



WHYALLA CITY COUNCIL

WHYALLA

PUBLIC CONSULTATION POLICY	
Type	Governance
GDS Category	Governance – Public
Responsible Officer	Chief Executive Officer
Policy Adopted	Special Review and Adoption – April 2020
Review Period	To be reviewed within 12 months after a General Election, in line with any legislative changes or by resolution of Council
Last Reviewed	January 2019
Policy Version Number	6
Applicable Legislation	<ul style="list-style-type: none">• Local Government Act 1999, Section 50• Public Access and Public Consultation Notice (No 2) 2020
Related Documents	<ul style="list-style-type: none">• Whyalla Council’s Risk Management Policy• Whyalla Council’s Risk Framework• Public Consultation Policy Schedule I• Local Government Association’s Handbook of Public Participation
Purpose	The Policy sets out the ways in which the community can be involved in governance and decision-making, through an effective public consultation process and therefore meeting the requirements of the <i>Local Government Act 1999</i> .

BACKGROUND

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to Section 87 of the South Australian Public Health Act 2011, declared that an emergency which threatens to cause the death of or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Coordinator for the State of South Australia declared, pursuant to section 23 of the Emergency Management Act 2004, that a Major Emergency is occurring in respect to the outbreak of the Human Disease named COVID-19 within South Australia.

On 8 April 2020 the Minister of Transport, Infrastructure and Local Government issued a notice pursuant to Section 302B of the Local Government Act 1999, the Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.

For the period Notice 2 has effect (as provided for in Notice 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.

For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the Local Government Act 1999.

PART 1 – POLICY STATEMENT

1. INTRODUCTION

The Whyalla City Council is committed to open, accountable and responsive decision-making, which is informed by effective communication and consultation between the Council and the community.

This Policy confirms Council's commitment to facilitate effective consultation with its community and encourages community involvement through partnerships in planning and decision-making. It sets out the steps Council will take in relation to public consultation and ensures that the most cost-effective method of informing and involving the community and identifies the objective of the engagement and the suitable level of engagement.

In carrying out its consultation process, the Council applies the following principles:

1. Members of the community have a right to be informed about issues affecting their area and their lives and to influence Council's decisions about these;
2. Community interest will vary depending on the issue and the number of people affected, and Council's level of consultation will reflect this;
3. Community involvement in Council decision-making should result in greater confidence in the Council and responsive decision making;
4. Council decision-making will be open, transparent and accountable.

2. POLICY OBJECTIVE

The purpose of this policy is to set out the ways in which the community can be involved in governance and decision-making, through an effective public consultation process, and therefore meeting the requirements of the *Local Government Act 1999*.

Active participation in consultation opportunities will assist both the community and the Council in creating awareness of issues in future Policy formulation, as well as the numerous administrative and governance decisions required in the operation and management of the Whyalla City Council.

Council must prepare and adopt a Public Consultation Policy in accordance with Section 50 of the *Local Government Act 1999*, which sets out the procedure that the Council will follow in cases where the Act requires that a Council must follow its Public Consultation Policy.

PART 2 – POLICY PROCEDURE**3. PROCEDURE**

- 3.1 The objectives of this Policy are:
- 3.1.1 to promote positive relations between the Council and its community.
 - 3.1.2 to seek and take account of the views, issues and aspirations expressed by the community and other stakeholders as required by the Act;
 - 3.1.3 to pursue creative, relevant, engaging and cost effective means of seeking and receiving feedback, as well as providing information to the community;
 - 3.1.4 give due and appropriate consideration to feedback received from consultation in conjunction with implications and outcomes, especially in respect of budget commitments, and other legislative constraints and considerations.
 - 3.1.5 to recognise that different issues require different forms of consultation as outlined in the IAP2 public participation spectrum.
- 3.2 This Policy is underpinned by the following principles, which are believed to be central to effective public consultation. The Council will:
- 3.2.1 identify potential stakeholders in each specific circumstance;
 - 3.2.2 ensure information is easily understood and accessible to identify stakeholders, and include contact details for obtaining further information in all communication;
 - 3.2.3 clearly define the framework of the consultation process for each specific topic and the level of engagement required;
 - 3.2.4 listen to and respond to community views in a balanced way, taking into account all submissions whatsoever;
 - 3.2.5 promote Council decision-making which is open, transparent, responsive and accountable to the community;
 - 3.2.6 keep records and provide feedback about the reasons for decisions, where relevant;
 - 3.2.7 review and evaluate the consultation process to assess if it met aims and goals, what worked well, what could be improved and if resources were well utilised as a basis for continuous improvement;
 - 3.2.8 review and evaluate its Public Consultation Policy to ensure ongoing improvement in the way it involves the community and its statutory decision-making process.

