Notice of Special Meeting of Governance and Policy Committee

Thursday 17 November 2016

MEMBERSHIP

Cr Matthew Harbinson (Presiding Member)
Cr Damian Wyld
Cr Stuart Headland
Cr Justin Hanson
Cr Lucas Jones

NOTICE is hereby given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the SPECIAL MEETING OF GOVERNANCE AND POLICY COMMITTEE will be held in the Civic Centre, 571 Montague Road, Modbury on THURSDAY 17 NOVEMBER 2016 commencing at 6.30pm

A copy of the Agenda for the above meeting is supplied as required

JOHN MOYLE
CHIEF EXECUTIVE OFFICER

Dated: 11 November 2016
AGENDA

1. Opening and Welcome

   Acknowledgement of Country Statement

   “The City of Tea Tree Gully recognises this City’s considerable natural and cultural heritage, including thousands of years of Traditional Ownership by the Kaurna people and the more recent contributions from all who live here. We build on this heritage today by respecting and listening to each other, being receptive to new ideas and acting wisely for the current and future well-being of our community”.

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 representatives in attendance

3. Confirmation of Minutes to the Previous Meeting

   That the Minutes of the Governance and Policy Committee held on 19 October 2016 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.teatreegully.sa.gov.au

5. Deputations

   Requests from the public to address 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.teatreegully.sa.gov.au

6. Presentations - Nil

7. Petitions - Nil
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 - Nil

10. Motions Lying on the Table - Nil

11. Management Reports

Office of the Chief Executive Officer - Nil

Assets & Environment - Nil

Organisational Services & Excellence - Nil

Community & Cultural Development - Nil

12. Notice of Motions - Nil

13. Motions without Notice

14. Questions on Notice - Nil

15. Questions without Notice

16 Returned Policies

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Manager Civil Assets

17 First Discussion of Policies Prior to Review

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17.8 Informal Gatherings Policy ...........................................................................83
   Manager Governance & Policy

18. Status Report on Council and Committee Resolutions

18.1 Status Report on Committee Resolutions ..................................................99

19. Other Business

20. Section 90(2) Local Government Act – Confidential Items

   A record must be kept on the grounds that this decision is made.

21. Date of Next Meeting

   14 December 2016

22. Closure

   The Committee meeting shall conclude on or before 10.30pm unless there is a specific
   motion adopted at the meeting to continue beyond that time.
BOUNDARY FENCE MANAGEMENT POLICY

Responsible Manager: Manager Civil Assets

This policy is being returned to the Governance and Policy Committee meeting to review the “definitions” as a result of the Council resolution on 9 August 2016:

“That Council refer this policy back to the Governance and Policy Committee to further consider definition amendments as suggested by the Mayor”.

RECOMMENDATION

That the Governance and Policy recommends to Council:

That the updated “Boundary Fence Management Policy ” as reviewed by the Governance and Policy on 17 November 2016 be adopted.

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<thead>
<tr>
<th>Summary of changes</th>
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<tr>
<td>Discussion Point:</td>
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<td>Consideration to be given to the reference of dangerous fence and what this includes.</td>
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### Changes made previously - GPC Meeting held on 20 July 2016

<table>
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<tr>
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<th>Change Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Cover page Review date changed to 3 year cycle</td>
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<tr>
<td>3</td>
<td>Other references Amended policy title to correct title</td>
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<tr>
<td>3</td>
<td>Definitions Added definition for Walkway Fence</td>
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<tr>
<td>5</td>
<td>Asbestos Fencing Wording change from 'may to 'will'</td>
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<tr>
<td>5</td>
<td>Council Responsibility Title has been amended from Council Responsibility (land greater than 1.0 hectare) with amended wording about asbestos fencing as it is detailed in the heading 'Asbestos Fences'</td>
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<tr>
<td>5</td>
<td>Council Responsibility for Entrance statement Structures This heading has been deleted and the content incorporated into Council Responsibility</td>
</tr>
<tr>
<td>5</td>
<td>Asbestos Fences This heading has been amended to address walkway fences and minor wording changes to provide more clarity</td>
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### Changes made after Council Meeting held on 9 August 2016

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<tr>
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<th>Change Description</th>
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<tr>
<td>6</td>
<td>Other Fences (for fences that are excluded from the Act) Wording has been amended from dangerous to hazard</td>
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### Supporting Information

**Attachments**

1. Boundary Fence Management Policy -Reviewed version.........................................................9
# Boundary Fence Management Policy

<table>
<thead>
<tr>
<th>Record Number</th>
<th>D15/74453</th>
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<tr>
<td>Responsible Manager</td>
<td>Manager Civil Assets</td>
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<tr>
<td>Other Key Internal Stakeholders</td>
<td>Director Assets &amp; Environment</td>
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<tr>
<td>Last reviewed</td>
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<tr>
<td>Adoption reference</td>
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<td>Resolution number</td>
<td></td>
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<tr>
<td>Previous review dates</td>
<td>16/5/13, 16/11/11, 09/10/07</td>
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<tr>
<td>Legal requirement</td>
<td>NA</td>
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<td>Due Date of next review</td>
<td>2019</td>
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Purpose

The purpose of this policy is to set out clear responsibilities for the construction, repair and replacement of privately owned boundary fencing where it adjoins Council owned property.

This policy assists in ensuring that all applications for Council assistance regarding boundary fencing work are dealt with in a fair and consistent manner and at a known cost to Council.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

**Local Government Act 1999**

This Act grants Council extensive powers under which it may carry out road works (including maintenance to fences on roads), but does not oblige Council to do so.

**Fences Act 1975**

This Act provides for the erection, replacement, repair and maintenance of fences. The Act does not apply to Council land that is more than one hectare in size or to land forming a road or road reserve.

**Fences Regulations 2003**

Regulation 3 states:

Pursuant to section 20(3) of the Fences Act 1975, the following classes of land are exempt from the provisions of that Act:

(a) land held by the Commissioner of Highways or any council for the purposes of controlling access to a road or proposed road from land abutting the road or proposed road;

(b) land of, or used by, the Crown, an instrumentality or agency of the Crown or a council that is used solely or principally for the purpose of drainage.

**Encroachments Act 1944**

This Act provides for the adjustment of boundaries where buildings or walls encroach on adjoining land, and facilitates the determination of boundaries.

**Development Act 1993**

Any fence (including fence/retaining wall combinations) that is over 2.1 metres in height is subject to development approval under this Act. In some zones (i.e. Hills Face Zone, Flood Zone, Golden Grove Residential Zones etc.), fences that are under 2.1 metres in height also require development approval. A masonry fence that is over one metre in height requires development approval. Fences may also be covered by encumbrances ensuring certain standards are consistently met. Council does not administer encumbrances except those to which it is a party and it does not administer those for the Golden Grove Development Area, which are registered by the Urban Renewal Authority and its antecedents.
Council’s Residential Zones are detailed in Tea Tree Gully’s Development Plan, which is available on Council’s website.

**Civil Liability Act 1936**

Section 42 of this Act provides that Council does not have any liability in tort for failure to repair or maintain a road (including structures associated with a road) or to take other action to avoid or reduce the risk of harm that results from a failure to maintain, repair or renew a road.

**Strategic Plan / Policy**

**Strategic Plan**

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this report:

- **Theme:** Healthy and Safe
- **Aspiration:** Our community is healthy and safe
- **Objective 1:** A community where people are safe in our public places and spaces.

**Other references**

Council’s document including:

- Signage and Entrance Statement Policy
- Fees and Charges Register

**Definitions**

For the purposes of this policy the following definition applies.

**Act - Fences Act 1975**

**Boundary Fence** - a dividing fence where:

- The fence line follows the actual surveyed boundary between Council owned reserve/land and adjoining land that is privately owned
- While not situated on the actual surveyed boundary (for reasons of topography or practicality), follows a mutually agreed give or take fence line.

**Entrance Statement Structure** – An Entrance Statement Structure for the purpose of this policy is a fence or a wall (usually constructed of brick or other masonry materials, sometimes faced with a plastered render which can also be painted) located at the entrance to a street or road that identifies the name of the street or road. They usually have a street name affixed to the structure. An Entrance Statement Structure often forms part of the Boundary Fence of the adjoining land. These fences may include steel or timber decorative treatments on top of the walls.

**Fencing Work** – The erection of a new dividing fence or replacement, repair or maintenance work in relation to an existing dividing fence. The cost may include any work reasonably required to facilitate fencing work such as a survey or clearing vegetation.
Walkway Fence - A shared public walkway fence other than a front fence of a private property.

Policy

This policy will not be applicable when Council’s actions cause damage to any fence. In these instances Council, either directly or through its insurers, may seek to repair the damaged fence, after each situation is assessed against the facts of the matter.

Standard Fencing

The City of Tea Tree Gully considers a standard fence to be Colorbond steel, of 1.5 to 2 metres in height. The Act requires adequate fencing to be provided, typical of good fencing in the area and meeting the reasonable needs of both neighbours. Standard fences in the Golden Grove Residential Zones are considered to be of brick, timber, brush or Colorbond materials. However, as timber and brush fences are flammable and often subject to arson attempts, Council supports appropriately coloured Colorbond steel fences.

For the purpose of this policy, Council will ensure new or replacement fences that are consistent in colour and style to the immediately adjoining fences in the area, or otherwise is comparable to adjacent and/or nearby fences. Where the fencing requires approval, the colour and style will satisfy the requirements of Council’s Development Plan.

Under no circumstances will Council approve a fence that has post and rails exposed on an adjoining public reserve or other similar public space.

Council’s Responsibility (land less than 1.0 hectare)

The City of Tea Tree Gully will contribute half of the cost of the construction, repair and replacement of a standard fence adjoining a Council owned property which is less than one hectare in area with the exception of road reserves, drainage reserves, streets and walkways as in accordance with the Act. Where a landowner proposes a fence, which in Council’s opinion, exceeds a standard fence, the contribution payable will be limited to no more than would have been payable by Council for a standard fence.

The following principles apply to Council’s contribution to boundary fencing work:

- The contribution will only be payable where Council’s written agreement is obtained in accordance with the required notices under the Act, before construction or repair works begin. Note: in accordance with the Act requirement, Council may be obligated to pay costs if it fails to respond to fencing notices within specified time periods.
- Council will conduct investigations to determine the most cost-effective way of resolving problems relating to fencing work and where possible, reach a mutual agreement with the adjoining landowner.
- A contribution will not be payable in respect of retaining walls or any structure intended by a landowner to extend the usefulness or enjoyment of private land.
- Where it is agreed the adjoining landowner will assume responsibility for the fencing work, Council’s contribution will be payable upon completion of construction of the fence to the satisfaction of Council.
Owners Responsibility (land less than 1.0 hectare)

The property owner must obtain and submit to Council three written quotations from reputable and recognised fencing contractors or builders along with a Notice to Fence pursuant to the Act. In addition, it is the property owner’s responsibility to:

- Obtain approval from the Council to construct a non standard fence abutting a Council owned property prior to construction if the owner is seeking a contribution from Council. Note: development approval may be required and it is recommended that the owner seek advice from the Council Development Assessment Department in this regard
- Obtain prior approval from Council to construct an access through a Boundary Fence in order to access a Council reserve and to pay all costs associated with the construction, maintenance or replacement of any gate or access
- Pay all costs associated with the repair or replacement of any damaged section of a Boundary Fence abutting a Council owned property where damage has occurred through the action or neglect of the property owner or occupier (including their agents)
- Comply with any reasonable condition placed by Council in respect to Council’s response to a fencing notice.

Any failure of a property owner to meet these requirements may result in Council refusing to contribute to costs.

Council’s delegated officers may instigate fence remediation work where the existing fence is considered not fit for purpose or fence construction where there are no fences provided the principles of this policy is adhered to and in a manner that complies with the Act.

Council Responsibility

Council will not contribute costs to fencing work for adjoining (land other than asbestos fencing) where the Council property is:

- Greater in area than 1.0 hectare or
- A drainage reserve or
- A street or walkway, or other public thoroughfare.

For additional information relating to Boundary Fence management adjoining Council property, see attachment 1.

For Council responsibility in regard to Entrance Statement Structures please refer to Council’s Signage and Entrance Statement Policy.

Asbestos Fences

In instances where the adjoining Council property is greater than 1.0 ha in area or adjacent to a Walkway Fence upon application from the property owner, Council will offer to contribute 50% towards the removal and replacement costs of the asbestos fence in order to remove the potential hazard. In cases where there is a safety risk in relation to an asbestos fence Council may serve notice on the landowner, using its powers under the Local Government Act 1999, in order to remove the hazard.
Applications

Applications for a Council contribution must be made in writing and include full details (length, height, location and style) of the type of fence proposed and be accompanied by quotations for the materials and labour costs involved. Where a landowner proposes to supply labour, the estimated value of this labour may be charged for any reasonable time to carry out the required work. Any payment by Council that includes costs based on labour contribution will not be deemed to be an employee or contract arrangement, but simply the property owner performing work on their own property.

Other Fences (for fences that are excluded from the Act)

Where Council becomes aware of a Boundary Fence condition that is considered a hazard to the general public, the Council will initially request the owner to implement the necessary remedial works. If the owner fails to satisfy Council’s request the authorised officers of Council may take the appropriate action to resolve the matter, which may include expiration notices or other legal action.

Inspections

All applications for fencing assistance will result in an inspection of the fence site by an authorised Council officer.

Policy implementation

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

Accessibility

This Policy and Council’s Fees and Charges register are available to be downloaded free of charge from Council’s website: www.treegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
GENERAL COMPLAINTS POLICY

Responsible Manager: Manager Customer and Communications

This policy is reviewed as part of the policy review cycle.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the updated “General Complaints Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the updated “General Complaints Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.
### Summary of changes

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<td>2</td>
<td>Strategic Plan / Policy</td>
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### Changes during or after GPC Meeting for Council Meeting [date]

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### Supporting Information

The current process is effective and is supported by a review undertaken by the Ombudsman in 2012.

### Attachments

1. General Complaints Policy - Reviewed version..............................................................17
General Complaints Policy

Record Number
D14/57135

Responsible Manager
Manager Customer & Communications

Other Key Internal Stakeholders
Director Organisational Services & Excellence Management
Manager Governance & Policy

Last reviewed

Adoption reference

Resolution number

Previous review dates
17/09/13, 09/10/12, 29/6/10

Legal requirement
NA

Due Date of next review
2016

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Purpose

This policy establishes guidelines and procedures for how the City of Tea Tree Gully (the Council) will handle general complaints and, ultimately, enable the continuous improvement of services.

Legislative framework and other references

There is no legislative requirement for the Council to have a policy that deals with aggrieved customers. Council recognises that this policy represents good governance practice. The Ombudsman promotes the principle of having this policy to assist Council in managing complaints received.

The following legislation applies to this policy:

**Local Government Act 1999**

Section 270 of this Act requires Council to establish procedures for the internal review of Council decisions and for requests for service.

