



# Community Safety Policy

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## 1. PURPOSE

Council is committed to a safe, accessible and livable city for the community to enjoy and that education, encouragement and enforcement action all contribute to achieving this outcome.

Although Council has legislative responsibilities to undertake various functions within the Community Safety Department, these services are also undertaken to enhance the quality of life and health of the community, prevent damage to person and property, provide educational awareness to the community on matters of compliance and support economic development where possible.

This policy has been developed in line with relevant legislation and should be read in conjunction with relevant policies, procedures and other operational documents.

## 2. POLICY

Council employees will carry out investigation and enforcement activities with due regard to the following principles:

**Consistency** – Council will endeavour to take a similar approach in similar cases to achieve similar outcomes.

**Education** – Council will provide support, advice and guidance to assist compliance with relevant legislation and build on community capability.

**Transparency** – Council will demonstrate impartiality, balance and integrity when it undertakes enforcement activities.

**Accountability** – Council is willing to explain their enforcement decisions and make available avenues for complaint or appeal.

**Proportionality** – Enforcement measures are proportionate to the seriousness of the conduct.

**Responsiveness** – Enforcement measure and responsiveness are proportionate to the particular circumstances in line with current service standards.

**Targeted (Resources)** – Enforcement activities are focused on the areas of assessed highest risk, legislative responsibility and current perceived community value.

**Cross functional** – We will work with other teams, departments and authorities toward effective enforcement activity. We will do this by means of exchanging information and joint working initiatives.

Authorised Officers have formal authorisations and delegations to investigate and execute powers under nominated Acts.

The City of Tea Tree Gully has a low appetite for negative perceptions that compromise its credibility and reputation, achievement of its long-term vision and strategic objectives, or ability to maintain its status as a proactive Council.

The City of Tea Tree Gully has zero tolerance for non-compliance with applicable legislation.

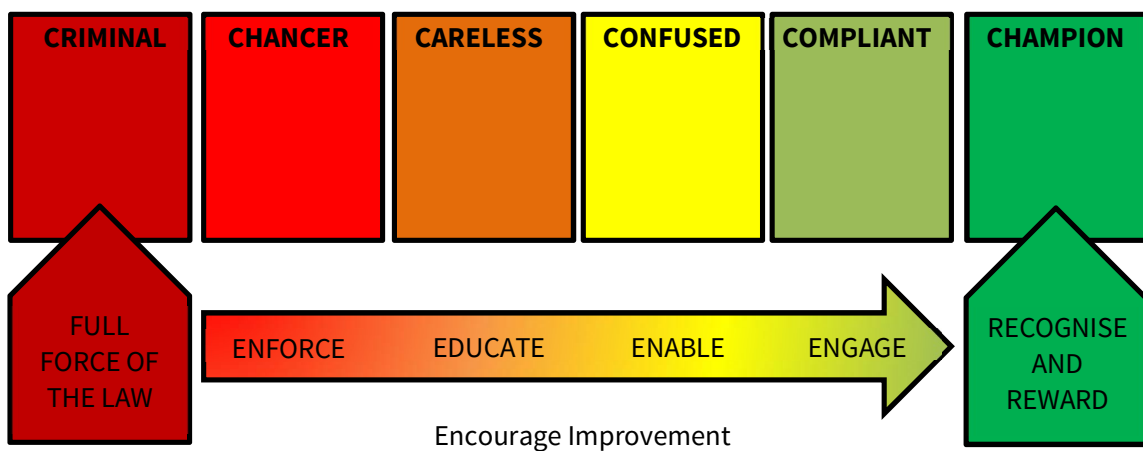
An Annual Educational Program will support the Policy and the annual work plan of the department. The Educational Program will include public communication planning and aligned operational activities. This will include communication in the lead up to dog registration renewal, support for schools to educate parents and caregivers on safety around schools and alignment to state-wide campaigns lead by the Dog and Cat Management Board.