3.3 The Act often requires Council to follow its ‘public consultation policy’ in its decision-making process.

Under the Local Government Act, Council is required to undertake particular types or levels of consultation (as a minimum) in relation to the following:

- Determining the manner, places and times of its principal office (Section 45)
- Adopting or varying a public consultation policy (Section 50)
- Altering a Code of Practice relating to the principles, policies and procedures that Council will apply to enable public access to Council and Committee Meetings, their minutes and release of documents (Section 92)
- Adopting Strategic Management Plans (Section 122)
- Adopting Annual Business plans and budgets (Section 123)
- Excluding land from classification as community land (Section 193)
- Revoking the classification as community land (Section 194)
- Adopting, amending or revoking a management plan for community land (Section 197)
- Amending or revoking a management plan for community land (Section 198)
- Alienating of community land where the management plan does not allow it (Section 202)
- Alienating roads (Section 223)
- Planting vegetation where it will have a significant impact on residents, the proprietors or nearby residents (Section 232)
- Proposing to remove trees and road construction projects
- Carrying out representation reviews (Section 12(5))
- Considering a change of status of Council or name change (Section 13)
- Carrying out commercial activities – Prudential Arrangements (Section 48)
- Making By-Laws (Section 249)
- Making Orders (Section 259)

For details of the specific requirements under these sections, refer to the specified sections of the Local Government Act.

Other consultation and engagement methods may include:

- Publication in a regular newsletter
- Letters to residents and other stakeholders
- Other direct mail publications or letterbox drops, as appropriate
- Advertising in media outlets as deemed appropriate
- Media releases to appropriate media outlets and community groups
- Community forums and stakeholder meetings
- Direct consultation with community representative groups
- Active and passive use of Council’s website and social media
- Use of community email data-base
- Customer surveys
- Fixed displays, eg community notice boards
- Community group representations to Council workshops

- 3.4 The following process will be undertaken by Council to fulfil the requirements of this Policy:
- 3.4.1 The Council will identify a range of options available to it, to communicate information to a range of interested persons (including the general public) and invite submissions. Gathering information and opinions assist Council in its decision-making in the community.
 - 3.4.2 As a minimum, the Council will publish a notice in the local Whyalla Newspaper and Council's website (www.whyalla.sa.gov.au), describing the matter for which public consultation is required, and inviting interested persons to make written submissions to Council within a period of at least 21 days from the date of notice. This period may be extended, as approved by Council, on a case by case basis.
 - 3.4.3 In addition to the above, other options which the Council may choose to utilise to engage, communicate information and invite submissions, include:
 - 3.4.3.1 letter/survey drops to residences, owners and occupiers (where appropriate)
 - 3.4.3.2 telephone access line and/or the Internet/Council website
 - 3.4.3.3 media releases to radio, television and the print media
 - 3.4.3.4 letters to stakeholders
 - 3.4.3.5 erection of signage on properties subject to revocation proposal of the classification of community land
 - 3.4.3.6 registered mail
 - 3.4.3.7 social media platforms
 - 3.4.3.8 email (interest) distribution groups
 - 3.4.3.9 article in Council's newspaper
 - 3.4.3.10 or any other means as determined by Council
 - 3.4.4 Any step taken by the Council in addition to the minimum requirement set out above, will be at the absolute discretion of the Council, and dependent upon the particular topic or issue under consideration, the resources available to the Council, and the level of interest the topic or issue is likely to generate.
- 3.5 This Policy will apply to Council Elected Members, staff, contractors, agents and consultants to the Council.
- 3.6 Any alteration or substitution of this Policy with a new Policy will require public consultation, unless the Council determines that the alteration or substitution is only of minor significance and would attract little or no community interest.

- 3.7 This Policy will be available for inspection at the Council’s principal office during ordinary business hours at no charge and is also located on Council’s website (www.whyalla.sa.gov.au). Copies of this Policy may be obtained upon request at a cost to be determined from time to time by the Council.

4. FURTHER INFORMATION

This policy will be available for inspection at the Council office (Civic Building, Darling Terrace, Whyalla) and during ordinary business hours and available to be downloaded, free of charge, from the Council’s website: www.whyalla.sa.gov.au.

SCHEDULE 1
CONSULTATIONS UNDER LOCAL GOVERNMENT ACT 1999

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>S.12 COMPOSITION AND WARDS</p> <p>A comprehensive review to be conducted at least once every 8 years</p>	<p>Representation Option Paper</p> <ul style="list-style-type: none"> • Public Notice <ul style="list-style-type: none"> ○ of the preparation of the representation options paper, and ○ inviting written submissions within a minimum period of 6 weeks • Copy of notice to be published in newspaper circulating within its area 	<p>Conduct the review and</p> <ul style="list-style-type: none"> • Decide if more than 6 weeks will be allowed • Prepare and issue a Public Notice • Prepare and Issue an Area Notice • Establish a process for receiving submissions and allowing representations
	<ul style="list-style-type: none"> • Public Notice <ul style="list-style-type: none"> ○ Informing public of the preparation and availability of the report, and ○ Inviting written submissions within a minimum 3 week period • Copy of notice to be published in newspaper circulating within its area • 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 • Council must then finalise its report and refer to the Electoral Commissioner 	<p>Prepare a report and:</p> <ul style="list-style-type: none"> • Decide if more than 3 weeks will be allowed • Allow Public Inspection • Prepare and issue a Public Notice • Prepare and issue an Area Notice • Establish a process for receiving submissions and allowing presentations • Finalise the report and submit to the Electoral Commissioner
	<p>Commissioner is not satisfied</p>	<p>Consider its position and reach an agreement with the Commissioner. If the negotiation involves a variation to Council's report it will repeat the consultation process unless Council determines that the variation is of a minor nature</p>
	<ul style="list-style-type: none"> • Commissioner issues a certificate • Publish an appropriate notice in the Gazette by the day specified by the Commissioner 	