Under Section 270 of this Act, the Council has the ability to refuse to consider an application for review of a decision on the grounds that the application is frivolous or vexatious, or where the applicant does not have sufficient interest in the matter.

Section 99(1)(g) of this Act provides that the Council’s Chief Executive Officer must ensure that the assets and resources of the Council are properly managed and maintained.

Section 102 of this Act delegates the authority to the Council’s Chief Executive Officer to appoint, dismiss and manage employees.

**Strategic Plan / Policy**

The following strategic objectives addressing organisation excellence in Council’s Strategic Plan 2020 is the most relevant to this policy:

**Theme:** Customers and community relations  
**Indicator:** Overall community satisfaction with Council  
**Key Area:** We value and proactively foster good customer relationships.

Other references

Council’s documents including:

- Code of Conduct for Employees and Volunteers
- Fees and Charges Register
- Fraud and Corruption Policy
- Internal Review of Council Decisions Policy
- Ombudsman Enquiry and Investigation Management Policy
- Whistleblowers Protection Policy
External documents including:

Code of Conduct for Council Members (gazetted 29 August 2013)

This policy takes into account the Unreasonable Complainant Conduct Model Policy published by the New South Wales Ombudsman.

Definitions

For the purposes of this policy the following definitions apply:

CEO – refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully, or an Acting Chief Executive Officer of the City of Tea Tree Gully (including their delegate)

General Complaint - is an expression of dissatisfaction with:

- Council’s actions, policies, procedures, processes, charges, employees, agents or services
- The quality of services provided or works carried out
- The lack of action on a request for service
- Delays associated with the provision of a service
- The conduct of Council’s employees or nominated agents/representatives.

General Complaint Resolution - a general complaint is resolved when a customer is satisfied that the Council has made its best attempt to fix the problem. It is possible they may not be completely satisfied with the outcome but they are prepared to accept the outcome without escalating the complaint any further.

The Council - City of Tea Tree Gully as a local government entity, including Council employees and Elected Members.

Customer - ratepayer, resident, visitor or business.

Futile - a complaint that lacks substance or merit, or is obviously untenable.

Malicious - someone who is motivated by wrongful, vicious, or mischievous purposes.

Persistent - someone who is refusing to give up or let go and/or is obstructive and/or insistently repetitive or continuous.

Request for Information - when the Council receives a request for information regarding services.

Request for service - when a customer requests the provision of service, or for some action to be taken to address a problem, or a request for a change to the way the Council delivers a service. If a request for service is not dealt with appropriately, it may then become a general complaint.

Review of a Council decision - when a customer seeks a review of a decision made by the Council, an employee of the Council, or persons acting on behalf of the Council. These are dealt with in Council’s "Internal Review of Council Decisions Policy".
Unreasonable complainant conduct - unreasonable conduct by complainants, which goes beyond normal situational stress associated with complainant behaviour. Unreasonable complaint conduct is discussed in greater detail within this Policy.

Vexatious - when a complaint is lodged to deliberately harass, annoy, delay or cause detriment or trouble. A complaint can also be considered vexatious where the complaint is without foundations and cannot possibly succeed, or where the complaint lacks reasonable grounds for lodging the complaint, or possesses insufficient direct interest in the issue complained about.

Policy

The Council:

- Welcomes general complaints as an important form of feedback that will ultimately drive the continuous improvement of services
- Values integrity, responsible management, fairness and equity, and will continue to strive to maintain the highest standards in its dealings with its customers while meeting the needs of the community
- Is committed to identifying, investigating and, where possible, resolving general complaints and grievances
- Recognises the importance of transparency in decision making and the need to provide a fair and objective procedure for the resolution of all general complaints
- In resolving ongoing general complaints, is conscious of not over-committing resources and funds to the detriment of the community at large
- Is committed to tracking the progress of general complaint handling within the organisation and reporting on this as part of its overall performance
- Believes customers have a right to expect that principles of economy, efficiency, effectiveness, fairness, impartiality and responsiveness will underpin Council service delivery.

These principles are of utmost importance in the Council’s endeavours to retain the trust, confidence and support of its community.

In line with Council’s Values, it will maintain a complaints handling procedure that:

- Demonstrates that everyone will be treated with dignity and respect
- Ensures all customers will be listened to and will be dealt with equally
- Encourages Council employees to be positive and take responsibility for their role in the complaint handling process.

This Policy aims to ensure:

- Improved customer service through consistent, effective management of general complaints
  - General complaints are resolved in a timely manner, namely that Council/Aims to resolve complaints within five business days from receipt
  - Advises customers of the progress of a complaint within five business days, when the complaint requires additional information or investigation
  - Provides updates, at a minimum, each 10 business days until resolution or a decision is made, or alternative timelines are agreed
- That the complainant understands what the Council can and cannot do and, will and will not do
- That the Council’s limited resources are not utilised on malicious, frivolous, unreasonable, persistent or vexatious general complaints
• That the complainant is informed of the role of Elected Members in relation to decision making
• Resolution processes in relation to general complaints will be equitable, transparent and accountable
• General complaints will be recorded in the Council's Electronic Records and Document Management System to enable tracking and effective response
• That all customers are treated consistently, honestly, fairly and in an appropriate manner
• That Council will use general complaints received to assist with its continuous improvement across the organisation.

This policy does not apply to complaints involving the following issues:

• Decisions made by the elected Council or a delegated officer – refer to Council’s Internal Review of Council Decisions Policy
• Competitive neutrality
• Conflicts of interest - refer to Code of Conduct for Employees and Volunteers and Code of Conduct for Council Members
• Code of conduct complaints against an Elected Member – refer to Code of Conduct for Council Members
• Access to information - refer to Freedom of Information (FOI)
• Internal Council employee complaints – refer to various human resources policies
• Decisions on development applications where the grievance relates to procedural matters or a decision to approve/refuse a development application. Such matters are managed through a formal appeal process lodged with the Environment Resources and Development Court. Complaints relating to the impact of an approved development will be considered having regard to the requirements of this policy
• Matters before a Court, Tribunal, South Australia Police, a Minister of the Crown, a South Australian or Federal Government department, or the South Australian Ombudsman
• Formal complaints alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest - refer to Fraud and Corruption Policy
• Complaints or appeals against expiation notices.

**Lodging General Complaints**

General complaints or concerns may be lodged with the Council in the following ways:

- In writing including by letter, email (cttg@cttg.sa.gov.au), facsimile or via the internet at the Council's website www.teetreegully.sa.gov.au
- In person
- By telephoning Council on 8397 7444.

On receiving a complaint, Council employees will confirm that the complaint is a general one or advise the customer of the manner, or policy under which the matter will be managed (for example a request for service or an Internal Review of Council Decisions). Thereafter, the complaint will be managed via the Council's Customer Request Management System as a request for service.

Once a general complaint has been lodged, the Council will acknowledge its receipt and the customer will be notified of the appropriate timeframe within which an investigation will be undertaken and a determination made to resolve the general complaint.

Where a general complaint is lodged with an Elected Member the member should direct it, in the first instance to Council's Customer Call Centre.
General Complaints Policy

Where, following an appropriate written response to a complainant, the Council receives further general complaints that detail the same or substantially similar matters to those received previously, the Council employee or Elected Member is entitled to inform the complainant that the Council will not provide a substantive response to the current matter, or similar general complaints. This approach provides the complainant with the opportunity to reframe the general complaint if the similarities were unintentional.

Anonymous General Complaints

Where validating evidence is presented an anonymous general complaint will be investigated and actioned. If no evidence is presented and the complainant is anonymous, the general complaint will be investigated at the discretion of management.

Recording of General Complaints

All general complaints will be recorded and managed in Council’s Electronic Records Management system, as per internal procedures.

Confidentiality

The Council will ensure that confidentiality is maintained where appropriate and possible. Care will be taken to ensure (where possible) that the complainant does not experience any form of victimisation or retribution as a result of the general complaint.

Grievances that relate to an individual Elected Member will be handled by the CEO and will be dealt with in accordance with Council’s Code of Conduct for Elected Members.

Complainant Protection

Complainants may be entitled to protection under the Whistleblowers Protection Act 1993. Council’s Whistleblowers Protection Policy can be found on Council’s website: www.teatreequility.sa.gov.au

Unreasonable General Complaints

When complainants behave unreasonably in their dealings with Council, their conduct can significantly affect Council’s objectives. As a result, Council will take proactive and decisive action to manage any complainant conduct that negatively and unreasonably affects Council and will support Council employees and Elected Members to do the same in accordance with this policy.

Most complainants who have dealings with Council employees or Elected Members act reasonably and responsibly in their interactions, even when they are experiencing high levels of distress, frustration and anger about their general complaint.

Occasionally, a complainant may not accept the Council employee or Elected Member determination or response to their general complaint. In a very small number of cases some complainants behave in ways that are inappropriate and unacceptable despite Council’s best efforts to help them. They are aggressive and verbally abusive towards Council employees and/or Elected Members. They can threaten harm and violence, bombard the office with unnecessary and excessive phone calls and emails, make inappropriate demands on our time and our resources and refuse to accept the decisions and recommendations of Council employees, Elected Members and Council in relation to their general complaint.
Unreasonable complainant conduct is any behaviour by a current or former complainant that because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, Council employees, Elected Members, other service users or the complainant themselves.

Unreasonable complainant conduct is defined as:

- Persisting unreasonably with a general complaint by showing an inability to accept the final decision even though it has been comprehensively considered by the Council, and even where all avenues of internal review have been exhausted
- Using unreasonable demands by insisting on outcomes that are unattainable, (e.g. demanding outcomes that are beyond the Council’s power to deliver, demanding unreasonable outcomes, wanting to alter past events, or engaging in unreasonable persecution of individuals)
- By demanding an apology and/or compensation when no reasonable basis for expecting such an outcome exists
- Being uncooperative or deliberately obstructive by presenting a large quantity of information which is not organised, sorted, classified or summarised, where the complainant is clearly capable of doing this
- By displaying unhelpful behaviours (e.g. withholding information, dishonesty, misquoting others, inundating Council with documents)
- Using unreasonable arguments by holding irrational beliefs, or by continuing with a general complaint which is unsupported by any evidence. By insisting that a particular solution is the only correct one, without consideration for valid contrary or alternative arguments
- Using unreasonable behaviours by displaying confrontational behaviour, including rudeness, aggression or threats
- Where the general complaint is about something that is beyond the Council’s jurisdiction or outside of the Council’s control.

Where a complainant engages in unreasonable conduct the Council employee or Elected Member may deal with the general complaint and complainant in accordance with this Policy.

Managing Malicious, Frivolous, Persistent and Vexatious General Complaints

Following an investigation, the Council may determine a general complaint is malicious, frivolous, unreasonable, persistent or vexatious.

A determination that a general complaint is malicious, frivolous, unreasonable, persistent or vexatious must take into account:

- Any previous complaints of a similar nature submitted by the complainant
- The response and outcome to the previous general complaints
- The resources required to address the general complaint (to ensure that it is not an unreasonable diversion of public resources)
- The principles of equity and procedural fairness.

A decision to take no further action on the general complaint may be made by a Director or the CEO and the complainant will be informed in writing.

Where the Council determines a general complaint to be malicious, frivolous, unreasonable, persistent or vexatious it will respond in a consistent manner, taking into account the individual circumstances of each general complaint.
Limiting contact between the Council and members of the public

The Council is entitled to expect that members of the public who have a general complaint will behave in an acceptable manner. In certain circumstances it is appropriate and legitimate for the Council to place certain limits on the type of services that will be made available to complainants when their behaviour continues to be unacceptable.

The Council may impose limits on the times and days that correspondence may be accepted from a complainant, or may request that all general complaints and communication be provided in writing.

Where a complainant is making the same or a substantially similar general complaint to numerous Council employees or Elected Members in person, it is appropriate for Council to nominate a particular officer to deal with the general complaints.

In some circumstances it may be appropriate for a Council employee or Elected Member to inform the complainant that they will no longer deal with their general complaints over the telephone, and to terminate the call. This will only be done in exceptional circumstances.

Where a complainant repeatedly telephones a Council employee or Elected Member, or employs insulting, threatening or abusive language, they will be asked to limit their communications to written correspondence with a nominated senior officer. This will be communicated to the complainant in writing.

Where limitations on contact with a complainant are imposed, the Council will inform the complainant in writing, specifying the limits and the reasons for their imposition.

Imposing limitations may also be appropriate where a complainant continually includes substantial inappropriate, offensive, threatening or abusive content in their general complaint and communication.

The Council is aware of the legitimate right of members of the public to access Council information under the Freedom of Information Act 1991. Any limits will not impede these statutory rights, or any other statutory rights of the complainant.

Declining to further investigate general complaints

Council will consider placing limits on further communications with the complainant where:

- A thorough examination of a general complaint has occurred
- The complainant remains dissatisfied with the outcome of the general complaint and demands further review.

This action will only be taken as a last resort with the decision taken by a Director or CEO after all other avenues have been exhausted, and where the complainant is making unacceptable demands on the Council’s complaint handling resources.

Limits could include:

- Declining to respond to any further communications unless they are in writing
- Informing the complainant that any further general complaints will be filed by the Council with or without acknowledgement unless it includes significant new information or new issues which in the opinion of the Council warrants action
- Informing the complainant that the general complaint will be referred to the Ombudsman (or other external agency) for action.
If it appears to the Council that the complainant is deliberately providing information in a selective manner, the Council will request the complainant to immediately pass on all relevant information to the Council. The Council may advise the complainant that if further material is provided, the Council will require a satisfactory explanation as to why it was not provided earlier, before it will give consideration to the material.

**Seeking legal advice**

In some instances it may be appropriate for Council management to seek legal advice with respect to the implications of a suspected malicious, frivolous, unreasonable, persistent or vexatious general complaint. A decision to seek legal advice will be taken by the relevant Director or CEO.

Where a general complaint relates to a particular Council employee, consideration will be given to making advice available to that employee upon request.

Where a particular employee or Elected Member of Council believes that a general complaint may have compromised their professional reputation, they may seek their own legal advice in relation to what private action they may take.

**Supporting Council Employees and Elected Members**

The Council has certain obligations under Work, Health and Safety legislation to provide a safe working environment. Council is mindful of the stress that dealing with difficult complainants can place on Council employees and Elected Members.

Management will always provide support to Council employees when dealing with difficult complainants, and ensure appropriate customer service policies are in place.

**Policy implementation**

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

In accordance with the *Local Government Act 1999*, all matters relating to the behaviour and decision making of Council employees will be managed by the Chief Executive Officer or their delegate, and not the elected Council.

**Accessibility**

This Policy and Council’s Fees and Charges register are available to be downloaded free of charge from Council’s website: [www.teatreequilly.sa.gov.au](http://www.teatreequilly.sa.gov.au)

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
MEDIA POLICY

Responsible Manager: Manager Customer and Communications

This policy is to be first discussed at the Governance and Policy Committee meeting as the policy is due for review as part of the policy review cycle.