## 2.1 Decision Making and Enforcement Options

Decision making frameworks will be developed for operational procedures in line with this policy. The following provides a reference for establishing a decision-making framework, and/or work process:

<b>Intent / Motivation</b>	<b>Possible Enforcement Response</b>
Criminal – as defined by the relevant legislation in each case, but generally a behavior associated with intentional or serious negligence leading to harm or injury.	Prosecution, referral to appropriate authority (i.e., SAPOL).
Chancer – someone who is reasonably expected to know the laws but it willing to risk it.	Notice, expiation, prosecution through election or repeated offences.
Careless – someone who is reasonably expected to know the laws but has not given sufficient attention or thought to avoiding non-compliance.	Education, warning/caution, notice, expiation for repeated offences.
Confused – someone who has little experience or knowledge of the laws, or someone who lacks clear distinction of the elements of the law and has accidentally breached it.	Enable compliance, education, warning.

Compliant - someone who is reasonably expected to know the laws and displays such knowledge, skills and experience to meet the requirements of laws.	Enable compliance, positive compliance reports, council data and reporting.
Champion – someone who understands the laws and displays knowledge, skills and experience, and is willing to educate and demonstrate to others.	Positive compliance reports and recognition of attainment.



A number of enforcement options are available to delegated and Authorised Officers when considering enforcement actions:

Option	Description
No Action	No action may be taken when, after an investigation, no breaches of the legislation are discovered, or where the breach is insignificant or inconsequential with regard to community impact.
Informal Action	Education will be a critical component to encouraging and achieving voluntary compliance.  Educational tools and strategies may be developed by the department and may include: verbal advice; provision of information; corrective action requests; verbal warnings; and written warnings.

Formal Action	Council has various powers that it may use to secure legislative compliance. Guidelines and procedures that accurately set out a prescribed process specific to the administration of legislation can include: issuing of Orders/Notices and Directions; issuing of expiations; Prosecutions and action regarding Default of Order/Notice.
Service of Orders/Notices and Directions	An Order/Notice is a written direction of Council requiring specific action to be taken to secure legislative compliance. A range of legislation administered across the department provides Authorised Officers with the delegation to issue an Order/Notice and specific requirements as detailed in the relevant Act that the Officer is Authorised. Notwithstanding the provisions of the other legislation, Section 254 of the Local Government Act 1999 gives Council Order Making Powers that allows Authorised Officers to order a person to do, or refrain from doing, a specified activity.
Service of an Expiation Notice	If an expiation fee is fixed by or under an Act, regulation or By-Law in respect of an offence, an Expiation Notice may be given under the Expiation of Offences Act 1996. Council Officers will use professional judgement and discretion to assess the variables relating to each matter under consideration.
Prosecution	A prosecution will only proceed where the Chief Executive Officer, or their sub-delegate, believe the circumstances warrant prosecution action, and where there is a reasonable prospect of a successful outcome being held in the relevant Court.
Action regarding Default of Order/Notice	Failure to comply with Orders/Notices may incur further enforcement action such as Council taking action on default of the Order or Notice, or the issuing of an Expiation Notice, or the commencement of prosecution proceedings.

## 2.2 Master Service Levels

The Community Safety Department is responsible for the delivery of services as well as education and compliance with a number of key pieces of legislation. The team has a strong focus on customer service.

The Community Safety Team is responsible for the enforcement of the following areas:

### 2.2.1 Dog Management

- a. During hours of 7.30am - 6.30pm Monday to Friday, aim to collect restrained wandering dogs within 30 minutes if contained (excluding animals held at a veterinary clinic).
- b. During hours of 6.30pm - 7.30am Monday to Saturday, no dog collections will be attended to. Weekend collection times may vary depending on operational requirements for other services.
- c. Dogs sighted wandering but not contained during hours of 7.30am - 6.30pm Monday to Friday, an officer will attend and search the area within 30 minutes and search for up to 30 minutes depending on the nature of the report. Response times may vary depending on staffing and workloads or weather events.
- d. If a dog is impounded, an officer will make reasonable attempts to contact the known owner as recorded in Dogs and Cats Online (DACO) or identification and return the dog and will only take it to a holding facility if it cannot be personally returned (not left at a property at which no one is home) or if the owner/responsible person cannot meet the officer within 20 minutes.
- e. Monday to Friday, arrange for collection between the hours of 7:30am and 6:30pm on the same day as payment is made for impound fees and registration is up to date (given payment is made at a reasonable time).
- f. Dog incident and dog noise investigations commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint).
- g. Reserves, parks and open spaces including dog parks and off leash areas may be patrolled when resources are available but is not prioritised unless a pattern of incidents becomes apparent.
- h. When incomplete microchip records have been made available by DCMB, these will be actioned within one month of the Community Safety Department being made aware of the record to attempt to have the animal registered.
- i. Animal owners who have failed to microchip or desex their animals will be followed up each year or when Council become aware of the breach.
- j. The dog registration follow up program will be undertaken annually following the dog registration renewal period.
- k. A dog registration physical doorknock of properties without dogs will be conducted every 3 years.

