

Notice of Governance and Policy Committee Meeting



MEMBERSHIP

Cr Damian Wyld (*Presiding Member*)

Cr Lucas Jones
Cr Jessica Lintvelt
Cr Rob Unger

Cr Lyn Petrie
Cr Peter Field

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next GOVERNANCE AND POLICY COMMITTEE MEETING will be held in the Civic Centre, 571 Montague Road, Modbury on WEDNESDAY 20 OCTOBER 2021 commencing at 6.30pm

A copy of the Agenda for the above meeting is supplied.

Council may restrict or limit access to members of the public physically attending the meeting to ensure compliance with current restrictions. Priority will be given to members of the public who wish to speak in the Public Forum and Deputation section of the agenda and have obtained prior approval from Council.

A handwritten signature in purple ink, appearing to read "John Moyle".

JOHN MOYLE
CHIEF EXECUTIVE OFFICER

Dated: 14 October 2021

CITY OF TEA TREE GULLY

GOVERNANCE AND POLICY COMMITTEE MEETING 20 OCTOBER 2021

AGENDA

1. Opening and Welcome

Acknowledgement of Country Statement - to be read out as arranged by the Presiding Member

2. Attendance Record:

- 2.1 Present
- 2.2 Apologies
- 2.3 Record of Officers in Attendance
- 2.4 Record of Number of Persons in the Public Gallery
- 2.5 Record of Media in Attendance

3. Confirmation of Minutes to the Previous Meeting

That the Minutes of the Governance and Policy Committee held on 18 August 2021 be confirmed as a true and accurate record of proceedings.

4. Public Forum

Available to the public to address the Committee on policy, strategic matters or items that are currently before the Committee. Total time 10 mins with maximum of 2 mins per speaker. For more information refer to Council's website www.cttg.sa.gov.au

5. Deputations

Requests from the public to address the meeting must be received in writing prior to the meeting and approved by the Presiding Member. For more information refer to Council's website www.cttg.sa.gov.au

6. Presentations

Requests to present to the meeting must be received in writing 5 days prior to the meeting and approved by the Presiding Member. For more information refer to Council's website www.cttg.sa.gov.au

7. Petitions

8. Declarations of Conflicts of Interest

Members are invited to declare any material, actual and/or perceived conflicts of interest in matters appearing before the Committee.

9. Adjourned Business

10. Motions Lying on the Table

11. Management Reports

Office of the Chief Executive Officer - Nil

Assets & Environment - Nil

Organisational Services & Excellence

11.1 Revised Policy Framework.....5

Community & Cultural Development - Nil

12. Returned Policies

12.1 Tree Management Policy (October 2021).....11

13. First Discussion of Policies

13.1 Emergency Management Policy.....68

13.2	Footpath Policy.....	85
13.3	Public Fundraising Policy	93
13.4	Use of a Road for Business Purposes Policy	100
13.5	Public Art Policy.....	111
13.6	Access to Documents Relating to Development Applications Policy	123
13.7	Development Fees Variation Policy.....	154
13.8	Informal Gatherings Policy	166
14.	Notice(s) of Motion	
15.	Motion(s) without Notice	
16.	Question(s) on Notice	
17.	Question(s) without Notice	
18.	Status Report on Resolutions	
18.1	Status Report on Governance and Policy Committee Resolutions	175
19.	Other Business	
20.	Section 90(2) Local Government Act 1999 – Confidential Items	
	<i>A record must be kept on the grounds that this decision is made.</i>	
21.	Date of Next Meeting	
	15 December 2021	
22.	Closure	



REPORT FOR

GOVERNANCE AND POLICY
COMMITTEE

MEETING DATE

20 OCTOBER 2021

RECORD NO:
REPORT OF:
TITLE:

D21/79806
ORGANISATIONAL SERVICES & EXCELLENCE
REVISED POLICY FRAMEWORK

Item 11.1

PURPOSE

To provide the Committee with an opportunity to consider a revised Policy Framework that will guide the future development of Council policies. It is proposed to present **and workshop the Committee's views to implement the revised approach.**

RECOMMENDATION

That having considered the report titled "Revised Policy Framework" and dated 20 October 2021, the Governance and Policy Committee supports the proposed changed approach to Council's Policy framework.

1. BACKGROUND

What is a Policy?