Discussion points are included in the table and are identified in tracked changes within the Policy.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the updated “Media Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the updated “Media Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the updated “Media Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be returned to the Governance and Policy Committee for consideration.
## Summary of changes

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Heading</th>
<th>Comments</th>
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<tbody>
<tr>
<td>2</td>
<td>Strategic Plan / Reference</td>
<td>Reference to the strategic plan has been added to the main body rather than on the cover page.</td>
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<tr>
<td>2 &amp; 3</td>
<td>Definitions</td>
<td>Change to Officer’s title and change of definition</td>
</tr>
<tr>
<td>3 &amp; 4</td>
<td>General</td>
<td>Minor changes to wording</td>
</tr>
<tr>
<td>5</td>
<td>Council’s proactive information</td>
<td>Add a dot point</td>
</tr>
<tr>
<td>6</td>
<td>Monitoring and notifications</td>
<td>Discussion regarding current reporting and recommendations for future reporting (aligned to Elected Members’ needs).</td>
</tr>
</tbody>
</table>

**Changes during or after GPC Meeting for Council Meeting [date]**

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### Supporting Information

### Attachments


........................................................................................................29
<table>
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<tr>
<th><strong>Record Number</strong></th>
<th>D16/35735</th>
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<tbody>
<tr>
<td><strong>Responsible Manager</strong></td>
<td>Manager Customer &amp; Communications</td>
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<tr>
<td><strong>Other Key Internal Stakeholders</strong></td>
<td>Director Organisational Services &amp; Excellence</td>
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<td><strong>Adoption reference</strong></td>
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<td><strong>Previous review dates</strong></td>
<td>08/10/13, 13/12/11</td>
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<td><strong>Legal requirement</strong></td>
<td>NA</td>
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<td><strong>Due Date of next review</strong></td>
<td>2019</td>
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</table>
Purpose

The purpose of this policy is to formalise Council’s position on communicating with and distributing media material through different channels. The policy will help to ensure that Council effectively promotes the City of Tea Tree Gully and creates professional, mutually beneficial relationships with key stakeholders. The key objective is to maximise a positive public image of the City.

This policy applies to Council’s official communications and is not intended to curtail (nor to be construed as curtailing) an individual’s right to free speech.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this Policy:

Local Government Act 1999

Section 58 under this Act specifies that the Mayor is Council’s principal spokesperson, unless otherwise resolved by the Council.

Section 62(3) of the Act establishes that Elected Members are not to make improper use of information acquired by virtue of their office as members of the Council.

Strategic Plan / Policy

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this policy:

Theme: Healthy and Safe
Aspiration: Our community is healthy and safe
Objective 2: A community where people are safe during emergencies, natural disasters and during extreme climatic events, such as storms or heatwaves.

Theme: Prosperous and Connected
Aspiration: Our local economy prospers and people feel a sense of purpose and belonging
Objective 2: A community that participates in meaningful community and economic activities
Objective 4: A community where people have the resources and capacity to achieve their goals

With the addition of the “community” theme and additional initiatives associated with marketing and investment, we will be better focused to deliver the kinds of outcomes for the precinct that are listed in the above objectives.

Theme: Vibrant and Liveable
Aspiration: Our city is a desirable and sustainable place to live
Objective 4: A place that expresses a unique character and identity, an area that inspires pride in its residents and one that people enjoy visiting

With additional initiatives that focus on upgrading the public realm, attracting future target markets, investment and housing development we will be better focused to deliver the kinds of outcomes for the precinct that are listed in the above objectives.
Other references

Council's documents including:

Caretaker Policy
Fees and Charges Register

External documents including:

Code of Conduct for Council Members (Gazetted 29 August 2013)

Definitions

For the purposes of this policy the following definitions apply:

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

Channel(s) - the distribution stream(s) for different media material. These can be mainstream channels such as newspapers and websites or social media such as Facebook and YouTube.

Media - media channel employees, such as reporters and editors.

Media Advisor - an employee appointed by the CEO, who is responsible for liaising with and distributing media material through different channels.

Media material - a piece of proactive information such as a media statement, news release or a video statement.

Media representative(s) - an employee, identified by the CEO to represent the organisation due to their expertise in a specific area.

Video statement - video version of a media statement. Usually performed by an individual speaking on a single topic for the purpose of education, information or clarification.

Ward specific events or functions - functions specific to an Elected Member’s ward of Council. These events or functions do not include any that impact across the whole of Council, e.g. Australia Day awards; services that are delivered from a specific locality but apply to the whole Council, e.g. library services; capital projects on Council’s major buildings that have a whole of Council interest, e.g. Civic Centre, recreational centres.

Policy

General

Based on our values of integrity and honesty, we promote a positive and professional image and encourage open, timely and accurate communication with all stakeholders. This includes establishing appropriate working relationships with media.

The Mayor is the principal spokesperson for all political, policy matters and decisions. The Mayor can authorise Elected Members to act in place of or represent the principal spokesperson, e.g. a ward specific topic or an area of specific interest. Elected Members have the option to respond to any queries from media about public debate in the Council Chambers; however, Elected Members must have regard to the Code of Conduct for...
Council Members with respect to their interactions. Any approach is at the discretion of the media.

As principal spokesperson, the Mayor has responsibility for communicating information that is consistent with the views and decisions of Council. Where that view is at variance, the Mayor will identify that it is his/her personal view.

The CEO is responsible for responding to relating to all overarching organisational and operational matters and decisions.

The Media Advisor is responsible for reviewing any enquiries from the media (including photograph and filming requests) and providing a prompt and professional response, together with the appropriate media representative.

All nominated media representatives will undergo training or coaching relevant to the expertise required.

The Media Advisor will work with the nominated media representative(s) to identify and use appropriate organisational key messages as required.

If the nominated media representative for a specific area is not available to respond to an urgent enquiry from the media the Media Advisor can decide who is the most appropriate and available media representative to approach.

In the case of all media material, Elected Members are free to give their personal opinions directly to the media, having regard to the Code of Conduct for Council Members. If an Elected Member communicates a personal opinion in any material or through any channel, the Elected Member must make it clear that it is his/her personal view, which does not necessarily reflect the position of Council. This position also relates to the Mayor, when communicating as a personal capacity.

**Council responses to enquiries from the media**

The Customer and Communications Department must be notified of all enquiries from the media to employees. Elected Members are encouraged to do the same. In most cases, notification will be to the Media Advisor.

Any information given must reflect Council’s position and:

- Be accurate and not a misuse of information
- Not disclose any confidential material
- Not include personal commentary or opinions of the media representatives, unless it is stated that it is a personal opinion.

When approached by the media, the Media Advisor will determine the appropriate method and level of response. Based on the issue, the person approached by the Media Advisor should redirect the enquiry if appropriate and then inform the Media Advisor. Responses may be in the form of a news release, email, written or verbal statement.

It is the responsibility of the media representative to notify as soon as possible the relevant internal stakeholders, such as managers, directors and employees (as well as the Mayor, other Elected Members and the CEO) who might be affected by the results of any reactive media.
Council proactive information

Mainstream media being released as an official communication, using Council resources

Proactively seeking media coverage is a key element of our communications strategy. If a proactive news story is generated by the Media Advisor, he/she will work with the relevant people to ensure information is correct and appropriately approved.

If an Elected Member or employee identifies any news opportunities that they intend to release as an official communication, using Council resources, it is their responsibility to notify the Media Advisor in a timely manner. The Media Advisor, in consultation with senior executives, will determine whether to go ahead with the opportunity and, if so, will use the best method to engage any media. The decision will be based on:

- Underpinned by council strategic plan
- Timeliness
- Newsworthiness
- Audience reach/relevance
- The opportunity appeals to the media
- Current media interests
- Competing media stories or task

Any proactive media release being released as an official communication, using Council resources, requires the approval of the Mayor and the CEO or corporate leader of the area under discussion before it can be issued. During this process, both the Mayor and the manager can request changes to content and representation. It is also the responsibility of the relevant manager to determine if they require feedback or approval from their senior executive or CEO before giving approval to the Media Advisor.

Copies of every media release issued will be sent to the Elected Members and the Executive Leadership Team.

Video statements being released as an official communication, using Council resources

Video is an information tool, which is highly effective for some audiences. As such it is included, where appropriate, in communications planning across Council. If a video statement is generated as part of a communications plan, the Customer and Communications Department will work with the relevant people to ensure information is correct and appropriately approved.

If an Elected Member or employee creates a video statement that they wish to be released as an official communication, using Council resources, it is their responsibility to send the video statement to the Media Advisor in a timely manner. The Media Advisor in consultation with senior executives, will determine whether to go ahead with the opportunity and, if so, will use the best media channel for dissemination. The decision will be based on:

- Timeliness
- Newsworthiness
- Audience reach/relevance
- Whether the video statement is in keeping with any organisational key messages and objectives of the topic
- Maximum length of video is two (2) minutes
- Whether the video quality is appropriate for and compatible with Council’s media channels
The representative appearing in the video statement supports Council’s image of being professional, accessible and transparent.

Any video statement that they wish to release as an official communication, using Council resources, requires the approval of the Mayor and the Director of the area under discussion before it can be issued. During this process, both the Mayor and the Director can request changes to content and representation. It is also the responsibility of the relevant Director to determine if they require feedback or approval from their CEO before giving approval to the Media Advisor.

Copies of every video statement issued will be sent to the Elected Members and the Executive Leadership Team.

**Council Information**

Most Council decisions, except those deemed confidential, are public documents and public property which are accessible on our website (www.teetreegully.sa.gov.au).

Confidential employee matters, and matters discussed at an ‘in camera’ Council session (subject to the resolution of the ‘in camera’ Council session) cannot be conveyed in any form to the media.

Where the size or complexity of a topic requires it (for example the budget and annual business planning, strategic planning and rates processes), relevant employees will provide Elected Members with information and/or corporate key messages to assist with media and/or community contact.

**Caretaker period during periodic elections**

Employees and Elected Members cannot engage in media activity that contravenes the caretaker period requirements during periodic council elections. These are set out in Council’s Caretaker Policy.

**Monitoring and notifications**

Media monitoring is conducted through an external professional agency. Relevant information is forwarded in a timely manner to the Mayor, Elected Members, CEO and appropriate Directors.

The Media Advisor provides a monthly media report for Elected Members and the Executive Leadership Team. The report provides high-level information about Council’s media activity.

**Policy implementation**

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

**Accessibility**

This Policy and Council’s Fees and Charges register are available to be downloaded free of charge from Council’s website: www.teetreegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
COUNCIL'S CORPORATE PUBLICATIONS POLICY

Responsible Manager: Manager Customer and Communications

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the updated “Council's Corporate Publications Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the updated “Council's Corporate Publications Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the updated “Council's Corporate Publications Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be returned to the Governance and Policy Committee for consideration.
### Summary of changes

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<td>3</td>
<td>Policy</td>
<td>Removed editorial as this is purely advertising.</td>
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<td>3</td>
<td>Policy</td>
<td>Removed 'larger corporate publication’ as does not add any value to this paragraph</td>
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<tr>
<td>3-4</td>
<td>Corporate Newsletter</td>
<td>Refined wording to reflect current operations.</td>
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Changes during or after GPC Meeting for Council Meeting [date]

### Supporting Information

### Attachments

1. Council's Corporate Publications Policy - Reviewed version........................................37
## Council’s Corporate Publications Policy

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<th>Record Number</th>
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<td>Manager Customer and Communications</td>
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<td>Other Key Internal Stakeholders</td>
<td>Director Community and Cultural Development</td>
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<td>Legal requirement</td>
<td>NA</td>
</tr>
<tr>
<td>Due Date of next review</td>
<td>2019</td>
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The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
Purpose

The purpose of this policy is to provide guidelines for corporate (cross-organisational) publications that enhance communication with our community in an open, transparent, effective and efficient manner.

This policy assists Council to:

- Communicate with the community
- Raise Council profile
- Promote events to a wide group of people
- Create awareness about activities/programs
- Uphold our desired reputation.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

Strategic Plan / Policy

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this report:

Theme: Prosperous and Connected
Aspiration: Our local economy prospers and people feel a sense of purpose and belonging
Objective 2: A community that participates in meaningful community and economic activities

Theme: People and leadership
Indicator: Our staff, at all levels, are engaged and make meaningful contributions

With the addition of the “community” theme and additional initiatives associated with marketing and investment, we will be better focused to deliver the kinds of outcomes for the precinct that are listed in the above objectives.

Other references

Council’s documents including:

- Fees and Charges Register
- Council Photographs Policy
- Media Policy
- Promote your community event or group section on Council’s website

Definitions

For the purposes of this policy the following definition applies.

GEO – refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.
Policy

The City of Tea Tree Gully produces a corporate newsletter to promote the City of Tea Tree Gully, which includes feature articles around Council's activities of interest to the community. The contemporary publication promotes easy-to-understand information to residents about Council’s decisions, projects, developments, services and events.

Corporate advertisements are regularly published in the Leader Messenger, to promote Council news, events and activities.

Particulars for each communication method are –

**Corporate newsletter (currently Gully Grapevine)**

Message from the Mayor is included in each publication.

Photographs (see Council Photographs Policy) of Elected Members and their contact details appear in each publication. Elected Members are given the opportunity to provide their own columns. A nominated employee delegate is to advise Elected Members of any requirements for these columns and will provide a proofreading/editing service for each contribution.

The CEO and the Mayor reserve the right to edit Elected Member content to ensure compliance with Council policy and position, in consultation with the individual Elected Member.

A map of the City, with ward and suburb boundaries, appears in each publication near the Elected Members’ contact details.

Where applicable and practical, the Mayor will be given the opportunity to make a brief comment on articles related to major projects, developments, services and events. As per Council’s Media Policy, the Mayor may choose to delegate this opportunity to enable Elected Members to comment on specific issues.

A community noticeboard in the events section of the Council newsletter is provided to promote events and activities of community, sporting or school groups, although these are subject to timing, workload, budgetary constraints and space availability.

Council reserves the right to refuse to promote any activity it considers unsuitable for public promotion.

Requests for inclusion in Council produced materials must be submitted in writing by either:

- Email – ctg@ctg.sa.gov.au
- Regular mail – City of Tea Tree Gully, 571 Montague Road, Modbury SA 5092
- In person – at the Civic Centre.

As an additional community service, Council provides a list of suggested low-cost or free promotional opportunities on its website (see Promote your community event or group), including some Council opportunities. This list is available, upon request, from the Civic Centre, and is updated annually.

Operational matters, content, production and promotion are the responsibility of the Manager Customer and Communications.
Leader Messenger advertisement (currently Gully Views)

Operational matters, content, production and promotion are the responsibility of the Manager Customer and Communications.