- i. Council will visit registered breeders (excluding shelters) in the City of Tea Tree Gully area at least once every five years.

### 2.2.2 Local Nuisance and Litter Complaints

The Local Nuisance and Litter Control Act requires council to act on complaints about:

- i. noise, odour, smoke, fumes, aerosols or dust
  - ii. animals, whether dead or alive
  - iii. vibration
  - iv. insanitary conditions
  - v. unsightly conditions
  - vi. general litter or hazardous litter
- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
  - b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

### 2.2.3 Abandoned Vehicles

- a. Attend and investigate commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Legislative timeframes will be adhered to procedurally in relation to abandoned vehicles.

### 2.2.4 Verge Encroachments

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety or City Development Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).
- c. Verge encroachments that meet Council's standard as per the guidelines will not be investigated and no permit is required for developments undertaken within guideline specification.
- d. Developments outside of the guidelines require an application to Council.

### 2.2.5 By-laws

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

### 2.2.6 Verge and footpath parking

- a. Council is responsible for enforcing offences under the Australian Road Rules as it sees fit. The policy intent behind Rule 197 of the Australian Road Rules is linked to the protection of public infrastructure and public safety considerations.
- b. Vehicles parked on or near footpaths and verges will be monitored by officers during the course of their duties and in response to complaints. Consideration will be given to the nature of the offence and if the allocated pathway is blocked (wholly or partially) and/or causes safety concerns. Council considers accessibility for all community members necessary.
- c. Officers will endeavour to locate the vehicle driver or owner if safe and/or reasonable to do so and will discuss the matter with them.
- d. Offences which cause or may cause damage to Council infrastructure (ie kerb mounting or over or on side entry pit lids) are not tolerated and will be expiated.
- e. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- f. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

### 2.2.7 Bike lanes

- a. Bike lanes will be monitored by officers during the course of their duties and in response to complaints.
- b. Bike lanes that are nearby to schools will be monitored as part of the school patrol program.
- c. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- d. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

### 2.2.8 School Patrols

To support the safety of children, pedestrians and motorists around the City of Tea Tree Gully streets and schools, each school may be patrolled on a rotational basis between 6 and 18 times per year depending on complaints and community need. In limited circumstances this target may be adjusted based on a noted pattern of behaviour or incidents.

### 2.2.9 Private Parking

- a. By supporting private parking agreements, Council supports its business community by ensuring that car parking spaces are maximised for those that shop in the relevant centres.
- b. On behalf of the Council, the CEO may enter into written agreements with the management/owners of a Private Parking Area within the Council area which will detail the responsibilities and commitments of each party.

### 2.2.10 Incoming Mail, Expiation and Order Disputes

- a. Sorted and allocated within two days of receipt.
- b. Each dispute acknowledged within two days of being received by the Community Safety Department and responded to within twenty-eight days of being received by the Community Safety Department.

### 2.2.11 Unclaimed Goods from Impounded Vehicles

- a. Where the owner of unclaimed good/s in Council's possession, is known, Council will, within one month of the good/s coming into Council's possession, request the owner of the good/s to collect those goods by sending a letter addressed to the owner at their last known address.
- b. Where the owner of unclaimed good/s in Council's possession, is not known, Council will, within one month of the good/s coming into Council's possession, publish a notice in a newspaper circulating generally throughout the State.
- c. Council will not proceed to sell or dispose of the good/s until after the expiration of at least 42 days from the date of the relevant request but will proceed to commence the process to sell or dispose of the good/s within three months of the date of the relevant request.

