



# COUNCIL POLICY

Public Consultation

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 <p><b>Adelaide Hills</b> COUNCIL</p>	<h2 style="margin: 0;">PUBLIC CONSULTATION</h2>	
<b>Policy Number:</b>	<b>COM-01</b>	
<b>Responsible Department(s):</b>	<b>Community Development</b>	
<b>Relevant Delegations:</b>	<b>None</b>	
<b>Other Relevant Policies:</b>	<b>None</b>	
<b>Relevant Procedure(s):</b>	<b>None</b>	
<b>Relevant Legislation:</b>	<b>Section 50, Local Government Act 1999</b>	
<b>Policies and Procedures Superseded by this policy on its Adoption:</b>	<b>Public Notification - 21 March 2006, Item 9.2.4, FS&amp;P Public Consultation -1 December, 2009, Item 10.7, B422</b>	
<b>Adoption Authority:</b>	<b>Strategic Planning and Development Policy Committee</b>	
<b>Date of Adoption:</b>	<i>To be entered administratively following adoption</i>	
<b>Effective From:</b>	<i>To be entered administratively following adoption</i>	
<b>Minute Reference for Adoption:</b>	<i>To be entered administratively following adoption</i>	
<b>Next Review:</b>	<b>June 2018</b>	

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## PUBLIC CONSULTATION

### 1. INTRODUCTION

The purpose of this Policy is to foster and support a culture of effective community engagement through effective information and consultation strategies. The Policy outlines the principles and procedures that the Council will follow to involve the community in decision-making.

The Policy also ensures that Council meets its obligations under the *Local Government Act 1999* and other relevant Acts.

The Adelaide Hills Council is committed to communicating information to the community in an effective, cost-effective and consistent manner.

The Policy relates to Council's Strategic Management Plan *Lofty Aspirations Sustainable Actions 2014-2018*, Goal 4.3 Community Engagement, 4.3.1 and 4.3.3 and supports Council's *Community Engagement Framework* and *Communication and Marketing Plan* adopted May 2014.

### 2. SCOPE

This Policy will apply to all community engagement processes (utilising the 'Consult' method of the Community Engagement Framework) required under the *Local Government Act 1999* (unless specifically legislated otherwise) and to any other community engagement process that Council resolves to be submitted to a high standard of community engagement. This policy applies to all facets of Council's operations including Council's corporate, land use, strategic and financial planning and our day to day services and activities.

### 3. LEGISLATIVE FRAMEWORK

The preparation and adoption of this Policy fulfils Council's obligation under section 50 of the *Local Government Act 1999*. Section 50 states:

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice (in a local newspaper) describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council will consider any submission received from the public during the prescribed consultation period
- Council may from time to time alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, Council must submit the proposal to a public consultation process
- A public consultation policy sets out the steps that Council will follow in cases where the Act requires that Council must follow its public consultation policy and may include steps that Council will follow in other cases involving Council decision making

The requirement for public consultation when altering this Policy is not required when the Council determines that the alteration is of only minor significance and would attract little (or no) community interest.

#### **4. OBJECTIVES**

This Policy is underpinned by the following documents:

- The *Community Engagement Framework 2014* which provides an organisational approach to engagement activities where stakeholders invest in Council's decision making process
- The *Communication and Marketing Plan* which sets the framework and standards for communicating with Council's stakeholders and outlines the key projects and actions for implementation to ensure the Council's communication objectives are met.

The objectives of this policy are reflected in Council's Communication and Marketing Plan and the Community Engagement Framework, 2014 and include:

- To ensure that the Council's responsibilities to effectively communicate and consult with stakeholders are fulfilled
- The Policy supports the Communication and Marketing Plan to:
  - Build community awareness of Council functions and services
  - Increase participation and access to Council's functions and services
  - Build understanding of Council's vision and strategic direction
  - Build and maintain community confidence in Council
  - Facilitate Council's leadership role
- The Policy supports the Community Engagement Framework to:
  - Better relationships and connectedness with community
  - Enhanced reputation for your organisation
  - Increased understanding of community issues, and
  - Better partnerships and networks.

#### **5. POLICY STATEMENT**

Communication keeps citizens and customers informed about the Council's processes and activities, whereas involvement enables the Council Members and the organisation to be confident that the Council's stakeholders are appropriately engaged in the process and that activities are planned and provided having regard for customers' requirements, while also meeting technical constraints.

The philosophy underpinning this Policy is to provide an opportunity for all stakeholders to examine the implications and effects of existing policy, service delivery, current directions and proposed changes in a rigorous manner, thus enabling Council to make informed choices and decisions and to minimise conflict for all parties.

