

# Notice of Governance and Policy Committee Meeting

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## MEMBERSHIP

Cr Damian Wyld (*Presiding Member*)

Cr Lucas Jones  
Cr Jessica Lintvelt  
Cr Rob Unger

Cr Lyn Petrie  
Cr Peter Field

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next GOVERNANCE AND POLICY COMMITTEE MEETING will be held in the Civic Centre, 571 Montague Road, Modbury on WEDNESDAY 17 AUGUST 2022 commencing at 6.30pm.

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



JOHN MOYLE  
CHIEF EXECUTIVE OFFICER

Dated: 11 August 2022

# CITY OF TEA TREE GULLY

## GOVERNANCE AND POLICY COMMITTEE MEETING 17 AUGUST 2022

### AGENDA

1. Opening and Welcome

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

2. Attendance Record:

- 2.1 Present
- 2.2 Apologies – *Cr Peter Field*
- 2.3 Record of Officers in Attendance
- 2.4 Record of Number of Persons in the Public Gallery
- 2.5 Record of Media in Attendance

3. Confirmation of Minutes to the Previous Meeting

That the Minutes of the Governance and Policy Committee held on 25 July 2022 be confirmed as a true and accurate record of proceedings.

4. Public Forum

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

5. Deputations - Nil

*Requests from the public to address the meeting must be received in writing prior to the meeting and approved by the Presiding Member. For more information refer to Council's website [www.cttg.sa.gov.au](http://www.cttg.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. Returned Policies

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14.	Notice(s) of Motion - Nil	
15.	Motion(s) without Notice	
16.	Question(s) on Notice - Nil	
17.	Question(s) without Notice	
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19.	Other Business	
20.	Section 90(2) Local Government Act 1999 – Confidential Items	
21.	Date of Next Meeting	
	To be advised	
22.	Closure	



## CONTROL OF ELECTION SIGNS POLICY

Responsible Manager: Manager Community Safety

The Control of Election Signs Policy has been reviewed as a result of changes the Local Government Act 1999. In November 2021, the commencement of section 115 of the Review Act (which amended section 226 of the Local Government Act 1999) came into effect which resulted in Electoral Advertising Posters relating to Local Government Elections to be prohibited from being affixed to stobie poles, traffic signs, trees or other items along a public road.

Electoral advertising posters includes a poster displaying electoral advertising and made of corrugated metal or plastic or other material as prohibited by Section 226(5) of the Local Government Act 1999 ("the Act"). **If the same poster is made from a material which is not prohibited under Section 226(5) of the Act, it will not be considered an electoral advertising poster but a local government election sign.**

Section 226 of the Act grants the legal right to display local government election signs if they **comply with the requirements of the council's by-laws** and the sign does not unreasonably restrict the use of the road or endanger the safety of members of the public. The display of any local government election signs would also need to comply with the proposed attached Policy and the Relevant Authority General Approval from SAPN/DIT (which has not yet been received and is applicable across South Australia).

A public road as defined in the Act usually includes the area between a kerb and property boundaries, such as footpath.

Significant changes have been made to the Control of Election Signs Policy. The purpose of these changes is to reflect the change in legislation and ensure the policy is aligned to the legislation **and Council's recently updated By-laws, specifically By-law 5 - Moveable Signs.**

A schedule of fees has been proposed to reflect the change in direct and indirect costs to Council depending upon the number of signs impounded by any one candidate or party. Currently, **Council's Fees and Charges Register has a flat fee per impounded sign of \$30 regardless of the number of signs impounded per candidate or party.** Direct and indirect costs associated with impounding signs include: labour resources; vehicle usage; equipment; transport; storage; technology and systems resources; and administrative labour support for correspondence, invoicing, etc.

The proposed schedule of fees for impounded signs is:

- o \$30 for the first ten signs
- o \$15 for subsequent signs past ten and up to thirty
- o \$5 for each sign over the first thirty signs.

The schedule is designed so that the fee is set for a range of signs, and when the number of signs impounded enters the next bracket, the reduced fee applies. I.e., for the impounding of 110 signs, it would be calculated as follows:

Fee per sign	No of Signs	Explanation	Amount
\$30	10	0 – 10 signs	\$300
\$15	20	11- 30 signs	\$300
\$5	80	31 -110 signs	\$400
Total	110		\$1,000

Council Officers have sought legal advice relative to these changes to ensure alignment of the proposed policy and applicable legislation has occurred.

## RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

1. **That the “Control of Election Signs Policy” as reviewed by the** Governance and Policy Committee on 17 August 2022 be adopted.
2. That Council amends its Fees and Charges Register to reflect the following charges for the direct and indirect costs associated with the removal, storage, and return of impounded signs:
  - a. \$30 for the first ten signs
  - b. \$15 for subsequent signs past ten and up to thirty
  - c. \$5 for each sign over the first thirty signs.

Summary of changes for GPC Meeting of 26 July 2022		
Page No.	Heading	Comments
All	Whole document	Formatting and layout of policy amended to reflect updated template.
2	Purpose	<b>Clarification of the definition of Road to ‘public Road’ for the interpretation of this policy.</b>
2	Purpose	<b>As per legal advice, addition of ‘relating to a State or Federal Election’ to clarify an exclusion from the policy.</b>
2	Policy Item 2.1	<b>As per legal advice, changes to the wording of the section ‘Election Signs on SA Power Networks (SAPN) or Department for Infrastructure and Transport (DIT) equipment of infrastructure’ to clarify the applications of the Instruments of General Approval and their application to State and Federal Elections only (previously also applied to Local Government Election Signs).</b>
3	Policy Item 2.2	<b>Addition of requirement of written Council consent for any election sign displays that may be allowable and information on a breach of this requirement under Section 23(1) of the <i>Local Nuisance and Litter Control Act 2016</i>.</b>
3, 4, 5	Policy Item 2.3 & 2.4	<b>Updated terms and conditions where written Council consent has been provided. Further clarity provided on where signs cannot be erected or attached to.</b>
5	Policy Item 2.6	<b>Election Signs on Private or Third-Party Property amendments to clarify requirements of erecting Signs on private or third party property.</b>

5,6	Policy Item 2.7 & 2.8	<p>Illegal Signs and Removal and disposal of election signs, was previously all under the subheading of Illegal signs.</p> <p>Addition of information relative to consent and the applicable legislation.</p> <p>Insertion of the removal and disposal of election signs subheading and content. Clearer direction for Council in relation to signs that poses a public safety concern or risk.</p>
6	Policy Item 2.9	Addition of notification that further conditions (additional to those outlined in the policy) may be attached to any approval provided by Council.
8	Definitions Item 3	<p>Updates to the definition of: Election Period; Election; Road; and Signs for the purpose of consistency with relevant legislation.</p> <p>Addition definition for: Instruments of General Approval.</p>
9	Legislative Framework Item 4	<p>Changes to the Sections relevant of the <i>Local Government Act 1999</i>.</p> <p>Insertion of the relevant section of the <i>Local Nuisance and Litter Control Act 2016</i>.</p> <p>Deletion of the <i>Development Act 1993</i> and <i>Development Regulations 2008</i> and associated sections as repealed legislation.</p> <p>Insertion of the <i>Planning Development and Infrastructure Act 2016</i> and <i>Planning, Development and Infrastructure (General) Regulations 2017</i> (replace Development Act and Regulations).</p> <p><b>Insertion of the word ‘State’ in the comments under Electoral Act 1985.</b></p> <p>Insertion of comment under <i>Commonwealth Electoral Act 1918 (Cth)</i>.</p> <p>Insertion of the <i>Local Government Land By-Law 2021</i> and <i>Moveable Signs By-Law 2021</i>.</p>
Changes during or after GPC Meeting on 26 July 2022		
	Item 2.4 – Signs must not:	<p>Point 9 – removed the reference to “on Council land”</p> <p>Point 11 – removed “s” which was in error and removed reference to “on Council land”</p>
	Item 2.5 – Other:	<p>Point 8 – redrafted to reflect that elections signs will not be permitted on Council land.</p> <p>Point 9 – deleted and is no longer required if signs are not permitted on Council land.</p>

	Item 2.8 – Removal and disposal of election signs	First section, Point 3 – added to include signs that are placed prior to an election period or remain in place after the election period.  Second section, Point 5 – amended to state that <b>Council “will” recover costs for offending signs.</b>
Summary of changes for GPC Meeting of 17 August 2022		
2	Policy Item 2.1	Addition changes to identify the changes apply to electoral advertising posters in relation to local government elections (previously stated applied to local government election signs). Reference to Part 2.2 to address local government election signs.
3	Policy Item 2.2	Inserted additional information for local government elections.
3	Policy Item 2.3	Change to dot point 3 from election signs to electoral advertising posters.
8	Part 3 – Definitions	Addition of the definition of electoral advertising poster.
Changes during or after GPC Meeting for Council Meeting 17 August 2022		

Supporting Information

## Attachments

1. [Download](#) Control of Election Signs Policy - Reviewed version for GPC - 17 August 2022 ..... 10
2. [Download](#) Clean Copy of Control of Election Signs Policy - Reviewed version for GPC - 17 August 2022 ..... 21

# Control of Election signs Policy



Record number	D22/496313677
Responsible Manager	Manager Community Safety
Other key internal stakeholders	Director Community & Cultural Development
Last reviewed	6 July 2022
Adoption reference	Governance and Policy Committee
Resolution number	
Previous review dates	19/08/20, 29/08/17, 12/08/14, 08/04/14, 09/10/12, 12/08/08, 08/04/08, 23/01/07, 25/07/06, 30/05/06, 25/02/03, 13/03/01
Legal requirement	NA
Due date next review	20232025

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## 1. PURPOSE

The purpose of this policy is to state Council's position in regard to the placement of election Signs within the City. The existence of this policy will assist to minimise any negative impact on the overall amenity and atmosphere of the City, by ensuring that election Signs are appropriate, of good quality and placed in the correct manner.

The requirements established in this policy will be applied consistently and equitably to all political parties and candidates.

This policy does not apply to free standing moveable Signs that are placed on a public Road relating to a State or Federal Election, since such Signs may be placed without authorisation.

## 2. POLICY

### 2.1 Election Signs on SA Power Networks (SAPN) or Department for Infrastructure and Transport (DIT) equipment or infrastructure

~~SAPN and DIT (the Relevant Authorities) own the relevant infrastructure installed on Roads (ie light poles, stobie poles) and permission of the Relevant Authorities is required to display a moveable sign on their infrastructure. The Relevant Authorities have, by way of adopting Instruments of General Approval, granted their permission for Signs to be affixed to their equipment or infrastructure subject to various conditions. The 'Guidelines & General Approval for the Placement or Affixation of Election Signs—For Federal, State and Local Government Elections Referenda and Polls' operate to provide a General Approval to authorise the placement or affixation of Signs, advertising candidates for election, on a Road or onto infrastructure on a Road owned by the Relevant Authorities.~~

~~SA Power Networks (SAPN) and the Department for Infrastructure and Transport (DIT) (the Relevant Authorities) own the infrastructure installed on public Roads (i.e., light poles, stobie poles).~~

~~This means that the permission of the Relevant Authorities is required to display any moveable sign on their infrastructure. The Relevant Authorities have, by way of adopting Instruments of General Approval, determined to grant their permission for moveable signs to be affixed to their infrastructure subject to various conditions. The Relevant Authorities have authorised SA Councils (including Council) to regulate the display of moveable signs on their infrastructure (including by way of enforcing compliance with these conditions). Accordingly, the Instruments of General Approval apply throughout the Council's area.~~

~~Provided that the requirements of these Guidelines, the Instruments of General Approval are fully complied with, it is not necessary to make application to the Council or Relevant Authorities for permission to display election Signs related to State and Federal elections or referenda. This does not apply to electoral advertising posters in relation to local government elections as they are prohibited from being displayed on public roads, or on equipment or infrastructure on public roads.~~

Election signs in relation to Local Government Elections (which are not electoral advertising posters) are dealt with in Part 2.2 of this Policy.

## 2.2 Election Signs on Council equipment or infrastructure

For State and Federal Elections written Council consent is required before an election sign may be displayed on a structure or infrastructure on land that is either owned or under the care and control of Council (other than a Public Road).

For Local Government Elections:

- election signs (which are not electoral advertising posters) may be displayed on a Public Road, provided the sign or signs do not unreasonably restrict the use of the road or endanger the safety of members of the public. The provisions of Part 2.3, 2.4 and 2.5 of this Policy will guide assessments made by Council's authorised officers in this regard;
- written Council consent is required before an election sign may be displayed on a Council structure or infrastructure on land that is either owned or under the care and control of Council (other than a public Road).

A person who posts a bill (including a Sign for an Election) on such Council property without Council's consent commits an offence against Section 23(1) of the Local Nuisance and Litter Control Act 2016.

Where Council consent is given for Signs in Elections, the following terms and conditions must be complied with.