### 2.2.12 Fire Prevention

- a. A mail out to identified properties prior to the fire danger season will be carried out annually as a reminder of legislative obligations (includes all vacant properties and all rural properties).



- b. Inspection of all rural and at-risk properties within one month of the commencement of the fire danger season.
- c. Inspection of vacant properties within one month of the fire danger season, prioritised utilising the Bushfire Management Area Plan (BMAP).
- d. Subsequent inspections determined by seasonal weather, growth and fuel loads by accredited and authorised fire prevention officer.
- e. Participate in relevant events and collaborate with neighbouring authorities for best outcomes.
- f. Inspect all properties where 105F notice has been issued within 2 business days of the due date. Engage contractor to carry out work if an owner has failed to comply with the notice.
- g. Upon inspection and failure to comply with Section 105F notice, council will arrange for works to be undertaken and expiation issued and instigate cost recovery.
- h. All CFS reporting to be prepared and submitted within the required timeframe set by the CFS.
- i. Attendance and participation at Adelaide Mt Lofty Ranges (AMLR) Bushfire Management Committee (BMC) Meetings by either the member and/or deputy in accordance with BMC rules/terms of reference.

### 2.2.13 Food & Health Complaints (including food, pest, insanitary conditions and other public health matters)

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

### 2.2.14 Communication of food recalls or SA Health Investigations

- a. Priority is given to recalls and will defer/delay scheduled work.
- b. SA Health unsafe food investigations (eg food poisoning investigations) are a priority and will defer/delay scheduled work.

### 2.2.15 Programmed Food Business Inspections

High risk food businesses are to be inspected no longer than three months past their scheduled inspection date, which is determined by the results of their previous inspection and may range between three and eighteen months.

### 2.2.16 Programmed Food Safety Audits

All food businesses that are subject to food safety audits are to be audited no longer than one month past their scheduled audit date, which is determined by the results of their previous audit and may range between three and twelve months.

### 2.2.17 Public Pool Inspections

- a. All public pools (including swimming pools, spas, waterslides and splash pads) are to be inspected no longer than one month past their scheduled inspection date, which is determined by the results of their previous inspection and may range between six and twelve months.
- b. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- c. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

### 2.2.18 Warm Water and Cooling Water System Inspections

- a. All businesses that have these systems are to have a notice served by Council requiring an inspection to be conducted by an independent person, no longer than one month past their scheduled inspection date.
- b. The date for inspection is determined by the results of the previous inspection and may range between three and twelve months.
- c. SA Health Legionella investigations are prioritised and will defer/delay scheduled work.

### 2.2.19 Skin Penetration Business Inspections

- a. All businesses within this category are to be inspected no longer than one month past their scheduled inspection date. Inspections are conducted every 2 years..
- b. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- c. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).

### 2.2.20 Wastewater System Complaints and Inspections

- a. Investigation commenced within 2 business days (unless immediate attention is required) of receiving the complaint by the Community Safety Department.
- b. Complex matters (with or without legal involvement) will aim to consider use of appropriate legislative power within three months of commencing the investigation (with allowance provided for the nature of the complaint and times of the complained activity occurring).
- c. New septic tank installation inspection requests will be actioned at the time requested in the booking given it is received from the licensed plumber installing the system (or their agent) and they have provided 24 hours' notice.

### 2.2.21 Licenced Supported Residential Facilities

All businesses within this category are to be licensed prior to the expiration of their existing license. The length of the license may range between one and two years which is determined by the results of their license application.

## 3. DEFINITIONS

For the purposes of this policy the following definitions apply:

#### Authorised Officer

A person who is authorised to carry out statutory functions or powers as specified within a particular piece of legislation. The decision to appoint an Authorised Officer may only be made by Council or a delegate of Council

#### Fire Prevention Officer

A fire prevention officer is appointed by a Council under Part 4A Division 2; of the Fire and Emergency Services Act 2005. The fire prevention officer must have qualifications or experience appropriate to the position.

#### Public Street or Road

The road, for the purpose of this Policy, includes the road carriageway, the road shoulder, the kerb and water table, footpath or other similar paths and verge areas.

#### SAPOL

Refers to the South Australian Police.