Policy implementation

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

Accessibility

This Policy and Council’s Fees and Charges register are available to be downloaded free of charge from Council’s website: www.treegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
PUBLIC ART ON PUBLIC INFRASTRUCTURE POLICY

Responsible Manager: Manager Library Services Arts & Culture

This policy is to be first discussed at the Governance and Policy Committee meeting as the policy is due for review as part of the policy review cycle. Discussion points are included in the ‘Summary of Changes’ table and are identified in tracked changes within the Policy.

It is noted that the Art Exhibition and Display Policy (included as Attachment 2), while having a different focus to this Policy, also focuses on public art. It may be worthwhile considering if there is enough potential alignment with these policies to consider one broader overarching policy on public art and merging the content of the two policies together, or whether content is sufficiently different to have two separate policies.

RECOMMENDATION

That a combined and expanded art policy as discussed at the Governance and Policy Committee on 17 November 2016 be returned to the Governance and Policy Committee for consideration.
## Summary of changes

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<td>3</td>
<td>Policy</td>
<td>Added text linking the Policy to text from the Strategic Plan, outlining purpose of public art created by community.</td>
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<td>Content was procedural, with limited structure therefore the changes suggested throughout the Policy have been recommended to address this.</td>
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<td>3</td>
<td>Consultation</td>
<td>Heading added</td>
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<td>Propose including a requirement for applicants to undertake consultation with impacted property owners prior to making application to Council.</td>
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<td>3</td>
<td>Application to Council</td>
<td>Heading added</td>
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<tr>
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<td></td>
<td>Added reference to Council website for applicants to follow a documented procedure. Grouped all significant considerations together.</td>
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<tr>
<td>4</td>
<td>Design</td>
<td>Heading added</td>
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<td>Grouped all design considerations together.</td>
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**Discussion point:**

It is noted that the Art Exhibition and Display Policy, while having a different focus to this Policy, also focuses on public art. It may be worthwhile considering if there is enough potential alignment with these policies to consider one broader overarching policy on public art and merging the content of the two policies together, or whether content is sufficiently different to have two separate policies.

### Changes during or after GPC Meeting for Council Meeting [date]

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### Supporting Information

Art Exhibition and Display Policy provided as reference information only as Attachment 2.

### Attachments

1. Public Art on Public Infrastructure Policy - Reviewed version - August 2016...........43
2. Art Exhibition and Display Policy.................................................................47
Public Art on Public Infrastructure Policy

Record Number

D16/35852

Responsible Manager

Manager Library Services, Arts and Culture

Director Community and Cultural Development

Director Assets and Environment

Other Key Internal Stakeholders

Manager Community Development and Engagement

Manager Civil Assets

Manager City Strategy

Last reviewed

Adoption reference

Resolution number

Previous review dates

08/10/13, 19/01/10, 25/07/06

Our local economy prospers and people feel a sense of purpose and belonging

Reference to Strategic Plan

Our city is a desirable and sustainable place to live

Legal requirement

NA

Due Date of next review

2019

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
Purpose

The purpose of this policy is to state Council’s position in regard to the painting of stobie poles and other public infrastructure along roads or on land under Council’s care and control within the City of Tea Tree Gully.

This policy does not apply to infrastructure on private roads.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

Local Government Act 1999

Section 209(1) of this Act provides that fixtures and equipment installed on a public road (i.e. stobie poles, padmount electricity transformer cabinets) by the provider of public infrastructure (i.e. SA Power Networks) remains the property of the provider of that infrastructure.

Section 221 of this Act provides that a person (other than Council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by Council. A person makes an alteration to a road if the person:

- Erects or installs a structure in, on, across, under or over the road
- Changes or interferes with a structure associated with the road.

Development Act 1993

Painting public infrastructure such as stobie poles and padmount electricity transformer cabinets does not constitute development under this Act therefore development approval is not required.

Other references

Council’s documents including:

- Election Signage Policy
- Fees and Charges Register
- Painting of Electricity Stobie Poles Application Form

Definitions

For the purposes of this policy the following definitions apply.

CEO - refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully, or an Acting Chief Executive Officer of the City of Tea Tree Gully (including their delegate).

Immediate vicinity - owners and occupiers adjacent and either side of the public infrastructure including those directly across the road. This should be a minimum of four properties of owners/occupiers who are located nearest to the public infrastructure, but may extend further depending on location.
Policy

Council strives to be more vibrant and liveable by improving the appearance of public places and spaces. Public art created by the community contributes to the sense of place, expressing a unique character, pride for local residents, and a place people enjoy visiting.

Council receive requests from members of the community to decoratively paint/adorn public infrastructure such as SA Power Networks’ stobie poles, padmount electricity transformer cabinets, lighting poles and other public infrastructure.

SA Power Networks, as owners of the infrastructure, has advised that they may approve the painting of electricity stobie poles provided that the structural integrity of the poles are not diminished by actions such as drilling holes in the poles. Applicants need to contact them first, to gain their approval.

Consultation

Applicants are required to undertake consultation with owners/occupiers of properties in the immediate vicinity of the stobie pole, to ensure they support the proposed design.

Application to Council

A procedure outlining the steps for applicants to follow is available on-line. All applications must be submitted by 5pm on the following days:

- For any application relating to a road under State Government care and control, the applicant will provide Council with a copy of the approval from the relevant agency or authority (i.e., Department of Planning, Transport and Infrastructure)
- The poles are painted in accordance with the conditions set forth by SA Power Networks
- The applicant accepts liability to cover the costs that may be recovered by SA Power Networks for related inspection procedures
- The applicant accepts full responsibility for any personal injury, damage or loss in any way arising out of, or consequent upon, the painting of the stobie poles and acknowledges that Council and SA Power Networks have no liability or responsibility in relation to such matters whatsoever
- That the applicant maintains the paint condition on the stobie poles (including graffiti removal/cover-up) and undertakes a repainting program every two years
- The applicant is responsible for ensuring that appropriate traffic management processes are adhered to while the project is being undertaken
- That Council reserves the right to adjust, remove or otherwise alter paint treatment to a stobie pole for any operational reasons it deems fit
- Any other condition deemed appropriate by the relevant Council delegate
- The CEO has delegated authority to approve works on roads.

Design

Appropriate design needs to take into consideration

- The design is socially acceptable
- Ensuring the design does not constitute advertising, political material, local messages, logos, directions or signage

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Deleted: This may be considered an appropriate, without the local community have not objected to the proposal and the owner of the infrastructure is in agreement. The following applies to the painting of stobie poles:

Deleted: In order to respond to these requests in a consistent and equitable manner Council will assess each application in accordance with the following principles:

- Applications must be submitted in writing on the appropriate application form. Prior to submitting the application form the applicant must:

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Design may cover only up to a height of 2 meters from the ground, and it must not cover, conceal or obstruct any signs, identification numbers of any major SA Power Networks equipment mounted on the poles.

If adverse comments are received as a result of the community consultation, then the application is to be directed to Council or a relevant delegate for consideration.

While the above applies to the painting of stobie poles, these general conditions will be applied for other types of public infrastructure, albeit the owner of the public infrastructure may be different (i.e. Department for Planning, Transport and Infrastructure, Telstra etc.)

Policy implementation

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

Accessibility

This Policy and Council’s Fees and Charges register are available on Council’s website:

www.littlehampton.sa.gov.au

Hard copies can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
# Art Exhibition and Display Policy

<table>
<thead>
<tr>
<th>Record Number</th>
<th>D15/61032</th>
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<tbody>
<tr>
<td>Responsible Manager</td>
<td>Manager Library Services Arts and Culture</td>
</tr>
<tr>
<td>Other Key Internal Stakeholders</td>
<td>Director Community and Cultural Development Manager Governance and Policy Cultural Coordinator</td>
</tr>
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<td>Last reviewed</td>
<td>19 January 2016</td>
</tr>
<tr>
<td>Adoption reference</td>
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<tr>
<td>Resolution number</td>
<td>359.1</td>
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<tr>
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<td>31/07/12, 8/6/2010</td>
</tr>
<tr>
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<td>Participation in entertainment, recreation, leisure and the arts</td>
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<td>Legal requirement</td>
<td>NA</td>
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<tr>
<td>Due Date of next review</td>
<td>2018</td>
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Purpose

The purpose of this policy is to state Council’s position in regard to the display of art and
guidelines for Council and its staff for the assessment and display of sensitive pieces of
artwork on Council property. The existence of this policy will assist Council to provide and
support local artists in a fair and consistent manner.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

Other references

Council’s Fees and Charges Register
Exhibition Form

Definitions

For the purposes of this policy the following definition applies.

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

Exhibition – event(s) where works such as art, ceramics, crafts, models, photographs,
/jewellery etc. are on display to the public on walls, in display cases or other suitable means.

Exhibitor - the person involved in putting their work on public display.

Policy

Council supports and encourages participation of artists to display their work on Council
property where Council has designated an event or area for this to occur. Priority will be
give to those who live, work or attend school in the City of Tea Tree Gully.

General principles

All work must conform to any relevant criteria for the event or area of display.

Right of reproduction of all entries in any event will be assigned to the Council.

Exhibition of artwork must occur in accordance with the terms of any agreement entered
into between the Council and exhibitor in relation to that exhibition (such agreement should
address matters such as assignment of copyright to Council, removal or artwork, manner it
is displayed etc.).

Gallery 1855

Gallery 1855 holds seven Exhibitions each year and focuses on emerging or established
South Australian artists. Applications for bookings are made through Exhibitors application
form in the Gallery 1855 Exhibitors Pack.
Applications are accepted throughout the year and are considered by Artist Round Table Advisory Group who assess applications for inclusion in the annual program. Council provide Exhibition support including: marketing, design of electronic invitations, installation and dismantling of Exhibition, administrating sales and provision of refreshments for a launch. The Exhibitions attract a hire charge and commission as documented in Council’s Fees and Charges Register.

**Library Foyer**

Two walls have been allocated in the entrance to Council’s Library, , free of charge, for the display of local community art. An Exhibitor can apply to exhibit on both or either wall and the CEO will establish appropriate guidelines and processes to manage the applications in a fair and equitable manner.

**Other Displays**

Council will hold exhibitions at other Council managed properties from time to time. These exhibitions will be managed in accordance with any guidelines relevant to the Exhibition or event.

**Viewing Artwork in Community Spaces**

Council’s facilities are not always primarily art galleries and the Exhibition spaces are frequented by the general community who may not otherwise have chosen to seek out art. Some artworks may be seen as confronting, distressing or offensive to the general community. The artwork may be set-aside prior to or during an Exhibition if a concern or complaint is received. The artwork will then be reviewed by Council to determine suitability for continued display. If artwork has been assessed and excluded from the exhibition, the submitting artist will be provided with reasonable explanation for refusal.

**Insurance**

Artwork is insured adequately under council insurance within council buildings. This does not include insuring travel or delivery of the item.

Settlement of any claim will be on the basis of cost of materials plus fabrication costs and/or any independent valuation. The Exhibitor will be responsible for the cost of any excess amount on any claim made to Council for the damage, loss or theft of any of the work.

**Copyright**

All artworks exhibited at Council’s facilities must be works created by the artist/s and must not breach defamation, privacy or intellectual property and copyright laws. Council reserves the right to refuse a work for reasons based on installation, technical, technological restrictions or ideological reasons.

**Policy implementation**

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

This Policy and Council's Fees and Charges register are available on Council's website:
www.teatreegully.sa.gov.au

Hard copies can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
VEHICLES PARKED ON FOOTPATH POLICY

Responsible Manager: Manager Community Safety

This policy is reviewed as part of the policy review cycle. There are no proposed changes to the existing policy.

RECOMMENDATION

That the updated “Vehicles Parked on Footpath Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.
### Summary of changes

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<tr>
<th>Page No.</th>
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<tbody>
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<td>3</td>
<td>Strategic Plan / Policy</td>
<td>Reference to the strategic plan has been added to the main body rather than on the cover page.</td>
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### Changes during or after GPC Meeting for Council Meeting [date]

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### Supporting Information

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### Attachments

1. Vehicles Parked on Footpath Policy - Reviewed version(2)........................................53
Vehicles Parked on Footpath Policy

<table>
<thead>
<tr>
<th>Record Number</th>
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<td>Responsible Manager</td>
<td>Manager Community Safety</td>
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<tr>
<td>Other Key Internal Stakeholders</td>
<td>Director Community and Cultural Development</td>
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<td>Last reviewed</td>
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<td>10/12/13, 09/03/10, 23/01/07, 25/02/03, 13/03/01</td>
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<td>Legal requirement</td>
<td>NA</td>
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<tr>
<td>Due Date of next review</td>
<td>2019</td>
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</table>
Purpose

Council is responsible for enforcing offences under the Australian Road Rules as it sees fit. The policy intent behind Rule 197 is linked to the protection of public infrastructure and public safety considerations. The purpose of this policy is to formally state Council’s position in regards to vehicles parked on Council footpaths and the circumstances in which expiation notices will or will not be issued.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

**Australian Road Rules (under the Road Traffic Act 1961)**

Under regulation 165 it is a defence to the prosecution of a driver for an offence against a provision of Part 12 if:

- The driver stops at a particular place, or in a particular way, to avoid a collision, and the driver stops for no longer than is necessary to avoid the collision
- The driver stops at a particular place, or in a particular way, because the driver’s vehicle is disabled, and the driver stops for no longer than is necessary for the vehicle to be moved safely to a place where the driver is permitted to park the vehicle under the Australian Road Rules
- The driver stops at a particular place, or in a particular way, to deal with a medical or other emergency, or to assist a disabled vehicle, and the driver stops for no longer than is necessary in the circumstances
- The driver stops at a particular place, or in a particular way, because the condition of the driver, a passenger, or the driver’s vehicle makes it necessary for the driver to stop in the interests of safety, and the driver stops for no longer than is necessary in the circumstances
- The driver stops at a particular place, or in a particular way, to comply with another provision of the Australian Road Rules or a provision of another law, and the driver stops for no longer than is necessary to comply with the other provision.

Under regulation 197 a driver must not stop on a bicycle path, footpath, shared path or dividing strip, or a nature strip adjacent to a length of road in a built-up area, unless:

- The driver stops at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules
- The driver is permitted to stop under another law of this jurisdiction.

**Expiation of Offences Act 1996**

Section 5(1) provides for certain offences to be expiated. Expiations must be issued in accordance with this Act.

**Road Traffic (Miscellaneous) Regulations 1999**

Schedule 9 – Part 3 of the regulations sets the expiation fee for offences against the Australian Road Rules.
Vehicles Parked on Footpath Policy - Reviewed version(2)

Strategic Plan / Policy

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this report:

Theme: Healthy and Safe
Aspiration: Our community is healthy and safe
Objective 1: A community where people are safe in our public places and spaces.
Objective 3: A community where people have easy access to places, spaces and services that support good health

This policy provides guidance in situations where vehicles in public places may cause a hazard to members of the public.

