



Community Consultation Policy

Policy Type:	Policy		
Approved By:	Council	Decision No:	0744/2015, 0508/2020
Approval Date:	23 November 2015	Last Reapproval Date:	27 April 2020
Review Date:	April 2022	Internal Reference No.:	
Department:	Business Excellence	Division:	Community Experience & Relationships
Function:	9 - Governance	Responsible Officer:	Manager, Community Experience & Relationships

A - PREAMBLE

1. The City of Salisbury is strongly committed to open, accountable and responsive decision making, which is informed by effective engagement, communication, and consultation between the Council and the Community.
2. In support of this Council has an endorsed Community Experience Charter which commits Council to work with the Community to deliver exceptional Community experience that exceeds Community expectations and delivers a future that we can all be proud of.
3. In the Community Experience Charter, our vision, “a flourishing city for all” is supported by our values – respectful, accountable, collaborative and helpful.
4. The requirements for preparation, adoption and alteration to a Council’s Public Consultation Policy are detailed in Section 50 of the Local Government Act 1999 (the Act).

B - SCOPE

5. This Community Consultation Policy (the Policy) has been prepared pursuant to Section 50 of the Act and sets out the steps the Council will take:
 - where it is required by the Act to follow its public consultation policy;
 - in encouraging Community involvement in planning and decision making relating to Council programs and service delivery
 - where other legislation prescribes consultation processes, where those processes will be followed as a minimum and the Policy will be applied to any discretionary elements of such consultation
6. The Community Consultation Procedure will be utilised by Staff and Elected Members in the application of this Policy when undertaking Community Engagement and Consultation.

7. In the application of this Policy, Council will conduct all consultation processes in an independent manner to enable Community members and stakeholders to participate and express their views freely.

C – POLICY PURPOSE/OBJECTIVES

8. The purpose of this Policy is to recognise the diversity of our local people and their communities and ensure any consultation is designed to best meet the needs of the Community and Council to achieve the following outcomes:
 - Establishing engaging and sustainable partnerships;
 - Building the wellbeing and a sense of pride among our people;
 - Developing a commitment to continuous improvement in our approach to engagement; and
 - To develop effective and ongoing engagement between Council and the local Community.
9. The following Community Engagement principles are central to the City of Salisbury’s approach to the Community consultation processes:
 - Participation: Council views all members of its Community as being citizens and recognises that citizenship grows and develops with the participation of citizens in democratic processes
 - Respect: Council values and respects the diversity of the Community of the City of Salisbury and believes that all citizens have the right to be consulted and to participate in Council’s consultative and decision-making processes.
 - Partnership: Council will work in partnership with the Community to shape the future of the City of Salisbury because it believes that the City’s future is best achieved through an active and informed citizenry.
 - Wellbeing: Council believes that Community wellbeing, vibrancy and sustainability are enhanced by citizens participating in Council’s decision-making process.
 - Accountability: Council is accountable to its Community through Community participation and engagement for the management of its resources, assets and expenditure and for the decisions it makes.
 - Accessibility: Council recognises that there are a number of groups within the Community who have particular requirements to enable them to participate effectively in decision making processes. Council will ensure that any barriers to effective Community participation and engagement are addressed.
10. In applying this Policy, Council will utilise its Community Engagement Framework to enable a consistent and effective approach to consultation by its staff.

D – DEFINITIONS

11. The Act refers to the *Local Government Act 1999* unless otherwise specified.

12. Community Consultation is the process Councils undertake to obtain community views on issues as an input to decision making. The Act requires Council to adopt a public consultation policy and apply it when consulting on particular matters.
13. Community Engagement is an all-encompassing term that incorporates all forms of community participation in decisions that affect them. The International Association for Public Participation (IAP2) identifies and defines differing levels of Community Engagement on a spectrum. These are inform, consult, involve, collaborate and empower. These underpin the approach behind the City of Salisbury's Community Engagement Framework.
14. Policy refers to the City of Salisbury's Community Consultation Policy.
15. For the purposes of this Policy, the term 'Community' includes anyone who lives, works, studies, owns property or a business or is a visitor to the City of Salisbury.

