

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

File reference	9.63
Responsibility:	Governance
Minutes reference:	21 April 2020 2.0 (d)
Next review date:	Council will endeavour to review this policy every 3 years or as required by Legislative change
Applicable Legislation:	Local Government Act 1999. (as amended) – Section 50
Related Policies:	Nil
Related Procedures:	Nil

## INDEX

Clause	Title	Page
1	Introduction	1
2	Policy Objective	3
3	Scope	3
4	Policy Statement	3
5	Specified Consultation Requirements	4
6	Other Consultation Options	4
7	Deciding the Communication and Consultation Strategy	5
8	Recording the Consultation Process	6
9	The Decision Making Process	6
10	Review and Evaluation	6
11	Availability of the Policy.	6
Appendix 1	Schedule of Requirements	7
Appendix 2	Consultation Strategy and Record Form	11

### 1. INTRODUCTION

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

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

- 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
- Community interest will vary depending on the issues and the number of people affected, and the Council's level of consultation will reflect this
- Community involvement in Council decision making should result in greater confidence in the Council and responsive decision making
- Council decision making will be open, transparent and accountable.

### **Public Health Emergency: Public Access and Public Consultation**

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.

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
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		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

On 22 March 2020 the State Co-ordinator 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 of the outbreak of the Human Disease named COVID-19 within South Australia.

On 8 April 2020 the Minister for 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 1999 as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.

For the Period Notice No 2 has effect (as provided for in Notice No 2). This public consultation Policy is altered as set out below and those variations have effect notwithstanding any other provision in this Policy to the contrary.

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

## Alterations to Public Consultation Policy

### A. Definitions

For the purposes of these alterations the Council includes an officer or employee of the Council acting with the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council

### B. Statutory Requirement to Hold Public Meetings Suspended

The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123, 151 or 156 of the Local Government Act 1999 for which public consultation is required under the Local Government Act 1999. The Council will not hold such a public meeting or invite persons to attend a meeting of the Council or to ask questions or make submissions on the matter.

The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested persons to make written submissions within the period in the notice (which will not be less than 21 days after the publication of the notice) in relation to any matter within the scope of Sections 123,151 or 156 of the Local Government Act 1999 for which public consultation is required under the Local Government Act 1999. The Council will consider the submissions at a meeting of the Council.

### C. Other Requirement to Hold Meeting Suspended

The Council will not hold a public meeting in relation to any matter for which the Local Government Act 1999 requires the Council to follow the steps set out in its public consultation policy.

The Council will not hold a public meeting in relation to any matter for which this Policy would, but for this provision, require the Council to hold a public meeting.

To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newsletter circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the Local Government Act 1999 to consult for a lesser period) The Council will consider the submissions.

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

#### D. Other Requirement to undertake in Person Consultation Activity Suspended

The Council will not undertake any form of face-to-face or in person consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the Local Government Act 1999 requires the Council to follow the steps set out in its public consultation policy.

The Council will not undertake any form of face to face or in person public consultation activity (including without limitation a door a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the this Policy would but for this provision, require the Council to hold such an activity.

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the Local Government 1999 to consult for a lesser period. The Council will consider the submissions

#### E. Suspension of Other Inconsistent Provisions

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph D operate in their stead

## 2. POLICY OBJECTIVE

The purpose of this policy is to ensure that Council meets its legislative obligations in regard to public consultation by:

- Using appropriate and cost-effective methods which are relevant to the specific circumstances of each consultation topic
- Informing and involving the local community, key stakeholders and interested parties
- Using feedback to enhance decision making.

## 3. SCOPE

This policy applies to Council Members sitting as the elected body, council employees, contractors, agents and consultants acting on behalf of Council.

The Chief Executive Officer is responsible for the implementation of the Public Consultation Policy, establishing the consultation level, reporting outcomes of the consultations to the Council, reviewing the value of the policy, and determining elements within that process where Council has delegated responsibility.

## 4. POLICY STATEMENT

The preparation and adoption of this policy fulfils the Council's obligations under section 50(1) of the Local Government Act 1999. Section 50 provides that:

- The council must set out the steps that the council will follow in cases where the Local Government Act requires consultation on a matter, and
- The council may set out the steps that council will follow in other cases involving the council's decision-making.

In addition, under the Local Government Act the Council has the following obligations where it is required by law to follow its public consultation policy.

	<h2>Public Consultation Policy</h2>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

- Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- Council must publish a notice in a newspaper circulating in the area and on Council's website, describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- Council must consider any submission received from the public during the prescribed consultation period.

Council may, from time to time, alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, the council must submit the proposal to a public consultation process.

Other sections of the Local Government Act also refer to consultation requirements, and in some instances set out what a council must do. See Specification consultation requirements below.