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.13 CHANGE OF THE STATUS OF A COUNCIL OR CHANGE OF VARIOUS NAMES	<p>When contemplating changes under this section a Council must:</p> <ul style="list-style-type: none"> 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. 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. 	<p>Decide if more than 6 weeks will be allowed and:</p> <ul style="list-style-type: none"> Prepare and issue a Public Notice Prepare and issue an Area Notice Establish a process for receiving submissions and allowing representations Consider the submissions and decide on the outcome If a change is to be made, prepare and issue a Gazette Notice
S.45 PRINCIPAL OFFICE	<p>Council must nominate a place as their Principal Office and;</p> <ul style="list-style-type: none"> Must consult with its community, in accordance with its public consultation policy, regarding manner, places and times at which its offices will be open for the transaction of business and about any significant changes to these arrangements. 	<p>Allow 3 weeks for submissions which may be written or oral and:</p> <ul style="list-style-type: none"> Prepare and issue an Area Notice inviting submissions Establish a process for receiving submissions Prepare a report to Council, which incorporates agreed aspects of the consultation Council to adopt the changes Prepare and issue an Area Notice advising of the altered arrangements Implement the new arrangements

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.48 PRUDENTIAL REQUIREMENTS FOR CERTAIN ACTIVITIES	<p>Before engaging in activities under this section the Council must prepare a report that addresses prudential issues and such report must include:</p> <ul style="list-style-type: none"> • The level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them • The means by which the community can influence or contribute to the project or its outcome. <p>The Council must make the report available for public inspection at the principal office of the Council after Council has made a decision on the project or earlier unless Council orders that it remain confidential until decided.</p>	<p>Arrange for a report to be prepared and:</p> <ul style="list-style-type: none"> • Put in the report to Council to inform its decision making process • Unless Council orders otherwise make the report available for public inspection at the Principal Office as part of Agenda papers for the Council meeting at which it is to be tabled. • When released the report will be available for Public Inspection.
C.49 CONTRACTS AND TENDERS POLICIES	<p>The Council must prepare and adopt policies on contracts and tenders and may alter a policy but not so as to affect any process that has commenced. The policies must:</p> <ul style="list-style-type: none"> • Be available for inspection without charge at Council’s principal office • Provide copies, a charge of which may apply, in accordance with Council’s Fees and Charges Register 	<ul style="list-style-type: none"> • Make copies of the policies available for Public Inspection.

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>C.50 PUBLIC CONSULTATION POLICIES</p>	<p>A Council must prepare and adopt a public consultation policy. The requirements for preparation, adoption and alteration to Council’s public consultation policy are:</p> <ul style="list-style-type: none"> • Policy must set out steps that Council will follow in cases where the Act requires the Council to follow its public consultation policy • Policy may also set out steps to follow in other cases involving council decision making • 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. • 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"> ○ Publish notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days) ○ Consideration by the Council of submissions made in response • Section 50(6) requires the Council before it adopts, substitutes and/or alters a public consultation policy to: • Prepare a document that sets out its proposal; and • Publish in a newspaper circulating throughout the State and a newspaper circulating within the area of Council a notice of the proposal inviting submissions within a minimum period of one month; and • Consider any submissions received, unless the alteration is of minor significance. 	<p>Adopt and keep current this Public Consultation Policy and:</p> <ul style="list-style-type: none"> • Consider each event which does not have a specified process, on its merits, and adopt a process based on the principals described in this policy. • Other than described below, each process will include as a minimum, an Area Notice and will allow at least 21 days for submissions to be made • Events which have only a limited and localised impact may have a process that includes only a Local Notice • Where considered appropriate a longer period may be allowed for submissions to be made. • Where considered appropriate a process may also include one or more of the activities described in: Forums for discussion. • Whenever a consultation is conducted Council will give consideration to all submissions before adopting a course of action.

	<ul style="list-style-type: none"> • Council’s public consultation policy is to be made available for inspection without charge at the principal office during ordinary office hours, or a copy can be obtained, a charge of which may apply, in accordance with Council’s Fees and Charges Register. 	
	<p>The public can inspect a copy of the policy at Council’s principal office without charge.</p> <p>A copy will be made available, a charge of which may be applied in accordance with Council’s Fees and Charges Register.</p>	<p>Prepare and Issue a State Notice and an Area Notice allowing 1 month for submission and:</p> <ul style="list-style-type: none"> • Establish a process for receiving submissions • Prepare a report to Council, which incorporates appropriate aspects of the consultation • Council adopts the proposal • Copies of the policies are available in accordance with the Public Inspection definition

