

Community Consultation Policy

Date this document was approved
8 May 2018
Legislative



CITY OF
ADELAIDE

Purpose

Section 50 of the *Local Government Act 1999* (SA) (the Act) provides that the Council must prepare and adopt a public consultation policy.

The purpose of this Policy is to set out the steps that Council intends to take to deliver effective community consultation, whilst fulfilling Council's requirements under the Act.

Where the Act prescribes, that public consultation is necessary, Council will obtain and consider community contributions and relevant information to ensure that any decision made is in the best interests of the community. However, it is important to note that having taken into account the submissions received, any final decision rests with Council.

This Policy outlines the minimum communication and consultation requirements under the Act that Council is required to comply with and should be read in conjunction with the Community Engagement Strategy and the Administration's online toolkit, to ensure consistent, meaningful and effective consultation is achieved.

This Policy only applies to matters that require public consultation as per the Act. Community consultation prescribed under other legislation will be undertaken in accordance with the requirements of the said legislation, rather than this Policy.

Council recognises its responsibility as a capital city council in seeking the views of all stakeholders impacted by our decisions and may elect to undertake community engagement above and beyond the minimum legislative requirements where deemed appropriate. In many instances, this includes advertising in State-wide media as well as in a newspaper circulating within the area of Council for issues which may have impact beyond the city's local community.

Statement

Council's Community Engagement Strategy establishes its commitment to the following principles when engaging the community in a decision-making process (of which legislated consultation is a part). Council will:

- Seek out and encourage contributions from people who may be affected by or interested in a decision;
- Provide relevant, timely and balanced information so people can contribute in a meaningful way;
- Provide a variety of appropriate and accessible ways for people to have their say and to speak honestly;
- Actively listen so that people's ideas and input assist in making the final decision;
- Consider the needs and interests of all people in the decision-making process;
- Tell the community about the final decision, and how their input was considered; and
- Collaborate with peak bodies and other levels of Government to achieve common goals for Council.

Council recognises that there are occasions where community engagement may be desirable, but there is no statutory requirement to undertake the same. Although the Council acknowledges the importance of these occasions, they are not covered by the requirements of this Policy.

Roles and responsibilities

This policy applies to Council Members, employees, contractors, volunteers, consultants and any other person(s) undertaking community consultation for the City of Adelaide.

Council is the elected body charged with responsibility for making decisions on behalf of the community. Under certain circumstances Council may delegate decision-making to Council officers.

The Chief Executive Officer supported by staff and/or external contractors, is responsible for implementing and reviewing this Policy, and reporting outcomes of consultations and review(s) of this Policy to Council.

Associate Directors are responsible for ensuring their staff comply with this Policy and make use of the support mechanisms and tools provided to guide implementation.

The Community Engagement Team is responsible for providing advice and assistance to the community and stakeholders internal and external to City of Adelaide and keeping this policy and tools up to date, visible and readily accessible.

Local Government Act 1999 (SA) Requirements

Section 8 of the Act (*Principles to be observed by a council*) outlines, amongst other things, Council's responsibilities to provide open, responsive and accountable government.

More specifically, Section 50 requires Council to prepare and adopt a public consultation policy that sets out the steps that the Council must follow in cases where the Act requires that a council must follow its public consultation policy, to ensure it effectively consults with stakeholders and the community.

The Act prescribes the requirement for public consultation in numerous provisions of the Act. Table 1 of this Policy lists the sections that specify when public consultation is required under the Act, and the consultation steps that need to be taken relevant to each section.¹

Where the Act specifies that Council needs 'to follow the relevant steps set out in its public consultation policy', Council will follow the steps indicated in the relevant column.

Where deemed appropriate by the Administration, or requested by Council, further public consultation may be undertaken that exceeds the requirements prescribed by the Act.

¹ There are two aspects of Section 12 that require consultation, see Table 1: Column 1 and 1a.

Policy availability

Copies of this Policy are available for inspection at no cost at the Customer Centre 25 Pirie Street Adelaide and at Council's Libraries and Community Centres during normal business hours. Council reserves the right to charge a prescribed fee for printing copies of this policy. The Policy may also be downloaded free of charge from Council's website.

