

## **PUBLIC CONSULTATION PROCEDURE**

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Review Frequency	4 yearly or as required
LGA Status	Mandatory
Last Reviewed	Jan 2015 (16 March 2020 Resolution Ref: ACM20528)
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File Number	18.63.001 / PC202046
Responsible Division	Leadership
Related Documents	Public Consultation Policy Alexandrina Council Community Strategic Plan 2014 – 2023 LGA Public Consultation Guidelines LGA Community Engagement Handbook LGMA Reinforcing Local Government Report
Applicable Legislation	Local Government Act 1999 Section 50 Local Government Act 1999 Chapter 4, part 5

### **Definitions**

In this Procedure, unless the contrary intention appears, these words have the following meaning:

“*Communication*” is the one-way provision of information by a council representative to stakeholders (internal or external). Communication includes but is not limited to, advertisements, letters, newsletters, brochures, phone calls, door knocks, signs, displays, drawings and models.

“*Consultation*” is the two-way provision of information by a council representative to stakeholders (internal or external) that enables them to respond, expressing concerns and identifying issues, so these can be considered before making a final decision. Consultation includes, but is not limited to, discussion, written submissions, surveys, group meetings, workshops, displays, public events, and formal advisory committees. Consultation provides opportunities to clarify information, raise issues and discuss ideas and options.

“*Consultation Advisory Group*” comprises the Chief Executive or nominated representative, Elected Member nominated by Council, relevant General Manager or nominated representative, Council staff responsible for administrative requirements and venue arrangements.

### **Summary/Introduction**

Alexandrina Council is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between Council and the community. This Policy sets out the steps Council will take to establish partnerships and encourage community involvement in planning and decision making regarding the services Council provides and the management of community resources.

Council aims to ensure that appropriate and cost effective methods are used to inform and involve the local community, key stakeholders and interested parties relevant to the specific circumstances of each consultation topic. Council recognises the community expectation of good governance through greater transparency and accountability. These principles are embodied in this policy and Council's strategic planning framework.

This Procedure addresses the key elements of both communication and consultation.

### **Role of Council's Community Strategic Plan**

The Alexandrina Council Community Strategic Plan 2014 - 2023, contains reference to several goals that underpin the way in which the Council undertakes its business and activities. An important outcome is to ensure effective communication exists between Council, its committees and the public. Council's Public Consultation Policy and Procedure aim to fulfil this goal for Council.

Furthermore the Community Strategic Plan 2014 – 2023 outlines the objectives and policies concerning the community consultation process. These objectives recognise the rights and responsibilities of the community in the decision making processes.

### **Local Government Act 1999**

The Public Consultation Policy has been developed and adopted in accordance with *Section 50* of the *Local Government Act*. *Section 50* requires the policy to identify steps Council intends to take where *the Act* requires consultation, and provides for the steps to vary according to the class of decisions to be made by Council. Other sections of *the Act* refer to consultation requirements, and in some instances set out what a Council must do rather than referring to consultation of the Public Consultation Policy. A summary of these requirements is attached at Appendix 1.

This Policy will apply to those circumstances required in *the Act* and may also be applied in the following circumstances:

- Roadworks which may have some impact or inconvenience to adjoining properties
- Major roadworks that effect the broader community
- Significant vegetation clearance
- Proposals for major infrastructure or community asset development
- Policy development of a substantive nature
- Initiating and coordinating special events and celebrations

### **Alexandrina Council's Charter**

The Alexandrina Council's charter is as follows:

- *Clarity* - We will be clear about the subject and the purpose of the contact with you.
- *Language* - We will use clear and suitable language
- *Methods* - We will use different methods for different situations
- *Accountability* - We will use processes that are open and accessible
- *Respectful Behaviour* - We will listen with an open mind and treat you with respect
- *Encouraging Responses* - We will allow sufficient time and a range of ways for you to respond
- *Identification of Those Likely to be Affected* - We will identify those who are likely to be affected and communicate with them
- *Contact Details* - We will always give a contact name and number
- *Conflict Resolution and Complaints* - We will have fair and clear complaint and conflict resolution processes
- *Feedback* - We will tell you what happened and why
- *Keep on Learning* - We will continue to learn and improve the approach.

### **The Decision Making Process**

Community consultation is one aspect of Council's decision making process. Council will take account of views and aspirations expressed by the community and stakeholders, and balance those with other influences such as budgetary constraints and resource availability, to make decisions within the context of Council endorsed strategic directions.