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>S.84 NOTICE OF ORDINARY COUNCIL MEETINGS</p>	<p>Notice of meeting and agenda to be displayed at Council’s principal office 3 days prior to the date of the ordinary meeting.</p> <p>Notice and agenda to be kept on display until completion of the meeting.</p> <p>Documents and reports supplied to members of the Council, prior to a meeting or a meeting shall be available to the public as soon as practicable after they are supplied to members.</p> <p>A person is entitled to obtain a copy of a notice and agenda displayed under this Section, there may be a charge for this information in accordance with Council’s Fees and Charges Register.</p>	<p>Follow the directions of the Council’s Code of Practice – Access to Council and Committee Meetings and Documents, including:</p> <ul style="list-style-type: none"> • Dates of meetings are listed on the Internet site in the ‘Council Diary’ • Notice of meeting is displayed 3 clear days prior to the meeting in the following places: <ul style="list-style-type: none"> ○ Council’s Principal Office ○ Whyalla Public Library ○ Council’s website and Facebook page • Copies of the notice can be obtained. There may be a charge for this information in accordance with Council’s Fees and Charges Register. • Copies of the agenda are displayed 3 clear days prior to the meeting at the following places: <ul style="list-style-type: none"> ○ Council’s Principal Office ○ Whyalla Public Library ○ Council’s website and Facebook page <p>Copies of the agenda can be obtained. There may be a charge for this information in accordance with Council’s Fees and Charges Register.</p>

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>NOTICE OF SPECIAL COUNCIL MEETINGS</p>	<p>Notice of a meeting and agenda to be displayed at Council’s principal office as soon as practicable after notice given to members of the Council and to be kept on display until the completion of the meeting.</p>	<p>Follow the directions of the Council’s Code of Practice – Access to Council and Committee Meetings and Documents, including:</p> <ul style="list-style-type: none"> • Notice of Special Meeting is displayed as soon as practicable but not less than 4 hours prior to the meeting in the following places: <ul style="list-style-type: none"> ○ Council’s Principal Office ○ Whyalla Public Library ○ Council’s website and Facebook page <p>Where the judgement of the Chief Executive Officer, the subject of the meeting is of particular significance a notice may also be published as a classified advertisement in the area media.</p> <p>Where practical copies of the notice can be obtained. There may be a charge for this information in accordance with Council’s Fees and Charges Register.</p> <p>Copies of agendas are displayed as soon as practical but not less than 4 hours prior to the meeting at the following places:</p> <ul style="list-style-type: none"> ○ Council’s Principal Office ○ Whyalla Public Library ○ Council’s website and Facebook page <p>Where is not practical to display the agenda as described above copies will be available at the place of the meeting.</p>

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.88 PUBLIC NOTICE OF COMMITTEE MEETINGS	As for Council meetings.	Follow the directions of the Council’s Code of Practice – Access to Council and Committee Meetings and Documents.
S.90 PUBLIC ACCESS TO COUNCIL AND COMMITTEE MEETINGS	This section describes the requirements for Council meetings to be held in public and the conditions under which the public can be excluded.	Follow the directions of the Council’s Code of Practice – Access to Council and Committee Meetings and Documents.
S.91 MINUTES OF COUNCIL AND COMMITTEE MEETINGS AND RELEASE OF DOCUMENTS	<p>Minutes of Council and committee meetings must be supplied to members and displayed at Council’s principal office within 5 days of a meeting and must be kept on display for 1 month following the meeting.</p> <p>A person is entitled to inspect, without payment, minutes and documents described under this section.</p> <p>A person is entitled to a copy of any minutes and documents described under this section, a charge of which may apply, in accordance with Council’s Fees and Charges Register.</p> <p>Documents subject to an ‘in confidence’ order are exempt from the requirement to be displayed and available for inspection and purchase.</p>	<p>Follow the directions of the Council’s Code of Practice – Access to Council and Committee Meetings and Documents.</p> <ul style="list-style-type: none"> • Copies of minutes are displayed within 5 days of the meeting and kept on display for at least 1 month from the date of the meeting. <p>Copies of minutes are displayed at the Council’s Principal Office and via Council’s website and Facebook Page.</p>

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>S.92 CODE OF PRACTICE – ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS</p>	<p>The Council must prepare and adopt a Code of Practice relating to the principles, policies and procedures and practices that the Council will apply for the purposes of Parts 3 and 4 Chapter 6 of the Act.</p> <p>The Council must also:</p> <ul style="list-style-type: none"> • Within 12 months after the conclusion of each periodic election review the operation of its Code of Practice • Before adopting, altering or substituting a code of practice make copies of the proposal available for inspection or copies made available, a charge of which may be applied in accordance with Council’s Fee and Charges Register, and follow steps set out in its public consultation policy. <p>A person is entitled to inspect the code of practice without charge at the principal office of the Council. A copy can be obtained, a charge of which may apply, in accordance with Council’s Fees and Charges Register.</p>	<p>Refer to Council’s Code of Practice – Access to Council and Committee Meetings and Documents.</p> <p>Consultation steps are:</p> <ul style="list-style-type: none"> • Allow 3 weeks for submissions which may be written or oral and; • Prepare and issue an Area Notice inviting submissions • Establish a process for receiving submissions • Prepare a report to Council, which reflects agreed aspects of the consultation. <p>After adoption by Council the revised Code of Practice will be made available for public inspection.</p>
<p>S.93 MEETING OF ELECTORS</p>	<p>When convening a meeting of electors the Council must, not less than 14 days and not more than 28 days prior to the meeting prepare and publish a notice in a newspaper circulating in its areas advising details of the meeting.</p> <p>(This includes the time and place of the meeting and the nature of the business to be transacted at the meeting).</p>	<p>3 weeks prior to the date of the meeting:</p> <ul style="list-style-type: none"> • Prepare and issue an Area Notice advising details of the meeting and eligibility for attendance. <p>Confirm that at least one elected member of Council will attend</p>