#### Business

As per the Food Act (SA) 2001 a food business means a business, enterprise or activity (other than a business, enterprise or activity that is primary food production) that involves the handling of food intended for sale; or the sale of food, regardless of whether the business, enterprise or activity concerned is of a commercial, charitable

or community nature or whether it involves the handling or sale of food on one occasion only.

### CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

### Compliance

The act of adhering to and demonstrating adherence to an Act, By-Law, Regulation or similar. Compliance may or may not involve the process of enforcement.

### Council

The elected member body or employees acting under delegation or authorisation.

### Enforcement

Enforcement refers to the use of legislative provisions to direct a person or body to make good a breach of the Act and / or otherwise penalise a person for a breach. Enforcement is a tool to ensure compliance and accountability for illegal conduct or other wrongdoing.

### Footpath

An area open to the public that is designated for, or has as one of its main uses, use by pedestrians

### Illegal Activities

An act or activity which has occurred contrary to legislative obligations contained within legislation.

### Order

An order issued by Council or relevant authority in accordance with legislation directing that something be done or that there is prohibition against some activity.

### Private Parking Area

As per the Private Parking Areas Act 1986 means an area — (a) provided on land by the owner for the parking of vehicles used by persons frequenting premises of the owner; and (b) marked by a notice denoting it as a Private Parking Area, (and an area is capable of constituting a Private Parking Area notwithstanding that certain parts of that area are no standing areas)

### Prosecution

The process of instituting legal proceedings against a person or body in relation to an illegal activity, with the intent of penalising the person/body for illegal activity.

### Unclaimed goods

Things (chattels) that have come into the Council's possession but are legally owned by some other person (e.g. contents of a vehicle lawfully impounded by the Council), but does not include objects or things that the Council may lawfully dispose of pursuant to some statutory authority (e.g. a vehicle removed from a public road or place by the Council pursuant to Section 237 of the Local Government Act 1999).

## 4. LEGISLATIVE FRAMEWORK

### 4.1 Reference to Legislation

- a. Local Government Act 1999
- b. Development Act 1993 and Development Regulations 2008 (transitioning to Planning Development and Infrastructure Act 2016 and associated regulations)
- c. Dog and Cat Management Act 1995 and Regulations
- d. South Australian Public Health Act 2011
- e. Environment Protection (Air Quality) Policy 2016
- f. Expiation of Offences Act 1996 and Regulations
- g. Food Act 2001 and Regulations
- h. Fire and Emergency Services Act 2005 and Regulations
- i. Private Parking Areas Act 1986 and Regulations
- j. Road Traffic Act 1961 and Regulations
- k. Local Litter and Nuisance Control Act 2016 and Regulations
- l. Unclaimed Goods Act 1987 and Regulations
- m. Council by-laws

### 4.2 Other references

Council's document including:

- a. Dog and Cat Management Plan 2023-2027
- b. Cat Management Policy
- c. Control of Election Signs Policy
- d. Drone Policy
- e. Compliance & Enforcement Policy
- f. Order Making Policy
- g. Road Alteration or Encroachment Policy
- h. Tree Management Policy
- i. Use of a Road for a Business Purpose Policy
- j. Council's By-laws

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

The following strategic objectives in Council’s Strategic Plan 2025 are the most relevant to this report: articulates

Objective	Comments
<b>Environment</b>	
<i>A community that is protected from public and environmental health risks</i>	The Community Safety Policy articulates Council’s obligations in relation to public and environmental risks relating to animal management, environmental health and fire prevention.
<b>Economy</b>	
<i>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the liveability of our city</i>	The Community Safety Policy comments on the ability for Council to enter agreements with Private Parking Area owners to support the local economy and provide local jobs.
<b>Places</b>	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	The Community Safety Policy discusses how Council’s obligations relate to accessibility to these areas.

### 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations.

## 6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio General Manager and managed in accordance with Council’s scheme of delegations.

Record number	D23/74676
Responsible Manager	Manager Community Safety
Other key internal stakeholders	General Manager Community Services
Last reviewed	28 November 2023
Adoption reference	Council
Resolution number	321
Previous review dates	11/7/23
Legal requirement	Nil
Due date next review	2027
Delegations	Yes