Other useful documents

Related documents

- Community Engagement Strategy
- City of Adelaide City Works Guidelines

Relevant legislation

- *Local Government Act 1999 (SA)*

Glossary

Throughout this document, the terms below are defined as:

The Act is the *Local Government Act 1999 (SA)*.

Community includes individuals or groups who use the capital city; who have an interest in Council's decision-making and who are affected by Council decisions. These individuals or groups may be identified as residents and voters, ratepayers, business owners, Council customers, contractors and suppliers, community interest groups, agencies and hard to reach groups.

Stakeholders are recognised as individuals and organised groups who use the capital city; who have an interest in Council's decision-making and who are affected by Council's decisions. Business owners, retail outlets, State and Federal Governments, community groups, Local Government and not for profit organisations are all considered stakeholders. Stakeholders may also be individuals, groups or organisations who have a role to play in policy development and program or service delivery.

Engagement describes varying levels of participation in public consultation processes.

Community Consultation is a planned process of engagement where information is provided and community and stakeholders are formally invited, as per the relevant requirements in the Act, to comment about matters on which Council will deliberate.

Administrative

As part of Council's commitment to deliver the City of Adelaide 2016-2020 Strategic Plan, services to the community and the provision of transparent information, all policy documents, including this Policy, will be reviewed annually to ensure they remain compliant with current legislative requirements. This may result in this Policy being amended or replaced with a new policy.

Council reserves the right to request names and addresses of respondents making submissions to any public consultation, depending on the nature of the project or initiative subject of the consultation.

If the Policy requires an amendment and the proposed changes are considered significant, the Policy will be subject to public consultation as per the requirements of section 50 (5) and (6) of the Act.

If an amendment is required to the Policy that is considered by Council to be of 'minor significance that would attract little (or no) community interest', Council reserves the right not to go out to public consultation as per section 50 (7) of the Act.

Review history:

This Policy was approved by Council 8 May 2018.

Contact:

For further information contact the Marketing & Communications Program.

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Table 1

Statutory Compliance with Local Government Act 1999 (SA)

Legend

1. Representation Review: Composition and Wards – Options Paper (Sec. 12)
- 1a. Representation Review: Composition and Wards – Representation Review Paper (Sec.12)
2. Status of Council/change of name (Sec. 13)
3. Council Office: Opening hours (Sec. 45)
4. Public Consultation Policies (Sec. 50)
5. Code of Practice: Access to meetings and documents (Sec. 92)
6. Annual Business Plan (Sec.123)
7. Rates and charges: Change to Basis of Rating Report (Sec.151)
8. Rating: Differential Rates (Sec. 156)
9. Community Land: Exclusion from Classification (Sec. 193)
10. Community Land: Revocation of Classification (Sec.194)
11. Community Land: Management Plans (Sec. 197)
12. Amendment or revocation of management plans² (Sec.198)
13. Community Land Alienation by lease or licence³ (Sec 202)
14. Control of work on roads: Public Consultation (for granting of authorisations/permits) (Sec.223)
15. Trees⁴ (Sec. 232)
16. Passing by-laws (Sec. 249)
17. Councils to Develop Policies (power to make orders) (Sec.259)

2 Public consultation is not required under section 198(3) if the amendment has no impact or no significant impact on the community.

3 Public consultation is not required under section 202 if the grant of a lease or licence is authorised in an approved management plan for the land and the term is five (5) years or less; or the regulations provide for an exemption from compliance with the public consultation policy.

4 Public consultation is only required if the Council considers that the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area.