The purpose of a policy is to:

- Provide clear direction and rules/standards for decision making (establish the 'why')
- Outlines the organisations commitment and long term focus
- Ensures a consistent and predictable approach
- Assist in driving delivery of strategic objectives
- Supports accountability
- Improve efficiency and effectiveness
- Aligns to legislation where relevant
- Manage or mitigate risk

Council currently has approximately 75 policies, with only around 15 of these policies **being required by legislation. The remainder of Council's policies have been established at the discretion of Council.**

Current Policy Template

The current policy template consists of the following:

- Cover sheet
 - o Record number
 - o Responsible manager
 - o Other key internal stakeholders
 - o Last reviewed
 - o Adoption reference
 - o Resolution number
 - o Previous review dates
 - o Legal requirement
 - o Due date of next review
- Policy position – statement of intent
- Definitions
- Legislative Framework
 - o Relevant legislation
 - o Other references
 - o Council documents
 - o External documents
- Strategic Plan / Policy
 - o Linkage to strategic objectives
 - o Linkage to organisation plan objectives
- Policy implementation

As noted above, the existing policy template is driven by administrative practice and use by the organisation. There is an opportunity to review the policy template and associated framework, and drive more meaningful content within the policy documents to have them more aligned to delivering community value.

2. DISCUSSION

Council is committed to ensuring all policies established are contemporary, consistent and relevant to the organisation and our community.

As part of the Community Value Program, services provided by Council will be reviewed and it is important that any revised Policy Framework supports the work being undertaken as part of these reviews.

Given both the Service Reviews Committee (SRC) and Governance and Policy Committee (GPC) have key roles in policy development and review, feedback is being sought from both Committees on the proposed approach for the Policy Framework. The SRC considered a similar report at its meeting on [6 October 2021](#) and supported the concept of the revised approach to the Policy Framework.

Strategic Policies vs Service Based Policies

Council's current suite of policies ranges from high level / strategic policies with a broad coverage, to detailed policies with narrow focus that contain procedural content. As part of the broader Policy Framework review, a gap analysis will need to be undertaken.

Consideration could be given to establishing a policy hierarchy that establishes high level strategic policies (for topics such as climate change), and still have a suite of service based policies that underpin these strategic policies, noting that it is also proposed for service based policies to be more strategic in nature going forward.

Revised Policy Framework

The revised policy framework will ensure that at the beginning the purpose of the service will be clearly defined. Similarly the updated policy framework will be established in a way that the Council is able to resolve the outcomes it is trying to achieve through its service delivery.

Proposed Policy Template

It is recommended that the revised policy template consists of the following:

- ☒ Policy position – statement of intent
 - o What Council is trying to achieve for the community (outcomes vs outputs)
 - o Underpinning principles

- o Service objectives
- o Approach/strategies to be taken to achieve each objective
- o Specific actions required
- o Service standards and performance indicators (measure of success)
- ☒ Strategic Plan / Policy
 - o Linkage to strategic objectives
 - o Linkage to organisation plan objectives
- ☒ Policy implementation
 - o Accountability for implementation
- ☒ Legislative Framework
 - o Relevant legislation
 - o Other references
 - o Council documents
 - o External documents
- ☒ Definitions
- ☒ Cover sheet
 - o Record number
 - o Responsible manager
 - o Other key internal stakeholders
 - o Last reviewed
 - o Adoption reference
 - o Resolution number
 - o Previous review dates
 - o Legal requirement
 - o Due date of next review

As noted in the Background section of the report, the existing policy template is primarily driven by administrative practice and use by the organisation. The proposed template approach indicated above, has the aim of driving more meaningful content within the policy documents to have them better aligned to delivering community value. The administrative components of the policy would continue to exist within the policies, however moved to the latter part of the document. This enables the community to clearly understand the policy position of Council at the front of the document.

Each policy would be in a style and format consistent with Council's corporate branding style.

Policy Review Cycle

The current policy review cycle for Council policies is for every policy to be reviewed every 3 years. It is proposed that with the introduction of a greater number of service based policies (which may also include a consolidation and merge of some existing policies), and the addition of a strategic suite of policies, that the policy review cycle be amended to 4 years. This would also align the review of policies with the term of

council (which is also 4 years), with the exception of those policies that have an earlier nominated review date.

Next steps

It is proposed to receive feedback from the Committee and then incorporate this into a revised Policy Framework. Undertaking this body of work at the commencement of the Community Value Program, provides a consistent approach to the development and review of Council policies going forward.