## 2.3 Signs must:

1. Not be more than one (1) square metre in area, except at a place designated as a polling place for a Federal or State Election or Referenda on polling day only
- ~~2. Places designated as polling booths/ places for Australian and State Elections and Referenda will not be subject to this requirement on polling day only~~
- ~~3.2.~~ Only be displayed, in the case of State and Australian Federal Elections during the period commencing at 5.00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day. Should they not be removed within two days (48 hours of the close of voting) they will be considered illegal Signs/posters and Council will implement the provisions of this policy (refer to section "Illegal Signs")
- ~~4.3.~~ Only be displayed, in the case of local government Elections, during the period commencing four (4) weeks immediately before the date set for polling day and ending at the close of voting on polling day. Signs are to be removed within two (2) days (48 hours of the close of voting) otherwise they will be considered illegal Signs/posters and Council will implement the provisions of this Policy (refer to section "Illegal Signs") (noting that, electoral advertising posters relating to local government elections are prohibited from being displayed on public roads or assets or infrastructure on public roads)
- ~~5.4.~~ Comply with all legislative requirements relating to the publication of 'electoral material' as defined in the relevant legislation
- ~~6.5.~~ Be securely fixed or posted and maintained in good repair and condition at all times
- ~~7.6.~~ Be designed, made, and presented in a quality manner (the intent is that Signs will remain intact and not become a danger to Road users or end up as litter)

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- ~~8-7.~~ Contain clear and legible writing or symbols. An authorised officer will determine whether a sign is clear and legible for these purposes
- ~~9-8.~~ Contain on the face of the Sign, the name, phone/email and address of both the person authorising the electoral material and the printer of it, along with a phone contact number of the authorising person or party
- ~~10-9.~~ Be fastened securely so that they cannot become detached in high winds and endanger Council property or equipment or pose a danger to the safety of the public
- ~~11-10.~~ Be installed, maintained and removed in a safe manner without endangering personal and community safety.

## 2.4 Signs must not:

- 1. Be located on a fence adjoining Local Government land that is owned by Council or under Council's care, control and management (other than Roads). This includes property being leased from Council
- 2. Be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers
- 3. Be self-adhesive. All individual promotional material affixed under the terms of this consent may only be affixed by non-invasive means that do not cause damage of any type to the structure to which the material is affixed. If a paste is to be used, it must be of a water based/wallpaper type (or similar)
- 4. Be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause damage to Council property
- 5. Be placed on a carriageway, dividing strip (median), traffic island, roundabout, or within 50 metres of a signalised intersection, roundabout or pedestrian activated crossing
- 6. Be placed within 6 metres of an intersection or junction, or in any other location that may pose a hazard to pedestrians or Road users
- 7. Be attached to any traffic control device, street name, traffic direction or parking sign or to the associated pole
- ~~8.~~ Be erected on poles or towers carrying electricity transmission lines (these are generally lines utilising greater span lengths with significantly taller poles or towers supporting electrical wires).
- ~~9.~~ Be attached to SAPN pad-mounted transformers or switching cubicles on Council land
- ~~10.~~ Be attached to the fences of any fenced SAPN equipment including substations, transformer stations and regulator stations on Council land
- ~~8-11.~~ Be placed so as to cover any Council, SAPN or DIT numbering, signs or markings on Council land
- ~~9-12.~~ Be placed in a location on a pole or fence so as to aid the climbing of the pole or fence
- ~~10-13.~~ Be placed so as to restrict the sight distance for Road users and pedestrians crossing the Road
- ~~11-14.~~ Compete with or reduce the effectiveness of other Signs and traffic control devices
- ~~12-15.~~ Resemble a traffic control device, or reasonably be capable of being mistaken as a traffic control device
- ~~13-16.~~ Advertise any organisation other than a registered political party or candidate.

## 2.5 Other:

- 1. Where Signs are fixed or posted on poles adjacent to footpaths or Roadways such Signs must not be lower than two metres and a maximum height of three metres from the ground with

nothing above the sign to affix it or anything else to the pole. For safety reasons, there is a total prohibition to any point higher than three metres from the ground

2. The person or relevant political party responsible for the sign must maintain the sign. The person or political party is also responsible for ensuring that safety is maintained (and the Australian Road Rules complied with) whilst the sign is being installed, maintained or removed and no traffic disruption is to occur during the installation, maintenance or removal process
3. Where properties of Council are managed by others, Council may delegate to the Management Committee of that body the right to determine its own policy for election advertising, subject to relevant legislation. In such cases, written consent of that body is to be obtained. Upon request by the Council, the applicant must produce such written consent
4. The person(s) to whom consent is granted and any persons acting on their behalf, including by way of causing the sign to be displayed:
  - a. Accept(s) and agrees that the display of Signs must be in accordance with this Policy
  - b. Accept(s) full responsibility for any personal injury, property damage or other loss in any way arising out of or consequent upon the erection, removal or display of election material and acknowledge(s) that the Council have no liability or responsibility in relation to such matters whatsoever
  - c. Such person(s) agree(s) to indemnify the Council against any such personal injury or property damage or other loss incurred by the Council and against any third party claims arising out of or consequent upon the erection, removal or display of Signs
5. It is a condition of consent that if any breach occurs which results in action by or on behalf of the Council to enforce the conditions of this policy and thereby results in costs and expenses for the Council, then such costs and expenses will be recovered by the Council from the person(s) responsible. These costs will include removal and/or destruction of the offending material by an officer or agent of the Council
6. The person or party responsible for the sign must remove all parts of the sign and fixtures from the site when required to do so in complying with this policy
7. Installing, maintaining and removing Signs must not be carried out between 7am and 10am or between 3pm and 7pm Monday to Friday on a peak flow traffic lane
8. In relation to Council ward Elections, election signage may only will not be permitted without Council's consent on Council equipment or infrastructure on Council land within the relevant ward Council land or either side of a ward boundary Road.
- 8.9. When installing election signs upon SA Power Networks poles and columns "Stobie poles" on Council land, both the method used to secure the election sign to the Stobie pole (e.g. straps or ties) and the ladder used must be non-conductive. No ladders or operating plant are to be leant against light columns or Stobie poles during installation or removal of election signs. Ladders used must be self-supporting only.

## 2.6 Election Signs on Private or Third Party Property:

For Signs on private fences, including those adjoining Council land, must have a total advertisement area of not more than two (2) square metres ~~and be limited to one sign per candidate/party per site/location for all advertisements of that kind at that site without Planning, Development and Infrastructure Act 2016 approval.~~

Should the applicant propose to use property belonging to any party (other than Council for fences on public Road boundaries) they should firstly obtain the written consent of the owner of that property. Upon request by the Council, the applicant must produce such written consent. ~~In cases~~

where there is property involved belonging to any other party, Council approval will be subject to all of the relevant matters contained in this policy

## 2.7 Illegal Signs

Council is totally opposed to illegal Signs as a form of advertising.

A breach of, or non-compliance with, any of the conditions of the policy will invalidate the consent and may result in the removal of the Sign, and a report being prepared for consideration by Council with a view to prosecuting the offender.

With respect to Public Roads, the 'consent of the owner' (i.e., SAPN or DIT), under the Instruments of General Approval, is limited, for State and Federal Elections, to the period prescribed in section 226(3) of the Local Government Act 1999. For Council equipment, assets and infrastructure on Council land, individual consent must be obtained in all cases in accordance with this Policy.

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If an Election Sign is erected outside the election period provided for in section 226(3) of the Local Government Act 1999 or contrary to the terms of Council's consent, a person who distributed or authorised the distribution of the bill for posting is guilty of an offence. Maximum penalty: \$20,000 for a body corporate, \$10,000 for an individual.

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If Signs are creating a public safety concern, have been affixed or displayed contrary to consent or without Council consent, or they remain in place after the deadline for removal, the following procedure will be followed by Council employees:

1. The relevant officer is to notify the organisation/persons by phone/e-mail, requesting removal of the Signs within 24 hours
2. If the Signs are not removed within 24 hours, instructions will be given to immediately remove or paint over the offending Signs, dispose of the sign as it sees fit, and Council will charge the resultant cost to the parties responsible
3. If evidence can be obtained of persons affixing the offending sign, this information will be referred to the relevant person for possible legal proceedings
4. If urgent action is required to avoid a risk to public safety, Council may remove the offending election sign without first requesting its removal.

## 2.8 Removal and disposal of election signs

If the Council or its authorised persons or employees determine or reasonably suspect that an Election Sign:

1. Has been affixed or displayed in a manner that restricts the use of a Road or endangers the safety of the public; or
2. Has been affixed or displayed on any Road or Council land contrary to any legislation or the Instruments of General Approval, or otherwise without SAPN, DIT or Council's consent (as required).
3. Has been erected before or remains in place on a public road outside the permitted period for the relevant election.

Council authorised persons or employees have authorisation to:

1. Notify the organisation/persons responsible for the Election Sign by phone/email and request the removal of the sign within 24 hours

2. If the Election Sign is not removed within 24 hours, cause the offending Sign to be removed. If urgent action is required to avoid a risk to public safety the Council may remove the offending Election Sign without first requesting its removal
3. Under section 23 of the Local Nuisance and Litter Control Act 2016, if considered appropriate in the specific case, issue an expiation notice to any person who has erected an election sign without the permission of the owner
4. If considered appropriate in the specific case, prosecute any person who has distributed or authorised the distribution of the bill (election sign) for posting
5. Will Recover Council's costs for removing and managing (including disposal) of the sign in accordance with Council's fees and charges register. (consider a scale of fees rather than one standard fee of \$30 per sign)

The Relevant Road Authority (DIT, Commissioner for Highways or Council) may remove and dispose of any sign that constitutes a hazard or does not comply with legislative requirements.

## 2.9 Application for Council Consent

Any person wishing to make application for the consent of the Council to allow electoral Signs to be posted, affixed or erected on property under the care and control of Council should contact Council's Community Safety Department for an application form on 8397 7313 or fax 8397 7400 or email: [customerservice@cttg.sa.gov.au](mailto:customerservice@cttg.sa.gov.au).

In issuing consent under this part, Council may attach further conditions to any consent issued such as limiting the number of signs per site, stipulating a required distance between signs etc.

A copy of this Policy will be provided to each approved applicant.

## 2.10 Alterations

The CEO may authorise minor variations to this policy during the election process in order to enhance or clarify any part of the policy.

## 2.11 Grievances

Any grievances in relation to this Policy should be forwarded in writing addressed to the CEO.

## 2.12 Promotion

The requirements within this Policy will be promoted within the community and to candidates and political parties.

## 2.13 Compliance with the Policy

Subject to the availability of employee resources, Council will monitor the Signs during an Election Period to ensure compliance.

Whenever Council receives a complaint in regards to a particular Sign or group of Signs the relevant employees will promptly investigate the complaint and take any necessary action.

Where breaches of the policy occur, candidates will be given no more than 24 hours' notice to rectify the breach.

#### 4. 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.

DIT

Department for Infrastructure and Transport.

Election Period

Commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day. If it is related to a Local Government election it is during the period commencing at the close of nominations and ending at the close of voting on polling day.

Election

Means any elections, referenda and/or polls as they relate to Federal, State or Local Governments.

Electoral advertising poster

A poster displaying electoral advertising made of:

- corrflute;
- plastic; or
- any other material, or kind of material, prescribed by the regulations under the Local Government Act 1999.

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Instruments of General Approval

See those provisions of the *Local Government Association's Election Signs: State and Federal Government Elections Guidelines and General Approval for placement or affixation of election signs* relating to the placement of Election Signs on Road infrastructure.

Road

Has the same meaning as set out in the Local Government Act 1999 – being: 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 bridge, viaduct or subway; or • an alley, laneway or walkway; and for the purposes of clarification extends from property boundary to property boundary. Note: this definition encompasses footpath areas.

SAPN

SA Power Networks.

SAPOL

South Australia Police.

Signs

Includes moveable Signs where appropriate and also includes posters that comprise an advertisement for a candidate or party in the election, or for a referendum or poll whether held for Federal, State or Local Government purposes.

#### 4. LEGISLATIVE FRAMEWORK

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

The following legislation is relevant for the purposes of this Policy:

Local Government Act 1999

Section 209(1) - All fixtures and equipment installed in, on, across, under or over a public Road by the provider of public infrastructure are owned by the provider of that infrastructure, not by the Council.

Section 221(2)(b) & (2)(d) - It is an offence to interfere with any structure on a public Road or to erect or install a structure ("structure" includes pipes, poles, fixtures, fittings or other objects) in, on, across, over or under a public Road without authorisation from Council.

Section 226(1) - A moveable sign must not unreasonably restrict the use of the Road or endanger the safety of the public. A person may place and maintain a moveable sign on a Road without authorisation provided the design and structure, the positioning of the sign and any other relevant requirements of the Council's *Moveable Signs By-law 2021* are complied with. *Movable Sign By-law* provisions do not apply if the sign is related to a State or Federal election and is displayed during the Election Period.

Section 226(2a) - It is an offence to exhibit an electoral advertising poster relating to an election held under this Act or the *Local Government (Elections) Act 1999* on a public Road.

Section 227 - If an election sign unreasonably restricts the use of the Road or endangers the safety of members of the public, a person authorised by Council may order the owner of the sign to remove the sign, or if the owner is unknown or fails to comply immediately with the order, may remove and dispose of the sign.

Section 234 - A Council may remove and dispose of any object (which includes an election sign) that has been erected, placed or deposited on a public Road without authorisation or permit or contrary to the conditions of any authorisation, permit or by-law and recover the cost of doing so from the person who erected, placed or deposited the structure or object.

Section 239 - A Council can make a by-law to regulate moveable Signs (defined in the Act as a moveable advertisement or sign).

Local Government (Elections) Act 1999

Applicable to Local Government Elections only.

Section 27 - A person who publishes electoral material must include the name and address of the person who authorises the publication and in the case of printed material, the name and address of the printer or other person responsible for its production.

Section 28 - It is an offence to publish electoral material that purports to be a statement of fact and yet is inaccurate and misleading to a material extent.

Local Nuisance and Litter Control Act 2016

Section 23 - it is an offence to 'post a bill' (erect an election sign) on property without the consent of the owner or occupier of the property.

Planning, Development and Infrastructure Act 2016

Section 231 - If an advertisement or hoarding disfigures the natural beauty of a locality, detracts from the amenity of a locality or is contrary to the character desired from the locality under the Planning and Design Code, the Council may serve notice on the owner or occupier of the land (on which it is located) to remove or obliterate it unless it is authorised under the Local Government Act 1999, the Electoral Act 1985 or the Local Government (Elections) Act 1999.