E - POLICY STATEMENT

Council will:

16. Follow the steps listed in Section G of this Policy when undertaking Community Consultation to meet its public consultation policy obligations under the Act. Staff may choose to undertake additional consultation if it is appropriate for particular circumstances.
17. Provide opportunities for Elected Members to engage with the Community through planned and unplanned opportunities, to meet their obligations under section 59 (1)(b) of the Act '...to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.'
18. Without limiting item 16, Elected Members' roles in participating in formal consultation processes outlined under Section F item 28 of this policy, will be limited to that of observers, not facilitators, to maintain a level of independence in any formal consultation process of Council.
19. Be clear with the community about the purpose of any consultation activity and provide details of the process of consulting and any known constraints.
20. Use various tools and techniques, including social media, to support effective Community Consultation and engagement to achieve the outcomes outlined in Section C. Council staff, aided by the Manager, Community Experience & Relationships, will apply the Community Engagement Charter Framework to decide what tools and techniques are appropriate on a case by case basis and in alignment with the requirements of the Council's Media Policy
21. With each separate consultation, identify how comments/submissions/representations will be accepted by Council as part of the Community Consultation process.
22. Provide timely feedback to participants who have been involved in the consultation activities.
23. Integrate consultation activities across the organisation to minimise duplication of effort, resources and the risk of 'over consultation'.
24. Refer information from consultations and outcomes onto other areas of Council for further use and action as appropriate.
25. Design consultation processes that best meet the needs of the local community and Council, including the consideration of accessibility for disengaged, disadvantaged and hard to reach groups.
26. Provide quality information to its Community so that consultation is conducted in an informed atmosphere of shared knowledge and mutual respect.

27. Evaluate all Community Consultation for continuous improvement.
28. Consult when:

Beyond its legislative obligations, Council will seek to uphold the intent of this Policy whenever consultation is warranted. Where this is the case, the Manager Community Experience and Relationships and the Community Experience Charter Framework should be referred to for advice and direction.

F – LOCAL GOVERNMENT ACT 1999 REQUIREMENTS

29. In circumstances where the Act specifically requires reference to a Council's public consultation policy, then Council will comply with the Act, in particular with regard to:
- a) Principal Office – Opening hours (section 45)
 - b) Code of Practice – Access to meetings and documents (section 92 (5)(b))
 - c) Annual Business Plans and Budgets (section 123)
 - d) Basis of Rating (section 151)
 - e) Basis of differential rates (section 156)
 - f) Community Land – Exclusion from classification (section 193)
 - g) Community Land – Revocation of Classification (section 194 (2))
 - h) Community Land – Management Plans (section 197 (1)(2)(3))
 - i) Community Land – Alienation by lease or licence (section 202)
 - j) Roads – Permits restricting access, or for use or activity requiring public consultation under regulations (section 223)
 - k) Roads – Planting of trees and vegetation (section 232)
30. The steps to be followed when consulting on the above matters are outlined in section G of this Policy and Appendix A.
31. When a matter under Council's consideration is not specifically required by the Act to follow the steps set out in its Public Consultation Policy, but specific sections within the Act do require that certain public consultation steps must be followed, Council will be guided by this Policy and the steps outlined in the relevant section of the Act. This will apply to:
- Representative Reviews (section 12)
 - Status of a council/change of names (section 13)
 - Commercial Activities – Prudential Requirements (section 48)
 - Strategic Management Plans (section 122 (6))
 - Passing of By-laws (section 249)
 - Policies on Orders (section 259)
32. Where there are legislative requirements for consultation under other legislation, then these take precedence over the Policy, in so far as if there is any inconsistency.
33. In circumstances where there is no requirement to follow relevant legislated practices, Council staff will approach and undertake consultation in a manner that is consistent with the scope and principles of this Policy and those of the Council's Media Policy.
34. The consultation requirements for each of the matters set out above are provided in detail in Appendix A of this Policy. These are the minimum requirements and where considered appropriate additional steps may also be undertaken.

G – PUBLIC CONSULTATION STEPS AS REQUIRED UNDER THE ACT

- 35.** For each matter listed in Section F, section 28, Council staff will:
- 35.1.** Prepare a document that sets out Council's proposal in relation to the matter; and
- 35.2.** Publish a notice:
- describing the matter under consideration;
 - in newspapers circulating within the area of the Council; and
 - inviting interested persons to make submissions within a period stated in the notice (being at least 21 days).
- 36.** When submissions have been received by the specified date, Council staff will:
- 36.1.** Summarise and analyse the information;
- 36.2.** Prepare a report for Council or the relevant Council Committee which:
- summarises the Community Consultation outcomes;
 - presents the information in the broader context of the matter under consideration;
 - makes recommendations for Council or the Committee to consider when deciding on the matter/s; and
 - is included on the agenda for the next available Council or Committee meeting.
- 37.** Council will consider the report and relevant recommendation/s and decide on the matter/s.
- 38.** The right to address Council or a Committee of Council by way of deputation in support of any submission may be granted at the discretion of the Mayor or Presiding Member, unless otherwise prescribed in the relevant legislation.