Consultation steps	1	1a	2	3	4	5
1. Council will provide public notice of the options for consideration	✓		✓	✓	✓	✓
2. Information provided on a City of Adelaide Corporate Website	✓	✓		✓	✓	✓
3. Information is available for viewing in Council Centres (without charge) or for purchase (for a fixed fee) in the Customer Centre	✓	✓		✓	✓	✓
4. Notice published in a local newspaper circulating in the City of Adelaide	✓	✓	✓	✓	✓	✓
5. Provide min 21 days for people to make submissions to Council (unless stated)	✓ 6 weeks	✓ 3 weeks	✓ 6 weeks	✓	✓ 1 month	✓
6. Receipt of submissions by City of Adelaide	✓	✓	✓	✓	✓	✓
7. Submissions to be considered by Council in decision making	✓	✓	✓	✓	✓	✓
8. Inform public of outcome	✓	✓		✓	✓	✓
9. Public meeting (as determined by relevant legislation)						
10. Provide opportunity for people who may be affected to be involved						
11. Provide opportunity or people to attend Council meeting or Council committee meeting	✓	✓	✓			
12. Submit report and proposal/other to Minister or Government Department as required	✓	✓				
13. Submissions to be considered in decision making under delegation						
14. Council may require the applicant to carry out certain consultation to notify any potentially effected stakeholders of the proposal						
15. Council may request written confirmation of the consultation undertaken by the applicant in this regards to the satisfaction of the approving officer						

Key: ✓ Consultation steps required by the Act

Consultation steps	6	7	8	9	10	11
1. Council will provide public notice of the options for consideration	✓	✓	✓	✓	✓	✓
2. Information provided on a City of Adelaide Corporate Website	✓	✓	✓	✓	✓	✓
3. Information is available for viewing in Council Centres (without charge) or for purchase (for a fixed fee) in the Customer Centre		✓	✓	✓	✓	✓
4. Notice published in a local newspaper circulating in the City of Adelaide	✓	✓	✓	✓	✓	✓
5. Provide min 21 days for people to make submissions to Council (unless stated)	✓	✓	✓	✓	✓	✓
6. Receipt of submissions by City of Adelaide	✓	✓	✓	✓	✓	✓
7. Submissions to be considered by Council in decision making	✓	✓	✓	✓	✓	✓
8. Inform public of outcome	✓	✓	✓	✓	✓	✓
9. Public meeting (as determined by relevant legislation)	✓	✓	✓			
10. Provide opportunity for people who may be affected to be involved						
11. Provide opportunity or people to attend Council meeting or Council committee meeting	✓					
12. Submit report and proposal/other to Minister or Government Department as required					✓	
13. Submissions to be considered in decision making under delegation						
14. Council may require the applicant to carry out certain consultation to notify any potentially effected stakeholders of the proposal						
15. Council may request written confirmation of the consultation undertaken by the applicant in this regards to the satisfaction of the approving officer						

Key: ✓ Consultation steps required by the Act

Consultation steps	12	13	†14	15	16	17
1. Council will provide public notice of the options for consideration	✓	✓		✓	✓	✓
2. Information provided on a City of Adelaide Corporate Website	✓	✓	✓	✓	✓	✓
3. Information is available for viewing in Council Centres (without charge) or for purchase (for a fixed fee) in the Customer Centre	✓	✓		✓	✓	✓
4. Notice published in a local newspaper circulating in the City of Adelaide	✓	✓	✓	✓	✓	✓
5. Provide min 21 days for people to make submissions to Council (unless stated)	✓	✓	✓	✓		✓
6. Receipt of submissions by City of Adelaide	✓	✓	✓	✓	✓	✓
7. Submissions to be considered by Council in decision making	✓	✓		✓	✓	✓
8. Inform public of outcome	✓	✓		✓	✓	✓
9. Public meeting (as determined by relevant legislation)						
10. Provide opportunity for people who may be affected to be involved						
11. Provide opportunity or people to attend Council meeting or Council committee meeting						
12. Submit report and proposal/other to Minister or Government Department as required						
13. Submissions to be considered in decision making under delegation			✓			
14. Council may require the applicant to carry out certain consultation to notify any potentially effected stakeholders of the proposal			✓			
15. Council may request written confirmation of the consultation undertaken by the applicant in this regards to the satisfaction of the approving officer			✓			

Key: ✓ Consultation steps required by the Act † Section 223: Public Consultation

With regards to Section 223 public consultation is required for the granting of an authorisation or permit when the proposed activity 'would result in any part of a road being fenced, enclosed or partitioned so as not to impede the passage of a traffic to a material degree' or 'in relation to a use or activity for which public consultation is required under the regulations'.

Council's criteria for what is considered 'material degree' is set out in its City Works Guidelines (page 18 – Consultation with Adjoining Building Owners and Occupiers).



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