Planning, Development and Infrastructure (General) Regulations 2017

Schedule 4, Regulation 1 - Advertising displays - Provides that an advertisement in relation to an election/referendum is excluded from being defined as "development" (and hence does not require authorisation under the Planning, Development and Infrastructure Act 2016) if the total area on one building or site is not more than two square metres and the display does not move, flash, reflect light so as to cause undue distraction to motorists nor is internally illuminated.

Electoral Act 1985

Councils do not have the power to regulate the content of State electoral Signs.

Queries in relation to the provisions of the Electoral Act 1985 should be directed to the Electoral Commission of South Australia.

Commonwealth Electoral Act 1918 (Cth)

Councils do not have the power to regulate the content of Federal electoral Signs.

Queries in relation to the provisions of the Commonwealth Electoral Act should be directed to Australian Electoral Commission.

Criminal Law Consolidation Act 1935

It is an offence under this Act to steal or deface an electoral sign or poster. Any alleged offence will be referred to the SAPOL for their attention.

Road Traffic Act 1961

Section 31(2) - Despite any other law, the Road authority in which the care, control or management of a Road is vested may remove from the Road and dispose of any false traffic control device, structure or thing that the Road authority is satisfied might constitute a hazard to traffic.

Summary Offences Act 1953

It is an offence under section 33(2)(c) and (d) of this Act to:

- a. Exhibit indecent or offensive material in a public place or so as to be visible from a public place
- b. Deposit indecent or offensive material in a public place.

An alleged offence will be referred to SAPOL for their attention.

Local Government Land By law 2021

Clause 10.2 – provides exemptions to parts of the by-law relating to specific electoral matters

Moveable Signs By Law 2021

#### 4.1 Other references

Council's document including:

a. Fees and Charges Register

External document including:

a. Guidelines & General Approval for the Placement or Affixation of Election Signs – For Federal, State and Local Government Elections Referenda and Polls

### 5. STRATEGIC PLAN/POLICY

#### 5.1 Strategic Plan

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

<u>Objective</u>	<u>Comments</u>
	<u>Leadership</u>
<u>Decision making is informed, based on evidence and is consistent</u>	<u>This policy provides clear guidelines for staff and in management of election signage issues. The policy also informs members of the public of the processes that Council staff will undertake in relation to any questions or concerns that they have in relation to election signage.</u>

#### 5.2 Organisation Plan

Within this policy we define the roles, powers and responsibilities within the organisation and strive to be a leader of good governance in local government. We work proactively to meet our legislative and governance obligations and the practice of good governance.

### 6. 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.



# Control of Election signs Policy



Record number	D22/49631
Responsible Manager	Manager Community Safety
Other key internal stakeholders	Director Community & Cultural Development
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	19/08/20, 29/08/17, 12/08/14, 08/04/14, 09/10/12, 12/08/08, 08/04/08, 23/01/07, 25/07/06, 30/05/06, 25/02/03, 13/03/01
Legal requirement	NA
Due date next review	2025

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.

## 1. PURPOSE

The purpose of this policy is to state Council's position in regard to the placement of election Signs within the City. The existence of this policy will assist to minimise any negative impact on the overall amenity and atmosphere of the City, by ensuring that election Signs are appropriate, of good quality and placed in the correct manner.

The requirements established in this policy will be applied consistently and equitably to all political parties and candidates.

This policy does not apply to free standing moveable Signs that are placed on a public Road relating to a State or Federal Election, since such Signs may be placed without authorisation.

## 2. POLICY

### 2.1 Election Signs on SA Power Networks (SAPN) or Department for Infrastructure and Transport (DIT) equipment or infrastructure

SA Power Networks (SAPN) and the Department for Infrastructure and Transport (DIT) (the Relevant Authorities) own the infrastructure installed on public Roads (i.e., light poles, stobie poles).

This means that the permission of the Relevant Authorities is required to display any moveable sign on their infrastructure. The Relevant Authorities have, by way of adopting Instruments of General Approval, determined to grant their permission for moveable signs to be affixed to their infrastructure subject to various conditions. The Relevant Authorities have authorised SA Councils (including Council) to regulate the display of moveable signs on their infrastructure (including by way of enforcing compliance with these conditions). Accordingly, the Instruments of General Approval apply throughout the Council's area.

Provided that the requirements of the Instruments of General Approval are fully complied with, it is not necessary to make application to the Council or Relevant Authorities for permission to display election Signs related to State and Federal elections or referenda. This does not apply to electoral advertising posters in relation to local government elections as they are prohibited from being displayed on public roads, or on equipment or infrastructure on public roads.

Election signs in relation to Local Government Elections (which are not electoral advertising posters) are dealt with in Part 2.2 of this Policy.

### 2.2 Election Signs on Council equipment or infrastructure

For State and Federal Elections written Council consent is required before an election sign may be displayed on a structure or infrastructure on land that is either owned or under the care and control of Council (other than a Public Road).

For Local Government Elections:

- election signs (which are not electoral advertising posters) may be displayed on a Public Road, provided the sign or signs do not unreasonably restrict the use of the road or endanger the safety of members of the public. The provisions of Part 2.3, 2.4 and 2.5 of this Policy will guide assessments made by Council's authorised officers in this regard;
- written Council consent is required before an election sign may be displayed on a Council structure or infrastructure on land that is either owned or under the care and control of Council (other than a public Road).

A person who posts a bill (including a Sign for an Election) on such Council property without Council's consent commits an offence against Section 23(1) of the *Local Nuisance and Litter Control Act 2016*.

Where Council consent is given for Signs in Elections, the following terms and conditions must be complied with.

### 2.3 Signs must:

1. Not be more than one (1) square metre in area, except at a place designated as a polling place for a Federal or State Election or Referenda on polling day only
2. Only be displayed, in the case of State and Federal Elections during the period commencing at 5.00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day. Should they not be removed within two days (48 hours of the close of voting) they will be considered illegal Signs/posters and Council will implement the provisions of this policy (refer to section "Illegal Signs")
3. Only be displayed, in the case of local government Elections, during the period commencing four (4) weeks immediately before the date set for polling day and ending at the close of voting on polling day. Signs are to be removed within two (2) days (48 hours of the close of voting) otherwise they will be considered illegal Signs/posters and Council will implement the provisions of this Policy (refer to section "Illegal Signs") (noting that, electoral advertising posters relating to local government elections are prohibited from being displayed on public roads or assets or infrastructure on public roads)
4. Comply with all legislative requirements relating to the publication of 'electoral material' as defined in the relevant legislation
5. Be securely fixed or posted and maintained in good repair and condition at all times
6. Be designed, made, and presented in a quality manner (the intent is that Signs will remain intact and not become a danger to Road users or end up as litter)
7. Contain clear and legible writing or symbols. An authorised officer will determine whether a sign is clear and legible for these purposes
8. Contain on the face of the Sign, the name, phone/email and address of both the person authorising the electoral material and the printer of it, along with a phone contact number of the authorising person or party
9. Be fastened securely so that they cannot become detached in high winds and endanger Council property or equipment or pose a danger to the safety of the public
10. Be installed, maintained and removed in a safe manner without endangering personal and community safety.

### 2.4 Signs must not:

1. Be located on a fence adjoining Local Government land that is owned by Council or under Council's care, control and management (other than Roads). This includes property being leased from Council
2. Be illuminated (internally or indirectly), move, flash, rotate, or reflect so as to be an undue distraction to drivers
3. Be self-adhesive. All individual promotional material affixed under the terms of this consent may only be affixed by non-invasive means that do not cause damage of any type to the structure to which the material is affixed. If a paste is to be used, it must be of a water based/wallpaper type (or similar)
4. Be affixed under any circumstances to trees, shrubs, or other plants or at any location that may cause damage to Council property
5. Be placed on a carriageway, dividing strip (median), traffic island, roundabout, or within 50 metres of a signalised intersection, roundabout or pedestrian activated crossing
6. Be placed within 6 metres of an intersection or junction, or in any other location that may pose a hazard to pedestrians or Road users
7. Be attached to any traffic control device, street name, traffic direction or parking sign or to the associated pole
8. Be erected on poles or towers carrying electricity transmission lines (these are generally lines utilising greater span lengths with significantly taller poles or towers supporting electrical wires)
9. Be attached to SAPN pad-mounted transformers or switching cubicles
10. Be attached to the fences of any fenced SAPN equipment including substations, transformer stations and regulator stations on Council land
11. Be placed so as to cover any Council, SAPN or DIT numbering, signs or markings
12. Be placed in a location on a pole or fence so as to aid the climbing of the pole or fence
13. Be placed so as to restrict the sight distance for Road users and pedestrians crossing the Road
14. Compete with or reduce the effectiveness of other Signs and traffic control devices
15. Resemble a traffic control device, or reasonably be capable of being mistaken as a traffic control device
16. Advertise any organisation other than a registered political party or candidate.

## 2.5 Other:

1. Where Signs are fixed or posted on poles adjacent to footpaths or Roadways such Signs must not be lower than two metres and a maximum height of three metres from the ground with nothing above the sign to affix it or anything else to the pole. For safety reasons, there is a total prohibition to any point higher than three metres from the ground
2. The person or relevant political party responsible for the sign must maintain the sign. The person or political party is also responsible for ensuring that safety is maintained (and the Australian Road Rules complied with) whilst the sign is being installed, maintained or removed and no traffic disruption is to occur during the installation, maintenance or removal process
3. Where properties of Council are managed by others, Council may delegate to the Management Committee of that body the right to determine its own policy for election advertising, subject to relevant legislation. In such cases, written consent of that body is to be obtained. Upon request by the Council, the applicant must produce such written consent
4. The person(s) to whom consent is granted and any persons acting on their behalf, including by way of causing the sign to be displayed:
  - a. Accept(s) and agrees that the display of Signs must be in accordance with this Policy

- b. Accept(s) full responsibility for any personal injury, property damage or other loss in any way arising out of or consequent upon the erection, removal or display of election material and acknowledge(s) that the Council have no liability or responsibility in relation to such matters whatsoever
- c. Such person(s) agree(s) to indemnify the Council against any such personal injury or property damage or other loss incurred by the Council and against any third party claims arising out of or consequent upon the erection, removal or display of Signs
5. It is a condition of consent that if any breach occurs which results in action by or on behalf of the Council to enforce the conditions of this policy and thereby results in costs and expenses for the Council, then such costs and expenses will be recovered by the Council from the person(s) responsible. These costs will include removal and/or destruction of the offending material by an officer or agent of the Council
6. The person or party responsible for the sign must remove all parts of the sign and fixtures from the site when required to do so in complying with this policy
7. Installing, maintaining and removing Signs must not be carried out between 7am and 10am or between 3pm and 7pm Monday to Friday on a peak flow traffic lane
8. In relation to Council ward Elections, election signage will not be permitted on Council land.
9. When installing election signs upon SA Power Networks poles and columns "Stobie poles" on Council land, both the method used to secure the election sign to the Stobie pole (e.g. straps or ties) and the ladder used must be non-conductive. No ladders or operating plant are to be leant against light columns or Stobie poles during installation or removal of election signs. Ladders used must be self-supporting only.

## 2.6 Election Signs on Private or Third Party Property:

For Signs on private fences, including those adjoining Council land, must have a total advertisement area of not more than two (2) square metres for all advertisements of that kind at that site without *Planning, Development and Infrastructure Act 2016* approval.

Should the applicant propose to use property belonging to any party (other than Council for fences on public Road boundaries) they should firstly obtain the written consent of the owner of that property. Upon request by the Council, the applicant must produce such written consent.

## 2.7 Illegal Signs

Council is totally opposed to illegal Signs as a form of advertising.

With respect to Public Roads, the 'consent of the owner' (i.e., SAPN or DIT), under the Instruments of General Approval, is limited, for State and Federal Elections, to the period prescribed in section 226(3) of the *Local Government Act 1999*. For Council equipment, assets and infrastructure on Council land, individual consent must be obtained in all cases in accordance with this Policy.

If an Election Sign is erected outside the election period provided for in section 226(3) of the *1999* or contrary to the terms of Council's consent, a person who distributed or authorised the distribution of the bill for posting is guilty of an offence.

Maximum penalty: \$20,000 for a body corporate, \$10,000 for an individual.

## 2.8 Removal and disposal of election signs

If the Council or its authorised persons or employees determine or reasonably suspect that an Election Sign:

1. Has been affixed or displayed in a manner that restricts the use of a Road or endangers the safety of the public; or
2. Has been affixed or displayed on any Road or Council land contrary to any legislation or the Instruments of General Approval, or otherwise without SAPN, DIT or Council's consent (as required),
3. Has been erected before or remains in place on a public road outside the permitted period for the relevant election.

Council authorised persons or employees have authorisation to:

1. Notify the organisation/persons responsible for the Election Sign by phone/email and request the removal of the sign within 24 hours
2. If the Election Sign is not removed within 24 hours, cause the offending Sign to be removed. If urgent action is required to avoid a risk to public safety the Council may remove the offending Election Sign without first requesting its removal
3. Under section 23 of the *Local Nuisance and Litter Control Act 2016*, if considered appropriate in the specific case, issue an expiation notice to any person who has erected an election sign without the permission of the owner
4. If considered appropriate in the specific case, prosecute any person who has distributed or authorised the distribution of the bill (election sign) for posting
5. Will recover Council's costs for removing and managing (including disposal) of the sign in accordance with Council's fees and charges register. (*consider a scale of fees rather than one standard fee of \$30 per sign*)

The Relevant Road Authority (DIT, Commissioner for Highways or Council) may remove and dispose of any sign that constitutes a hazard or does not comply with legislative requirements.

## 2.9 Application for Council Consent

Any person wishing to make application for the consent of the Council to allow electoral Signs to be posted, affixed or erected on property under the care and control of Council should contact Council's Community Safety Department for an application form on 8397 7313 or fax 8397 7400 or email: [customerservice@cttg.sa.gov.au](mailto:customerservice@cttg.sa.gov.au).