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>S.122 STRATEGIC PLANS</p>	<p>A Council must develop and adopt plans for the management of its area to be called collectively the ‘Strategic Management Plans’ and:</p> <ul style="list-style-type: none"> • Council must specifically declare which plans will constitute the strategic management plans of the Council • Strategic management plans must identify the Council’s objectives for the area over a period of at least 4 years • A long term financial plan must cover a period of at least 10 years • The long term financial plan and any other elements of strategic management plans prescribed by the regulations must be reviewed as soon as practicable after adopting the Council’s annual business plan for a particular financial year and in any event a comprehensive review of its strategic management plans must be undertaken 2 years after each general election. • An infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the Council must over a period of at least 10 years. • Council must adopt process(es) to ensure that the public are given reasonable opportunity to be involved in the development and review of its Strategic Management Plans. • Strategic Management Plans must be available for inspection or purchase, in accordance with Council’s Fees and Charges Register at Council’s principal office. 	<p>Council’s Strategic Management Plans are living documents that are constantly under review as new challenges and opportunities emerge. As a result the most significant time for public consultation is when a comprehensive review is conducted at intervals required by the legislation.</p> <p>In preparation for a comprehensive review Council will:</p> <ul style="list-style-type: none"> • Hold a public workshop to review current strategic goals and determine what changes, if any, are required. • The workshop will incorporate facilitated, small group discussion and a plenary session to share findings • Prepare and issue an Area Notice 3 weeks in advance including classified adverts on local television • Coordinate the workshop in an issue of the Whyalla Council News and via Council’s website and Facebook Page including the following: <ul style="list-style-type: none"> ○ Details of the current strategic plan ○ Details of the workshop ○ An invitation to submit comments and suggestions via a Proforma inserted into the paper • Integrate the findings from the workshop, as appropriate, into the plan • Integrate findings from the community barometer, social profile and other community sampling, as appropriate, into the plan

		<ul style="list-style-type: none">• In the following edition of the Whyalla Council News and via Council’s website and Facebook page publish the reviewed plan and provide a rationale about why particular items have been included or excluded.• Make a copy of the reviewed plan available according to the Public Inspection Process.• After a plan has been adopted by Council issue an Area Notice advising the public that it has been adopted and that copies are available. <p>When significant issue arises that might require the plan to be amended Council will determine, based on the significance of the issue, to publish in the Whyalla Council News and via Council’s website and Facebook page and invite comment or convene a public meeting or workshop.</p>
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SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>S.123 ANNUAL BUSINESS PLANS AND BUDGETS</p>	<p>Council must have a budget and an annual business plan for each financial year. The Council must, before adopting the annual business plan, prepare a draft and follow the steps set out in its Public Consultation Policy. The steps must include as a minimum the following:</p> <ul style="list-style-type: none"> • Publish a notice in a newspaper circulating within the Council’s area, inviting interested persons to make written submissions in relation to the draft annual business plan within a period (which must be at least 21 days) after the publication of the notice. • Arrange the Council meeting as referred to in the notice for Council to consider written submissions made in response to the invitation. • Ensure that copies of the draft annual business plan are available on Council’s web-site for inspection and for purchase (on payment of a fee fixed by the Council) at the Council’s principal office at least 7 days before the date of the meeting. • The Council may then, after considering submissions received by the Council during the public consultation period, any new or revised information in possession of the Council that is relevant to the draft annual business plan and any other material which the Council thinks fit, adopt its annual business plan (with or without amendment) <p>Each budget of the Council must be considered in conjunction with the Council’s annual business plan (and must be consistent with the plan as adopted) and be adopted by the Council after the Council has adopted its annual business plan.</p> <p>The annual business plan and budget must be adopted by Council after 31 May for the ensuing financial year and before 31 August for the financial year.</p>	<p>The annual business plan is a document which must be understood by the ratepayers and be formed with input from the ratepayers, thus it is developed through a series of drafts and discussions with elected members until it reaches the stage where it is considered to be ready for public consultation.</p> <p>Once the stage is reached a draft is made available to the public according to the Council’s Public Inspection process.</p> <p>An Area Notice is issued informing the public of the preparation of the draft annual business plan. The notice may either;</p> <ul style="list-style-type: none"> • Invite interested persons to attend a public meeting (at least 21 days after the publication of the notice); • Invite interested persons to a meeting of the Council during which no less than 1 hour is made available for questions; or • Make written submissions to the Council within 21 days of the notice. <p>A public meeting or meeting of the Council may be called at which members of the public may ask questions and make submissions in relation to the draft annual business plan. Alternatively, the Council may invite interested persons to make written submissions to the Council.</p> <p>With regard to the Council’s Consultation philosophy the Council will then consider all submissions and any other material as the Council thinks fit and then adopt the annual business plan with or without amendment.</p> <p>The annual business plan budget will be both adopted after 31 May but prior to 31 August for the financial year.</p>