Document Control

Document ID	Community Consultation Policy
Prepared by	Julie Kushnir
Reviewed by	Council
Release	
Document Status	Endorsed
Date Printed	

Appendix A

Public Consultation – Schedule of Requirements: for matters *where Council is specifically required* by the *Local Government Act 1999* to follow the steps set out in its Public Consultation Policy (Listed in Section F, item 28 of this Policy).

Matter	Section of the Act	Summary of Community Consultation Steps
<p>a) <u>Principal Office – Opening hours</u> Council should consult with its local community in accordance with this 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 those arrangements. Note: the principal office of the City of Salisbury is at 34 Church Street, Salisbury, SA 5108.</p>	s. 45	<p>As per the steps set out in section G of this Policy.</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary. .</p>
<p>b) <u>Code of Practice – Access to meetings and documents</u> Before Council adopts, alters or substitutes a Code of Practice (on public access to Council and Committee Meetings and release of documents) it must follow the steps in this Policy.</p>	s. 92 (5)(b)	<p>As per the steps set out in section G of this Policy, with the addition of:</p> <ul style="list-style-type: none"> • Before Council adopts, alters or substitutes a code of practice under this section it must make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase at the Council’s principal office.
<p>c) <u>Annual Business Plans and Budgets</u> Before Council adopts an annual Business Plan, Council must prepare a draft annual business plan and follow the steps in this policy.</p>	s. 123(3), (4), 5 and 5(a)	<p>As per the steps set out in section G of this Policy. In addition, the consultation process must provide at least for the following:</p> <ul style="list-style-type: none"> • The publication in a newspaper circulating within the area of the Council and on a website determined by the chief executive officer of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons - <ul style="list-style-type: none"> • to attend: <ul style="list-style-type: none"> - a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or - a meeting of the Council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of a least one hour; or • to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and • Council must make arrangements for a meeting and the consideration of any submissions made at that meeting or in response to the invitation, including ensuring copies of the draft annual business plan are available at the meeting for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the date of that meeting. • Council must ensure that provision is made for a facility for asking and answering questions and the receipt of submissions on its website during the community consultation period. <p>Notice No. 2 of the Local Government Act removes mandatory</p>

Matter	Section of the Act	Summary of Community Consultation Steps
		public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.
<p>d) <u>Basis of Rating</u> 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 by declaring or imposing a separate rate, service rate or service charge on any land Council must follow the steps in this Policy.</p>	s. 151(5)	<p>As per the steps set out in section G of this Policy.</p> <p>In addition, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change and inviting interested persons to attend a community meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; • Organise a community meeting and the consideration by the Council of any submissions made at that meeting or in response to the invitation; • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council at least 21 days before the end of the period for community consultation. <p>Note: A Report required under subsection (5)(d) may form part of the Council's draft annual business plan (and that plan as adopted) and the community consultation may be undertaken as part of the community consultation required with respect to the Council's draft annual business plan.</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>

Matter	Section of the Act	Summary of Community Consultation Steps
<p>e) <u>Basis of differential rates</u> Differential rates may vary according to the use of land; locality of the land; locality of the land and its use; or on some other basis determined by Council. Before Council changes from declaring differential rates in relation to any land it must follow the steps in this Policy.</p>	<p>s. 156 (14a) and (14d)</p>	<p>As per the steps set out in section G of this Policy. In addition, as part of the consultation process, Council must:</p> <ul style="list-style-type: none"> • Prepare a report on the proposed change; • Publish a notice, in a newspaper circulating within the area of the Council, describing the proposed change, informing the community of the preparation of the report and inviting interested persons to attend a community meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; • Organise a community meeting and the consideration by Council of any submissions made at that meeting or in response to the invitation. • Ensure copies of the report are available at the meeting and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council at least 21 days before the end of the period for community consultation. <p>Note: A Report required under subsection (14a)(a) may form part of the Council's draft annual business plan (and that plan as adopted) or a report prepared for the purposes of section 151(5)(d) and the community consultation may be undertaken as part of the community consultation required with respect to the Council's draft annual business plan or consultation under section 151(7).</p> <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>
<p>f) <u>Community Land – Exclusion from classification</u> Before the Council resolves to exclude land from classification as community land under subsection (1)(a), it must follow the steps in this Policy.</p>	<p>s. 193(2)</p>	<p>As per the steps set out in section G of this Policy.</p>
<p>g) <u>Community Land – Revocation of Classification</u> Council may (subject to the exceptions and qualifications set out in section 194 of the Act) revoke the classification of land as community land. In addition to the procedure outlined in the Act which Council must undertake, Council must also follow the steps in this Policy.</p>	<p>s. 194 (2)</p>	<p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Consult with Ward Councillors on the process to be followed, in accordance with Council's Community Consultation Policy. • Send letters to property owners in the area who are likely to be affected, inviting interested persons to make submissions for Council's consideration. Letters to property owners will be descriptive, informative and explanatory in terms of the reasons and purposes for the proposal. • Erect a sign on the reserve and/or land the subject of the revocation to advise of the proposal and the consultation process being followed. <p>In addition, as part of the revocation process, Council must prepare and make publicly available a report on the proposal</p>