In issuing consent under this part, Council may attach further conditions to any consent issued such as limiting the number of signs per site, stipulating a required distance between signs etc.

A copy of this Policy will be provided to each approved applicant.

## 2.10 Alterations

The CEO may authorise minor variations to this policy during the election process in order to enhance or clarify any part of the policy.

## 2.11 Grievances

Any grievances in relation to this Policy should be forwarded in writing addressed to the CEO.

## 2.12 Promotion

The requirements within this Policy will be promoted within the community and to candidates and political parties.

## 2.13 Compliance with the Policy

Subject to the availability of employee resources, Council will monitor the Signs during an Election Period to ensure compliance.

Whenever Council receives a complaint in regards to a particular Sign or group of Signs the relevant employees will promptly investigate the complaint and take any necessary action.

Where breaches of the policy occur, candidates will be given no more than 24 hours' notice to rectify the breach.

## 4. 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.

### DIT

Department for Infrastructure and Transport.

### Election Period

Commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day. If it is related to a Local Government election it is during the period commencing at the close of nominations and ending at the close of voting on polling day.

### Election

Means any elections, referenda and/or polls as they relate to Federal, State or Local Governments.

### Electoral advertising poster

A poster displaying electoral advertising made of:

- corflute;
- plastic; or
- any other material, or kind of material, prescribed by the regulations under the Local Government Act 1999.

### Instruments of General Approval

See those provisions of the *Local Government Association's Election Signs: State and Federal Government Elections Guidelines and General Approval for placement or affixation of election signs* relating to the placement of Election Signs on Road infrastructure.

### Road

Has the same meaning as set out in the Local Government Act 1999 – being: 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 bridge, viaduct or subway; or

- an alley, laneway or walkway; and for the purposes of clarification extends from property boundary to property boundary. Note: this definition encompasses footpath areas.

#### SAPN

SA Power Networks.

#### SAPOL

South Australia Police.

#### Signs

Includes moveable Signs where appropriate and also includes posters that comprise an advertisement for a candidate or party in the election, or for a referendum or poll whether held for Federal, State or Local Government purposes.

## 4. LEGISLATIVE FRAMEWORK

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

The following legislation is relevant for the purposes of this Policy:

#### Local Government Act 1999

Section 209(1) - All fixtures and equipment installed in, on, across, under or over a public Road by the provider of public infrastructure are owned by the provider of that infrastructure, not by the Council.

Section 221(2)(b) & (2)(d) - It is an offence to interfere with any structure on a public Road or to erect or install a structure ("structure" includes pipes, poles, fixtures, fittings or other objects) in, on, across, over or under a public Road without authorisation from Council.

Section 226(1) - A moveable sign must not unreasonably restrict the use of the Road or endanger the safety of the public. A person may place and maintain a moveable sign on a Road without authorisation provided the design and structure, the positioning of the sign and any other relevant requirements of the Council's *Moveable Signs By-law 2021* are complied with. *Movable Sign By-law* provisions do not apply if the sign is related to a State or Federal election and is displayed during the Election Period.

Section 226(2a) - It is an offence to exhibit an electoral advertising poster relating to an election held under this Act or the *Local Government (Elections) Act 1999* on a public Road.

Section 227 - If an election sign unreasonably restricts the use of the Road or endangers the safety of members of the public, a person authorised by Council may order the owner of the sign to remove the sign, or if the owner is unknown or fails to comply immediately with the order, may remove and dispose of the sign.

Section 234 - A Council may remove and dispose of any object (which includes an election sign) that has been erected, placed or deposited on a public Road without authorisation or permit or contrary to the conditions of any authorisation, permit or by-law and recover the cost of doing so from the person who erected, placed or deposited the structure or object.



Section 239 - A Council can make a by-law to regulate moveable Signs (defined in the Act as a moveable advertisement or sign).

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Applicable to Local Government Elections only.

Section 27 - A person who publishes electoral material must include the name and address of the person who authorises the publication and in the case of printed material, the name and address of the printer or other person responsible for its production.

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Section 23 - it is an offence to 'post a bill' (erect an election sign) on property without the consent of the owner or occupier of the property.

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Section 231 - If an advertisement or hoarding disfigures the natural beauty of a locality, detracts from the amenity of a locality or is contrary to the character desired from the locality under the Planning and Design Code, the Council may serve notice on the owner or occupier of the land (on which it is located) to remove or obliterate it unless it is authorised under the Local Government Act 1999, the Electoral Act 1985 or the Local Government (Elections) Act 1999.

[Planning, Development and Infrastructure \(General\) Regulations 2017](#)

Schedule 4, Regulation 1 - Advertising displays - Provides that an advertisement in relation to an election/referendum is excluded from being defined as "development" (and hence does not require authorisation under the *Planning, Development and Infrastructure Act 2016*) if the total area on one building or site is not more than two square metres and the display does not move, flash, reflect light so as to cause undue distraction to motorists nor is internally illuminated.

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[Criminal Law Consolidation Act 1935](#)

It is an offence under this Act to steal or deface an electoral sign or poster. Any alleged offence will be referred to the SAPOL for their attention.

[Road Traffic Act 1961](#)

Section 31(2) - Despite any other law, the Road authority in which the care, control or management of a Road is vested may remove from the Road and dispose of any false traffic control device, structure or thing that the Road authority is satisfied might constitute a hazard to traffic.

#### Summary Offences Act 1953

It is an offence under section 33(2)(c) and (d) of this Act to:

- a. Exhibit indecent or offensive material in a public place or so as to be visible from a public place
- b. Deposit indecent or offensive material in a public place.

An alleged offence will be referred to SAPOL for their attention.

#### Local Government Land By law 2021

Clause 10.2 – provides exemptions to parts of the by-law relating to specific electoral matters

#### Moveable Signs By Law 2021

### 4.1 Other references

Council's document including:

- a. Fees and Charges Register

External document including:

- a. Guidelines & General Approval for the Placement or Affixation of Election Signs – For Federal, State and Local Government Elections Referenda and Polls

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
<b>Leadership</b>	
<i>Decision making is informed, based on evidence and is consistent</i>	This policy provides clear guidelines for staff and in management of election signage issues. The policy also informs members of the public of the processes that Council staff will undertake in relation to any questions or concerns that they have in relation to election signage.

### 5.2 Organisation Plan

Within this policy we define the roles, powers and responsibilities within the organisation and strive to be a leader of good governance in local government. We work proactively to meet our legislative and governance obligations and the practice of good governance.

## 6. 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.



City of Tea Tree Gully  
Governance and Policy Committee

Document Cover Sheet

17 AUGUST 2022

PROPERTY IDENTIFICATION POLICY

Responsible Manager: Manager Finance & Rating Operations

As part of the policy review we have identified an opportunity to strengthen the Policy and include the naming of Council reserves, parks, open spaces and building with either a Kaurna name or dual names.

Part of resolution from Council Meeting 24 May 2022 re naming of Gilmour Park:

*“Refer the broader concept of dual naming of Council reserves to Council’s next meeting of the Governance & Policy Committee for further consideration recognising this is a matter that should be considered holistically for all reserves as part of a review of Council’s Property Identification Policy.”*

This Policy was provided to the Governance and Policy Committee on 25 July 2022 where it resolved:

*That the “Property Identification Policy” as reviewed by the Governance and Policy Committee on 25 July 2022 be returned to the next Governance and Policy Committee meeting for consideration.*

## RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the **“Property Identification Policy” as reviewed by** the Governance and Policy Committee on 17 August 2022 **be returned to the** “Governance and Policy Committee or other relevant committee” for consideration in the next term of Council.

Or

That the **“Property Identification Policy” as reviewed by** the Governance and Policy Committee on 17 August 2022 be returned for further consideration.

Summary of changes		
Page No.	Heading	Comments
2	Purpose	The addition of a sentence that includes that this policy will include the setting out the process for naming Council reserves, parks, open spaces and buildings
3	Property Numbering	Update to the wording
4	Place Naming (for discussion)	Dual naming concept – this has been referred to the GPS from Council Meeting 24/5/22 as part of the naming of Gilmour Park, Tea Tree Gully.  The addition of Assigning a 2.4 Kaurua Name or 2.4 Dual Names with either option to be considered for inclusion in the policy.
6	Other References	Addition of reference to Geographical Names Guidelines
7	Strategic Plan	Addition of strategic objectives
7	Accessibility	Removal of the reference as not applicable

### Attachments

1. [Property Identification Policy - reviewed version for GPC Meeting - 17 August 2022](#)<sup>34</sup>

# Property Identification Policy



Record number	D22/41658
Responsible Manager	Manager Finance & Rating Operations
Other key internal stakeholders	Director Organisational Services and Excellence Director Assets and Environment Manager Civil and Water Operations
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	21 /10/2020, 18/10/17, 12/08/14, (Merges Property Numbers on Kerbs Policy into this Policy), 17/09/13, 08/06/10, 09/10/07, 25/07/06, 25/02/03, 13/03/01
Legal requirement	Section 219 of the Local Government Act 1999 requires Council to have a policy relating to the assigning of road names.  Section 219(7) of the Act requires a public notice to be given at the adoption or alteration of the above section within this Policy.
Due date next review	2025

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.

## 1. PURPOSE

The purpose of this Policy is to state Council's position in regard to the naming of roads and the system of numbering of properties along roads within the City of Tea Tree Gully area. The existence of this Policy will assist in establishing guidelines for naming new roads, changing road names, numbering of properties along roads and the naming of Council reserves. [This policy will also set out the process for the naming of Council's reserves, parks, open spaces and buildings.](#)

## 2. POLICY

Road naming and property numbering will be implemented in accordance with the following general principles:

### 2.1 Road Naming

#### 2.1.1 Public Roads

All roads will be named and sign posted accordingly. To avoid the potential for confusion with other road names within the City (including potential for confusion that may be caused by pronunciation of the road name) new road names will not be duplicated. All signs are to be in accordance with relevant standards and Council's Signage Policy.

Where possible, Council encourages road names to be based on themes, especially those that are reflective of the historical, cultural or environmental assets of the City.

Council will not accept road names that have another meaning in their own right, such as Tennis Court, Federal Court etc.

#### 2.1.2 Private Roads

Council will not enter into the naming of private roads, such as those within Retirement Villages and similar private areas that do not meet the definition of a public road within this Policy unless specifically requested by the owners of the property.

Any signage associated with private roads will be the responsibility of the property owner and owners will be required to carry out such works according to section 216 of the *Local Government Act 1999*.

#### 2.1.3 Requests to Change a Public Road Name

Where Council receives a request to change the name of an existing public road, the applicant must provide:

- a. The request in writing
- b. The reason for the proposed road name change
- c. The proposed future road name
- d. Any supporting documentation deemed necessary by Council or the delegated employees.

Council will consider each request on the merit of the proposal and give consideration to the reasons provided for the road name change.

Where Council receives a request to change a road name and believes the existing road name creates confusion the following principles will apply:

- a. Council or its relevant Committee will consider this Policy but may resolve to take no further action in which case the applicant will be informed accordingly, including the reasons for the decision
- b. Council will undertake consultation in respect of the proposed change, which should occur over a four (4) week period, this will include but not be limited to the views of:
  1. Elected Members
  2. All those living and owning property along the relevant roads
  3. Emergency services
  4. Australia Post.

with Council or the relevant Committee having the final decision as to the future name of the road.

Should Council resolve to assign an alternative road name, Council will notify the relevant parties and place a public notice as required in accordance with section 219(3) and (4) of the Local Government Act 1999. In addition to the legislative requirements, Council will notify emergency services of the road name change and all residents living along the relevant road.

### 2.1.4 Property Numbering

All new property numbering systems will be in accordance with the Australian/New Zealand Standard (AS/NZS 4819:2011) entitled 'Rural and Urban Addressing' and each occupied property should clearly display a property number. Where the existing numbering system does not conform along a road with this standard Council will not be obligated to change the numbering system.

Where Council receives a request to correct existing anomalies in the numbering of roads, Council will consider each request on the merit of the proposal and ~~give consideration to~~ consider the reasons provided for the renumbering of a road.

In accordance with section 220(5) property owners must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by Council.

In accordance with section 220(6) of the Local Government Act 1999 property owners must ensure that the number of their building or allotment is displayed on their property in a form directed or approved by Council.

Where there are changes to property numbering systems along a particular road, Council will notify the Valuer-General and place a public notice of the resolution adopting, altering or substituting a numbering system for a particular road, in accordance with section 220(3) of the Local Government Act 1999.

### 2.1.5 Property numbers on kerbs

Council acknowledges that street numbers beyond the property boundary are not always easily seen from the road outside of daylight hours and an additional form of numbering is often sought. Council supports the principle of painting of house numbers on kerbs with the aim of assisting the public and emergency services in locating properties. Council's position is that



community groups such as neighbourhood watch (or similar) should be allowed to perform this work provided Council's risk is minimised, there is minimal cost to Council and a reasonable standard of works can be assured.

The CEO will ensure guidelines are maintained for this policy position.

## 2.2 ~~3. PLACE NAMING~~ Place Naming

### 2.1.6 ~~3.12.3~~ Reserve Naming

All reserves under Council's care and control will be allocated a name. In the first instance any Reserve that does not have a common name will be allocated the name of an adjoining road.

- a. Where a reserve has an existing known and well-used name (other than that of the adjoining road) that name will be allocated in Council's property database.
- b. Where Council receives a request for a name change (to that allocated in Council's property database) a report will be prepared by the relevant Council department and submitted to the Council or the relevant committee for consideration. Community consultation may be considered as part of the decision making process.

All names assigned to reserves will be reflected in the relevant community land management plans.