	<p>Once the business plan and budget are adopted, the Council must ensure that:</p> <ul style="list-style-type: none"> • A summary of the annual business plan is prepared so as to assist in promoting public awareness of the nature of its services and its rating and financial management policies taking into account its objectives and activities for the ensuing financial year and that a copy of the summary accompanies the first rates notice sent to ratepayers after the declaration of its rates for the financial year. • Copies of the annual business plan and the budget area available for inspection (without charge) or a copy available, of which a charge may be applied, in accordance with Council’s Fees and Charges Register; and • Copies of the summary of the annual business plan are available for inspection and to take (without charge) at the principal office of the Council. 	<p>Following adoption:</p> <ul style="list-style-type: none"> • A summary of the annual business plan will be prepared so as to assist in promoting public awareness of the nature of the Council’s services, financial management, policies, and its objectives and activities for the ensuing financial year • A copy of the summary will accompany the first rates notice sent to ratepayers after the declaration of rates for the financial year. • A copy of the final annual business plan, the budget and the summary will be made available in accordance with Council’s public consultation process. •
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SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.132 ACCESS TO DOCUMENTS	<p>A member of the public is entitled:</p> <ul style="list-style-type: none"> • To inspect a document referred to in Schedule 5 of the Act at the principal office of the Council during ordinary office hours without charge; and • To purchase a copy of a document referred to in Schedule 5 for a fee fixed in accordance with Council’s Fees and Charges Register. • The Council may also make a document available in electronic form; • Councils should also, as far as possible, make the following documents available in electronic form: <ul style="list-style-type: none"> ○ Agendas for Council and Committee meeting ○ Minutes of Council and Committee meetings ○ Codes of Conduct or Codes of Practice ○ Contracts and Tenders policies ○ Public Consultation Policy ○ Draft annual business plan, annual business plan and summary of the annual business plan ○ Budget ○ Order Making Policy ○ Fees and Charges ○ By-Laws made by Council ○ Procedures for the Internal Review of Council Actions 	<p>Apply Council’s Public Consultation process</p>

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
<p>S.151 BASIS OF RATING</p>	<p>Before the Council changes;</p> <ul style="list-style-type: none"> • The basis of rating any land (including by imposing differential rates on land that has not been differentially rated in the preceding financial year, or by no longer imposing differential rates on land that has been differentially rated in the preceding financial year); or • The basis on which land is valued for the purpose of rating; or • The imposition of rates on land by declaring a separate rate, service rate or service charge on any land. <p>The Council must;</p> <ul style="list-style-type: none"> • Prepare report on the proposed change, and • Follow the relevant steps in public consultation plan, which must at least include the following: <ul style="list-style-type: none"> ○ Publish in a newspaper circulating within the area of the Council a notice describing the proposed change and informing the public of the preparation of the report and inviting interested persons; <ul style="list-style-type: none"> ➤ To make written submissions in relation to the matter within a period (which must be at least 21 days) after the publication of the notice. ➤ Or the consideration by the Council of any written submissions made in response to the invitation; and ➤ Ensure copies of the report on the proposed change are available on Council’s web-site and are available for inspection (without charge) or copies made available, a charge of which may be applied in accordance with Council’s Fees and Charges Register, at the principal office of the 	<p>Prior to changing the basis of rating any land, or the basis on which land is valued of the purpose of rating or the imposition of rates on land by declaring a separate rate, service rate or service charge on any land, the Council will prepare a report on the proposed change which is to be made available to the public according to the Council’s Public Inspection Process.</p> <p>An Area Notice is to be issued describing the proposed change and informing the public of the preparation of the report and inviting interested persons to attend a public meeting in relation to the matter (at least 21 days after the publication of the notice) or to make written submissions to the Council within a specified period (being no less than 21 days on the notice).</p> <p>With regard to the Council’s consultation process the Council will consider all submissions and any other material as the Council thinks fit in relation to the report.</p>

Council at least seven days prior to the meeting.

NOTE: The report may form part of the Council’s draft annual business plan (and that plan as adopted) and the public consultation referred to above may be undertaken as part of the public consultation required with respect to the Council’s annual business plan.