3. FINANCIAL

Nil

4. STRATEGIC OBJECTIVES

Strategic Plan

Each Policy will consider the linkages to the Strategic and Operational plans.

Policies / Strategies

Relevant policies will gradually be updated to be incorporated into the new framework at the next applicable update.

5. LEGAL

Nil

6. RISK – IDENTIFICATION AND MITIGATION

Having a contemporary policy framework and consistent approach to policy development review, manages the risks of uncertainty for those required to undertake activities and make decisions on behalf of Council.

7. ACCESS AND INCLUSION

Each policy will have consideration for access and inclusion.

8. SOCIAL AND COMMUNITY IMPACT

N/A

9. ENVIRONMENTAL

N/A

10. ASSETS

N/A

11. PEOPLE AND WORK PLANS

The updates will be incorporated into business as usual work plans.

12. COMMUNITY AND STAKEHOLDER ENGAGEMENT

N/A

13. COMMUNICATIONS OF COUNCIL DECISION

N/A

Attachments

N/A

Report Authorisers

Ilona Cooper
Manager Governance and Policy 8397 7310

Ryan McMahon
Director Organisational Services & Excellence 8397 7297

TREE MANAGEMENT POLICY (OCTOBER 2021)

Responsible Manager: Manager Parks
Manager City Development

The City of Tea Tree Gully Tree Management Policy has undergone a complete review and rewrite as part of agreed actions in relation to the internal audit of Tree Management conducted by Edge Environment in 2020.

The new draft Tree Management Policy addresses key audit findings and recommendations to protect and enhance the benefits trees bring to the community and local ecology; whilst managing customer service requests and complaints, risks and adverse effects to public safety and infrastructure.

The key audit recommendations that the revised Tree Management Policy addresses include:

- Policy to be more visionary (3.2.1)
- Align policy actions more closely to Australian Standards (3.2.1d)
- Policy to be inclusive of a tree risk framework
- Include methodology in to Value Trees (3.2.1g)
- Tree planting to align with Canopy Target objectives (3.2.1h)
- Reduction of technical details/specific measurements (3.2.1j)
- Update referenced material such as SAPN 'Powerline Friendly Tree'**
- Include reference to LGA Section 254 Power to Make Orders (3.2.1o)
- Enhance communication and messaging benefits of trees (3.2.3a)
- Ensure consistent terminology throughout Policy (3.2.3b)

The key changes in the revised policy includes a reduction in the size of the policy and the development of supporting Technical Guidelines that will provide specifications and direction in

relation to procedures, and the new policy focuses on setting clear objectives and aims to be more strategic in its direction.

Due to an Administrative error the policy was provided without tracked changes to the August GPC meeting. These have now been rectified and added back in along with comments as to how the document was changed from the previous meeting in April 2021 when the first complete redraft was presented to the Committee.

Some additional changes have been made since the August GPC meeting arising from Committee feedback. These are included in the summary section of this cover sheet.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Tree Management Policy (October 2021)” as reviewed by the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes from prior to the April meeting		
Page No.	Heading	Comments
<p>The Policy has been completely rewritten from that currently published on Council website based on feedback from Internal Audit process and supported by Council’s Audit Committee.</p> <p>Accordingly a high level summary is only possible of the key sections</p> <p>Attachment 1 is the current and last adopted version of the Tree Management Policy. Attachment 2 is the revised Tree Management Policy for consideration</p>		
2	Purpose	Policy more visionary and more concise
2	Policy	New Tree Management Framework – Protect, plan, Maintain, Engage and Promote.
4	Technical Guidelines	Removing some operational details from policy and capturing these in Technical Guidelines that will be publically available.
4	Engage and Promote	A focus on promoting and educating the importance and value of trees.
		Draft high level targets provided for improving canopy cover and tree planting