When undertaking any public consultation, a number of stakeholders must be considered, eg:

#### **External**

- Federal and State Government agencies

- Local Government authorities
- Regional organisations

### **Internal**

- Elected Members
- Council Executive
- Relevant staff members
- Council Committees
- Council Advisory groups
- Council Policies and By-laws, other key documents and previously approved decisions

### **Local**

- Community groups
- Community representatives
- Residents
- Ratepayers
- Local businesses

### **Roles and Responsibilities**

This Policy will apply to Council Elected Members, staff, contractors, and agents or consultants acting on behalf of Council. The Chief Executive is responsible for:

- implementing communication and consultation initiatives in accordance with this Policy
- reporting on outcomes of these initiatives to Council, to inform the decision making process
- reporting on the review and evaluation of the policy.

### **Steps to be Taken – Deciding the Communication and Consultation Strategy**

The Council's Executive Management will determine the communication and consultation strategy for each specific consultation topic. In determining a strategy, the Executive Management will have regard to the views of other relevant staff and any specific requirements expressed by the Council. The Council Executive Management (or staff under delegation) will:

- identify stakeholders relevant to the consultation topic
- decide the key messages to deliver to stakeholders
- identify the parameters of the consultation initiative, that is, what aspects of the decision can be influenced
- identify a range of appropriate options for communicating information to stakeholders and inviting involvement – “the communication strategy”
- identify a range of appropriate consultation initiatives – “the consultation strategy”
- identify contact person(s) for interested parties to obtain further information
- identify timeframes relevant to the consultation initiative. Council will aim to provide 2 weeks notice of any consultation forums or opportunities, and ensure a period of 21 days is allocated from the date of inviting involvement to the final closing date for submissions.
- determine responsibility for:
  - implementing the communication and consultation strategy

- reporting to Council on the outcomes
- providing feedback about the decision to participants
- ensuring appropriate records are kept.

Examples of the options to be considered in deciding the appropriate communication and consultation strategies are as follows:

**Communications options could include:**

- Advertisements in "The Times" & "Southern Argus" (and "Courier" if applicable)
- Advertisements in "The Advertiser" if matter has relevance to broader community
- Media releases/editorial
- Fact sheets or brochures
- Letters addressed to stakeholders
- Letter box drops in the relevant area
- Web site
- Telephone access line
- Displays and/or notices in public places

**Consultation options could include:**

- Council's My Say site
- Meetings with Elected Members and staff
- Council Advisory Committees
- Focus Groups
- Workshops for stakeholders
- Surveys
- Open days and staffed displays
- Public forums and meetings
- Deputations before Council

## Tasks and Tools Matrix

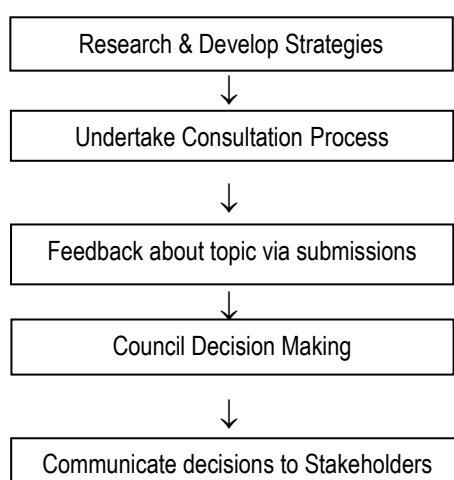
		Providing Information	Maintaining Awareness/Updating Information	Identify concerns and issues	Develop Objectives/Visions	Development Options	Test Ideas/ Priorities Options	Build Relationships and Involvement	Potential for Consensus/Agreement	Potential to Reach Large Groups	Suitable to People who Don't Readily Participate	Suitable for Small Groups/Individual Contact	Obtaining Input into Decision Making	Make decision	Satisfy Statutory Requirements
<b>COMMUNICATION</b>	Advertisement/Media	*	*							*					*
	Letter/Phone Call/Door Knock	*		*				*			*	*			
	Newsletters/Brochure	*	*							*					
	Internet Web Site	*	*				*			*	*		*		
	Signs/Maps/Models	*	*							*					
	Public Display/Exhibition	*					*			*	*		*		*
<b>CONSULTATION</b>	Meetings with Key Individuals	*	*	*				*				*			
	Submissions			*						*		*	*		*
	Telephone hotline	*		*						*		*	*		
	Surveys			*			*			*	*		*		
	Presentation to Local Groups	*		*								*			
	Local Community Group Meetings	*	*	*		*	*					*			
	Public Meetings	*		*						*			*		*
	Search Conference	*		*	*	*	*		*				*		
	Workshops	*		*	*	*	*		*			*	*		
	Value Management Workshop	*		*	*	*	*		*				*		
	Seminar/Forum	*	*	*						*					
	Participatory Design Exercise	*		*	*	*	*	*	*				*		
	Community Event	*	*	*	*	*	*	*	*	*	*	*	*	*	
	Open Day Information Session	*	*	*				*		*	*	*			
	<b>PARTICIPATION</b>	Consultative Committee	*	*					*	*				*	
Community Forum/Precinct Committee		*	*					*	*				*		
Advisory/Reference Group		*	*					*	*				*		
Steering/Management Committee		*	*					*	*				*	*	
Board/Authority		*	*					*	*				*	*	*