Matter	Section of the Act	Summary of Community Consultation Steps
		<p>containing:</p> <ul style="list-style-type: none"> • A summary of the reasons for the proposal; and • A statement of any dedication, reservation or trust to which the land is subject; and • A statement of whether revocation of the classification is proposed with a review to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the Council proposes to use the proceeds; and • An assessment of how implementation of the proposal would affect the area and the local community; and • If the council is not the owner of the land – a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification. <p>After complying with the above requirements Council must:</p> <ul style="list-style-type: none"> • Submit the proposal with a report on all submissions made on it as part of the community consultation process to the Minister; and • If approved by the Minister, may make a resolution revoking the classification of the land as community land.
<p>h) <u>Community Land – Management Plans</u> Before Council adopts a management plan for community land it must follow the steps in this Policy.</p>	<p>s. 197 (1), (2) and (3)</p>	<p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Make copies of the proposed plan available for inspection or purchase at the Council’s principal office. • Give public notice of its adoption of a management plan.
<p>i) <u>Community Land – Alienation by lease or licence</u> Before Council may grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve) it must follow the steps in this Policy.</p>	<p>s. 202</p>	<p>As per the steps set out in section G of this Policy. Note that: a council need not comply with these requirements if:</p> <ol style="list-style-type: none"> (a) the grant of a lease or licence is authorized in an approved management plan for the land/and or the term of the proposed lease or license is five years or less (b) the regulations provide in the circumstances of the case, for an exemption from compliance with a community consultation policy.
<p>j) <u>Roads – Permits restricting access, or for use or activity requiring community consultation under regulations</u> If Council proposes to grant an authorisation or permit that confers a right of exclusive occupation; or that would have the effect of restricting access to a road; or in relation to a use or activity for which community consultation is required under the regulations, then Council must follow the steps in this Policy.</p>	<p>s. 223</p>	<p>As per the steps set out in section G of this Policy. In addition, Council must:</p> <ul style="list-style-type: none"> • Give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.

Matter	Section of the Act	Summary of Community Consultation Steps
<p>k) <u>Roads – Planting of trees and vegetation</u> Before Council plants vegetation, or authorises or permits the planting of vegetation on a road, Council must follow the steps in this policy. Council must also (in addition to complying with any other statutory requirements) give consideration to:</p> <ul style="list-style-type: none"> • whether the vegetation is, on balance, appropriate to the proposed site, and • if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area. 	s. 232	As per the steps set out in section G of this Policy.

Public Consultation – Schedule of Requirements: for matters *where Council is not specifically required* by the *Local Government Act 1999* to follow the steps set out in its Public Consultation Policy, but is required to comply with community consultation steps as set out in the relevant sections of the Act.