		Operational Service Levels added
Changes since GPC Meeting of 18 August 2021		
2	1 - Purpose	One minor grammatical change
2	2 - Policy	Minor reduction in unnecessary words and a new sentence has been added at the end of the section.
2	2.1 - Protect	Additional words added to link actions to Council's Enforcement Policy
3	2.2 - Plan	The reference to Council's Arborist has been removed. The only staff member the Council can direct is the Chief Executive Officer and various staff receive sub-delegations.
3	2.3 - Maintain	A new paragraph has been added at the end of the section to link to customer requests Minor change to wording
3	2.3.1 – Tree Removal	Following feedback at the August meeting this section has been modified to bring it in line with the current adopted Tree Management Policy, albeit with reduced volume but same intent.
4	2.3.2 – Tree Removal for development benefit	A new paragraph has been added and the concept of an Urban Tree Amenity Valuation has been added for consideration/discussion Modifications to soften the application of payment and reinforce it is only related to tree removal and not new works Attachment 3 of this cover sheet includes the proposed Attachment 1 of the Policy for an Urban Tree Amenity Valuation Formula Attachment 4 sets out some examples of how the Tree Amenity Valuation works in reality.
4	2.4 - Engage and Promote	Paragraph modified but largely the same meaning and now links to Community Engagement Policy New Operational Service Level section in Section 3

4	3 – Operational Service Levels	New section has added to satisfy Chief Executive Officer Key Performance Indicator and direction of the Service Reviews processes of recording our various service level standards.
5	Definitions	A new Definition of Technical Guidelines has been added. Technical Guidelines have been used to capture a large amount of the content of the previous policy but to pull it out of the policy itself in line with Internal Audit recommendations. Definition of Trees has been removed
5	5.1 – Other References	Two new references have been added – omitted previously

Supporting Information

<p>Attachment 5: Technical Guidelines</p> <p>A number of Technical Guidelines have been developed which are in essence a direct take from the existing Tree Management Policy in an attempt to reduce the size of the Policy in accordance with the auditors recommendation by removing procedural matter.</p> <p>The following Technical Guidelines have been drafted which are included in Attachment 5</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Roadside Vegetation Clearance <input checked="" type="checkbox"/> Tree Planting <input checked="" type="checkbox"/> Tree Pruning <input checked="" type="checkbox"/> Tree Screening Management <p>There are other Technical Guidelines that staff propose to develop but these are more dependent on the Committee and Council’s final position and setting the direction on the policy position e.g.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Tree Removal <input checked="" type="checkbox"/> Management of Tree Roots Interfering with Private Infrastructure

There were some question arising from the Policy Committee meeting of August 2021 with some responses provided below.

- a) What is the number of street trees removed for development each year?
- There are approximately 30 street trees (a general average number which varies annually) removed due to urban development activities. Fees received on average are around \$1,000 per tree. This does not include those impacted without approvals, such as illegal removals or damaged trees because of development.

- b) What other Councils in Adelaide are presently using an Amenity Tree Valuation Formula?
Council obtained the following information from Councils that responded to our enquiry and follow up.

This shows that 65% of Councils who responded use an amenity formula based on City of Melbourne or Burnley methodology. The table below is a summary of the responses received.

Council	Amenity Tree Valuation Formula City of Mel or equivalent
Unley	Yes
Mitcham	Yes
Holdfast	Yes
Burnside	Yes
Adelaide	Yes
Marion	About to go to Council for endorsement
Onkaparinga	No
Norwood	No
Campbelltown	Yes
Total	65%

Attachments

1. ↓	Current Tree Management Policy - last adopted 10 September 2019.....	16
2. ↓	Tree Management Policy with tracked changes following August GPC meeting	36
3. ↓	Amenity Tree Evaluation Formula (City of Melbourne)	44
4. ↓	Tree Valuation Examples.....	48
5. ↓	4 Technical Guidelines - Draft Tree Management Policy - Attachment 5 - updated for Governance & Policy Committee (GPC) meeting 20 October 2021.....	52

Tree Management Policy



Record number	D19/27687
Responsible Manager	Manager Parks Manager City Development
Other key internal stakeholders	Director Assets and Environment Director Community and Cultural Development
Last reviewed	10 September 2019
Adoption reference	Council
Resolution number	229
Previous review dates	28/08/18, 17/11/16, 10/05/16, 11/12/12, 16/05/12, 12/08/08, 22/01/08, 25/02/08
Legal requirement	NA
Due date next review	2022

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City of Tea Tree Gully
Governance and Policy Committee

Document Cover Sheet

20 OCTOBER 2021

EMERGENCY MANAGEMENT POLICY

Responsible Manager: Manager Governance & Policy

The Emergency Management Policy has undertaken a major review to ensure it aligns with **current state emergency management arrangements and reflects Council's incident** management arrangements. The revised policy has been based on the LGA Council Emergency Management Model Policy (2019).

Although the policy has been significantly updated, the intent of the policy remains the same as the previous version. Each change has not been identified in the Summary of Changes table as the policy has been reviewed in its entirety.