Other references

Council’s documents including:

- Fees and Charges Register
- Enforcement Policy

Definitions

For the purpose of this policy, the following definitions apply:

Built-up area - in relation to a length of road, means an area in which either of the following is present for a distance of at least 500 metres or, if the length of road is shorter than 500 metres, for the whole road:

- Buildings, not over 100 metres apart, on land next to the road;
- Street lights not over 100 metres apart.

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

Trifling - An alleged offence will, for the purposes of this Act, be regarded as trifling if, and only if, the circumstances surrounding the commission of the offence were such that the alleged offender ought to be excused from being given an expiation notice on the ground that:

- There were compelling humanitarian or safety reasons for the conduct that allegedly constituted the offence
- The alleged offender could not, in all the circumstances, reasonably have averted committing the offence
- The conduct allegedly constituting the offence was merely a technical, trivial or petty instance of a breach of the relevant enactment.

Policy

The parking of vehicles on footpaths (off the carriageway) is generally not acceptable however there are circumstances in which a vehicle may park on a footway, and expiation will not be issued. These circumstances include:

- Where the driver has stopped in emergency circumstances in a manner permitted under Section 165 of the Australian Road Rules

Attachment 1
- In circumstances where the offence is trifling for the purposes of the Expiation of Offences Act.

The decision to issue an expiation or not will be based on the merits of the particular circumstances identified at the time.

In assessing where an expiation may be appropriate, Council officers should have regard to the merit of the principles outlined in Council’s Enforcement Policy and individual situations. They should also consider the protection of public infrastructure and any implications for public safety. Examples of where these considerations may arise include the following:

- The vehicle is parked over or across a paved, sealed or rubble constructed footpath
- The parking creates a public hazard
- The parking damages private landscaping on public land
- The vehicle is parked in front of a property under the care or control of Council.
- The vehicle is displayed for sale and the location of the vehicle is not related to the owners or drivers normal place of residence.

Policy implementation

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

Accessibility

This Policy and Council’s Fees and Charges register are available to be downloaded free of charge from Council’s website: www.teatreegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
MEMORIAL MANAGEMENT POLICY

Responsible Managers: Manager Civil Assets
Manager Parks

This policy is to be discussed at the Governance and Policy Committee meeting.
This policy needs to include information about roads owned by Department of Planning, Transport and Infrastructure and reference their policy in relation to memorials.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the updated “Memorial Management Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the updated “Memorial Management Policy” as reviewed by the Governance and Policy Committee meeting on 17 November 2016 be adopted.

Or

That the updated “Memorial Management Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be returned to the Governance and Policy Committee for consideration.
### Summary of changes

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Heading</th>
<th>Comments</th>
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<tbody>
<tr>
<td>2</td>
<td>Purpose</td>
<td>This area has been expanded to clarify that Department of Planning, Transport and Infrastructure have their own policies in relation to memorials on their roads</td>
</tr>
<tr>
<td>2</td>
<td>Strategic Plan / Policy</td>
<td>Reference to the strategic plan has been added to the main body rather than on the cover page.</td>
</tr>
<tr>
<td>3</td>
<td>Other references</td>
<td>This area has been updated</td>
</tr>
<tr>
<td>3</td>
<td>Definitions</td>
<td>Definition of road has been updated</td>
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<tr>
<td>4 &amp; 5</td>
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<td>References to by-law numbers have been updated</td>
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### Changes during or after GPC Meeting for Council Meeting [date]

### Supporting Information

### Attachments

1. Memorial Management Policy - Reviewed version .......................... 59
Memorial Management Policy

<table>
<thead>
<tr>
<th>Record Number</th>
<th>D16/37207</th>
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| Responsible Manager | Manager Civil Assets  
|                 | Manager Parks |
|                 | Director Assets & Environment  
|                 | Director Community & Cultural Development |
| Other Key Internal Stakeholders | Supervisor Civil Operations & Depot Services  
|                 | Manager Civil & Water Operations  
|                 | Manager City Safety |
| Last reviewed | |
| Adoption reference | |
| Resolution number | |
| Previous review dates | 09/09/15, 21/11/12, (Previously titled Memorials on Local Government Land and Road Reserves Policy) 16/12/08, 12/10/04, 25/2/03, 13/3/01 |
| Legal requirement | NA |
| Due Date of next review | 2019 |
Purpose

The purpose of this policy is to provide guidelines for requests for the installation of memorials on Local Government land and on a road under the care and control of the City of Tea Tree Gully.

This policy does not apply to a road under the care and control of the Department of Planning Transport and Infrastructure.

The existence of this policy will assist to ensure that such requests are managed in a consistent and accountable manner.

This Policy is not intended to manage applications for monuments in cemeteries or The Returned and Services League (RSL) Memorial Garden.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

Local Government Act 1999

Section 221 of this Act states that a person (other than Council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by Council.

Section 221(5) of this Act, states that Council is not liable for injury, damage or loss resulting from anything done under the authority of an authorisation under section 221(2)(b).

Before the Council authorises the installation of a structure on a road, Council must give consideration to whether the structure will:

- unduly obstruct the use of the road
- unduly interfere with the construction of the road
- have an adverse effect on road safety.

Strategic Plan / Policy

The following strategic objectives in Council's Strategic Plan 2020 are the most relevant to this report:

Theme: Healthy and Safe
Aspiration: Our community is healthy and safe
Objective 1: A community where people are safe in our public places and spaces.

Theme: Prosperous and Connected
Aspiration: Our local economy prospers and people feel a sense of purpose and belonging
Objective 1: A community that has a say in decisions that affect them
Other references

Council’s documents including:

Council’s By-law No. 3 – Local Government Land - provides for the management and regulation of the use of local government land owned by or under the care, control and management of Council (other than streets and roads), including the prohibition and regulation of particular activities on such local government land.

Council’s Fees and Charges Register

External document including:

Burial and Cremations Act 2013

The Department of Planning, Transport and Infrastructure, Operational Instruction 19.5, Roadside Memorials.

Definitions

For the purposes of this policy the following definitions apply:

Local Government Land - in accordance with Council’s “By-law No. 3 - Local Government Land” all land owned by Council or under Council’s care, control and management (except Roads).

Memorial - under the Burial and Cremations Act 2013 this means:

- A gravestone, plaque, cenotaph or other monument
- Any other structure or permanent physical object used to memorialise a deceased person.

For the purposes of this policy, this may also include living persons.

Road - means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
(a) a bridge, viaduct or subway; or
(b) an alley, laneway or walkway;

Policy

Requests for the Installation of Memorials

From time to time, Council receives requests from members of the public for the installation of memorials on land that is managed by Council.

Council may attach conditions to any grant of approval for a memorial (temporary or permanent), which may be varied at any time in writing by Council.

The following principles apply to requests for:
**Permanent Commemorative Memorials**

In accordance with paragraph 13.2 of the By-law or section 221 of the Local Government Act 1999, the installation of permanent commemorative memorials on local government land or Council roads are not permitted without prior approval from Council. Council may grant approval for the installation of such memorials in accordance with the following conditions:

- Requests for the installation of permanent memorials must be made in writing and Council will provide a written response whether approved or not.
- Markers or plaques or other indicators depicting personal circumstances are to be located at cemetery sites only (with the exception of Council’s RSL Memorial Garden, Memorial Arch and Memorial Drive).
- Memorials (e.g. markers, plaques or other indicators depicting sites of personal significance) are not to present a public risk or impediment as determined by Council.
- All costs associated with the provision and installation of the memorial are to be borne by the applicant.
- Landscaping memorials, including garden beds, trees, benches etc. will be considered upon application according to the following criteria:
  - The materials to be supplied by the applicant, based upon specifications provided by Council.
  - Applicants are to meet all costs associated with the supply and installation. On-going maintenance thereafter will be at a service level determined by Council, as resources permit.
  - Replacement of the commemorative symbol due to loss/damage or asset depreciation will be at the discretion of Council.
- Council reserves the right to remove any approved memorial if it considers it is no longer required or appropriate (excluding memorials from cemeteries, which is governed by the Burial and Cremations Act and Regulations). Every effort will be made to contact the applicant (or their descendants as the case may be) of Council’s intention to remove the memorial to provide the applicant with a reasonable opportunity to repair, remove or relocate the memorial.
- No fees will apply for applications for Permanent Commemorative Memorials.

**Temporary Commemorative Memorials**

The installation of temporary commemorative memorials within land that is managed by Council is not permitted without written approval from Council. Council may grant approval for the installation of such memorials in accordance with the following conditions:

- Requests for the installation of temporary memorials must be made in writing and Council will provide a written response whether approved or not.
Item 17.6

Memorials (e.g. markers, plaques or other indicators depicting sites of personal significance) are not to present a public risk or impediment as determined by Council.

Any other reasonable condition considered relevant to the application (previous and/or current)

All costs associated with the provision and installation of the memorial to be borne by the applicant

No fees will apply for applications for Temporary Commemorative Memorials.

Disposal of Cremated Remains (Ashes)

In accordance with paragraph 4.2.1 of the By-law, a person must not without permission from Council, bury, inter or spread the ashes of any human or animal remains on Local Government Land.

Council will consider requests for the disposal of cremated remains of deceased persons or animals on local government land on an individual basis, according to the following criteria:

Any approvals will consider that the ashes must be spread or scattered rather than being deposited on local government land other than in a dedicated cemetery

Any approvals will consider that the spreading or scattering of ashes must not be carried out at a time when the approved location is being actively used (e.g. on a football oval during a game or during a break in the game)

Any approvals will be considered with the criteria established under the above section entitled “Temporary Commemorative Memorials”.

Register

A register of memorials and plaques within the City of Tea Tree Gully will be kept in Council’s records management system.

Policy implementation

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

Accessibility

This Policy and Council’s Fees and Charges register are available to be downloaded free of charge from Council’s website: www.teatreegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
This policy is presented for discussion at the Governance and Policy Committee meeting. It has been identified that this policy could benefit from a review in order to identify a potential gap in the existing policy position, particularly the relationship between the programmed tree planting schedule and programmed footpath program.

This policy has been discussed with key stakeholders to ensure wording reflects the above information.

**RECOMMENDATION**

That the Governance and Policy Committee recommends to Council:

That the updated “Tree Management Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the updated policy entitled “Tree Management Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.

Or

That the policy entitled “Tree Management Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be returned to the Governance and Policy Committee for consideration.
### Summary of changes

<table>
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<td>Strategic Plan / Policy</td>
<td>Reference to the strategic plan has been added to the main body rather than on the cover page.</td>
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<tr>
<td>13</td>
<td>Tree planting</td>
<td>Wording has been added about the programmed tree planting schedule is to consider alignment with the programmed footpath program.</td>
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### Changes during or after GPC Meeting for Council Meeting [date]

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### Supporting Information

### Attachments

1. Tree Management Policy - Reviewed version .......................................................... 67
## Tree Management Policy

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<td>Manager Parks</td>
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<td>Manager City Development</td>
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<td>Other Key Internal Stakeholders</td>
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*The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*
Purpose

The purpose of this policy is to formalise Council’s position in regard to the management of tree and shrub vegetation that is under Council’s care and control throughout the City. This policy applies to various areas including parks, reserves, operational land and roads (including road verges).

This policy aims to establish the direction to be provided to employees to manage its trees and shrubs recognising that the vegetation of the City is one of the key amenities of the area and recognised in Council’s Strategic Plan. This Plan recognises the need to maintain and enhance this amenity while assessing customer requests and various needs for maintenance requirements in a consistent and transparent manner.

Given the potential and likelihood of future liability claims being made against Council, it is desirable for Council to formally establish its position regarding the management of its tree and vegetation amenity. This policy is based on principles and guidelines as set out in the Trees: Legislation and Risk Management Guidelines for Local Government as published by the Local Government Association Mutual Liability Scheme.

This policy should also be read in conjunction with other key relevant policies including Council’s Urban Landscape Master Plan.

Legislative framework and other references

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

**Local Government Act 1999**

Section 221 of this Act stipulates that a person (other than Council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by Council. This includes the planting, interference or removal of a tree or vegetation on the road.

Section 232 of this Act outlines the factors that Council must consider prior to the establishment of a street tree, such as:

- Whether the vegetation is appropriate to the proposed site, taking into account:
  - Environmental and aesthetic issues
  - The use and construction of the road
  - Potential for interference with structures such as pipes, wires, cables, fixtures, fittings and other objects
  - Road safety matters
  - Other matters (if any) considered relevant by Council

- If the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area, Council must follow the relevant steps set out in its Community Engagement (Public Consultation) Policy.

Section 244 and 245 of this Act provides some protection for Council against liability providing that Council has acted reasonably. Having a policy in this area is seen as being reasonable, appropriate and provides Council with a mechanism for some protection from liability.
**Development Act 1993**

Significant and Regulated Tree legislation falls within this Act, which protects large trunked trees. The existence of this legislation may impact on the manner and degree that this policy can be implemented when trees that are captured by this legislation are involved. Any work relating to a significant or Regulated Tree on Council land (including roads, community land and operational land) will require two approvals from Council. These approvals may be granted directly by Council, a Committee of Council or officers acting under delegation. The two approvals required are:

- Planning approval by the relevant planning authority, which may be the Development Assessment Commission, Council’s Development Assessment Panel or a Council Officer under delegation
- Local Government Act 1999 - approval as the authority responsible for the land and legal owner of the tree. This approval may be made by Council or a Committee of Council or a Council Officer under delegation.

This Act allows the creation of an Urban Trees Fund managed by Council. Where such a Fund exists, applicants of development applications involving the removal of Regulated Trees have the option to pay into this Fund in lieu of replanting trees on their own land. Money collected can then be used by Council to plant trees within designated areas on Council owned land, maintain vegetation within designated areas or purchase land within designated areas to maintain or plant trees.

**Electricity Act 1996**

Section 55 of this Act states:

- Council must take reasonable steps to keep vegetation of all kinds clear of public powerlines in accordance with the principles of vegetation clearance as outlined in the Act
- If vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, the vegetation may be removed and the cost will be borne by whom the vegetation was planted or nurtured.

**Strategic Plan / Policy**

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this report:

- **Theme:** Vibrant and Liveable
- **Aspiration:** Our city is a desirable and sustainable place to live
- **Objective 3:** A sustainable city that has a healthy natural environment and is resilient to climate change
- **Objective 4:** A place that expresses a unique character and identity, an area that inspires pride in its residents and one that people enjoy visiting

Trees provide a natural environment that enhances the amenity of the City.

**Other references**

Council’s documents including:

- Biodiversity Strategy 2011-2015
- Community Engagement (Public Consultation) Policy
- Fees and Charges Register
Open Space Strategy 2011-2030
Order Making Policy
Pest Plant and Animal Control Policy
Urban Landscape Master Plan
City of Tea Tree Gully Development Plan

External documents including:
Australian Standard - Protection of trees on development sites (AS4970:2009)
Australian Standard - Pruning of amenity trees (AS4373:2007)
Independent inquiry into management of trees on public land - report endorsed by the Local Government Association State Executive Committee

Definitions

For the purposes of this policy the following definitions apply:

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

City - Refers to the City of Tea Tree Gully council area.