Matter	Section of the Act	Summary of Community Consultation Steps
<p><u>Composition and wards / Representation Reviews</u> A Council may, by notice in the Gazette after complying with the requirements of s.12:</p> <ul style="list-style-type: none"> • alter the composition of the Council; or • divide, or redivide the area of the Council into wards, alter the divisions of the area of the Council into wards, or abolish the division of the area of a Council into wards; or • change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; or • alter the name of the council or area of the council; • give a name to, or alter the name of, a ward 	s. 12	<p>Council must:</p> <ol style="list-style-type: none"> 1. <u>Prepare a <i>Representation Options Paper</i></u> <ul style="list-style-type: none"> • By public notice, published in a newspaper circulating within its area, inform the community of the preparation of the Representation Options Paper and invite written submissions on the subject of the review within a period specified by the Council (being a period of at least 6 weeks) • Ensure copies of the Representation Options Paper are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council during the period of consultation. 2. <u>Prepare a <i>Report</i></u> <ul style="list-style-type: none"> • Make copies of the Report available for community inspection at the principal office of the council; and • By public notice, published in a newspaper circulating within its area, inform the community of the preparation of the report and its availability and invite written submissions on the report within a period specified by Council (being a period of at least 3 weeks). • Give any person who makes a written submission an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions. 3. <u>Finalise the <i>Report</i></u> <ul style="list-style-type: none"> • Submit the report, accompanied by copies of written submissions received, to the Electoral Commissioner for certification.

Matter	Section of the Act	Summary of Community Consultation Steps
<p><u>Status of a Council/Change of Names</u></p> <p>A Council may, by notice in the Gazette, after complying with the requirements of s.13:</p> <ul style="list-style-type: none"> change the Council from a municipal council to a district council, or change the Council from a district council to a municipal council; or alter the name of the council or area of the council; or alter the name of a ward. 	s. 13	<p>Council must:</p> <ul style="list-style-type: none"> Give public notice of the proposal inviting interested persons to make written submissions on the matter within a period specified by the Council (being at least 6 weeks); Publish a copy of the notice in a newspaper circulating within its area; Give any person who makes a written submission in response to an invitation to do so an opportunity to appear personally or by representative before the Council or a Council Committee and to be heard on those submissions.
<p><u>Commercial Activities – Prudential Requirements</u></p> <p>Before engaging in:</p> <ul style="list-style-type: none"> a commercial project (including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the expected recurrent or capital expenditure of the project exceeds an amount set by council for the purposes of s.48; or; Any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body) where the expected expenditure over the ensuing 5 years is likely to exceed 20 per cent of the Council's average operating expenses over the previous five financial years or where the expected capital costs over the ensuing five years is likely to exceed \$4,000,000 <p>Council must obtain and consider a report that addresses the prudential issues specified in s.48(2).</p>	s. 48	<p>Any report obtained and considered must be made available for community inspection at the principal office of the Council once the Council has made a decision on the relevant project (and may be available at an earlier time unless the Council orders that the report be kept confidential until that time).</p>
<p><u>Strategic Management Plans</u></p> <p>Council must develop and adopt plans (which may take various forms) for the management of its area, to be called collectively the <i>strategic management plans</i>.</p>	s. 122(6)	<p>Council must adopt a process or processes to ensure that members of the community are given a reasonable opportunity to be involved in the development and review of its strategic management plans.</p> <p>Council must ensure that copies of its strategic management plans are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the community at the principal office of the Council.</p>
<p><u>Passing of By-laws</u></p> <p>Council must comply with specific consultation requirements if it proposes to make a by-law.</p>	s. 249	<p>Council must:</p> <ul style="list-style-type: none"> at least 21 days before resolving to make a by-law, 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 community inspection, without charge and during ordinary office hours, at the principal office of the Council and on the internet; and at least 21 days before resolving to make a by-law, by publication of a notice in a newspaper circulating in the area of the Council, inform the community of the availability of

Matter	Section of the Act	Summary of Community Consultation Steps
		<p>the proposed by-law and set out the terms of the by-law, or describe in general terms the by-law's nature and effect</p> <ul style="list-style-type: none"> • Give reasonable consideration to a written or other acceptable submission made • Once a by-law has been made, publish a notice of the making of a by-law in a newspaper circulating in the area of the Council <p>Notice No. 2 of the Local Government Act removes mandatory public meetings from the public consultation requirements of that Act for as long as Notice No. 2 remains in force and as such, are temporary.</p>
<p><u>Policies on Orders</u> Council must take reasonable steps to prepare and adopt policies concerning Orders.</p>	s. 259	<p>Council must:</p> <ul style="list-style-type: none"> • Prepare a draft of the Policy • by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks). • Consider submissions made in response to the invitation. • Before adopting an amendment to a Policy, by publication of a notice in a newspaper circulating in the area of the Council, give notice of the place or places at which copies of the amended policy are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) and invite interested persons to make written representations on the draft within a period specified by the Council (being a period of at least 4 weeks). Consider submissions made in response to the invitation.