### 3.22.4 Assigning a Kaurna Name

When considering a Kaurna name for a parcel of land, Council will follow an agreed acceptable practice for applying Kaurna names to public land and refer the matter to Kaurna Warra Karrpanthi (KWK) along with some unique known features of the land who will provide appropriate name to Council.

### 3.3.2.2.5 Dual Names

A dual naming system enables the assignment of an additional name to a feature that already has an official name. It can be used for naming features when an official name is widely accepted and in long use and when a name change is not possible or acceptable. The Policy proposes that dual naming will be used to enable a Kaurna name and an introduced name to be used together as the official name.

Dual names may be assigned to a public place where there is a geographical and topographical feature that has both a traditional Kaurna name and an existing name. Dual names would not be adopted for constructed features such as roads, bridges or buildings.

When assigning or recording a name to a previously unrecorded natural feature that has an unrecorded European name in local usage, every effort will be made to determine if an Aboriginal name exists for that feature and a dual name will be assigned or recorded

When considering a Kaurna name for a parcel of land, Council will follow an agreed acceptable practice for applying Kaurna names to public land and refer the matter to Kaurna Warra Karrpanthi (KWK) along with some unique known features of the land who will provide an appropriate name to Council.

[When a dual name is proposed Council will consult with the community and seek feedback in line with our Community Engagement policy.](#)

### 3.4 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.

#### Emergency Services and Local Authorities

Includes the local branches of the South Australian Country Fire Service, State Emergency Service, SA Ambulance Service and South Australian Police.

#### Private road

As defined under the Local Government Act 1999, means a road in private ownership.

#### Public Place

A place (including a place on private land) to which the public has access, but does not include any part of a community parcel divided by a plan of community division under the Community Titles Act 1996.

#### Public Road

Under the *Local Government Act 1999* this means:

- (a) any road or land that was, immediately before the commencement of this Act, a public street or road under the repealed Act; or
  - (b) any road:
    - (i) that is vested in a council under this or another Act; or
    - (ii) that is placed under a council's care, control and management as a public road after the commencement of this Act,
 but not including an alley, laneway, walkway or other similar thoroughfare vested in a council; or
  - (c) any road or land owned by a council, or transferred or surrendered to a council, and which, subject to this Act, is declared by the council to be a public road; or
  - (d) any land shown as a street or road on a plan of division deposited in the Lands Titles Registration Office or the General Registry Office and which is declared by the council to be a public road; or
  - (e) any land transferred or surrendered to the Crown for use as a public road that was, immediately before the transfer, held by a person in fee simple or under a lease granted by the Crown,
- (and includes any such road that is within the boundaries of a public square).

#### Road

In accordance with the Local Government Act 1999 a road is defined as 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

For the purpose of this Policy only, roads will not include walkways and pedestrian paths.

All reserves under Council's care and control will be allocated a name. In the first instance any Reserve that does not have a common name will be allocated the name of an adjoining road.

- a. Where a reserve has an existing known and well-used name (other than that of the adjoining road) that name will be allocated in Council's property database
- b. Where Council receives a request for a name change (to that allocated in Council's property database) a report will be prepared by the relevant Council department and submitted to the Council or the relevant committee for consideration. Community consultation may be considered as part of the decision making process.

All names assigned to reserves will be reflected in the relevant community land management plans.

#### 4. LEGISLATIVE FRAMEWORK

The following legislation applies to this Policy:

##### Local Government Act 1999

Section 219 of this Act grants Council the power to assign a name or change the name of a road or public place, while section 220 of this Act provides for the numbering of adjacent premises and allotments.

Under section 219(5) of this Act, Council is required to adopt a policy relating to the assigning of road names.

Section 219(7) of the Act requires a public notice to be given at the adoption or alteration of this Policy.

In accordance with section 220(6) of this Act, property owners must ensure that the number of their building or allotment is displayed in a form directed or approved by Council.

##### 4.1 Other references

Council's document including:

- a. Fees and Charges Register
- b. Property Numbers on Kerbs Guidelines
- c. Signage and Entrance Statement Policy

External document including:

- a. Australian/New Zealand Standard (AS/NZS 4819:2011) entitled 'Rural and Urban Addressing' sets the standard for rural and urban addressing.
- a-b. [Geographical Names Guidelines](#)

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

#### 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Places	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	<a href="#">This will ensure that all properties are identified and easily located.</a>

### 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The theme most relevant to this report is Finance and systems to ensure street naming and numbering is appropriate.

## 6 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.

### ~~7.8 ACCESSIBILITY~~

~~This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.cttg.sa.gov.au](http://www.cttg.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.~~

## ORDER MAKING POLICY

Responsible Manager: Manager Community Safety

This policy is reviewed as part of the policy review cycle. The policy was last reviewed in October 2019 where no changes were made. Prior to this, the policy was reviewed in February 2017 and amended to reflect legislative changes made at that time. There have been no changes to the Local Government Act 1999 which relate to this policy or would impact this policy and as such, no content changes have been made to the policy. There have been some minor formatting changes to the policy to ensure alignment with the current policy template.

Community consultation is required prior to adoption of the policy, unless amendment is only of a minor significance. On this occasion, there are no changes proposed by officers to the policy and therefore public consultation is not required, unless otherwise altered by Council.

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

### RECOMMENDATION

That the **“Order Making Policy”** as reviewed by the Governance and Policy Committee on 17 August 2022 be adopted.

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

Supporting Information

#### Attachments

1. [↓](#) Order Making Policy - PSDC - Reviewed for GPC - 17 August 2022.....43

# Order Making Policy



Record number	D22/24034
Responsible Manager	Manager Community Safety
Other key internal stakeholders	Director Community & Cultural Development
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	16/10/2019, 15/02/17, 20/11/13, 10/08/10, 30/05/06, 25/2/03, 11/12/01
Legal requirement	Section 259 of the Local Government Act 1999 requires Council to take reasonable steps to prepare and adopt policies for the operation of Part 2 of Chapter 12 of the Act, which deals with the making of orders under sections 216, 218 and 254  Community consultation is required prior to adoption of policy, unless amendment is of only a minor significance.
Due date next review	2025

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.

## 1. PURPOSE

The purpose of this policy is to state Council's position in regards to its order making powers under the Local Government Act 1999. The existence of this policy will assist Council to facilitate a safe and healthy environment, and to improve the amenity of the locality, by protecting the City from public hazards and nuisances.

The exercise of Council's order making power, in accordance with this policy and the relevant statutes, co-exists with Council's other regulatory powers. For example, the Council has power to make and enforce By-laws in certain circumstances and to enforce compliance with the requirements of the Local Government Act 1999 and a range of other statutes.

## 2. POLICY

This policy will apply to the circumstances listed in the Act as follows:

### 2.1 Section 254

Section 254 states that Council may order a person to do or refrain from doing a thing under certain circumstances which are stated below in general terms with particular examples for illustration. These examples are not intended to be an exhaustive list of the circumstances in which orders may be issued under section 254. They are included to assist the community to understand the purpose and intent of this policy and the way in which it will be applied.

The matters to which this policy applies are as follows:

#### 2.1.1 Hazards on Land Adjoining a Public Place

An order may be made against the owner or occupier of land to take action to deal with hazards on lands adjoining a public place.

Examples of such circumstances include:

- a. A dangerous fence adjoining any road, community land or public place
- b. Where there are overhanging branches, overgrown vegetation or structures on land adjoining a public place which obstruct streets
- c. Where there is drainage of water across the road
- d. Where a flag, banner, flagpole or sign intrudes into a public place.

#### 2.1.2 Inappropriate Use of a Vehicle

An order may be made against an owner or occupier of land or a person apparently occupying a caravan or vehicle which is used as a place of habitation.

Examples of such circumstances include:

- a. Where use of a caravan or vehicle for habitation presents a risk to the health and safety of an occupant
- b. Use of the vehicle as habitation causes a threat of damage to the environment
- c. Use of the vehicle as habitation detracts significantly from the amenity of the locality.



## 2.2 Section 216, 218

In accordance with the requirements of the Act, this Policy also applies in respect of orders issued by Council under section 216 (power to order the owner of a private road to carry out specified roadworks) and section 218 (power to require owner of adjoining land to carry out specified work).

Examples of such circumstances include:

- a. Section 216 – an order issued to the owner of a private road to repair pot holes in the private road
- b. Section 218 – an order issued to the owner of land adjoining a road to construct, remove or repair a crossing place from the road to the land

## 2.3 Section 217 and 262

While not required by legislation, this policy will apply where appropriate, to orders issued under section 217 (power to order owner of infrastructure on road to carry out specified maintenance or repair work) and section 262 (power of enforcement) of the Act.

Examples of such circumstances include:

- a. Section 217 – an order issued to the owner of pipes under a road to repair the pipes
- b. Section 262 – an order issued against a person who is engaging in conduct that is a contravention of the Act to stop the conduct.

## 2.4 General Principles

In each situation in which Council (including delegated officers) is considering making an order within the scope of this policy, the Council will investigate and consider (to the extent that it is relevant and necessary) the following circumstances:

- a. The severity of the incident or circumstance
- b. The hazard or danger posed to the community
- c. The risk to health and safety of the community
- d. The number of occurrences of the activity or incident
- e. The impact of any previous actions to deal with the activity or incident
- f. The significance of the breach, any other public interest or well-being considerations
- g. The availability of a more appropriate response by Council
- h. Whether there is sufficient evidence upon which Council may rely to exercise its order making powers
- i. Number of complaints received in respect of the matter (if any)
- j. The occurrence of other similar activities throughout the city.

## 2.5 Minimum Standards for Orders

Before making an order, unless the circumstances are Urgent, the Council (including delegated officers) will take the following action:

- a. Give the person to whom an order is intended to be directed a notice in writing stating the:
  - i. Proposed action
  - ii. Terms of the proposed order
  - iii. Period within which compliance with the order would be required
  - iv. Penalties for non-compliance
  - v. Reasons for the proposed order

- vi. Invite the person notified to give reasons, within a specified time, as to why the proposed action should not be taken
- b. Reasonable steps will be taken, within available resources, to resolve matters by negotiation and agreement before issuing an order, except in cases of threat to life, an immediate threat to public health or safety or an emergency situation
- c. Council may obtain (independent) expert evidence in determining whether to issue an order
- d. Where notice of a proposed order has been given to a person who is not the owner of the relevant land, reasonable steps must be taken to serve a copy of the notice on the owner of the land
- e. After considering the representations made by the person to whom notice of the order is directed, an order may be made in terms of the original proposal or a modification of the original proposal or determine not to proceed with making an order
- f. An order must be served on the person to whom it is addressed. Reasonable steps must be taken to serve a copy of the order on the owner of the land
- g. An order may be varied or revoked if it is considered appropriate.

This policy recognises that there may be circumstances where it is not appropriate to issue a notice of intention, particularly in relation to a “cease and desist” order under section 262 to address a breach of the Act or by-law.

## 2.6 Review Rights

Any person to whom an order is issued has a right to appeal against the order. Any such appeal must be lodged within 14 days of that person's receipt of the order. The Council will ensure that reference to this right of review is included in any order issued.

## 2.7 Non-compliance with an Order

Where an order issued under section 216, 218, 254 is not complied with within the time fixed in the order (or if there is an application for review, within 14 days after the determination of the review) the Council may (subject to the outcome of any review) take the action required by the order.

Wherever practicable, Council will first notify the landowner and/or occupier of its intention to undertake default works where the recipient of the order has failed to comply with its requirements.

Council's Enforcement Policy will be taken into account in determining the manner in which non-compliance with an order will be enforced.

The reasonable costs and expenses incurred by Council in taking action under this section may be recovered by Council as a debt from the person who failed to comply with the requirements of the order.

Where an amount is recoverable by Council, Council may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid and, if the amount is not paid by the person within that period, the person is liable to pay interest and Council may impose a charge over the land for the unpaid amount, together with interest, in accordance with section 257(5) of the Act.

Non-compliance with an order of Council is an offence for which a person may incur a statutory penalty provided for in the Act. Section 258 of the Act provides for a maximum penalty of \$2,500 and an expiation fee of \$210 for failure to comply with an order issued under the Act.

Where an order issued under section 217 is not complied with within the time specified within the order, Council may carry out the action required by the order and recover the cost of doing so as a debt for the owner and the owner is guilty of an offence and liable to a maximum penalty not exceeding \$5,000.

Where an order issued under section 262 is not complied with, Council may take action reasonably required to have the order carried out and the person, to whom the order was issued, is guilty of an offence and liable to a maximum penalty not exceeding \$5,000.

## 2.8 Alterations to the Policy

Any future amendment or alteration to the policy, or a substitution of a new policy, will be subject to the public consultation provisions of section 259(2) of the Act, unless the alteration has only minor significance and is likely to attract little or no community interest.

## 3. DEFINITIONS

For the purposes of this policy the following definitions apply:

### Act

Local Government Act 1999

### Urgent

Refers a situation that is life threatening or threatening the safety of persons or substantial assets of a third [party](#).

## 4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

### Local Government Act 1999

Section 259 of this Act requires Council to take reasonable steps to prepare and adopt policies for the operation of Part 2 of Chapter 12 of the Act, which deals with the making of orders under sections 216, 218, 254.

Section 259(5) requires Council to prepare and adopt a policy subject to public consultation by placing a notice in a newspaper circulating in the area of the council, giving notice of the place or places at which copies of the draft are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) and inviting interested persons to make written representations on the draft within a period specified by the council (being a period of at least 4 weeks).