A copy of the proposed Policy has been provided as Attachment 1, with a copy of the previous policy provided as Attachment 2.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Emergency Management Policy” as reviewed by the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes		
Page No.	Heading	Comments
		N/A
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

- 1. [↓](#) Emergency Management Policy - PSDC - 19 June 2019(2) 70
- 2. [↓](#) Previous Emergency Management Policy - 19 June 2019..... 78

FOOTPATH POLICY

Responsible Manager: Manager Civil Assets

Only minor changes are proposed to the existing policy to account for changes in legislation and this review is slightly ahead of our 3 year planned policy review cycle.

RECOMMENDATION

That the “Footpath Policy” as reviewed by the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes		
Page No.	Heading	Comments
1	Other key internal stakeholders	Group Coordinator, Civil & Buildings Projects Civil & Buildings Projects
4	Regulated tree	Definition from the Planning Development and Infrastructure Act 2016 (SA)
4	Significant tree	Definition from the Planning Development and Infrastructure Act 2016 (SA)
4	Other references	Link to the updated <i>Disability Access and Inclusion Plan</i>
6	Strategic Plan	Amended table to incorporate comments applicable to the objectives contained in Council's Strategic Plan 2025.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

- 1. [↓](#) Footpath Policy - reviewed version for GPC - 20 October 2021 87

PUBLIC FUNDRAISING POLICY

Responsible Manager: Community Safety Leader

The Public Fundraising Policy is due for review in the policy review cycle.

The Public Fundraising Policy guides Council and its officers with respect to the use of Public **Land under Council's by-laws** for public fundraising purposes. The policy states public fundraising will not take place across Council owned public areas to ensure Council does not cause offence to the community or inequality between fundraising organisations. It also **mitigates Council's risk and liability with respect to the security** and potential theft of fundraising goods, products and funds.

The Policy has been updated so enable the policy to apply to the current by-laws but also those that will come into effect in 2022.

RECOMMENDATION

That the "Public Fundraising Policy" **as reviewed by** the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes		
Page No.	Heading	Comments
1	Responsible Manager	Updated to Community Safety Leader who is responsible for ensuring Council's by-laws are current and communicated to the community.
2	1 Purpose	Updated Works Depot to Service Centre.
2	4.2 Other References	Removed specific clause reference in the by-laws so the policy does not need to be adjusted when the new by-laws come into effect in 2022.
3	5.1 Strategic Themes	The non-relevant themes were removed
4	5.2 Organisational Plan	The non-relevant themes were removed
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

- 1. [Public Fundraising Policy - reviewed version for PSDC - 20 October 2021](#) 95



USE OF A ROAD FOR BUSINESS PURPOSES POLICY

Responsible Manager: Community Safety Leader

The Use of a Road for Business Purposes Policy requires review due to the Statutes Amendment (Local Government Review) Act 2021, specifically the commencement of section 108(1) and section 110 to 114 of the Statutes Amendment (Local Government Review) Act 2021, amending section 222, 224 and 225 and repealing sections 224A, 225A and 225B of the Local Government Act 1999. which came into effect on 21 September 2021.

The abovementioned changes remove the requirement in the Local Government Act 1999 to issue a permit for the use of a road to a mobile food vending business.

The Policy has been amended to remove clause 2.4 Long Term Permits – Food Trucks as this section of the Local Government Act 1999 no longer exists. It is the discretion of Council if such permits should be required. Council officers are not aware of any applications received for a permit for the use of a road for mobile food vending purposes.

RECOMMENDATION

That the “Use of a Road for Business Purposes Policy” **as reviewed by** the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes		
Page No.	Heading	Comments
1	Responsible Manager	Updated to Community Safety Leader who is responsible for the Regulatory Services and Compliance Administration of Council.
2	2.3 Long Term Permits – Mobile Vehicles or Trailers	Query for consideration following recent LG Reform changes. Suggest remove “- Mobile Vans or Trailers ” from the heading.
2	2.4 Long Term Permits – Food Trucks	Removed to reflect the changes to this section of the Local Government Act 1999 which removes the requirement of Council to issue a permit under Section 222 to a mobile food vending business.
3	2.5 – 2.7	Renumbered as appropriate.
3	2.5 (revised number)	Suggestion to remove references to Mobile Food Vendors
4	Definitions	Suggest Mobile Sales is no longer required
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information		

Attachments

1. [↓](#) Use of a Road for Business Purposes Policy - reviewed version for PSDC Meeting - 20 October 2021 102
2. [↓](#) LGA Information Sheet Section 222 permits for Mobile Food Vending Businesses Food Trucks 108

PUBLIC ART POLICY

Responsible Manager: Manager Community Development & Engagement

Only minor changes are proposed to the existing policy.