Fund - Refers to the Urban Tree Fund.

Newly Planted Trees - A tree that has been planted within the last three years, but not yet established.

Regulated Tree - According to the Development Act 1993 this means trees within a designated area as prescribed within regulation 6A(3) and that have a trunk with a circumference of 2 m or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 m or more and an average circumference of 625 mm or more, measured at a point 1 m above natural ground level, but does not apply to those trees listed within regulation 6A(5) or the exemptions listed within schedule 3 of the Development Regulations.

Significant Tree - According to the Development Act 1993 this means a tree declared to be a Significant Tree, or a tree within a group of trees declared to be Significant Trees, by a Development Plan. Regulated Trees within a designated area as prescribed within regulation 6A(3) and that have a trunk with a circumference of 3 m or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 3 m or more and an average circumference of 625 mm or more, measured at a point 1 metre above natural ground level; but does not apply to those trees listed within regulation 6A(5) or the exemptions listed within schedule 3 of the Development Regulations.

Policy

It is Council’s objective to maintain the tree and shrub vegetation under Council’s care and control in a manner that enhances the amenity of the vegetation throughout the City while at the same time considering the public safety and development interests of the community.
Council recognises that the task of maintaining trees is a considerable service to the community and the optimum desirable outcomes stated in this policy may be restricted due to a number of factors, such as:

- Conflicting needs between amenity and public safety
- Scarce resources
- Resource needs of other services provided by Council
- Whole of tree lifecycle considerations. That is to say - issues relating to encroaching limbs of a Newly Planted Tree will be considered in conjunction with the value to be provided over many years of a mature tree. Issues relating to leaf fall will be assessed against the amenity and other qualities provided by a tree over its entire remaining life
- Long term sustainability of trees and vegetation generally.

Under the guidance of the CEO relevant documents will be maintained as reference documents for Council employees and contractors planting and maintaining Council vegetation that will assist employees in implementing this policy. These documents will be consistent with the Australian Standards and Council’s policy position in regard to each of the different situations as set out below.

**Street Trees Generally**

A regular inspection/maintenance programme will be followed to ensure that all street trees are inspected and maintained on a regular cycle. The frequency of this programme will not be less than one inspection per every five years.

Systems will be maintained to facilitate inspections with necessary intervening action to occur whenever a street tree concern is brought to Council’s attention.

The level of height clearance provided along public carriageways will be carried out after due consideration to the traffic speed, traffic environment and nature of the road without guaranteeing full 5 m height clearance across the full width of every Council road. Council will ensure that, at the very least, a 5 m height clearance can be achieved for all standard vehicle widths at some location across the road width on every road to a standard that may vary subject to the specific nature and characteristics of each road.

Council’s objective is for all pedestrian paths to be maintained with a 2.5 m vegetation height clearance.

Roads within the Council area are classified according to various nationally adopted criteria. These criteria enable the significance of specific road verge attributes to be more easily considered for the management of the road reserve. These attributes guide decision making and assist conflict resolution about the range of expectations for various roles and uses of road verge areas. The system of classification continues to be refined to better meet planning considerations, maintenance requirements and other objectives as outlined in this document.

The following classification types for roads are used to classify different tree maintenance standards throughout the City:

**Austroads National Road Function Classification**

Council maintains a detailed road function classifications database (based on the Austroads national model) for all roads in the City.
Tree Management Policy - Reviewed version

Attachment 1

Item 17.7

Rural areas – arterial roads

Class 1 - Those roads, which form the principal avenue for communications between major regions of Australia including direct connections between capital cities.

Class 2 - Those roads, not being class 1, whose main function is to form the principal avenue of communication for movements between:

- A capital city and adjoining states and their capital cities
- A capital city and key towns
- Key towns.

Class 3 - Those roads, not being class 1 or 2, whose main function is to form an avenue of communication for movements:

- Between important centres and the Class 1 and Class 2 roads and/or key towns
- Between important centres
- Of an arterial nature within a town in a rural area.

Rural areas – local roads

Class 4 - Those roads, not being class 1, 2 or 3 whose main function is to provide access to abutting property (including property within a town in a rural area).

Class 5 - Those roads, which provide almost exclusively for one activity or function, which cannot be assigned to classes 1 to 4.

Urban areas – arterial roads

Class 6 - Those roads whose main function is to perform the principal avenue of communication for massive traffic movements.

Class 7 - Those roads, not being class 6, whose main function is to supplement the class 6 roads in providing for traffic movements or which distribute traffic to local street systems.

Urban areas – local roads

Class 8 - Those roads not being class 6 or 7, whose main function is to provide access to abutting property.

Class 9 - Those roads, which provide almost exclusively for one activity or function and which cannot be assigned to classes 6, 7 or 8.

Clearance Zones in Conjunction with Austroads Classification

The following information should be read in conjunction with the sketches in Attachment 1.

Rural arterial roads – class 1, 2, and 3 roads

Generally, these roads do not exist within the City of Tea Tree Gully but Council supports the principle that all legal dimensioned vehicles should be able to travel along these types of roads without obstruction from overhanging vegetation.

Council’s maintenance programmes will incorporate this objective.
Rural local roads – class 4 roads

Generally, these roads exist within the City of Tea Tree Gully and Council supports the principle that all legal dimensioned vehicles should be able to travel along part of these types of roads without obstruction from overhanging vegetation. This may mean that in locations where lines of sight are reasonable, higher vehicles may not always be able to drive as near to the left hand side of the road as would otherwise be the case.

Council will maintain clear height clearances on these types of roads within the relevant carriageways where there is some form of centreline delineation which would make crossing the delineation illegal, i.e. solid centreline, centre median, centre of road safety bar treatment.

Urban arterial roads – class 6 and 7 roads

Generally, these roads do not exist within the City of Tea Tree Gully but Council supports the principle that all legal dimensioned vehicles should be able to travel along these types of roads without obstruction from overhanging vegetation.

Council’s maintenance programmes will incorporate this objective.

Local urban roads – class 8 roads

Generally, these roads exist within the City of Tea Tree Gully and Council supports the principle that all legal dimensioned vehicles should be able to travel along part of these types of roads without obstruction from overhanging vegetation. This may mean that in locations where lines of site are reasonable, higher vehicles may not always be able to drive as near to the left hand side of the roads as would otherwise be the case.

Council will maintain clear height clearances on these types of roads within the relevant carriageways where there is some form of centreline delineation which would make crossing the delineation illegal, i.e. solid centreline, centre median, centre of road safety bar treatment.

On roads where the preferred height clearance cannot be maintained a minimum height clearance of 3 m will be maintained to assist with the safe travel of at least a standard passenger car, which will include a standard 4x4 passenger vehicle.

Class 5 and 9 Roads

These roads will be assessed on an individual basis after due consideration to the nature of the road, the type and volume of traffic that can be anticipated along these roads.

Council Trees Encroaching Onto Private Land

As a principle Council will not automatically ensure that Council trees do not encroach onto private land. The following minimum vegetation clearances will be maintained, subject to the limitations set out previously in this Policy, unless the adjoining resident has specifically requested a lesser clearance:

- 500 mm clearance above any boundary fence with adjoining Council maintained land
- 1 m clearance from any roof on private property.
Council employees as authorised by the CEO will consider other applications on merit but intervention will only occur when it is identified that there is a significant risk to the safety of persons or property.

When a property owner is restricted from maintaining their property in accordance with this section of this Policy due to the presence of a Significant or Regulated Tree located on Council maintained land and they wish to carry out work on the tree, Council will lodge any development application relating to the tree and bear the costs associated with the application. In all other instances the applicant should pay all relevant costs.

If the tree is considered to be a Significant or Regulated Tree as defined in the Development Act 1993, and Council’s arborist is supportive of maintenance work on the tree in line with this Policy, then Council will lodge any relevant development application, bear any development costs and if approved, undertake any work as per the approval.

**Private Trees Encroaching Onto Council Maintained Land**

Where private trees encroach into the required clearance zones for established footpaths, cycleways, horse trails and roads as stated in this Policy or other public safety issues have been identified, the matter will be brought to the adjoining property owners' attention for remedial action.

If the resident fails to comply with a reasonable request under this section Council may issue an order for the required work to be undertaken.

**Trees Growing on Council Reserves or Operational Land**

Systems will be maintained to facilitate inspections with necessary intervening action to occur whenever a concern relating to a tree growing on a reserve or operational land is brought to Council’s attention and the action required is above Council’s minimum intervention levels.

Council’s objective is for all pedestrian paths to be maintained with a 2.5 m vegetation height clearance.

The objective of Council’s vegetation maintenance programme is to ensure that identified hazardous vegetation including dead limbs are not left in place immediately over recreational facilities including paths, seats, tables and playground equipment etc.

At the time any recreational facility is constructed, installed or upgraded any hazardous vegetation will either be removed or the facility relocated to a more appropriate location as part of the construction/upgrade project.

**Tree Roots Growing from Trees on Council Maintained Land**

Tree roots will often be the first point of blame for cracking or other damage of nearby infrastructure such as driveways (including crossing places), other similar paved areas on private property and private pipes such as water, sewerage gas etc.

Council will not automatically accept responsibility for third party losses purely on the evidence that a tree is nearby and is a possible cause of any loss. In these instances the claimant will need to provide Council with some form of evidence of the cause before Council will take some form of intervening action. Evidence may include the claimant exposing the roots under the damaged infrastructure and requesting Council to inspect.

The extent of Council’s assistance will depend on the findings of any inspection, which could lead to the removal of the trees in extreme circumstances.
Trees and Moisture Extraction from the Ground

Council recognises that trees may contribute to excessive moisture extraction from the ground, particularly in drier periods and the effect of this occurrence may cause soil movement and subsequent cracking of nearby infrastructure, including residential dwellings, swimming pools and other structures.

Council recognises that legislative imposed water restrictions impact on the tree root activity and can increase the potential for infrastructure loss. Either council or private properties reducing their water consumption practices may cause this reduction in soil moisture, which may in turn result in subsequent damage.

Council will not automatically accept responsibility for damages purely on the evidence that a tree is nearby and is a possible cause of damage. In these instances the claimant will need to provide Council with some form of evidence of the cause before Council will take some form of intervening action.

Debris from Council Trees

Council recognises that in providing the tree and vegetation amenity enjoyed by its community throughout the City, trees may create some inconvenience or nuisance aspects, which will impact on the community in different ways and to different degrees.

Some of these issues will include:

- Autumn leaf fall of deciduous trees
- Regular leaf fall of evergreen Australian native trees
- Berries, nuts and bark falling onto pedestrian paths or private gardens during specific times of the year
- Pollen.

Council is mindful that different people in the community will have varying degrees of tolerance to these inconveniences but this Policy is based on the best fit solution to the community weighing up the level of inconvenience, the amenity value provided through the existence of the vegetation and the cost of implementing solutions to the issues. Any remedial action will be based on a fair and consistent basis throughout the City; however, debris in itself is not a reason for tree removal.

Street sweeping programmes will be developed in such a manner that streets with heavy leaf fall will be given a higher priority than those with light leaf fall with due consideration to seasonal variations.

Council may provide a service whereby residents may rake up leaves and leave them in a tidy pile on the verge for Council employees to collect, after this service has been requested by the resident. This service will only be offered during periods of heavy leaf fall and at a time and frequency at the discretion of the CEO and/or the relevant manager.

Council employees will carefully consider species and related matters prior to approving any tree planting, which will address specific risk management issues with each site.

Residents that are not satisfied with Council’s level of service in this area will be advised that they may put leaves and similar debris in their Council green waste bin, or otherwise dispose of it through various disposal options including Council’s Enviro Care programme. Leaves should not be swept onto the streets because this may increase the potential for blockage or pollution to stormwater systems.
Works Adjacent to Trees on Council Property

Where public works (undertaken by contractors, service providers and/or Council Officers) are planned or proposed to be undertaken within the roots zone of a tree, an assessment in relation to the potential impact of the proposed works will be completed.

Where the proposed works are considered to have potentially negative impact on the tree(s), alternative design or work methods are to be considered, and where appropriate employed to minimise or eliminate the potential damage to the tree. Tree replacement or relocation are options that can be considered, particular for Newly Planted Trees.

Storm Events - Tree Damage

For the purpose of this policy a significant storm event will be when the CEO or relevant Director declares that a storm event has generated numerous tree damaging requests across the City and it is deemed appropriate for Council to assist with clean-up operations. Council will accept requests for a period of 24 hours after the storm, to clear tree debris caused by the storm in private properties providing all vegetation is stacked on the Council verge area in front of the relevant property.

Council will respond to any tree (public or private) that, due to a natural cause or event, requires removal from a public area creating a safety hazard to pedestrians or traffic. The extent of work will be to make the area safe and clear away debris for this purpose only. It will remain the responsibility of the owner of the tree for all other circumstances.

Council will accept removal responsibility for any tree that has fallen from any Council controlled land onto private land subject to the owner/occupier providing the required access authorisation.

Trees and Powerlines

Council will maintain an agreement with SA Power Networks, which sets out overhead electricity line clearance responsibilities and commitments. Any unauthorised plantings on Council land that have breached SA Power Networks planting guidelines becomes the responsibility of Council to manage and Council may elect to either remove any unauthorised planting or alternatively Council may agree to maintain the planting(s) to the clearance standards applying to SA Power Networks where the tree(s) are deemed to be of considerable community amenity.

Tree Removal

While this Policy addresses Council’s position on maintaining trees etc. on Council land which is likely to generally result in pruning as the preferred treatment (under the Australian Standard - Pruning of amenity trees). There will be occasions when removal of the tree is the preferred option.

Authorisations to remove Council trees may be granted in instances when the views of Council’s arborist or the CEO support the removal of the tree as the preferred treatment providing one or more of the following criteria are met:

- The tree is dead, dying, diseased or structurally compromised and is in a location that has the potential to cause significant harm or damage to persons or property
- The tree is a species that has been identified as a weed in Council’s Pest Plant and Animal Control Policy or a Declared Plant as recognised by the Adelaide, Mount Lofty Ranges Natural Resource Management Board
- The trees have been identified for removal in a project plan approved by Council or a relevant Council Committee. It is noted that approval to remove trees on land under Council’s care and control from Council’s Development Assessment Panel is not sufficient enough for approval to proceed without appropriate consideration against this Policy by the delegated person or Committee.
- Where the tree is considered to be of limited or low amenity value, as determined by a person appropriately qualified and nominated by the CEO for this purpose.

**Developments**

Where the removal criteria listed above do not apply and the tree impinges on the development of an abutting property and (subject to the exclusions listed below) there are no reasonable design alternatives existing, the tree may be approved for removal and replanted in a new location. A reasonable design alternative should involve but not be limited to:

- Deletion of second / additional crossovers to development sites and the requirement for shared access.
- The altering of development design to relocate crossovers out of the way of street trees.
- The reduction in the number of allotments / properties.
- Relocation of proposed services to minimise impact on existing trees.