## 4.1 Other references

Council's document including:

- a. [Enforcement Policy](#)
- b. [Fees and Charges Register](#)
- c. [Road Alteration or Encroachment Policy](#)

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

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
Environment	
<i>Environmentally valuable places and sites that are flourishing and well cared for</i>	
<i>A community that is protected from public and environmental health risks</i>	
Places	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	

### 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

## 6. 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.

## COMMUNITY ENGAGEMENT (PUBLIC CONSULTATION) POLICY

Responsible Manager: Manager Community Wellbeing

This report addresses:

- ☒ removing the inclusions in the policy relating to Public Access and Public Consultation Notice No. 2 and updating the matrix in Appendix 1 accordingly
- ☒ clarification of specific sections of the policy relating predominantly to:
  - o approach to community engagement for non-legislative matters, including Development on Council land (non-statutory)
  - o activities conducted as per the minimum standard and those that are considered as further options chosen to enhance communication

Notice No 2 Public Access and Public Consultation

In March 2020, pursuant to section 87 of the *South Australian Public Health Act 2011* and section 23 of the *Emergency Management Act 2004* a public health emergency and major emergency was declared in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 8 April 2020, the Minister for Transport, Infrastructure and Local Government in South Australia issued a second set of variations to the *Local Government Act 1999* under the emergency powers in section 302B of the Act. These variations were Public Access and **Public Consultation Notice (No 2) 2020 (referred to as 'Notice No 2')** and included councils being excused from undertaking certain mandatory and optional public meetings and/or face to face consultation in respect of certain types of public consultation. Changes to the policy relating to this notice were endorsed by Council at a meeting on 28 April 2020.

This policy was again presented to the Committee on 17 June 2020 in order to remove a reference to the use of the Messenger as a promotional tool, given the suspension of hard copy printing of this publication at the time.

On Tuesday 24 May 2022, the Emergency Declaration ended which means elements of the Code that relate to Public Access and Public Consultation Notice (No 2) 2020 were only relevant for 28 days (until 21 June 2022) after the cessation of all relevant declarations for COVID-19 public health emergency.

#### Clarification of specific sections of the policy

Section 2.5 relating to Non-legislative matters has been amended to provide further detail about the process and aspects for staff to consider when dealing with non-legislative matters and the opportunity to conduct discretionary community engagement. This includes additional clarification around Development on Council land.

Another change to the policy has been made to clarify what activities are conducted as per the minimum standard (section 2.8), and those that are considered as further options chose to enhance communication, in order to manage and mitigate any risks. This has been done by the separating and spacing of text, and use of sub-headings. In doing this, the use of social media and onsite signage have been moved to the section which notes **‘further options that can be chosen to promote community engagement activities’**, rather than considered as mandatory for all community engagement processes.

**While the promotion of the opportunity to have your say via Council’s social media** accounts is carried out for the majority of community engagement processes, it is recognised that it is not always relevant for smaller targeted and/or localised community engagement activities. This change would provide flexibility in tailoring promotional activities for each community engagement process, and would be noted in the relevant community engagement strategy.

**Onsite signage is already noted in the policy as being used ‘where applicable’** and therefore already recognised as not being appropriate for all community engagement activities.

#### Minor administrative/wording changes

There are also a number of administrative changes which are outlined in the tables on the following pages and include minor wording changes, and an adjustment to the Appendix 1 matrix noting that provision of information on the corporate website will be determined as part of the community engagement strategy for non-legislative matters.

## RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Community Engagement (Public Consultation) Policy” **as reviewed by** the Governance and Policy Committee on 17 August 2022 be adopted.

Summary of changes		
Page No.	Heading	Comments
The Policy has been reviewed in its entirety to remove references to Notice No 2 of the COVID-19 Emergency Declaration, including the Appendix 1 matrix.		
3	2.1.3 Accessibility	Minor wording changes to make sentence more succinct.
3	2.1.4 Engage early and with clarity of purpose	<b>‘We’ changed to ‘Council’ to be consistent with</b> language throughout policy.
3	2.1.6 Consideration of engagement outcomes and the provision of feedback	<b>‘We’ changed to ‘Council’ to be consistent with</b> language throughout policy.
4	2.1.9 Maximising the use of emerging technology	<b>Word ‘other’ removed and addition of ‘continue to be’ since we have now established use of online</b> community engagement tools since 2018.
7	2.4.2	Specific reference to Community Bus timetable deleted and replaced with more general description.
7	2.4.5 Non-legislative matters	<b>Text ‘This category refers to non-legislative matters’</b> deleted as replaced by new heading.  Heading inserted to better reflect following content and distinguish from previous section, as well as inclusion of further detail outlining process and considerations for non-legislative matters and the opportunity to conduct discretionary community engagement.
8	2.6 Development on Council land	This section has been revised to provide additional guidance and clarification on what should be considered when deciding whether community engagement should be undertaken for such

		development, and to allow flexibility in the approach.
8	2.6 Council approval of community engagement strategies	Wording revised to aid in comprehension of sentence.
8	2.7 When and how we will engage	<b>'We' changed in heading to 'Council' to be consistent with language throughout policy.</b>
10-11	2.8 Steps required for undertaking community engagement process	<p>Spacing between paragraphs inserted to better distinguish between minimum standards and other options which may be chose to further enhance communication.</p> <p>Moving the use of social media and onsite signage from minimum standard use i.e. mandatory for all community engagement processes) to an optional activity (<b>'further options that may be chosen to enhance communication'</b>).</p> <p>While social media is recognised as a valuable tool for promoting community engagement opportunities, it is not always appropriate for smaller targeted and/or localised community engagement processes. Having social media noted as an optional activity provides more flexibility in tailoring promotional activities for each community engagement process. This dot point is also amended to reference types of corporate social media accounts that may be used.</p> <p>Similarly onsite signage is not always appropriate for every community engagement process (and was <b>already noted in the policy as being used 'where applicable'</b>). <b>This has been moved into the section</b> noted as an optional activity. This dot point is also amended to reflect information currently printed on this type of temporary signage.</p> <p>As public notices are now published in The Advertiser to meet minimum standards for giving notice to the public, dot point is amended to <b>'Additional paid advertisement in The Advertiser newspaper'</b></p>



11	2.8.1 Other considerations when undertaking community engagement processes	Sub heading inserted to divide and introduce content to follow to better differentiate information.
15	Appendix 1	Matrix adjusted to align categories under Non-legislative community engagement and reflect changes to this section in the body of the policy.  Amendment to columns relating to non-legislative matters that provision of information on corporate website to be determined as part of a community engagement strategy.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

## Attachments

1. [Community Engagement Public Consultation Policy - reviewed version for GPC - 17 August 2022](#) .....54
2. [Clean Copy - Community Engagement Public Consultation Policy - reviewed version for GPC - 17 August 2022](#)..... 71

# Community Engagement Public Consultation Policy



Record number	D20/46942
Responsible Manager	Manager Community Development & Engagement Wellbeing
Other key internal stakeholders	Director Community & Cultural Development Manager City Strategy
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	<u>17/06/20</u> , 28/4/20, 11/7/17, 15/03/14 (8/06/16 legislative changes), 08/08/11 (Previously called Public Consultation Policy), 23/1/07, 25/02/03, 13/03/01
Legal requirement	It is a requirement under section 50 of the Local Government Act to have this policy. Requires community engagement unless insignificant changes.
	Public Access and Public Consultation Notice (No. 2) 2020
Due date next review	202 <u>5</u> <del>3</del>

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## 1. PURPOSE

The purpose of this policy is to foster and support a culture of effective community engagement to enhance decision making and ensure that Council meets its obligations under the Local Government Act 1999 and other relevant Acts.

This policy will outline the principles by which the City of Tea Tree Gully will communicate with, consult and involve its Community in regards to decisions that have an impact on or are of importance to the community.

It should be noted that this policy relates to all community engagement activities undertaken by Council except where strict adherence to minimum requirements is prescribed by the relevant Act.

## 2. POLICY

This policy will apply to all community engagement processes required under the Local Government Act 1999 (unless specifically legislated otherwise) and to any other community engagement process that Council resolves to be submitted to a high standard of community engagement. This policy applies to all facets of Council's operations including Council's corporate, land use, strategic and financial planning and our day to day services and activities.

This policy and the following community engagement principles underpin all of Council's community engagement processes and activities. These will guide Elected Members, employees, contractors and external consultants authorised to act on behalf of Council on best practice in engaging the community.

### ~~2.1 Alterations to the Policy: Public Health Emergency (Notice No. 2)~~

~~On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.~~

~~On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.~~

~~On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999*, the *Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2)* varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.~~

~~For the period Notice No 2 has effect (as provided for in Notice No 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.~~

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

## 2.1 Community engagement principles

The following principles underpin the City of Tea Tree Gully's approach to community engagement. In order to ensure organisational best practice, this policy has been developed according to the following principles:

### 2.1.1 Inclusive participation:

Council believes that all members of the City of Tea Tree Gully Community have a right to be informed about and involved in key decisions affecting their area, lifestyles and particular interests.

### 2.1.2 Open and transparent disclosure:

Council is committed to ensuring that the Community has all the relevant information to participate in community engagement activities in a meaningful way so that it encourages Community members to increase their trust in Council generally and maintain their involvement in future Council community engagement activities.

### 2.1.3 Accessibility:

All ~~of our~~ engagement materials will use plain language, ~~will be and we will ensure they are~~ visible, well-promoted, ~~and~~ easy to find and provide a variety of appropriate and accessible ways for people to have their say.

#### 2.1.4 Engage early and with clarity of purpose:

Council undertakes community engagement and consultation processes to provide the Community with a real opportunity to influence a decision. ~~Council~~We will clearly communicate the aims and objectives of all community engagement activities and what it hopes to achieve.

#### 2.1.5 Design and implementation of good quality engagement processes, tools and methods:

Council will ensure that all community engagement processes are well designed to fit the scope and nature of the project, with a consistent and coordinated approach across the organisation. Careful planning of engagement strategies and activities will ensure that a minimum of 20 business days are available for the Community to consider and respond.

#### 2.1.6 Consideration of engagement outcomes and provision of feedback:

Council will carefully consider all contributions and relevant information prior to making decisions that impact local Community interests. ~~We are~~Council is committed to providing open and honest feedback to the Community on engagement activities and how the community's contribution has impacted on Council's decision.

#### 2.1.7 Maximising the use of emerging technology:

The evolving use of ~~other~~ online community engagement methods will continue to be explored by Council and implemented where appropriate in order to further expand the number of people and demographic groups that can be reached beyond traditional engagement methods.

### 2.2 Engagement context

There is no right or wrong definition of community engagement; it can however be described as any process that involves the community in problem solving or decision making that uses community input to make better decisions. Community engagement is a broad term describing a variety of ways to communicate, consult, involve and encourage participation between the Community and Council.

A key element in developing sustainable communities lies in local residents empowering themselves to take responsibility and action 'in their own backyards'. Encouraging Community participation in local government includes developing clear and concise processes that support and assist participation. Research shows that people may be genuinely interested but unaware of what they can do to help as it seems too difficult.

Community engagement provides a way for decision makers within the City of Tea Tree Gully to connect and stay connected with our communities of place and communities of interest in order to further develop relationships and inform decision-making processes.

Further, it is important to define what community engagement is and what it is not:

- a. Community engagement is a process, not an outcome or a solution. The objectives and parameters of any engagement processes need to be stated in a transparent way to avoid creating unrealistic expectations in the community

- b. Community engagement is a way to assist and enhance the decision making process. It is not intended to replace the final decision making power of Elected Members, the CEO or their delegate
- c. Meaningful community engagement means good quality processes that endeavour to gain an objective, representative view from the broader Community and relevant Stakeholders, and is not limited to the views of a vocal minority
- d. Good decisions are informed by listening to diverse perspectives, gathering sound information, considering a range of opinions and alternatives and identifying common ground.
- e. Community engagement outcomes are considered alongside a wide range of other factors in Council decision making

In general terms, Council's community engagement activities will be divided into the following categories:

## 2.3 Statutory compliance

The Local Government Act 1999 and other key Acts specifically refer to public consultation. In some cases, an Act will prescribe a minimum legislative requirement; in other cases an Act refers to the minimum requirements as stated in Council's Community Engagement (Public Consultation) Policy.

### 2.3.1 Minimum requirements prescribed by Local Government Act 1999 (as per Appendix 1)

Topic	Section reference
Representation Reviews	Section 12
Status of a Council/Change of Name	Section 13
Commercial Activities – Prudential Requirements	Section 48
Public Consultation Policies	Section 50
Strategic Management Plans	Section 122
Annual Business Plan	Section 123
Rates and charges – Change to Basis of Rating Report	Section 151
Rating – Differential Rates	Section 156
Amendment or revocation of Community Land management plans	Section 198
Passing by-laws	Section 249
Councils to develop policies (power to make orders)	Section 259 (2) (3)

### 2.12 — Statutory requirement to hold public meetings suspended

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

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

### 2.3.2 Minimum requirements as per Council's Community Engagement Public Consultation Policy (as per Appendix 1)

Topic	Section reference
Principal Office – Opening hours	Section 45
Code of Practice – Access to meetings and documents	Section 92
Community Land – Exclusion from Classification	Section 193
Community Land – Revocation of Classification	Section 194
Community Land Management Plans	Section 197
Community Land – Alienation by lease or licence	Section 202
Authorisations/Permits	Section 223
Roads – Trees	Section 232
Stormwater Management Plans	Schedule 1A: Section 16

#### 2.14 — Other requirement to hold public meeting suspended

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

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

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

### 2.3.4 Other Acts (minimum requirements prescribed by the Act)

#### 2.3.4.1.1 Development Act 1993

This policy does not apply to public consultation requirements under the *Development Act 1993* (Section 38) or the *Planning, Development and Infrastructure Act 2016*.

#### 2.3.4.2 Roads (Opening and Closing) Act 1991

Topic	Section reference
Notification of proposed road process	Section 10
Objection or application for easement	Section 13
Notice of road process order	Section 19

#### 2.3.4.2 Land Acquisition Act 1969



Topic	Section reference
Additional right to object to prescribed private acquisition	Section 12B

## 2.4 Non-legislative matters

This section relates to discretionary community engagement activities linked to day to day Council business and services and development on Council land (as per Appendix 1) where there is an opportunity to engage with the community and/or impacted stakeholders and there is a potential to influence decision making. In line with the Community Engagement Initiation Procedure, the Community Engagement team will work with relevant project managers and corporate leaders to decide when and if community engagement activities will occur.

