

Public Consultation Procedure

Contents

1	Purpose.....	2
2	Policy statement.....	3
3	Operating procedure	3
4	References	4
5	Document control.....	4

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1 Purpose

The purpose of this procedure is to fulfil the council's statutory obligations under section 50 of the *Local Government Act 1999* (the Act).

The council will follow this procedure in cases where the Act requires that the council must follow its public consultation policy. The Act requires the council in certain cases, as set out below, to follow specific steps by way of public consultation:

- Carrying out representation reviews (section 12)
- Considering a change of status of council or name change (section 13)
- Determining the manner, places and times of its principal office (section 45)
- Carrying out commercial activities - Prudential Arrangements (section 48)
- 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)
- Council's Annual Business Plan (section 123)
- Access to documents (section 132)
- Changing or amending council's rating policy (section 151)
- Basis of differential rates (section 156)
- 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
- Making bylaws (section 249)
- Making Orders (section 259)
- Documents to be made available by councils (schedule 5).

It is acknowledged that any legislative requirement which affects council will take precedence over council's policies and procedures. Accordingly, council will follow the steps set out in the Act in the cases set out above and this procedure is modified as necessary to fulfil these legislative obligations.

2 Policy statement

Council is committed to the development of well-informed communities that are able to participate in the democratic processes and institutions that underpin our communities. All community members are encouraged to actively participate in community life and influence the decisions that affect their lives.

In implementing the requirements of the Act in regard to public consultation, council recognises that members of its communities have a right to be informed about issues affecting their area and their lives and where appropriate to influence council's decisions about these.

Section 50(1) of the Act provides that a public consultation policy:

- must set out the steps that council will follow in cases where the Act requires Council to follow its public consultation policy
- may set out the steps that council will follow in other cases involving council's decision-making.

In addition section 50(3) of the Act provides that in a case where council is required by the Act to follow its public consultation policy, the steps set out in the public consultation policy must provide interested persons with a reasonable opportunity to make submissions in the relevant circumstances.

In relation to cases where the Act requires the Council to follow its public consultation policy, section 50(4) requires a public consultation policy to at least provide for:

- the publication of a notice:
 - in a newspaper circulating within the area of the council; and
 - on a website determined by the chief executive officer, describing the matters under consideration and inviting interested persons to make submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice.
- the consideration by the council of any submissions made in response to an invitation.

3 Operating procedure

This procedure applies in circumstances where council is required under the Act to follow its public consultation policy and in other circumstances where the council determines, in its absolute discretion, to follow this procedure. However the council is not required to consider and/or determine whether or not to follow this procedure in relation to a matter before taking any action or making any decision in relation to such a matter save where the council is required by the Act to follow this procedure.

Public consultation steps

In a case where the council is required under the Act to follow its public consultation policy, the council will do the following:

- Advise communities and stakeholder groups of the issues on which we are consulting by:
 - publishing a notice in a newspaper circulating within the area of the council and on council’s website:
 - describing the matter under consideration
 - inviting interested persons to make submissions within a period stated in the notice (being at least 21 days).
- Consider any submissions made in response to the invitation set out in the notice described above.

The council may, in its absolute discretion, determine in relation to a matter for which it is required by the Act to follow its public consultation policy, to undertake a step or steps in addition to those set out in this procedure.

However, council is not required to consider and/or determine whether or not to undertake any additional step or steps in relation to such a matter before taking any action or making any decision in relation to such a matter.

4 References

Legislation

Local Government Act 1999

5 Document control

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