Where there are legislative requirements for consultation under other legislation applicable to the council, such as the Development Act 1993, these specific processes take precedence over this policy, should there be any inconsistency.

## 5. SPECIFIED CONSULTATION REQUIREMENTS

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 the 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 Bylaws (section 249)
- Making Orders (section 259)

Attached (Appendix 1) is a summary of the relevant consultation requirements, to ensure a broader understanding of the legislative compliance of each provision.

## 6. OTHER CONSULTATION OPTIONS

For issues not covered by legislative compliance (detailed above) and in addition to the minimum requirements as per the legislative compliance provisions, the following options that may be utilised to engage, communicate information and invite submissions include (but are not limited to) the following:

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

<b>Communication Options may include:</b>	<b>Consultation Options may include:</b>
<ul style="list-style-type: none"> <li>• Regular newsletters</li> <li>• Feature articles in “<i>The Granite</i>”</li> <li>• Advertisements in local papers (<i>Pt Lincoln Times, West Coast Sentinel, Eyre Peninsula Tribune,</i>)</li> <li>• Media releases/editorial</li> <li>• Fact Sheets or brochures</li> <li>• Letters addressed to stakeholders</li> <li>• Letter box drops in the relevant area</li> <li>• Web site</li> <li>• Displays in public places</li> <li>• Notice in public places</li> </ul>	<ul style="list-style-type: none"> <li>• Meetings with Elected Members and staff</li> <li>• Council Advisory Committees</li> <li>• Focus Groups</li> <li>• Workshops for stakeholders</li> <li>• Surveys through interviews/self-completion</li> <li>• Door knock surveys</li> <li>• Open Days</li> <li>• Staffed Displays</li> <li>• Community Forums and Meetings</li> <li>• Deputation / presentation to Council</li> </ul>

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

<b>Circumstances</b>	<b>Steps to be taken</b>
Topic affects <i>several residents</i>	Letter addressed to individual residents with information and providing contact person(s) to obtain further information or to make a submission.
Topic affects <i>several streets</i>	Letter box drop, inviting expressions of interest. Follow up with details of a consultation forum if sufficient interest, or individual contact with interested parties
Topic affects <i>broader community</i> or likely to attract considerable community interest e.g. lands management, major works, regional issue, topic with potential for Council wide impact	Notice in local paper, media release, signage in targeted locations, inviting expressions of interest. May convene consultation forum, which will include information session and opportunities to express views through questions and answers, workshop session, staffed displays, and formal submissions
Invitation for Submission to Council	Display at Council service centres or public places, staffed between specific hours. Individual consultation and comment sheets to enable stakeholder feedback to be recorded
Required by the <i>Local Government Act</i>	Refer to Appendix 1

## 7. DECIDING THE COMMUNICATION AND CONSULTATION STRATEGY

The Council recognises that the public consultation process will need to be varied depending on the issue/project/topic that it is consulting on. The following questions will assist in determining the strategy for each situation:

- 1 Who is the responsible officer for implementing the “consultation strategy”?
- 2 Who are Stakeholders?
  - a. Internal (Elected Members, staff, committees, etc)
  - b. External (Other Government agencies, etc)
  - c. Local (residents, ratepayers, community groups, etc)
  - d. All or a combination of above.
- 3 What are the key points that need to be communicated/consulted on? (Ensure that information is clear and concise).
- 4 What is the timeframe required? (Taking into account the timeframe needed to implement any changes after consultation has finished, etc).
- 5 What method/s of communication/consultation will engage the most number of stakeholders? (refer to options listed in table below).
- 6 Who should be the contact person(s) for further information? Ensure that this information is on all

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

communication to stakeholders.

## 8. RECORDING THE CONSULTATION PROCESS

For major projects or topics that may generate significant public interest, the use of a Consultation Strategy form (Appendix 2) is recommended. This form is designed to help determine an appropriate consultation strategy and record its process and outcome.

## 9. THE DECISION MAKING PROCESS

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

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



### Various Stakeholders – Influencing the Outcome

The following diagram identifies the various stakeholders that Council will consult with, where relevant appropriate to the matter before it.



## 10. REVIEW AND EVALUATION

Council will endeavour to review this policy every 3 years, in line with any legislative changes or by resolution of Council.

Any future amendment or alteration to the Policy, or substitution of a new Policy, will be subject to the Public Consultation Provisions of Section 259 (2) of the Act unless the alteration has only minor significance and is likely to attract little or no community interest.

\*Note: A period of **at least 21 days** is required for submissions prior to Council adopting a policy or, for subsequent alteration or substitution of the public consultation policy.