This category refers to non-legislative matters:

### 2.4.1.1 Targeted policies, strategies and initiatives

This includes policy and strategy development on issues that impact particular groups and/or areas and can include positioning policies such as the Footpath Construction Strategy, precinct planning and Council's Liquor Licence Application Management Policy.

### 2.4.2.2 Service planning / operational matters

This includes activities undertaken to identify Community need and establish Community interests in the discretionary services and day to day operational matters of Council, e.g. upgrades to local playgrounds or changes to the ~~Community Bus timetable~~ Council programs, services and activities. This category also extends to Council service reviews.

### 2.4.3.2-3.4.2 Performance evaluation/customer satisfaction

This group is made up of council-wide and individual service/issue assessments of Community perceptions of council performance (otherwise known as satisfaction surveys or market research).

### 2.4.4 Development on Council land

While noting that an amendment of a Community Land Management Plan has its own statutory consultation requirements, Council acknowledges that particular processes should be followed for development occurring on Council owned land. Council project employees in conjunction with the Community Engagement Department team will work with the relevant project team to decide, plan and undertake appropriate engagement activities early in the design/planning stage. This will be done in alignment with Council's Project Management Framework and consideration will be given to the points listed in 2.7 of this policy. This work will generally occur before submitting an application for development consent where required. These activities will be guided by the minimum standards outlined in this Policy. It is noted however that there may be times where commercial-in-confidence requirements exist and a different approach is needed in terms of what information can be made public, for example example.g. when Council receives an Unsolicited Proposal.

### 2.4.5.5 Miscellaneous community engagement processes and activities

In addition to the abovementioned categories, Council may also undertake community engagement activities when it believes that it will enhance its decision-making.

## 2.56 Council approval of community engagement strategies

Minimum Standards required for the above categories are detailed in Appendix 1.

Any community engagement strategies with statutory compliance requirements will be prepared and presented to Council for approval prior to the commencement of any engagement activities unless Council has delegated this to its Chief Executive Officer to authorise.

Any community engagement with statutory compliance requirements a community engagement strategy is prepared and presented to Council for approval prior to the commencement of any engagement activities.

Council approval is also required for discretionary engagement strategies and activities that are deemed high risk/impact and will have a significant social, environmental and/or economic impact on the community as deemed by the CEO or delegate. This includes politically sensitive issues.

## 2.6 When and how ~~we~~ Council will engage

The level of engagement stated in the community engagement strategy will vary depending on:

- Community interest in the topic
- Political sensitivity
- Level of social, economic and environmental impact
- The number of persons potentially affected by the topic
- The requirements for consultation set out in the Local Government Act and other relevant key Acts
- Timelines and resource availability

The International Association of Public Participation (IAP2) is the leading organisation in developing, supporting and promoting best practice community engagement around the world.

The following table has been adapted from the IAP2 Spectrum and defines the various levels of community engagement, representing the depth and complexity of the community engagement project.

	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>
Council will...	One way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two way communications designed to gain Community feedback on a particular issue/topic to assist in decision making.	Working alongside the Community through multiple stages of a project to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to	Working together to develop an understanding of all issues and interests to work out alternatives and identify preferred solutions.

			decision making.	
Community will be given the opportunity to...	Listen	Contribute	Participate	Partner

### 2.23—Other requirement to undertake in person consultation activity suspended

The Council will limit face to face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy, or in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity. Face to face consultation may be undertaken but via an online medium if possible or practicable.

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

### 2.24 Suspension of other inconsistent provisions

To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face to face or in person, the provision is suspended while these provisions are in effect and the provisions of the section above (Other requirement to undertake in person consultation activity suspended) operate in their stead. As previously indicated, face to face consultation may be undertaken but via an online medium if possible or practicable.

## 2.7 Steps required for undertaking community engagement processes

The minimum steps that to be followed when carrying out community engagement will be:

- a. Step 1: Decide whether to engage or not to engage taking into consideration legislative requirements and minimum standards as per the schedule (Appendix 1) and determined level of impact on the community
- b. Step 2: Plan the Community Engagement Strategy
- c. Step 3: Plan and manage engagement activities
- d. Step 4: Collate and analyse Community contributions/responses
- e. Step 5: Decision making
- f. Step 6: Provide feedback on engagement outcomes to participants
- g. Step 7: Announce decision/s publicly
- h. Step 8: Evaluation

The CEO will develop Community Engagement Procedures for employees, which alongside this policy will guide the delivery of the community engagement at the City of Tea Tree Gully.

For all community engagement processes, unless directed otherwise by an Act, the following minimum standard will be followed will be a notice will be published in a newspaper circulating within the area of Council and on the Have Your Say page on Council's website describing the matter for which community engagement is required, and inviting interested persons / Stakeholders to make submissions to the Council within a period being at least twenty (20) business days (four weeks) from the date of the notice.

~~We will promote engagement opportunities and activities via Social Media~~

~~On site signage will be installed (where applicable) advising of community engagement occurring which relates to the site and details of how to obtain information from Council's website, call centre and Civic Centre~~

Further options may be chosen to enhance communication. Some of these additional options could include, but are not limited to, the following:

- a. ~~On-site signage will be installed (where applicable) advising of community engagement occurring which relates to the site and the specific URL for details of how to obtain information from Council's Have Your Say website to find more information and to comment, call centre and Civic Centre~~
- b. ~~We will promote engagement opportunities and activities via Social media posts using Council's social media accounts (e.g. Facebook, Twitter)~~
- a-c. Flyer included in rates notices
- b-d. Additional Public Notice paid advertisement in The Advertiser newspaper
- e-e. Article in Gully Grapevine (if time permits)
- d-f. Letters to residents and/or other Stakeholders (via hand delivery or postage options)
- e-g. Media releases
- f-h. Additional signage at specific sites (to be determined)

## 2.7.10 Other considerations when undertaking community engagement processes

1. All materials used in community engagement processes must be approved by the CEO, or their delegate and the Community Engagement ~~Department Team~~ prior to printing or distribution
2. Elected Members will receive a briefing of the relevant engagement activities and any supporting engagement documents prior to community engagement commencing upon request
3. In addition to information provided via Community Engagement Strategies, all Elected Members will be advised when community engagement commences and provided web links to information provided to the community, as well as reminded of opportunities to attend any planned community engagement events
4. Personal feedback received as part of community engagement processes from decision makers (Elected Members and senior Council staff) will not be included in the community engagement outcomes report
5. Consistent with Council's Privacy Policy, all personal details provided as part of any community engagement activity will be excluded from Council reports or submission summaries. Personal details will not be disclosed without gaining the prior permission of the respondent, unless otherwise prescribed by legislation

6. Where submissions or comments received as part of a community engagement activity are deemed to be of an inflammatory or offensive nature, the following approach will be adopted:
  - a. If constructive feedback is provided, regardless of how the offensive language is used throughout the submission, the response will be edited to remove the offensive language while maintaining the integrity of the submission
  - b. In cases where the submission or comment is unrelated to the question or topic and is of threatening or inflammatory content, the response will be removed from all Council reports and/or submission summaries.

### 3. 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.

#### Community

The term Community is used broadly and extends beyond the view of residents in a neighbourhood. A community can be defined as a group of people that united by at least one common characteristic such as geography, shared interests, values, experiences or traditions. The terms communities of place and communities of interest are commonly used in community engagement practice.

#### Council

For the purposes of these alterations **the Council** (in addition to the elected body) includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

#### Stakeholder

Is a person or agency/organisation that has an interest in a decision or proposal, or may be directly or indirectly affected by a decision that has been made or is being proposed.

## 4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

### Local Government Act 1999

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

- a. Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- b. Council must publish a notice in a newspaper circulating within the area of the council and on a website determined by the Chief Executive Officer describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- c. Council will consider any submission received from the public during the prescribed consultation period
- d. Council may from time to time alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, Council must submit the proposal to a public consultation process
- e. A public consultation policy sets out the steps that Council will follow in cases where the Act requires that Council must follow its public consultation policy and may include steps that Council will follow in other cases involving Council decision making
- f. The requirement for public consultation when altering this policy is not required when the Council determines that the alteration is of only minor significance and would attract little (or no) Community interest.

### 4.1 Other references

Council's document including:

- a. Council's Fees and Charges Register
- b. Council's Privacy Policy
- c. Corporate Publications Policy
- d. Petition Management Policy

External document including:

- a. LGA Community Engagement Handbook

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this policy:

Objective	Comments
<b>Community</b>	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	Opportunities to participate in community life and decision making contribute to connected communities. People feel a sense of belonging and connection to the area in which they live.
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	Responsive and accountable governance is based on the belief that those impacted by an issue have important information and contributions to make.
<b>Leadership</b>	
<i>Major strategic decisions are made after considering the views of the community</i>	Community engagement is a way to assist and enhance the decision making process of Council, and provides the opportunity for decision makers to understand the range of views within the community on a particular issue and/or activity.

### 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: Customers and community relations.

## 6. 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.

**Appendix 1: Schedule of Legislative (Local Government Act) and CTTG Policy Minimum Requirements Matrix**  
**CTTG Community Engagement (Public Consultation) Policy**

	A1	A2	A3	A4	A5	A6	A7	A8	A9	A10	A11	A12	A13	A14	A15	A16	A17	A18	A19	A20	B1	B2	B3	C15
Information provided on corporate website	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Receipt of submissions on corporate website						*																		
Notice in local paper	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Documents available at Civic Centre	✓	+	+	✓	+	✓	✓	✓	+	✓	✓	+	✓	+	✓	✓	+	✓	✓	✓	+	+	+	+
Minimum 20 business days' notice to receive submissions	*		✓	*	*	✓	*	✓	✓		*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
More than 20 business days' notice to receive submissions	*	*			*					*														
Send letters to owners/occupiers in vicinity of relevant area (as determined by Act or CE strategy)					+			+		+	+			+	+	+	+	✓	*	+	+	+	+	+
Opportunity for submission to be heard at Council meeting	✓	✓						+							+	+								
Public meeting						➡ ✓ ✓	➡ ✓ ✓																	
Community forum/workshop	+				+	➡															+	+	➡	+
Signage to be erected on site					+			+			+			+	+	+	+	+	+	+	+	+	+	+
Submissions to be considered by Council in decision making	✓	+	+	✓	+	✓	✓	+	+	✓	✓	+	+	+	+	+	+	+	+	+	+	+	+	+
✓ Minimum legislative requirements	* Refer to Act for clarification																							
➡ Suspended as per Public Health Emergency Notice No. 2 (public access and public consultation)	+ To be determined as part of Community Engagement Strategy (CTTG minimum requirements in conjunction with CE Dept)																							

⚡ Suspended as per Public Health Emergency Notice No. 2 (public access and public consultation)

**Legend** Statutory Compliance with LG Act  
 matters / discretionary community engagement

Statutory Compliance with CTTG policy (as per LG Act)

Day-to-day Council service Community Engagement Non-legislative

A1 – Representation Review  
 A2 – Status of a Council/change of name  
 A3 – Commercial Activities – Prudential Requirements  
 A4 – Public Consultation Policies  
 A5 – Strategic Management Plans  
 A6 – Annual Business Plan  
 A7 – Rates and charges – Change to Basis of Rating Report  
 A8 – Rating – Differential Rates  
 A9 – Amendment or revocation of management plans  
 A10 – Passing by-laws  
 A11 – Councils to Develop Policies (power to make orders)

A12 – Principal Office – Opening hours  
 A13 – Code of Practice – Access to meetings and documents  
 A14 – Community Land – Exclusion from Classification  
 A15 – Community Land – Revocation of Classification  
 A16 – Community Land – Management Plans  
 A17 – Community Land – Alienation by lease or licence  
 A18 – Authorisations/Permits  
 A19 – Roads – Trees  
 A20 – Stormwater Management Plan

B1 – Targeted Policies and Strategies  
 B2 – Service Planning/Operational Matters  
 B3 – Performance/Customer Satisfaction  
 B4 – Development on Council land  
 C1 – Development on Council land

City of Tea Tree Gully / Community Engagement Public Consultation Policy

– 15







# Community Engagement Public Consultation Policy



Record number	D20/46942
Responsible Manager	Manager Community Wellbeing
Other key internal stakeholders	Director Community & Cultural Development Manager City Strategy
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	17/06/20, 28/4/20, 11/7/17, 15/03/14 (8/06/16 legislative changes), 08/08/11 (Previously called Public Consultation Policy), 23/1/07, 25/02/03, 13/03/01
Legal requirement	It is a requirement under section 50 of the Local Government Act to have this policy. Requires community engagement unless insignificant changes.
	Public Access and Public Consultation Notice (No. 2) 2020
Due date next review	2025

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.

## 1. PURPOSE

The purpose of this policy is to foster and support a culture of effective community engagement to enhance decision making and ensure that Council meets its obligations under the Local Government Act 1999 and other relevant Acts.

This policy will outline the principles by which the City of Tea Tree Gully will communicate with, consult and involve its Community in regards to decisions that have an impact on or are of importance to the community.

It should be noted that this policy relates to all community engagement activities undertaken by Council except where strict adherence to minimum requirements is prescribed by the relevant Act.

## 2. POLICY

This policy will apply to all community engagement processes required under the Local Government Act 1999 (unless specifically legislated otherwise) and to any other community engagement process that Council resolves to be submitted to a high standard of community engagement. This policy applies to all facets of Council's operations including Council's corporate, land use, strategic and financial planning and our day to day services and activities.