In considering the question of reasonable design alternatives, regard shall be given to the objectives of Council’s Development Plan.

It would be unreasonable to request that a house be redesigned to accommodate the retention of Newly Planted Trees or trees that are suitable for transplanting to a new location. Newly Planted Trees or trees that are suitable for transplanting and have minimal amenity value may not require full replacement fees to be paid when associated with the development of an abutting property.

Where street tree removal is approved as part of a development approval or a section 221 (Alteration of road) of the Local Government Act Application (Application to construct, remove or repair a crossing place, stormwater pipe and connection to the kerb), this will be noted as advice on the provisional approval. The approval will be contingent on the applicant meeting the costs of removal, replacement planting and establishment by the Council.

In accordance with Council’s Fees and Charges Register the following will apply:

- Removal costs determined by diameter of the tree, when measured at 1m above natural ground level which defines the tree as small medium or large and will include the grinding of the stump to 300 mm below ground level.
- Replacement plantings based on the purchase of a 35 litre pot size tree of a species acceptable to the Council, and include a three (3) year maintenance cost to ensure successful establishment.

In all other instances a resolution to remove Council trees will be required by Council or any relevant Council Committee.

**Unauthorised Works / Poisoned trees**

Where unauthorised works / poisoned trees have been identified, Council will ensure community safety is maintained through site specific responses (e.g. placement of a fence and/or sign). The Council will investigate unauthorised works (tree pruning, poisoning /
removal) and pursue enforcement action where appropriate in accordance with provisions under section 233 of the Local Government Act 1999.

It is envisaged that the revised Burnley amenity tree valuation method is applied in scenarios where Council may either be considering prosecution under provisions of the Local Government Act 1993 or as a potential civil claim for damages.

Construction Activities / Events

Public trees will be protected from construction works and other activities / events that threaten tree health and stability. The Australian Standard for the protection of trees on development sites (AS4970) will be used to achieve consistency in tree protection requirements.

Tree Planting

The City of Tea Tree Gully Local Government Area covers approximately 95 km² with a population of 100,000 people making it one of the state’s larger local government authorities.

Tree-lined streets help to soften the edges of the urban environment, contributing to a community’s charm, liveability and future resilience. In addition to the aesthetic benefits provided by a healthy urban forest, trees also help to clean the air, stabilise the soil, decrease storm water runoff, provide shade to reduce urban heat island effects, reduce summer cooling costs in buildings, and creates a welcoming environment for pedestrians.

More trees, landscaped reserves and streets, not only improve the appearance and the environmental quality of an area, they can sometimes have an impact on critical social issues such as health care, education, crime and safety, and economic development. Our community highly values the tree character of the City and the amenity and environmental benefits that this supports. There is a desire to not only retain this character but also to enhance it. This approach is supported by Council’s Urban Landscape Master Plan and subsequent community feedback.

The enduring nature of large trees in a rapidly changing urban environment contributes to their high symbolic values and provides a sense of permanence in our fast-changing society.

A tree planting and selection specification has been developed and will be maintained that guides the principles identified within this Policy. The goal of Council is to plant trees on both Council and community land in line with the following principles. Residents may request additional trees to be planted in front of the properties; however, this may be subject to space availability and will be assessed on a case by case basis.

When setting priorities for tree planting consideration will be given where any of the following apply:

- Trees will enhance the visual amenity of the entranceways and other major arterial routes within the City
- Trees will replace trees that have been removed from existing tree lined streets
- Trees will fill the voids in streetscapes
- Trees will significantly contribute to raising areas of low visual amenity value particularly within areas of low tree cover and around areas of industrial development;
- Trees replace ageing street tree populations that are in a state of decline and a phased re-planting program is required to maintain the original street character
• When community consultation strongly supports the introduction of new street planting; or trees are specifically requested by residents.

The above criteria are only a guide and ideally when planting street trees, a tree will be planted in front of each property on the street or where deemed desirable by Council employees. Under extraordinary circumstances, Council will consider not planting trees upon written request to the CEO, where the trees may cause restrictive access, allergies etc. Each case will be assessed on its own merit.

When selecting species of trees for street planting Council will take consideration of the following elements:

• The likely size at maturity with larger areas of open space warranting larger tree species
• Its potential to effect neighbouring landowners
• Its suitability and spacing within the given environment e.g. size of verge in relation to spacing, type of existing planting, level of amenity value
• Its tolerance to pests, diseases, drought and climate change
• The preferences of the local community where discretion is available
• Any historic tree planting patterns with the use of original species wherever possible
• Its contribution to urban biodiversity on surrounding open space and its potential to extend natural corridors linking reserves.

Council will plant trees where the roadside environment does not limit the tree from reaching its maximum potential. Intense pressure for roadside space from parking and utility providers will result in some locations not being suitable for establishing trees.

In considering street tree planting (infill and new street planting initiatives), regard will be given to the forward capital works program (in particular the General Footpath Program) so as to allow for both street trees and public infrastructure to co-exist wherever possible. Street trees should not be planted in locations which will make the establishment or maintenance of existing and/or new infrastructure such as footpaths problematic.

When selecting locations for street tree planting Council will consider the following:

• Any underground and overhead services and structures
• Existing crossovers
• Traffic and pedestrian lines of sight
• Areas that have been identified for increased off-street parking or footpath renewal
• Private property structures and access requirements.

Tree Screening Management

Council acknowledges the value of tree screens as a prominent landscape feature and recognises that they add character to the City and play an important role in screening roads and industrial developments.

The management of trees within these screens will primarily focus on maintaining and improving their purpose and visual appearance by:

• Gradual thinning and allowing the more desirable species to develop where overcrowding is evident
• Abatement of overhang from pathways and residences where it is creating a nuisance
• Selective removal of suckers and saplings and selective removal of trees where they inhibit the natural regeneration of native tree and shrub species
• Selective removal of trees where safety issues have been identified and alternative courses of treatment are not viable
• Continuing renewal project for older screens that are in a state of decline, or have been identified during the tree screen audit as requiring removal and replacement, and subject to available budgets
• Replanting with appropriate species where the purpose of the tree screen has been compromised.

Development Applications – Replacement Planting of Regulated and Significant Trees

Urban Trees Fund

Council has established an Urban Trees Fund under section 50b of the Development Act 1993. The Development Act indicates that the Fund may be used:

• To maintain or plant trees in the designated area which are or will (when fully grown) constitute Significant Trees
• To purchase land within the designated area in order to maintain or plant trees which are or will (when fully grown) constitute Significant Trees.

Council will use it for the maintenance and planting of trees which are, or will (when fully grown) constitute Significant Trees under the Development Act. The use of the Fund will be determined by Council employees with guidance from Council’s Biodiversity Strategy 2011-2015 and Open Space Strategy 2011-2030.

Conditions for Replacement Planting on Private Land

Section 42 (4) of the Act requires that if a development authorisation provides for the killing, destruction or removal of a Regulated Tree or a Significant Tree, the relevant authority (in many circumstances Council) must apply the principle that the development authorisation be subject to a condition that the prescribed number of trees (of a kind determined by the relevant authority) must be planted and maintained to replace the tree (with the cost of planting to be the responsibility of the applicant or any person who acquires the benefit of the consent and the cost of maintenance to be the responsibility of the owner of the land).

Where Council is the relevant authority, and an applicant does not apply to pay into the Fund, this legislation requires Council to determine the kind of tree to be replanted. To assist with the selection process, Council will maintain a list of species suitable for replanting within the City of Tea Tree Gully that meet the intent of the Development Act and the Tea Tree Gully (City) Development Plan in relation to Regulated and Significant Trees. Land owners may also seek to choose an alternate tree species not included within the list. In such instances, the suitability of the tree species proposed will be considered by Council’s arborist. This species list will be available on Council’s website.

A condition will be applied to the approval requiring either payment into the Fund or alternatively replacement planting of species defined on the list maintained by Council and the requirements defined in the Development Act. It will be the responsibility of the applicant or beneficiary of the consent to choose the species and location for replanting.

Applicants will be encouraged to source their own professional advice from a nursery, landscape architect, horticulturist, arborist or similar to make an informed decision. Alternatively, applicants have the opportunity to pay into the Fund if they do not want to replant on their site.
Policy implementation

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

Accessibility

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: www.teetreegully.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.
INFORMAL GATHERINGS POLICY

Responsible Manager: Manager Governance and Policy

This policy is being presented to the Governance and Policy Committee on the basis that new regulations governing specific requirements for council’s informal gatherings policy were gazetted on Thursday 27 October, through regulation 8AB of the Local Government (General) Variations Regulations 2016 (refer Attachment 2). These new legislative provisions will commence on Thursday 24 November 2016. This purpose of this policy review is to assist in ensuring compliance with legislative requirements, as well as establishing Council’s revised policy position within this context.

A revised policy position will need to be adopted by Council prior to 24 November 2016 in order to comply with the legislative requirements; therefore a new policy position in relation to this matter should be recommended by the Governance & Policy Committee to the 22 November 2016 Council meeting in order to meet this deadline.

RECOMMENDATION

That the Governance and Policy recommends to Council:

That the updated “Informal Gatherings Policy” as reviewed by the Governance and Policy Committee on 17 November 2016 be adopted.
## Summary of changes

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Heading</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cover page</td>
<td>Policy retitled from Informal Gathering Policy to Informal Gatherings Policy to reflect how it is referred to in legislation. Legal requirement for policy has been updated to include new legislative requirements established by the <em>Local Government (General) Variation Regulations 2016</em>.</td>
</tr>
<tr>
<td>2</td>
<td>Purpose</td>
<td>This has been updated to ensure all legislative requirements are observed, while still providing opportunity for confidential discussion where the legislation provides for this.</td>
</tr>
<tr>
<td>2</td>
<td>Legislative framework and other references</td>
<td>Reference to the revised regulations has been included. Reference to the Local Government Association model policy has been made, as part of this content aligns to their model policy. Reference to the strategic plan has been added to the main body rather than on the cover page.</td>
</tr>
<tr>
<td>3</td>
<td>Other references</td>
<td>Reference to the model policy by the Local Government Association has been included.</td>
</tr>
<tr>
<td>3</td>
<td>Definitions</td>
<td>Definitions have been revised in line with new requirements. These definitions somewhat duplicate definitions provided for in legislation.</td>
</tr>
<tr>
<td>4-6</td>
<td>Policy</td>
<td>The policy has been updated to include the new requirements as per the regulations and an associated revised policy position within this context. Headings have been created with impact to relevant types of gathering.</td>
</tr>
<tr>
<td>4</td>
<td>Policy – Informal Gatherings vs Designated Informal Gatherings</td>
<td>Replace previous heading of ‘General Business of the Council’ with a new heading, to attempt to define the differences between a Designated Informal Gathering or Discussion and other types of Informal Gatherings, and the purpose for these gatherings.</td>
</tr>
<tr>
<td>4-5</td>
<td>Policy – Informal Gatherings vs Designated Informal Gatherings</td>
<td>While the requirements for Designated Informal Gatherings are specified in legislation (must be in public unless declared to be held in confidence in accordance with the regulations), this section also deals with how other types of Informal Gatherings may be dealt with, which are subject to a policy position established by Council. This policy proposed to make all Informal Gatherings that are not Designated Informal Gatherings or Discussions, confidential unless otherwise determined. It also covers who will be invited to attend, and order of business.</td>
</tr>
<tr>
<td>5</td>
<td>Policy – Informal Gathering Attendance</td>
<td>This section has been clarified to note that attendance records of informal gatherings (all types) will not be kept.</td>
</tr>
</tbody>
</table>
### Item 17.8

**6 Policy – Agendas**
To establish requirements for agendas for Designated Informal Gatherings or Discussions (which is legislatively required) and other types of Informal Gatherings.

**6 Policy – Procedures at Meetings**
To establish requirements for meeting procedures, including chairing, and covering information provided during these sessions, for Designated Informal Gatherings or Discussions (which is legislatively required) and other types of Informal Gatherings.

**6 Policy – Minutes**
To clearly establish requirements for minutes for all types of Informal Gatherings. It is proposed that formal minutes will not be recorded.

<table>
<thead>
<tr>
<th>Changes during or after GPC Meeting for Council Meeting [date]</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

**Supporting Information**
Extract from SA Government Gazette - Local Government (General) Variation Regulations 2016 – Attachment 2

**Attachments**

1. Informal Gatherings Policy - Reviewed version .......................................................... 86
2. Extract from SA Government Gazette - Local Government (General) Variation Regulations 2016 ........................................................................................................ 92
## Informal Gatherings Policy

<table>
<thead>
<tr>
<th>Record Number</th>
<th>D16/62897</th>
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<tbody>
<tr>
<td>Responsible Manager</td>
<td>Manager Governance &amp; Policy</td>
</tr>
<tr>
<td>Other Key Internal Stakeholders</td>
<td>Director Organisational Services &amp; Excellence, Director Assets &amp; Environment, Director Community &amp; Cultural Development</td>
</tr>
<tr>
<td>Last reviewed</td>
<td></td>
</tr>
<tr>
<td>Adoption reference</td>
<td></td>
</tr>
<tr>
<td>Resolution number</td>
<td></td>
</tr>
<tr>
<td>Previous review dates</td>
<td>08/03/16</td>
</tr>
<tr>
<td>Legal requirement</td>
<td>It is a requirement under Section 90(8a) of the Local Government Act 1999 to have this policy. Regulation 5AB of the Local Government (General) Regulations 2013 requires particular Informal Gatherings to be held in public</td>
</tr>
<tr>
<td>Due Date of next review</td>
<td>2019</td>
</tr>
</tbody>
</table>

Comment [11]: Added

The electronic version of this document is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.
Purpose

Open and transparent Council and Committee meetings underpin representative democracy and ensure public confidence in Council’s decision-making processes. Informal Gatherings, where appropriate, provide a valuable opportunity to enhance decision-making processes by providing opportunities for Elected Members to become better informed on issues and seek further clarification.

The purpose of this Policy is to:

- Ensure that the statutory requirements for Informal Gatherings are observed
- Provide an opportunity for confidential discussions among Elected Members where this is warranted by the nature of the gathering or subject matter to be discussed
- Avoid any perception that Informal Gatherings will be used to build consensus for Council or Committee agenda items or that council is carrying, or effectively carrying out, out decision-making functions at Informal Gatherings, where these decisions are properly the province of formal Council or Committee meetings.

This policy applies to Informal Gatherings of Council (including Designated Informal Gatherings or Discussions).

Legislative framework and other references

There is a legislative requirement for Council to have a policy relating to this area. The following legislation applies to this Policy:

Local Government Act 1999

Section 90(8) of this Act provides for informal gatherings or discussions with Elected Members and employees. Section 90(8c) requires Council to have a policy in relation to informal gatherings or discussion that must provide for:

- Imposition of limitations on the holding of informal gatherings or discussions
- Procedures for approval of informal gatherings or discussions
- The capacity of the council to impose conditions on an approval.