## 11. AVAILABILITY OF THE POLICY

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

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

## APPENDIX 1

### LOCAL GOVERNMENT ACT 1999 (SA)

#### PUBLIC CONSULTATION POLICY – SCHEDULE OF REQUIREMENTS

TOPIC	SECTION	LEGISLATIVE REQUIREMENT
Definition of Public Consultation	4	Reference to Chapter 4, Part 5 only
<b>REPRESENTATION REVIEWS.</b> <ul style="list-style-type: none"> <li>Review and reporting to the Electoral Commissioner</li> </ul>	12	<ul style="list-style-type: none"> <li>Public notice of a review inviting written submissions within 6 weeks, including notice in a newspaper circulating within its area</li> <li>Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions</li> <li>Council to prepare a report on the public consultation</li> <li>By public notice, inform of the completion and availability of the report for inspection and invite written submissions within 3 weeks, including notice in a newspaper circulating within its area</li> <li>Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions</li> <li>Council must then finalise its report and refer to the Electoral Commissioner.</li> </ul>
<b>STATUS OF A COUNCIL/ CHANGE OF NAME</b> <ul style="list-style-type: none"> <li>Change from a municipal council to a district council, or change from a district council to a municipal council</li> <li>Alter the name of the council, the area of the council, or the name of a ward.</li> </ul>	13	<ul style="list-style-type: none"> <li>Public notice of the proposal inviting written submissions within 6 weeks, including notice in a newspaper circulating within its area</li> <li>Provide opportunity for person who makes written submission to appear before Council or a Council committee to be heard on submissions</li> </ul>
<b>PRINCIPAL OFFICE – OPENING HOURS</b>	45	Consult in accordance with Council’s public consultation policy about the manner, places and times at which its offices will be open to the public for the transaction of business, and about any significant changes to these arrangements.
<b>COMMERCIAL ACTIVITIES Prudential Requirements</b>	48 (2) (d) 48 (5), (6)	Report addressing prudential issues to include: <ul style="list-style-type: none"> <li>the level of consultation with the local community, including contact with persons who may be affected by the project and representations made by them</li> <li>the means by which the community can influence or contribute to the project or its outcomes.</li> </ul>

	<h2>Public Consultation Policy</h2>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

<b>PUBLIC CONSULTATION POLICIES</b>	50	<p>Requirements for preparation, adoption and alteration to Council's public consultation policy:</p> <ul style="list-style-type: none"> <li>• Policy must set out steps that Council will follow in cases where the Act prescribes public consultation</li> <li>• Policy may also set out steps to follow in other cases involving council decision making</li> <li>• Steps may vary, but must provide for a reasonable opportunity to make submissions in relevant circumstances</li> <li>• Section 50 (4) sets out minimum steps which require Councils to <ul style="list-style-type: none"> <li>• publish a notice describing the matter under consideration in a newspaper circulating within the area, and inviting submissions within stated period (at least 21 days); and</li> <li>• consider submissions made in response.</li> </ul> </li> <li>• Section 50 (40) applies before Council adopts, substitutes and/or alters a public consultation policy, unless the alteration is only of minor significance.</li> <li>• Council's public consultation policy is to be made available for inspection, without charge, at the principal office during ordinary office hours, and for purchase on payment of a fixed fee by Council.</li> </ul>
<b>CODE OF PRACTICE – Access to meetings and documents</b>	92 (2)(b)	Before a council adopts, alters or substitutes a code of practice under S92 it must follow relevant steps set out in its public consultation policy.
<b>STRATEGIC MANAGEMENT PLANS</b>	122 (6)	Council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans (Plans for between 3 – 5 years).
<b>COMMUNITY LAND</b> - <b>Classification:</b> All local government land (except roads) that is owned, or under care, control and management of Council is to be classified as community land unless Council resolves to exclude it from classification within 3 years of the commencement of the Act.	S193(1), (2)	Before Council excludes land from classification as community land (within three years after commencement of the Act) it must follow the relevant steps set out in its public consultation policy.
<b>- Revocation of classification of land as community land</b>	S 194 (2)	<p>Council must:</p> <ul style="list-style-type: none"> <li>• follow the relevant steps set out in its public consultation policy before revoking the classification of land as community land</li> <li>• submit a proposal with a report on all submissions made as part of the public consultation process to the Minister.</li> </ul>

	<h2>Public Consultation Policy</h2>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