Examples of what steps Council will take in specific circumstances are as follows:

- Topic affects several residents – Letter addressed to individual residents with information and providing contact person(s) to obtain further information or to make a submission.
- Topic affects several streets – Letter box drop, inviting expressions of interest. Follow up with details of a consultation forum if sufficient interest or individual contact with interested parties.
- Topic affects broader community or likely to attract considerable community interest. For example, lands management, major works, regional issue, topic with potential for Council wide impact – Notice in local paper, media release, signage in targeted locations, inviting expressions of interest. Convene consultation forum, which will include information session and opportunities to express views through questions and answers, workshop session, staffed displays, and formal submissions.
- Inviting submissions following initial consultation phase – Display at Council Offices. Individual consultation and comment sheets to enable stakeholder feedback to be recorded.
- Where requirements are set out in the Local Government Act for specific topics, those requirements will be included in the steps taken by Council in those circumstances (Refer Appendix A)

### **Consultation as Part of the Decision Making Process**

The following diagram outlines how Council views its consultation activities in relation to the decision making process.



### **Availability Of Procedure**

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

### **Appendices**

Appendix 1 - Local Government ACT 1999 (SA), Public Consultation Policy – Schedule of Requirements

**LOCAL GOVERNMENT ACT 1999 (SA)**  
**PUBLIC CONSULTATION POLICY – SCHEDULE OF REQUIREMENTS**

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
<b>Definition of Public Consultation</b>	Interpretation	Reference to Chapter 4, Part 5 only
<b>Representation Reviews</b> <ul style="list-style-type: none"> <li>• Review and reporting to the Electoral Commissioner</li> </ul>	12	Public notice: <ul style="list-style-type: none"> <li>• informing public of the preparation and availability of the report</li> <li>• inviting written submissions within a minimum 3 week period.</li> <li>• Copy of notice to be published in newspaper circulating within its area.</li> <li>• Provide opportunity for person who makes written submission on report to appear personally or by representative before Council or a Council committee to be heard on submissions</li> <li>• Council must then finalise its report and refer to the Electoral Commissioner.</li> </ul>
<b>Status of a Council/ Change of Name</b> <ul style="list-style-type: none"> <li>• Change from a municipal council to a district council, or change from a district council to a municipal council</li> <li>• Alter the name of the council, the area of the council, or the name of a ward.</li> </ul>	13	<ul style="list-style-type: none"> <li>• Public notice of the proposal inviting written submissions within a minimum period of 6 weeks, and publication of the notice in a newspaper circulating within its area</li> <li>• Provide opportunity for person who makes written submission to appear personally or by representative before Council or a Council committee to be heard on submissions</li> </ul>
<b>Principal Office – Opening Hours</b>	45	Consult in accordance with Council's public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.
<b>Commercial Activities – Prudential Requirements</b>	48 (2) (d) 48 (5), (6)	Report addressing prudential issues to include: <ul style="list-style-type: none"> <li>▪ the level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them.</li> <li>▪ the means by which the community can influence or contribute to the project or its outcomes</li> </ul>

<b>Public Consultation Policies</b>	50	<p>Requirements for preparation, adoption and alteration to Council's public consultation policy.</p> <ul style="list-style-type: none"> <li>• Policy must set out steps that Council will follow in cases where the Act requires the Council to follow its public consultation policy</li> <li>• Policy may also set out steps to follow in other cases involving council decision making</li> <li>• Steps may vary according to the classes of decisions within the scope of the policy, but must provide persons with a reasonable opportunity to make submissions in relevant circumstances</li> <li>• Section 50 (4) sets out minimum steps that must be provided for in a public consultation policy as follows: <ul style="list-style-type: none"> <li>• publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days)</li> <li>• consideration by the Council of submissions made in response.</li> </ul> </li> <li>• Section 50 (6) requires the Council before it adopts, substitutes and/or alters a public consultation policy, to: <ul style="list-style-type: none"> <li>• prepare a document that sets out its proposal; and</li> <li>• publish in a newspaper circulating throughout the State and a newspaper circulating within the area of Council a notice of the proposal</li> </ul> </li> </ul> <p>inviting submissions within a minimum period of 1 month; and</p> <ul style="list-style-type: none"> <li>• consider any submissions received, unless the alteration is of minor significance.</li> <li>• Council's public consultation policy is to be made available for inspection without charge at the principal office during ordinary office hours, and for purchase on payment of a fixed fee by Council.</li> </ul>
<b>Code of Practice – Access to meetings and documents</b>	92 (5)	Before a council adopts, alters or substitutes a code of practice under S 92 it must follow relevant steps set out in its public consultation policy.
<b>Strategic Management Plans</b>	122 (6)	Council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans (Plans for between 3 – 5 years)