RECOMMENDATION

That the “Public Art Policy” as reviewed by the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes		
Page No.	Heading	Comments
2	Purpose	Clarified opening policy purpose sentence
3	Numerical adjustment	2.4 repeated – adjusted numbers to be sequential
3	Future Public Art	Removed statement about an expectation for future public artworks. This belongs in an arts strategy.
3	Creative	Changed the word artistic to creative. The word artistic can be seen as individualistic.
4	Art Collection	Added a statement of how to de-accession Council's art collections.
5	Place-making	Removed statement about place-making as there is no consensus on what place-making is.
6-9	Strategic Plan & Organisational Plan References etc	These have been amended to reflect the current Strategic Plan and Organisational Plan
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [Public Art Policy - Reviewed Version for GPC 18 August 2021](#) 113

ACCESS TO DOCUMENTS RELATING TO DEVELOPMENT APPLICATIONS POLICY

Responsible Manager: Manager City Development

This policy is being reviewed initially as part of the policy review cycle as the review date is due and more recently due to the introduction of the Planning, Development and Infrastructure Act 2016 which was gazetted on the 19 March 2021. A new draft version of the policy has been created as a result of significant changes to the old policy.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Access to Documents Relating to Development Applications Policy” as reviewed by the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes		
Page No.	Heading	Comments
2	Purpose of the policy	The new draft policy is due to the introduction of the Planning, Development and Infrastructure Act 2016 which was gazetted on the 19 March 2021.

Summary of changes		
Page No.	Heading	Comments
		<p>The purpose of this Policy is to outline Council's position in providing information, including plans, following requests from property owners or third parties in relation to Development Application information held by Council.</p> <p>Any power or function of Council or a relevant authority described herein includes execution by an authorised delegate of such entity.</p>
	Key changes to the planning process	<p>Development applications being assessed under the PDI Act: Development is assigned a category of either Accepted, Code Assessed or Impact Assessed development. Code Assessed development may further fall into the following sub categories: Deemed to Satisfy or Performance Assessed. Performance Assessed development is required to be publicly notified unless it comprises a class of development excluded from public notification in the Planning and Design Code.</p> <p>The Assessment Manager is the relevant authority for Performance Assessed development that does not require public notification, whereas the CAP is the relevant authority for Performance Assessed development that requires public notification. The State Planning Commission or the Minister is the relevant authority for Impact Assessed development.</p> <p>Public notification: No more category 2 or 3 public notification. Performance Assessed development is required to be publicly notified unless it comprises a class of development excluded from public notification in the Planning and Design Code.</p> <p>Lodgment of Development All applications are lodged and uploaded to the SA planning portal and are made reasonably available for public inspection if on public notice.</p> <p>Freedom of information: Requests for development application documents which are not made publicly available under the Development Act, PDI Act or this Policy may be made under the FOI Act, subject to Section 55 of the PDI Act that provides that the FOI Act does not apply to or in relation to a document that is received, created or held under Part 4, Division 2 of the PDI Act (namely the SA planning portal).</p> <p>Council considers that the FOI Act applies to any copies of documents that Council holds external to the SA planning portal but notes that the Chief Executive of the Attorney-General's Department is responsible for establishing and maintaining the SA planning portal, not Council.</p> <p>Council will direct to the Attorney-General's Department all queries concerning purported or proposed applications under the FOI Act that seek access to documents held only in the SA</p>