Local Government (General) Regulations 2013

Section 8AB of the Regulations requires Designated Informal Gatherings or Discussions to be held in a place open to the public (unless declared to be held in confidence in accordance with the Act and Regulations).

Strategic Plan / Policy

The following strategic objectives in Council’s Strategic Plan 2020 are the most relevant to this Policy:

Theme: Prosperous and Connected

Aspiration: Our local economy prospers and people feel a sense of purpose and belonging

Objective 2: A community that participates in meaningful community and economic activities

Deleted: the

Deleted: state Council’s position with regard to Informal Gatherings, and a

Deleted: 1
The ability for the public to attend Designated Informal Gatherings or Discussions, enables members of the public to be included in matters that may be, or are intended to be, part of the agenda of a formal meeting of Council or Committee.

Other references

State Records Act 1997
Freedom of Information Act 1991

Council’s documents including:

- Code of Practice – Access to Council and Council Committee Meetings and Documents
- Code of Conduct for Council Members
- Code of Conduct for Council Employees
- Elected Member Training and Development Policy
- Fees and Charges Register

This Policy is partly based on a model policy developed by the Local Government Association.

Definitions

For the purposes of this Policy the following definitions apply:

Act - Local Government Act 1999

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

Designated Informal Gathering or Discussion - an event organised or conducted by or on behalf of Council or CEO to which members of the Council or Committee have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Committee.

Elected Members - Includes the Councillors and the Mayor.

Informal Gathering - Gatherings of some or all Elected Members to discuss council business that are arranged by the Council (either by CEO or by the elected council) other than proceedings which are subject to formal notification and minutes (eg. Council and Committee meetings). This includes, but is not limited to:

- Planning sessions associated with the development of policies or strategies
- Briefing sessions / CEO and other workshops
- Training and Development sessions
- Social gatherings, arranged by the Council, to encourage informal communication between Elected Members or between Elected Members and employees
- Other informal gatherings and discussions arranged by the Council, either by the CEO or by the Council.

Regulation - Local Government (General) Regulations 2013
Policy

Council is aware of the need to balance openness and transparency with opportunities for discussions between Elected Members and Council employees. This Policy provides for Elected Members to have sufficient opportunity to conduct planning sessions, participate in workshops, receive informal briefings and educational sessions, and convene other informal gatherings without prejudicing the requirements for openness and transparency as required by the Act and Regulations.

Informal Gatherings vs Designated Informal Gatherings or Discussions

Informal Gatherings are used for the purpose of information sharing, generating ideas, education and/or discussing issues that involve strategy or policy or other matters of council administration. They may also be used to train or brief Elected Members on issues relevant to discharging their roles, responsibilities and functions as an Elected Member.

Section 90(8) of the Act allows Informal Gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Committee. Informal Gatherings are not used for the purpose of lessening or preventing debate on matters that may be subsequently dealt with at Council or Committee meetings. Informal Gatherings will also not be used to build consensus positions or otherwise discharging council’s deliberative and decision-making functions.

Designated Informal Gatherings or Discussions are a particular type of Informal Gathering and may be used to:

- Discuss issues that involve strategy or policy or other matters of Council administration.
- Brief Elected Members (or other Committee members) on issues relating to their functions and duties.

An Informal Gathering which does not involve discussion of a matter that is, or is intended to be part of the agenda for a formal meeting of the Council or Committee, is not a Designated Informal Gathering or Discussion.

Designated informal gatherings and discussions will be used solely for the purpose of information sharing and not for the purpose of determining, or effectively determining, matters which should be determined at a formally constituted meeting of the Council or Council committee.

Public Notification / Access and Confidentiality

Designated Informal Gatherings or Discussions

Designated Informal Gatherings or Discussions will be held at a place open to the public, except where the Designated Informal Gathering or Discussion has been declared by the Council or CEO to be a ‘confidential informal discussion’.

The Council or CEO may, on a case-by-case, declare a Designated Informal Gathering or discussion to be a ‘confidential informal discussion’ where the Designated Informal Gathering or Discussion is either:

- Planning session of a general or strategic nature; or
- Briefing session relating to information or a matter of a confidential nature within the ambit of section 90(8) of the Act.
If a Designated Informal Gathering or Discussion has been declared to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Elected Members, the CEO, relevant staff and any other person invited to attend by the Council or the CEO.

If a 'confidential informal discussion' declaration has been made in respect of only some of the matters to be discussed at a Designated Informal Gathering or Discussion, then these confidential matters will be scheduled to be discussed at the end of the agenda for the Designated Informal Gathering or Discussion. The Designated Informal Gathering or Discussion will be open to the public until immediately prior to the discussion on confidential matters commencing.

Other Informal Gatherings

Informal Gatherings which are not a Designated Informal Gathering or Discussion are not open for attendance by the public, unless otherwise determined by Council or the CEO. Public notification of and access to these Informal Gatherings will only occur where Council or the CEO have determined that the public have a right to attend.

The discussion and documents from Informal Gatherings which are not a Designated Informal Gathering or Discussion will remain confidential in nature unless the Council or CEO has determined otherwise, or the information has been released as part of a relevant Council or Committee report. Taking this into account, the confidentiality provision under section 90 of the Act have no application in relation to these type of informal Gatherings, however documents will be subject to the Freedom of Information Act 1991.

Informal Gathering Attendance

Informal Gatherings (either with or without Council employees) are, by their nature, non-compulsory for Elected Members. All Elected Members are encouraged to attend these sessions, particularly those designed to provide history, context or additional information to assist Elected Members in carrying out their functions. An attendance record for Informal Gatherings will not be kept.

Agendas, Procedures at Meetings and Minute Taking

As Informal Gatherings (including Designated Informal Gathering or Discussion) are not a duly constituted meeting of Council or a Council Committee and no decisions are made, they do not involve the same formal notice of meeting, agenda, report or minute taking process in accordance with the Act.

Agendas

For all Designated Informal Gatherings or Discussions, notification of these planned sessions will be published on Council’s website:

- The place, date and time at which the Designated Informal Gathering or Discussion will be held
- The topic that is planned to be discussed at the Designated Informal Gathering or Discussion
- Whether or not the Designated Informal Gathering or Discussion is open to the public or whether a 'confidential informal discussion' declaration applies. Where a 'confidential informal discussion' declaration applies, the reason for the Designated Informal Gathering or Discussion being held entirely or partially in confidence.

Deleted: Where information is provided as an informal Gathering about is subject that is later expected to form part of a Council or a Council Committee meeting agenda, efforts will be made to ensure information provided at the informal Gathering is included in the associated Council or Council Committee report.

Deleted: a Council

Deleted: a

Deleted: gathering of the Council

Deleted: as

Deleted: Reports

Deleted: 1

Comment [C13]: Legislatively required
Where possible, notification of planned Designated Informal Gatherings or Discussions will be provided within the same timeframes as a notice of Council or Committee meeting under the Act.

Agendas for Informal Gatherings which are not a Designated Informal Gathering or Discussion will remain confidential in nature unless the Council or CEO has determined otherwise, or the information has been released as part of a relevant Council or a Council Committee report.

**Procedures at Meetings**

Designated Informal Gatherings or Discussions will be chaired informally by the CEO or person nominated by the CEO. Informal Gatherings and Designated Informal Gatherings or Discussions are not subject to the procedural meeting requirements of the Act and Local Government (Proceedings at Meetings) Regulations 2013. Both the CEO and the Elected Members are responsible for ensuring that the purpose, intent and outcomes of the Designated Informal Gatherings or discussions are conducted in accordance with the Act and relevant regulations.

Information / documentation may be provided to Elected Members to accompany the discussion. Such documents are considered internal working documents of Council and are not for public distribution unless the Council or CEO has determined otherwise, or the information has been released as part of a relevant Council or a Committee report.

**Minutes**

Formal minutes will not be recorded for either a Designated Informal Gathering or Discussion or other types of Informal Gatherings.

**Policy implementation**

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

**Accessibility**

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: www.treeagility.sa.gov.au

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South Australia

Local Government (General) Variation Regulations 2016

under the Local Government Act 1999

Contents

Part 1—Preliminary

1 Short title
2 Commencement
3 Variation provisions

Part 2—Variation of Local Government (General) Regulations 2013

4 Substitution of regulation 8AAA—Conflicts of interest—ordinary business matters etc
   8AAA Conflicts of interest—ordinary business matters etc
   8AAB Conflicts of interest—special provisions relating to subsidiaries and committees
5 Insertion of regulation 8AB
   8AB Informal gatherings and discussions
6 Variation of Schedule 1—Forms
7 Variation of Schedule 3—Local government sector employers

Part 1—Preliminary

1—Short title

These regulations may be cited as the Local Government (General) Variation Regulations 2016.

2—Commencement

These regulations will come into operation on 24 November 2016.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of Local Government (General) Regulations 2013

4—Substitution of regulation 8AAA—Conflicts of interest—ordinary business matters etc

Regulation 8AAA—delete the regulation and substitute:

8AAA—Conflicts of interest—ordinary business matters etc

(1) For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:

(a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;
27 October 2016  THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE  4275

(b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);

(c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;

(d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;

(e) the adoption or revision of an annual business plan;

(f) the adoption or revision of a budget;

(g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;

(h) a discussion or decision of a matter at a meeting of a council if the matter—

(i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council; and

(ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
(2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee of the agency or instrumentality if the matter does not directly concern the agency or instrumentality.

8AAB—Conflicts of interest—special provisions relating to subsidiaries and committees

For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:

(a) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a council subsidiary if—

(i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and

(ii) the relevant interest in the matter is the interest of the council which appointed, or nominated for appointment, a member of the board of management of the subsidiary;

(b) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a regional subsidiary if—

(i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and

(ii) the relevant interest in the matter is the interest of a council which appointed, or nominated for appointment, a member of the board of management of the subsidiary; and

(iii) the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils of the subsidiary;

(c) a matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if—

(i) the discussion or recommendation relates to the purpose for which the committee is established; and

(ii) the relevant interest in the matter is the interest of the council that established the committee.
5—Insertion of regulation 8AB

After regulation 8AA insert:

8AB—Informal gatherings and discussions

(1) For the purposes of section 90(8b) of the Act, a council must ensure that its policy on the holding of informal gatherings or discussions—

(a) provides that designated informal gatherings or discussions must be held at a place open to the public, unless the designated informal gathering or discussion is one that the council or chief executive officer has declared may be held in confidence; and

(b) provides that the council or chief executive officer will only declare that a designated informal gathering or discussion may be held in confidence—

(i) on a case by case basis; and

(ii) if the designated informal gathering or discussion—

(A) is a planning session of a general or strategic nature; or

(B) is a briefing relating to—

• information; or

• a matter,

of a confidential nature within the ambit of section 90(3) of the Act; and

(c) provides for procedures relating to the holding of designated informal gatherings or discussions; and

(d) provides for publication on the council's website of details relating to designated informal gatherings or discussions, including—

(i) in all cases—

(A) the place, date and time at which the designated informal gathering or discussion will be held; and

(B) the matter that is to be discussed at the designated informal gathering or discussion; and

(C) whether or not the designated informal gathering or discussion is to be held at a place open to the public; and

(ii) in the case of a designated informal gathering or discussion that will be held in confidence—the reason for the designated informal gathering or discussion being held in confidence.
(2) In this regulation—

*designated informal gathering or discussion* means an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.

6—Variation of Schedule 1—Forms

(1) Form 1—delete the Form and substitute:

**Form 1—Notice of proposal**

*Local Government Act 1999*  
(section 28)

PUBLIC NOTICE is given of a proposal submitted under section 28 of the *Local Government Act 1999*.

The proposal relates to the following councils and their areas:

The following information is provided in relation to the proposal:

The *Local Government Act 1999* provides that a poll of electors must be conducted in relation to the proposal if the required number of electors request a poll. To request a poll, the following steps must be taken:

You should direct any questions concerning the matters contained in this notice to:

(2) Forms 8 and 9—delete Forms 8 and 9 and substitute:

**Form 8—Removal of vehicles—warning notice (section 237(1))**

Date and time of issue:

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model, etc):

Location of vehicle:

Warning—

(a) this vehicle has been left at the stated location for at least 24 hours; and

(b) if the vehicle is not moved within 24 hours of the time of issue of this notice—

(i) the vehicle may be removed by an authorised officer to an appropriate place; and

(ii) notification of the removal of the vehicle will be given to the owner of the vehicle; and
(iii) if the owner of the vehicle does not, within 1 month after service of the notice referred to in subparagraph (ii)—

(A) take possession of the vehicle; and

(B) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice,

the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

**Form 9—Removal of vehicles—notice (section 237(4))**

Date and time of service/postage (person-to-person registered post):

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model, etc):

Date and time of removal of vehicle:

Location from which vehicle was removed:

Take note—

(a) your vehicle has been removed; and

(b) if you do not, within 1 month after service of this notice—

(i) take possession of the vehicle; and

(ii) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing this notice,

the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

**7—Variation of Schedule 3—Local government sector employers**

(1) Schedule 3, list of councils—delete "District Council of Yorke Peninsula" and substitute:

Yorke Peninsula Council

(2) Schedule 3, list of Regional subsidiaries established under section 43 of Act—after "Highbury Landfill Authority" insert:

Limestone Coast Local Government Association

(3) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "Provincial Cities Association of South Australia"

(4) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "South East Local Government Association Inc"

(5) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "Waste Care SA"
(6) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete “Western Region Waste Management Authority”

Note—
As required by section 10AA(2) of the Subordinate Legislation Act 1978, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor
with the advice and consent of the Executive Council
on 27 October 2016
No 253 of 2016
16LG08CS
Status Report on Committee Resolutions 17 NOVEMBER 2016

The Status Report on Committee Resolutions has been provided for information only. All completed actions from this report will be removed from future reports.

Note: Confidential actions have been removed from the Status Report.

Pending Actions
Nil

Completed Actions

<table>
<thead>
<tr>
<th>Minute No.</th>
<th>Meeting Date</th>
<th>Officer</th>
<th>Subject</th>
<th>Completed Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>89</td>
<td>19 October 2016</td>
<td>Kelli Strugnell</td>
<td>Policies to be deferred</td>
<td>7/11/2016</td>
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<tr>
<td>D16/61594</td>
<td>07 Nov 2016 - 9:19 AM - Kelli Strugnell</td>
<td></td>
<td>Action completed by: Kelli Strugnell - The Liquor Licence Application Management Policy, Boundary Fence Management Policy and Tree Management Policy are on the agenda for the GPC meeting 17 November</td>
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<td>19 October 2016</td>
<td>Kelli Strugnell</td>
<td>Smoke Free Zone Policy</td>
<td>25/10/2016</td>
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<td>91</td>
<td>19 October 2016</td>
<td>Felicity Birch</td>
<td>Leases and Licences to Sporting and Community Organisations Policy</td>
<td>28/10/2016</td>
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