## 6. COUNCIL PUBLIC CONSULTATION STANDARDS

For all public consultations, unless directed otherwise by an Act (see clause 7), the following minimum standards will be followed:

- A notice will be published in newspaper(s) circulating in the affected area or across the district as applicable to the matter and on the Council's website describing the matter for which community engagement is required, and inviting interested persons / stakeholders to make submissions to the Council within a period being **at least twenty-one (21) clear<sup>1</sup> days** from the date of the notice.
- On-site signage will be installed (where applicable) advising of community engagement occurring which relates to the site and details of how to obtain information from Council's website and Customer Service Centres.
- Further options may be chosen to enhance communication. Some of these additional options could include, but are not limited to, the following:
  - Flyers included in rates notices
  - Public Notice in The Advertiser newspaper
  - Paid advertisement in the local newspapers
  - Article in Hills Voice (if time permits)
  - Letters to residents and/or other stakeholders (via hand delivery or postage options)
  - Media releases
  - Community engagement documents available at Council venues
- All materials used in community engagement processes must be approved by the Communications and Events Department.
- All Council Members will be advised of matters going to formal public consultation.
- All personal details provided as part of any public consultation will be excluded from Council reports or submission summaries. Personal details will not be disclosed without gaining the prior permission of the respondent, unless otherwise prescribed by legislation.
- Where submissions or comments received as part of a public consultation are deemed to be of an inflammatory or offensive nature, the following approach will be adopted:
  - If constructive feedback is provided, regardless of how the offensive language is used throughout the submission, the response will be edited to remove the offensive language while maintaining the integrity of the submission;
  - In cases where the submission or comment is unrelated to the question or topic and is of threatening or inflammatory content, the response will be removed from all Council reports and/or submission summaries.

## 7. PUBLIC CONSULTATION CONTEXT

In general terms, Council's community engagement activities will be divided into the following categories:

### 7.1 Statutory Compliance

The *Local Government Act 1999* and other key Acts specifically refer to public consultation.

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<sup>1</sup> 'clear days' means the time between the giving of the notice of the consultation and the closing of the consultation period, but excluding the day that the notice appears in the media and the day that the consultation period closes.

In some cases, an Act will prescribe a specific public consultation requirement (these are generally in excess on the minimum requirements set out in s50); in other cases an Act will require compliance with the requirements as stated in the Council's Public Consultation Policy.

### Minimum requirements prescribed by *Local Government Act 1999*

<b>Topic</b>	<b>Section Reference</b>
Representation Reviews	Section 12 (7) (8) (9) (10)
Status of a Council/Change of Name	Section 13 (2)
Public Consultation Policies	Section 50
Annual Business Plan	Section 123 (3) (4) (5) (6) (7) (8) (9)
Rates and charges – Change to Basis of Rating Report	Section 151(5a) (5b) (5c) (5d) (5e) (7) (8) (8a)
Rating – Differential Rates	Section 156 (14) (14a) (14b) (14c) (14d) (14e) (14ea)
Passing by-laws	Section 249 (1) (2)
Councils to develop policies (power to make orders)	Section 259

### Minimum requirements as per Council's Public Consultation Policy

<b>Topic</b>	<b>Section Reference</b>
Principal Office – Opening hours	Section 45 (3)
Commercial Activities – Prudential Requirements	Section 48 (2)(d) (5) (6)
Code of Practice – Access to meetings and documents	Section 92 (5) (6) (7)
Strategic Management Plans	Section 122 (6)
Administrative and financial accountability – Access to documents	Section 132 (1) (3d)
Community Land – Exclusion from Classification	Section 193 (2)
Community Land – Revocation of Classification	Section 194 (2) (3)
<b>Topic</b>	<b>Section Reference</b>
Community Land Management Plans	Section 197 (2) (3)
Amendment or revocation of Community Land management plans	Section 198 (2) (3)
Community Land – Alienation by lease or licence	Section 202 (3)
Authorisations/Permits	Section 223
Roads – Trees	Section 232
Time limits for dealing with certain applications	Section 242 (4)
Stormwater Management Plans	Schedule 1A: Section 13 (2)

## Other Acts (minimum requirements prescribed by the Act)

### ***Development Act 1993***

<b>Topic</b>	<b>Section Reference</b>
Development Plan Amendments (DPA) <ul style="list-style-type: none"> <li>• Amendments by Council</li> <li>• Amendments by the Minister</li> </ul>	Section 25 Section 26
Strategic Directions Reports <ul style="list-style-type: none"> <li>• Alignment with State Government strategy and policy</li> </ul>	Section 30
Development Assessment	Section 38

### ***Roads (Opening and Closing) Act 1991***

<b>Topic</b>	<b>Section Reference</b>
Notification of proposed road process	Section 10
Objection or application for easement	Section 13
Notice of road process order	Section 19

### ***Land Acquisition Act 1969***

<b>Topic</b>	<b>Section Reference</b>
Additional right to object to prescribed private acquisition	Section 12B

## 7.2 Community Engagement Activities

This category refers to non-legislative matters:

### ***Targeted policies, strategies and initiatives***

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

### ***Operational matters***

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

### ***Performance evaluation/customer satisfaction***

This group is made up of council-wide and individual service/issue assessments of community perceptions of council performance (otherwise known as satisfaction surveys or market research).

## 8. PROCEDURE

Council will implement this Policy in terms of the requirements under the Local Government Act and will take account of the views and aspirations expressed by the community and stakeholders, balancing those views and aspirations with other influences such as budgetary constraints, and within the context of Council-endorsed strategic directions.

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The minimum steps that should be followed when carrying out community engagement will be:

**Step 1:** Decide whether to engage or not to engage taking in to consideration legislative requirements and minimum standards as per the schedule and determined level of impact on the community

**Step 2:** Plan the Community Engagement Strategy

**Step 3:** Plan and manage engagement activities

**Step 4:** Collate and analyse community contributions/responses

**Step 5:** Decision making

**Step 6:** Provide feedback on engagement outcomes to participants

**Step 7:** Announce decision/s publicly

**Step 8:** Evaluation

## **9. AVAILABILITY OF THE POLICY**

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