Summary of changes		
Page No.	Heading	Comments
		<p>Planning Portal and that are not held by Council external to the SA planning portal.</p>
	Changes reflected in this policy	<p>As shown in the tracked changes, there is now less legislative obligation for the Council to provide access (and copies) of DA information to members of the public outside of the public notification process. To put it simply, a great deal of the previous scheme that enabled public access to such information was not transferred across from the Development Act to the PDI Act.</p> <p>Council finds itself in a situation where members of the public may need to resort to FOI or court orders to attain access they would have previously gained automatically under the now repealed provisions of the Development Act.</p> <p>The policy setting recommended is that only persons of a specific class should be given additional access to DA information beyond the mere statutory scheme in the PDI Act (this is on the assumption that the Council would like to retain a basic level of customer service in this area, rather a complete lockdown to only provide access during public notification or under FOI where applicable).</p> <p>This class comprises those persons that are either the owner of the subject land or who would have a right of review against the determination of the nature of development regarding a development application pertaining to that land (by being an owner or occupier of land constituting the site or adjacent land). The reason for this is that this class of persons would be likely to be able to access such DA information through a court process or FOI process (if applicable) regardless.</p> <p>Further not adopting such a policy would likely see an appreciable increase to the Council's number of FOI applications received.</p> <p>The other constraint on the policy setting is that the additional access described above only pertains to documents held by the Council <u>external</u> to the SA Planning Portal. It appears that the intent of the PDI Act is to exempt the SA Planning Portal from the application of the FOI Act, which is a curious setting given such DA information is uploaded into the SA Planning Portal but is not fully accessible by the public in that mode.</p> <p>It is also curious that the Chief Executive of the Attorney Generals Department is responsible for establishing and maintaining the SA Planning Portal and one can only assume</p>

Summary of changes		
Page No.	Heading	Comments
		<p>the intent of the exclusion of the SA Planning Portal from the application of the FOI Act is that it removes any additional “burden” that would have accrued from having to deal with many FOI applications to access information contained therein. In short, Norman Waterhouse Lawyers have drafted policy that will apply to documents (including copies of documents) that the Council holds other only by means of Council’s access to the SA Planning Portal.</p> <p>It is recommend that members of the public seeking access to information that the Council only holds on the SA Planning Portal, be directed to the Attorney Generals Department to deal with.</p>
	Refer Attachment 2	For the members’ benefit we have provided a clean copy of the Policy for your consideration.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

- 1. [↓](#) Access to Development Documents Policy - reviewed version for GPC - 20 October 2021 127
- 2. [↓](#) Access to Development Documents Policy - reviewed version for GPC - 20 October 2021 - CLEAN COPY 143



DEVELOPMENT FEES VARIATION POLICY

Responsible Manager: Manager City Development

This policy is being reviewed initially as part of the policy review cycle as the review date is due and more recently due to the introduction of the Planning, Development and Infrastructure Act 2016 which was gazetted on the 19 March 2021.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Development Fees Variation Policy” as reviewed by the Governance and Policy Committee on 20 October 2021 be adopted.

Summary of changes		
Page No.	Heading	Comments
2	Development Applications by Community Groups on Council Owned or Controlled Land	Deleted Council. Include the Assessment manager or CAP are Delete Lodgment fee as this fee goes directly to DIT. Payable to Council .

Summary of changes		
Page No.	Heading	Comments
2	Development Applications for works relating to Regulated Trees.	Include Section 119 of the Planning Development and Infrastructure Act 2016.
3	2.4 Applications involving State Heritage developments	Delete paragraph. Council cannot waive referrals fees in the portal.
4	Brushed Fences in Various Golden Grove Policy Areas	Delete Paragraph. Brush Fences do not require approval under the PDI Act.
4/5	Definitions	<p>Include PDI - Planning Infrastructure and Development Act 2016</p> <p>Remove Paragraph- Heritage Places 1993. No longer required</p> <p>Advertising fee. : Refers to the additional fee (as determined by Council) for publically notified applications that must be paid to cover the cost of placing a sign on the land, as required by Section 107 of the Planning Infrastructure and Development Act 2016.</p> <p>Replace Development Regulations 2008 with Planning, Development and Infrastructure (General) Regulations 2017.</p> <p>Replace Schedule 6 of the Regulations with the Fees and Charges Register.</p> <p>Significant Trees</p> <p>PDI Act Part 1, clause 3(1) definition of Sig Tree: significant tree means—</p> <p>(a) a tree declared to be a significant tree, or a tree within a stand of trees declared to be significant trees, under the Planning and Design Code (whether or not the tree is also declared to be a regulated tree, or also falls within a class of trees declared to be regulated trees, by the regulations); or</p> <p>(b) a tree declared to be a regulated tree by the regulations, or a tree within a class of trees declared to be regulated trees by the regulations that, by virtue of the application of prescribed criteria, is to be taken to be a significant tree for the purposes of this Act;</p>