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.156 RATING – DIFFERENTIAL RATES	<ul style="list-style-type: none"> • 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"> ○ 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 make written submissions within a minimum period of 21 days, and ○ Council to consider submissions received in writing. • Copies of the report must be available on Council’s web-site for inspection and copies made available, a charge of which may be applied in accordance with Council’s Fees and Charges Register, at the principal office of the Council at least 21 days before the end of the public consultation period. 	
S.167 VALUATION OF LAND FOR THE PURPOSES OF RATING	A notice of the adoption of valuations must be published in the Gazette within 21 days after the date of the adoption.	Within 21 days prepare and publish a Gazette Notice
S.170 NOTICE OF THE DECLARATION OF RATES OR A SERVICE CHARGE	A notice of the declaration of a rate or service charge must be published in the Gazette and in a newspaper circulating in the area within 21 days after the date of the declaration.	Within 21 days prepare and public a Gazette Notice, and an Area Notice

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.188 FEES AND CHARGES	<p>A Council must keep a list of fees and charges imposed under this section on public display at its principal office.</p> <p>If the Council fixes or varies a fee or charge under this section it must:</p> <ul style="list-style-type: none"> • Update the list required under this section. • Take reasonable steps to bring the fee or variation to the notice of persons who may be affected. 	Apply its Public Inspection process
S.192 ASSUMPTION OF CARE, CONTROL AND MANAGEMENT OF LAND	<p>The Council may assume care, control and management of land under this section with the consent of eligible stakeholders.</p> <p>The resolution by Council under this section must immediately be published in the Gazette.</p>	<p>Before acting under this Section Council will identify all eligible stakeholders and enter into discussions to obtain consent.</p> <p>When consent has been obtained Council will adopt a resolution to proceed and prepare and publish a Gazette Notice.</p>
S.193 CLASSIFICATION OF COMMUNITY LAND	<p>Before the Council resolves to exclude land from classification as community land it will follow the steps set out in the Public Consultation Policy.</p> <p>Following resolution publish a notice in the Gazette.</p>	<p>Before acting under this section Council will:</p> <ul style="list-style-type: none"> • Prepare a document in support of the proposal, • Depending on the specific situation either; <ul style="list-style-type: none"> ○ Prepare and issue an Area Notice allowing 3 weeks for written submissions, or ○ Prepare and issue an appropriate Local Notice, inviting submissions within 3 weeks • Consider a report incorporating the findings of the consultation and adopt or reject the proposal. • The report to Council would be available in the usual way for public viewing and residents would have the opportunity to be heard in Public Question time. • If the proposal is adopted a Gazette Notice will be prepared and published.

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.194 REVOCATION OF CLASSIFICATION OF LAND AS COMMUNITY LAND	<p>Before resolving to revoke classification of land as community land the Council must:</p> <ul style="list-style-type: none"> • Prepare a report incorporating the aspects required by the section • Follow the steps set out in its public consultation policy • Submit, to the Minister, the proposal and a report on all of the submissions received in the consultation. <p>If approved by the Minister a resolution may be made to revoke.</p>	<p>Before acting under this Section, Council will:</p> <ul style="list-style-type: none"> • Prepare a report as required by the Act. • Prepare and issue an Area Notice inviting written submissions within 3 weeks. • Receive the submissions and incorporate into the report to the Minister. • Consider the report at an ordinary Council meeting before it is sent to the Minister. • The public would have the usual opportunity to attend the meeting and be heard in Public Question Time. • Upon receipt of the Minister’s approval consider adoption of the proposal.
S.197 PUBLIC CONSULTATION ON PROPOSED MANAGEMENT PLAN	<p>Before adopting a management plan for community land the Council must:</p> <ul style="list-style-type: none"> • Make copies of a proposed plan available for inspection or purchase at its principal office. • Follow the steps set out in its public consultation policy. • Give public notice of its adoption of a management plan. 	<p>Before acting under this Section Council will:</p> <ul style="list-style-type: none"> • Prepare the management plan and make it available for public inspection. • Prepare and issue an Area Notice inviting written submissions within 3 weeks. • Receive the submissions and modify the plan as appropriate. • Consider adoption of the plan at an ordinary Council meeting. • The public would have the usual opportunity to attend the meeting and be heard in Public Question Time (upon Council’s receipt of public questions via Council’s Public Question Time process). • After adoption, prepare and issue a public notice.

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.198 AMENDMENT OR REVOCATION OF A MANAGEMENT PLAN	<p>Before amending a management plan for community land the Council must carry out the public consultation which would have been required if the proposal was for a new plan.</p> <p>Public consultation is not required if the amendment has no impact or no significant impact on the interests of the community.</p>	Same process as for Section 197 (as above)
S.202 ALIENATION OF COMMUNITY LAND BY LEASE OF LICENCE	<p>Council must follow the relevant steps set out in its public consultation policy, before granting a lease or licence relating to community land.</p> <p>Exceptions apply in circumstances where:</p> <ul style="list-style-type: none"> • The grant of the lease or licence is authorised in an approved management plan for the land, and the term of the proposed lease or licence is five years or less; or • The regulations provide for an exemption from compliance with the public consultation policy. 	<p>Before acting under this section Council will:</p> <ul style="list-style-type: none"> • Prepare and issue an Area Notice inviting written submissions within 3 weeks. • Consider a recommendation including a report on the consultation, to grant the lease at an ordinary Council meeting. • The public would have the usual opportunity to attend the meeting and be heard in Public Question Time (as per Council’s Public Question Time process).
S.208 OWNERSHIP OF PUBLIC ROADS	Following a resolution under this section the Council must publish a notice in the Gazette the resolution declaring a public road.	Prepare and issue a Gazette Notice.
S.210 CONVERSION OF PRIVATE ROAD TO PUBLIC ROAD	<p>Before acting under this section the Council will:</p> <ul style="list-style-type: none"> • Comply with the requirements of the section. • At least 3 months before making a declaration; <ul style="list-style-type: none"> ○ When know, give written notice to the owner of the road; and ○ Give public notice of the proposed declaration. <p>Following a declaration under this section publish the declaration in the Gazette.</p>	<p>Follow the requirements of the section by:</p> <ul style="list-style-type: none"> • Written notice to owners; and • Prepare and issue a Public Notice; and • Act upon any responses to the notices; • Prepare and publish a Gazette Notice after making the declaration • Provide the Registrar-General with copy of the declaration in the required form.

