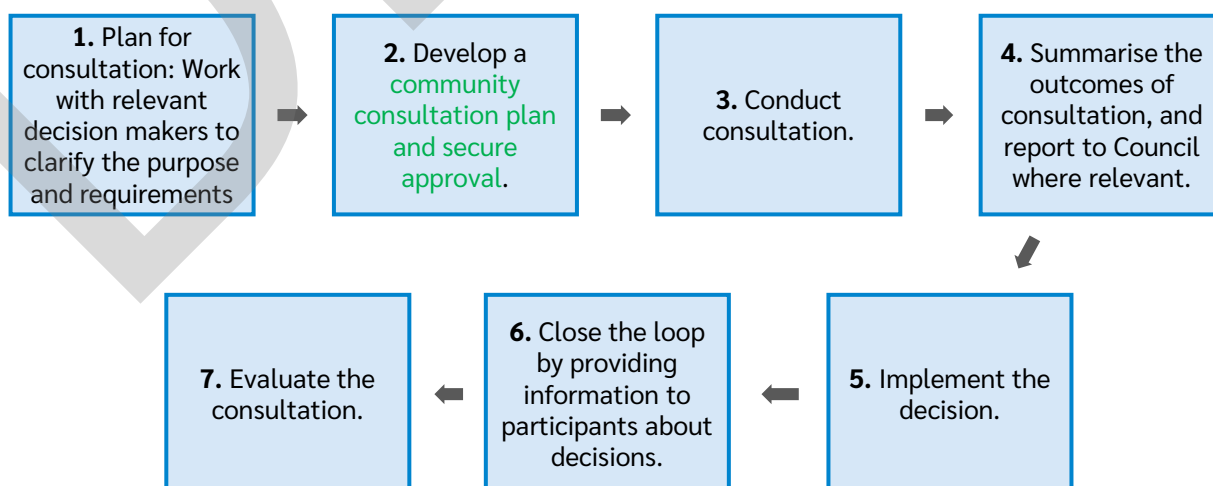
²⁴ The community can request to address Council by way of deputation in support of any submissions. Refer to the **Code of Practice – Meeting procedures and documentation** for more information on deputations.

7. Consultation Steps–Type C Matters

- 7.1. Council may, on a case-by-case basis, determine to undertake consultation for other decisions, activities and processes where there is no legislative requirement to undertake public consultation. 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 purpose of this Policy.
- 7.2. Council will (as a minimum) consult with the community on Type C Matters as set out below:²⁵
- 7.2.1. Prepare a document outlining the proposed community consultation plan.²⁶
 - 7.2.2. A proposed community consultation plan will be obtained by line manager, CEO or by resolution in a Council Meeting (Council Members can request a summary of the community engagement plan be presented at a Council Meeting).
 - 7.2.3. Consultation will then be conducted in accordance with the community consultation plan.
 - 7.2.4. At the conclusion of the submissions period, Council will collate and analyse all submissions to the extent necessary (determined on a case-by-case basis) and prepare a report which:
 - 7.2.4.1. Summarises the consultation process and outcome (including broader context of matter under consideration); and
 - 7.2.4.2. Makes a recommendation for Council Members CEO or body with delegated authority to consider when determining the matter and making a decision.

8. Consultation plan

- 8.1. A consultation plan will identify, at a minimum:
- (a) Purpose and objectives for consultation;
 - (b) Legislative requirements;
 - (c) Parameters: what is negotiable and non-negotiable;
 - (d) Key stakeholders and their level of influence or impact;
 - (e) Timeframes;
 - (f) Consultation methods; and
 - (g) Risk assessment
- 8.2. The following flowchart outlines the general consultation steps:



²⁵ Along with any other requirements under the Act.

²⁶ The plan may be informed or guided by the Local Government Association SA's Community Engagement Handbook.

9. References

Local Government Act 1999

10. Records management

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

11. Document review

This policy will be reviewed in accordance with Council's *Policy Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

12. Further information

Public Access:

Members of the public may inspect this policy (or any other related documents) free of charge at:

Council's website: **www.apc.sa.gov.au**; or

Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502.**

A copy of this policy may be obtained on payment of a fee.²⁷

Queries:

Any queries in relation to this policy must be in writing to info@apc.sa.gov.au, marked:

Attention: Manager Governance

²⁷ As outlined in Council's *Fees & Charges Schedule*.