Summary of changes		
Page No.	Heading	Comments
		Regulated Trees- Development Act to PDI Act. Regulation 6A (3) to 3F Delete exemptions listed in Schedule 3
5/6	Legislative Framework	Deleted Development Act and Replace with PDI Act. 39 to 119 Remove the words any of the prescribed fees. (Council cannot waive the lodgment or referral fees. 50B to 200
6	Other References	Development Plan to Planning and Design Code Category 2 notification to publicly notified. Regulations to Fees and Charges Register. Delete paragraph which relates to Category 2 and 3 notification.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [Development Fees Variation Policy - reviewed version for GPC - 20 October 2021](#) 157



INFORMAL GATHERINGS POLICY

Responsible Manager: Manager Governance and Policy

As part of local government reform, significant changes have been made to *the Local Government Act 1999* which will be implemented in a number of stages. The first stage of changes commenced on 16 September 2021. One of the changes to come into effect in September 2021 includes informal gatherings (referred to as Elected Member workshops at City of Tea Tree Gully), which involves deleting section 90(8) to (8e) and inserting a new section 90A – Information or briefing session.

Section 90(8) of the Local Government Act 1999 previously set out requirements relating to **‘informal gatherings and discussions’, including a requirement under Section 90(8a) of the Local Government Act 1999** to have an Informal Gatherings Policy. Having such a policy is no longer a requirement under the recent changes to the legislation, which now details the requirements of information or briefing sessions in the legislation itself. Councils are still able to have their own Informal Gatherings Policy that exceed the requirements of the legislation, however it is proposed that the Informal Gatherings Policy be revoked and a procedure/guideline be developed on the process to be established for information/briefing sessions (which would be made available to members on the Hub).

This aligns with the proposed Policy approach to focus on establishing strategic matters in policy position, and removing procedural content from policies where possible.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Informal Gatherings Policy” **as reviewed by** the Governance and Policy Committee on 20 October 2021 be revoked on the basis that the changes to the legislation now establish the requirements for information/briefing sessions.

Summary of changes		
Page No.	Heading	Comments
N/A		
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [↓](#) Informal Gatherings Policy - PSDC - 21 August 2019..... 168

Status Report on Governance and Policy Committee Resolutions 20 OCTOBER 2021



Note: This report is provided as information only. Actions relating to confidential minutes may not be included in the Status Report.

Note: This report will be presented on a monthly basis, to the first meeting each month.

Pending Actions

Minute No.	Meeting Date	Officer	Subject	Estimated Completion
128	18/08/2021	Harrison, Gill	Tree Management Policy	21/10/2021
D21/62850				
21 Oct 2021 12:01pm Harrison, Gill - Target Date Revision Policy is being returned to the GPC Meeting of 20 October 2021				

Completed Actions

Minute No.	Meeting Date	Officer	Subject	Completed
132	18/08/2021	Harrison, Gill	Council Photographs Policy	1/9/2021
D21/62850				
1 Sept 2021 12:03pm Harrison, Gill This policy was adopted by Council on 24 August 2021 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
131	18/08/2021	Harrison, Gill	Major Events Policy	1/09/2021
D21/62850				
1 Sept 2021 12:03pm Harrison, Gill - This policy was adopted by Council on 24 August 2021 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
133	18/08/2021	Harrison, Gill	Petition Management Policy	1/09/2021
D21/62850				
1 Sept 2021 12:03pm Harrison, Gill - This policy was adopted by Council on 24 August 2021 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
130	18/08/2021	Harrison, Gill	Sponsorship Policy	1/09/2021
D21/62850				
1 Sept 2021 12:03pm Harrison, Gill This policy was adopted by Council on 24 August 2021 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
127	18/08/2021	Harrison, Gill	Waterworld Management Policy	1/09/2021
D21/62850				
1 Sept 2021 11:59am Harrison, Gill This policy was adopted by Council on 24 August 2021 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
126	18/08/2021	Harrison, Gill	Proposed Terms of Reference for the Establishment of an Assets and Environment Committee	1/09/2021
D21/62850				
1 Sep 2021 11:58am Harrison, Gill Decision to not proceed with the establishment of an Assets and Environment Committee in this term of Council resolved at the Council Meeting of 24 August 2021.				

Minute No.	Meeting Date	Officer	Subject	Completed
129	18/08/2021	Harrison, Gill	Modbury Precinct Activation Policy	1/09/2021
D21/62850				
1 Sep 2021 12:02pm Harrison, Gill This policy was adopted by the GPC meeting on 18 August 2021 and has been updated to Council's website.				