S2.19 POWER TO ASSIGN A NAME, OR CHANGE THE NAME OF A ROAD OR PUBLIC PLACE	<p>Before acting under this Section the Council must:</p> <ul style="list-style-type: none"> • Give at least two months’ notice to an adjoining council(s) of proposed changes to roads that cross into their area and consider any representations made by those Councils. • Notify the prescribed government departments. • Give public notice of a resolution adopted under this Section. 	<p>Follow the requirements of this Section by:</p> <ul style="list-style-type: none"> • Providing notice to adjoining Councils if appropriate • Notify Government Departments as required. • Prepare and issue a Public Notice of a resolution.
S.220 NUMBERING OF ADJACENT PREMISES AND ALLOTMENTS	<p>The Council must give public notice of a resolution made under this Section and must notify the Valuer-General.</p>	<p>Follow the requirements of this section by:</p> <ul style="list-style-type: none"> • Notify Government Departments as required • Prepare and issue a Public Notice of a resolution.
S.223 PERMITS FOR BUSINESS USE OF ROADS	<p>Before acting under this Section the Council must notify the prescribed agencies.</p> <p>The Council must follow the relevant steps set out in its public consultation policy where it proposes to grant an authorization or permit:</p> <ul style="list-style-type: none"> • That would result in any part of the road being fenced, enclosed or partitioned so as to impede the passage of traffic to any material degree, or • In relation to use or activity for which public consultation is required under the Regulations. 	<p>Before issuing a permit under this Section Council will:</p> <ul style="list-style-type: none"> • Issue an Area Notice of its intention to grant a permit and allow 3 weeks for submissions; • Give consideration to submissions and; <ul style="list-style-type: none"> ○ Make any appropriate amendments before issuing the permit; or ○ Do not issue the permit.
S232 ROADS - TREES	<p>Before planning or authorizing 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.</p>	

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
C.249 PASSING BY-LAWS	<p>At least 21 days before resolving to make a by-law, Council must</p> <ul style="list-style-type: none"> • 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. • Inform the public of the proposed by-law and set out the terms of the by-law or describe in general terms the nature and effect of the by-law through a notice in a newspaper circulating the area. • Give reasonable consideration to a written or other acceptable submission made on a proposed by-law. <p>Publish a notice of the making of a by-law in a newspaper circulating in the Council area.</p>	<p>Before acting under this Section Council will:</p> <ul style="list-style-type: none"> • Make copies of the proposal available for public inspection at its Principal Office 21 days prior to the date set for consideration. • Prepare and issue an Area Notice inviting submissions within 21 days. • Receive the submissions and give reasonable consideration to amending the proposal. • Consider the report at an ordinary Council meeting. • The public would have the usual opportunity to attend the meeting and be heard in Public Question Time (following Council’s Public Question Time process) • If the proposal is adopted, prepare and publish a Local Notice.
S.250 ADOPTING A MODEL BY-LAW	<p>If it is proposed to adopt a Model By-Law under this Section the Council must:</p> <ul style="list-style-type: none"> • Having resolved to adopt a Model By-Law, publish a notice in the Gazette; and • Publish a notice in a newspaper circulating in its area. 	<p>Before acting under this section Council will:</p> <ul style="list-style-type: none"> • Follow the same process described above for the making of a By-Law • Prepare and publish an Area Notice.

SECTION AND DESCRIPTION	LEGISLATIVE REQUIREMENT – WHAT COUNCIL WILL DO	WHAT COUNCIL MAY DO – IN ADDITION TO LEGISLATIVE REQUIREMENTS
S.259 POLICIES RE THE MAING OF ORDERS	<p>Council must:</p> <ul style="list-style-type: none"> • Prepare a draft of a policy • By notice in a newspaper circulating in the Council area, advise the place(s) 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). • Consider any submission made in response to the invitation. <p>The requirements of S259(2) also apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.</p>	<p>Before acting under this Section Council will:</p> <ul style="list-style-type: none"> • Prepare a draft policy and make it available for public inspection. • Prepare and issue an Area Notice inviting submissions within 4 weeks. • Receive the submissions and give reasonable consideration to amending the proposal. • Consider the report at an ordinary Council meeting. • The public would have the usual opportunity to attend the meeting and be heard in Public Question Time (as per Council’s Public Question Time process).
		Follow the same process described above for S259.
	<ul style="list-style-type: none"> • The public is entitled to inspect (without charge) a copy of the adopted policy at Council’s Principal Office or copies made available, a charge of which may be applied in accordance with Council’s Fees and Charges Register. 	Make the policy available for public inspection.