<p><b>Annual Business Plan</b></p>	<p>123(3)</p>	<p>Before Council adopts an annual business plan it must follow the relevant steps set out in its public consultation policy which must provide for as a minimum:</p> <ol style="list-style-type: none"> <li>1. publication of a notice in a newspaper circulating in the area of Council informing the public of the draft annual business plan and inviting persons to – <ol style="list-style-type: none"> <li>a. attend a public meeting on the matter to be held at least 21 days after the publication of the notice; or</li> <li>b. attend a meeting of Council to be held on a date stated in the notice at which members of the public may ask questions and make submissions for at least one hour; or</li> <li>c. make written submissions within a minimum period of 21 days stated in the notice; and</li> <li>d. Council to make arrangements for the public meeting or Council meeting and Council to consider written submissions or submissions made at public meeting or Council meeting;</li> </ol> </li> <li>2. • draft annual business plan must be available at the public meeting or Council meeting above and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office at least 7 days before that meeting.</li> </ol>
<p><b>Change to Basis of Rating Report</b></p>	<p>151(6)</p>	<ul style="list-style-type: none"> <li>• Before Council changes the basis of rating of any land or changes the basis on which land is valued for the purposes of rating or changes the imposition of rates on land it must prepare a report on the proposed change and follow the relevant steps set out in its public consultation policy which must as a minimum provide for: <ul style="list-style-type: none"> <li>• publication of a notice in a newspaper circulating in the area of Council describing the proposed change and informing the public of the preparation of the report and inviting persons to attend a public meeting in relation to the matter at least 21 days after publication of the notice or to make written submissions within a minimum period of 21 days; and</li> <li>• Council to organise the public meeting and Council to consider submissions made at that meeting or in writing.</li> <li>• Copies of the report must be available at the public meeting and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 21 days before the end of the public consultation period.</li> </ul> </li> </ul>
<p><b>Rating – Differential Rates</b></p>	<p>156(14a)</p>	<ul style="list-style-type: none"> <li>• Before Council changes declaring differential rates on the basis of a differentiating factor under Sections 156(1)(a), (b)(c) to another factor it must prepare a report on the proposed change and follow the relevant steps set out in its public consultation policy which must as a minimum provide for: <ul style="list-style-type: none"> <li>• publication of a notice in a newspaper circulating in the area describing the proposed change and informing public of the preparation of the report and inviting persons to attend a public meeting in relation to the matter at least 21 days after publication of the notice or to make written submissions within a minimum period of 21 days; and</li> <li>• Council to organise the public meeting and Council to consider submissions made at that meeting or in writing.</li> <li>• Copies of the report must be available at the public meeting and for inspection (without charge) and purchase (on payment of a fee fixed by Council) at the principal office of the Council at least 21 days before the end of the public consultation period.</li> </ul> </li> </ul>



<b>Roads - Trees</b>	S232	Before planting or authorising planting of vegetation that may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, council must follow the relevant steps set out in its public consultation policy.
<b>Passing by-laws</b>  N.B. No specific reference to Council's Public Consultation Policy, but minimum standards apply	S249	At least 21 days before resolving to make a by-law, Council must: <ul style="list-style-type: none"> <li>• make copies of the proposed by-law (and any code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection without charge during ordinary office hours at the principal office of the Council</li> <li>▪ inform the public of the proposed by-law and set out the terms or describe in general terms the nature and effect of the by-law, through a notice in a newspaper circulating in the area</li> <li>▪ give reasonable consideration to a written or other acceptable submission made on a proposed by-law</li> <li>▪ publish a notice of the making of a by-law in a newspaper circulating in the Council area.</li> </ul>
<b>Power to Make Orders</b>  Councils must take reasonable steps to prepare and adopt policies relating to power to make orders	S259 (2)	Council must: <ul style="list-style-type: none"> <li>▪ prepare a draft of a policy</li> <li>▪ by notice in a newspaper circulating in the Council area, advise where the draft is available for inspection (without charge) or purchase (on payment of a fee fixed by Council), and invite written representations on the draft with a period specified by the Council (at least four weeks)</li> <li>▪ consider any submission made in response to the invitation</li> </ul> The requirements of S259 (2) apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.