<p><b>- Management Plans - Public Consultation</b></p>	S 197 (1)	<p>Before Council adopts a management plan for community land it must:</p> <ul style="list-style-type: none"> <li>• make copies of the proposed plan available for inspection or purchase at the Council's principal office</li> <li>• follow the relevant steps set out in its public consultation policy</li> <li>• give public notice of its adoption of a management plan.</li> </ul> <p><i>If Council has adopted a management plan, after a process of public notification and consultation, before the commencement of the Act then S197 (1) does not apply.</i></p>
<p><b>- Amendment or revocation of management plans</b> NB: A Council cannot dispose of community land until revocation of its classification as community land.</p>	S198	<p>Public consultation as required for a new management plan is to be carried out prior to adopting a proposal for amendment or revocation of a management plan. Public consultation is not required if the amendment has no significant impact on the interests of the community.</p>
<p><b>- Alienation by lease or licence</b> NB: Specific provisions relate to the Adelaide Park Lands – Division 7. Public consultation requirements for Management Plans apply.</p>	S202	<p>Council must follow the relevant steps set out in its public consultation policy, before granting a lease or licence relating to community land. Exceptions apply in circumstances where -</p> <ul style="list-style-type: none"> <li>• A lease or licence is authorised in an approved management plan, and the term is five years or less;</li> <li>• Regulations provide for an exemption for compliance with a public consultation policy.</li> </ul>
<p><b>PERMITS</b></p> <ul style="list-style-type: none"> <li>• Right of exclusive occupation which restricts access to a road</li> <li>• Use or activity which requires public consultation by law</li> </ul>	S223	<p>Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit for the exclusive occupation.</p> <p>Council must follow the relevant steps set out in its public consultation policy before granting the authorisation or permit for the use or activity.</p>
<p><b>ROADS – Trees</b></p>	S232	<p>Before planting or authorising planting of vegetation:</p> <ul style="list-style-type: none"> <li>• If the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, then council must follow the relevant steps set out in its public consultation policy.</li> </ul>

	<h2>Public Consultation Policy</h2>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

<p><b>PASSING BY-LAWS</b> NB: No specific reference to Council's Public Consultation Policy, but minimum standards apply</p>	S249	<p>At least 21 days before resolving to make a by-law, Council must:</p> <ul style="list-style-type: none"> <li>• make copies of the proposed by-law (and other code, standard or other document proposed to be applied or incorporated by the by-law) available for public inspection</li> <li>• inform the public of the proposed by-law and set out the terms or describe in general terms the nature and effect of the by-law, through a notice in a newspaper circulating in the area</li> <li>• give reasonable consideration to a written or other acceptable submission made on a proposed by-law</li> <li>• publish a notice of the making of a by-law in a newspaper circulating in the Council area.</li> </ul>
<p><b>POWER TO MAKE ORDERS</b> Councils must take reasonable steps to prepare and adopt policies relating to power to make orders.</p>	S259 (2)	<p>Council must:</p> <ul style="list-style-type: none"> <li>• Prepare a draft of a policy</li> <li>• By notice in a newspaper circulating in the Council area, advise where the draft is available for inspection (without charge) or purchase (on payment of a fee fixed by Council), and invite written representations on the draft within a period specified by the Council (at least four weeks)</li> <li>• Consider any submission made in response to the invitation. The requirements of S259 (2) apply prior to Council adopting an amendment to a policy, unless Council determines that the amendment is of only minor significance.</li> </ul>

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

## APPENDIX 2

### CONSULTATION STRATEGY

<b>PROJECT/TOPIC:</b>			
<b>RESPONSIBLE PERSON(S):</b>			
<b>STAKEHOLDERS:</b>	INTERNAL (staff, elected members, etc)		
	EXTERNAL (other government agencies, etc)		
	LOCAL (residents, ratepayers, businesses)		
	<i>(circle relevant)</i> Residents    Ratepayers    Businesses    All		
<b>KEY POINTS TO COMMUNICATE:</b>	<u>Detail:</u> <ul style="list-style-type: none"> <li>• ....</li> </ul>		
<b>TIMEFRAME:</b>	<i>When does the public consultation need to be complete so that the project can go ahead?</i>		
<b>CONSULTATION METHOD(S):</b>	<i>Detail the different methods that will be used (Eg. Article in Granite, Facebook notice, website, targeted letters, general mailout, etc).</i>		
	<u>Method</u>	<u>Target Audience</u>	
<b>CONTACT PERSON(S) FOR FURTHER INFORMATION:</b>			

	<h1>Public Consultation Policy</h1>	<b>Version No:</b>	6.0
		<b>Issued:</b>	July 2000
		<b>Last Review:</b>	14 April 2020
		<b>Next Review:</b>	February 2021

## CONSULTATION RECORD

	CONSULTATION METHOD	Target Audience	Date	Date Closes	Submissions Received
<i>Eg.</i>	<i>Information sheet with survey form attached (General Mailout)</i>	<i>All residents</i>	<i>15/7/17</i>	<i>15/8/17</i>	<i>20</i>
1					
2					
3					
4					

## SUMMARY OF SUBMISSIONS RECEIVED

IN FAVOUR	AGAINST	NEUTRAL	TOTAL SUBMISSIONS RECEIVED

*Note: Ensure that this record and all submissions are recorded in accordance with GDS20.*

### **KEY ISSUES RAISED IN SUBMISSIONS: (list)**

<T:\common\admin\Document Control Forms\Consultation Strategy Record v1.docx>