This policy and the following community engagement principles underpin all of Council's community engagement processes and activities. These will guide Elected Members, employees, contractors and external consultants authorised to act on behalf of Council on best practice in engaging the community.

### 2.1 Community engagement principles

The following principles underpin the City of Tea Tree Gully's approach to community engagement. In order to ensure organisational best practice, this policy has been developed according to the following principles:

#### 2.1.1 Inclusive participation:

Council believes that all members of the City of Tea Tree Gully Community have a right to be informed about and involved in key decisions affecting their area, lifestyles and particular interests.

#### 2.1.2 Open and transparent disclosure:

Council is committed to ensuring that the Community has all the relevant information to participate in community engagement activities in a meaningful way so that it encourages Community members to increase their trust in Council generally and maintain their involvement in future Council community engagement activities.

#### 2.1.3 Accessibility:

All engagement materials will use plain language, will be visible, well-promoted easy to find and provide a variety of appropriate and accessible ways for people to have their say.

#### 2.1.4 Engage early and with clarity of purpose:

Council undertakes community engagement and consultation processes to provide the Community with a real opportunity to influence a decision. Council will clearly communicate the aims and objectives of all community engagement activities and what it hopes to achieve.

#### 2.1.5 Design and implementation of good quality engagement processes, tools and methods:

Council will ensure that all community engagement processes are well designed to fit the scope and nature of the project, with a consistent and coordinated approach across the organisation. Careful planning of engagement strategies and activities will ensure that a minimum of 20 business days are available for the Community to consider and respond.

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Council will carefully consider all contributions and relevant information prior to making decisions that impact local Community interests. Council is committed to providing open and honest feedback to the Community on engagement activities and how the community's contribution has impacted on Council's decision.

#### 2.1.7 Maximising the use of emerging technology:

The evolving use of online community engagement methods will continue to be explored by Council and implemented where appropriate in order to further expand the number of people and demographic groups that can be reached beyond traditional engagement methods.

### 2.2 Engagement context

There is no right or wrong definition of community engagement; it can however be described as any process that involves the community in problem solving or decision making that uses community input to make better decisions. Community engagement is a broad term describing a variety of ways to communicate, consult, involve and encourage participation between the Community and Council.

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Community engagement provides a way for decision makers within the City of Tea Tree Gully to connect and stay connected with our communities of place and communities of interest in order to further develop relationships and inform decision-making processes.

Further, it is important to define what community engagement is and what it is not:

- a. Community engagement is a process, not an outcome or a solution. The objectives and parameters of any engagement processes need to be stated in a transparent way to avoid creating unrealistic expectations in the community

- b. Community engagement is a way to assist and enhance the decision making process. It is not intended to replace the final decision making power of Elected Members, the CEO or their delegate
- c. Meaningful community engagement means good quality processes that endeavour to gain an objective, representative view from the broader Community and relevant Stakeholders, and is not limited to the views of a vocal minority
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### 2.3.2 Minimum requirements as per Council's Community Engagement Public Consultation Policy (as per Appendix 1)

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Community Land – Alienation by lease or licence	Section 202
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Roads – Trees	Section 232
Stormwater Management Plans	Schedule 1A: Section 16

### 2.3.4 Other Acts (minimum requirements prescribed by the Act)

#### 2.3.4.1.1 Development Act 1993

This policy does not apply to public consultation requirements under the *Development Act 1993* (Section 38) or the *Planning, Development and Infrastructure Act 2016*.

#### 2.3.4.2 Roads (Opening and Closing) Act 1991

Topic	Section reference
Notification of proposed road process	Section 10
Objection or application for easement	Section 13
Notice of road process order	Section 19

#### 2.3.4.2 Land Acquisition Act 1969

Topic	Section reference
Additional right to object to prescribed private acquisition	Section 12B

## 2.4 Non-legislative matters

This section relates to discretionary community engagement activities linked to day to day Council business and services and development on Council land where there is an opportunity to engage with the community and/or impacted stakeholders and there is a potential to influence decision making. In line with the Community Engagement Initiation Procedure, the Community Engagement team will work with relevant project managers and corporate leaders to decide when and if community engagement activities will occur.

### 2.4.1. Targeted policies, strategies and initiatives

This includes policy and strategy development on issues that impact particular groups and/or areas and can include positioning policies such as the Footpath Construction Strategy, precinct planning and Council's Liquor Licence Application Management Policy.

### 2.4.2. Service planning / operational matters

This includes activities undertaken to identify Community need and establish Community interests in the discretionary services and day to day operational matters of Council, e.g. upgrades to local playgrounds or changes to the Council programs, services and activities. This category also extends to Council service reviews.

### 2.4.3 Performance evaluation/customer satisfaction

This group is made up of council-wide and individual service/issue assessments of Community perceptions of council performance (otherwise known as satisfaction surveys or market research).

### 2.4.4 Development on Council land

While noting that an amendment of a Community Land Management Plan has its own statutory consultation requirements, Council acknowledges that particular processes should be followed for development occurring on Council owned land. The Community Engagement team will work with the relevant project team to decide, plan and undertake appropriate engagement activities early in the design/planning stage. This will be done in alignment with Council's Project Management Framework and consideration will be given to the points listed in 2.7 of this policy. This work will generally occur before submitting an application for development consent. It is noted however that there may be times where commercial-in-confidence requirements exist and a different approach is needed in terms of what information can be made public, example.g. when Council receives an Unsolicited Proposal.

### 2.4.5. Miscellaneous community engagement processes and activities

In addition to the abovementioned categories, Council may also undertake community engagement activities when it believes that it will enhance its decision-making.

## 2.5 Council approval of community engagement strategies

Minimum Standards required for the above categories are detailed in Appendix 1.

Any community engagement strategies with statutory compliance requirements will be prepared and presented to Council for approval prior to the commencement of any engagement activities unless Council has delegated this to its Chief Executive Officer to authorise.

Council approval is also required for discretionary engagement strategies and activities that are deemed high risk/impact and will have a significant social, environmental and/or economic impact on the community as deemed by the CEO or delegate. This includes politically sensitive issues.

## 2.6 When and how Council will engage

The level of engagement stated in the community engagement strategy will vary depending on:

- a. Community interest in the topic
- b. Political sensitivity



- c. Level of social, economic and environmental impact
- d. The number of persons potentially affected by the topic
- e. The requirements for consultation set out in the Local Government Act and other relevant key Acts
- f. Timelines and resource availability

The International Association of Public Participation (IAP2) is the leading organisation in developing, supporting and promoting best practice community engagement around the world.

The following table has been adapted from the IAP2 Spectrum and defines the various levels of community engagement, representing the depth and complexity of the community engagement project.

	<b>Inform</b>	<b>Consult</b>	<b>Involve</b>	<b>Collaborate</b>
Council will...	One way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two way communications designed to gain Community feedback on a particular issue/topic to assist in decision making.	Working alongside the Community through multiple stages of a project to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision making.	Working together to develop an understanding of all issues and interests to work out alternatives and identify preferred solutions.
Community will be given the opportunity to...	Listen	Contribute	Participate	Partner

## 2.7 Steps required for undertaking community engagement processes

The minimum steps that to be followed when carrying out community engagement will be:

- a. Step 1: Decide whether to engage or not to engage taking into consideration legislative requirements and minimum standards as per the schedule (Appendix 1) and determined level of impact on the community
- b. Step 2: Plan the Community Engagement Strategy
- c. Step 3: Plan and manage engagement activities
- d. Step 4: Collate and analyse Community contributions/responses
- e. Step 5: Decision making
- f. Step 6: Provide feedback on engagement outcomes to participants
- g. Step 7: Announce decision/s publicly

## h. Step 8: Evaluation

The CEO will develop Community Engagement Procedures for employees, which alongside this policy will guide the delivery of the community engagement at the City of Tea Tree Gully.

For all community engagement processes, unless directed otherwise by an Act, the minimum standard followed will be a notice published in a newspaper circulating within the area of Council and on the Have Your Say page on Council's website describing the matter for which community engagement is required, and inviting interested persons / Stakeholders to make submissions to the Council within a period being at least twenty (20) business days (four weeks) from the date of the notice.

Further options may be chosen to enhance communication. Some of these additional options could include, but are not limited to, the following:

- a. On-site signage advising of community engagement occurring which relates to the site and the specific URL for Council's Have Your Say website to find more information and to comment
- b. Social media posts using Council's social media accounts (e.g. Facebook, Twitter)
- c. Flyer included in rates notices
- d. Additional paid advertisement in The Advertiser newspaper
- e. Article in Gully Grapevine (if time permits)
- f. Letters to residents and/or other Stakeholders (via hand delivery or postage options)
- g. Media releases
- h. Additional signage at specific sites (to be determined)

### 2.7.10 Other considerations when undertaking community engagement processes

1. All materials used in community engagement processes must be approved by the CEO, or their delegate and the Community Engagement Team prior to printing or distribution
2. Elected Members will receive a briefing of the relevant engagement activities and any supporting engagement documents prior to community engagement commencing upon request
3. In addition to information provided via Community Engagement Strategies, all Elected Members will be advised when community engagement commences and provided web links to information provided to the community, as well as reminded of opportunities to attend any planned community engagement events
4. Personal feedback received as part of community engagement processes from decision makers (Elected Members and senior Council staff) will not be included in the community engagement outcomes report
5. Consistent with Council's Privacy Policy, all personal details provided as part of any community engagement activity will be excluded from Council reports or submission summaries. Personal details will not be disclosed without gaining the prior permission of the respondent, unless otherwise prescribed by legislation
6. Where submissions or comments received as part of a community engagement activity are deemed to be of an inflammatory or offensive nature, the following approach will be adopted:
  - a. If constructive feedback is provided, regardless of how the offensive language is used throughout the submission, the response will be edited to remove the offensive language while maintaining the integrity of the submission

- b. In cases where the submission or comment is unrelated to the question or topic and is of threatening or inflammatory content, the response will be removed from all Council reports and/or submission summaries.

### 3. 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.

#### Community

The term Community is used broadly and extends beyond the view of residents in a neighbourhood. A community can be defined as a group of people that united by at least one common characteristic such as geography, shared interests, values, experiences or traditions. The terms communities of place and communities of interest are commonly used in community engagement practice.

#### Council

For the purposes of these alterations **the Council** (in addition to the elected body) includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.

#### Stakeholder

Is a person or agency/organisation that has an interest in a decision or proposal, or may be directly or indirectly affected by a decision that has been made or is being proposed.

## 4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

### Local Government Act 1999

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

- a. Council must provide interested persons with a reasonable opportunity to make submissions regarding relevant matters
- b. Council must publish a notice in a newspaper circulating within the area of the council and on a website determined by the Chief Executive Officer describing the matter under consideration and invite interested persons to make submissions within a period (which must be at least 21 days) stated in the notice
- c. Council will consider any submission received from the public during the prescribed consultation period
- d. Council may from time to time alter this policy or substitute a new policy. In the instance that any significant changes are being proposed to the public, Council must submit the proposal to a public consultation process
- e. A public consultation policy sets out the steps that Council will follow in cases where the Act requires that Council must follow its public consultation policy and may include steps that Council will follow in other cases involving Council decision making
- f. The requirement for public consultation when altering this policy is not required when the Council determines that the alteration is of only minor significance and would attract little (or no) Community interest.

### 4.1 Other references

Council's document including:

- a. Council's Fees and Charges Register
- b. Council's Privacy Policy
- c. Corporate Publications Policy
- d. Petition Management Policy

External document including:

- a. LGA Community Engagement Handbook

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this policy:

Objective	Comments
<b>Community</b>	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	Opportunities to participate in community life and decision making contribute to connected communities. People feel a sense of belonging and connection to the area in which they live.
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	Responsive and accountable governance is based on the belief that those impacted by an issue have important information and contributions to make.
<b>Leadership</b>	
<i>Major strategic decisions are made after considering the views of the community</i>	Community engagement is a way to assist and enhance the decision making process of Council, and provides the opportunity for decision makers to understand the range of views within the community on a particular issue and/or activity.

### 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: Customers and community relations.

## 6. 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.

**Appendix 1: Schedule of Legislative (Local Government Act) and CTTG Policy Minimum Requirements Matrix**  
**CTTG Community Engagement (Public Consultation) Policy**

	A1	A2	A3	A4	A5	A6	A7	A8	A9	A10	A11	A12	A13	A14	A15	A16	A17	A18	A19	A20	B1	B2	B3	B4
Information provided on corporate website	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Receipt of submissions on corporate website						*																		
Notice in local paper	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Documents available at Civic Centre	✓	+	+	✓	+	✓	✓	✓	+	✓	✓	+	✓	+	+	✓	+	+	+	+	+	+	+	+
Minimum 20 business days' notice to receive submissions	*		✓	*	*	✓	*	✓	✓		*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
More than 20 business days' notice to receive submissions	*	*			*					*														
Send letters to owners/occupiers in vicinity of relevant area (as determined by Act or CE strategy)					+			+			+			+	+	+	+	✓	*	+		+		+
Opportunity for submission to be heard at Council meeting	✓	✓						+							+	+								
Public meeting						✓	✓																	
Community forum/workshop	+				+																+	+	+	+
Signage to be erected on site					+			+			+				+	+	+	+	+	+	+	+	+	+
Submissions to be considered by Council in decision making	✓	+	+	✓	+	✓	✓	+	+	✓	✓	+	+	+	+	+	+	+	+	+	+	+	+	+
Minimum legislative requirements	*	Refer to Act for clarification																						

✓ Minimum legislative requirements \* Refer to Act for clarification + To be determined as part of Community Engagement Strategy (CTTG minimum requirements in conjunction with CE Dept)

**Legend** **Statutory Compliance with LG Act**

- A1 – Representation Review
- A2 – Status of a Council/change of name
- A3 – Commercial Activities – Prudential Requirements
- A4 – Public Consultation Policies
- A5 – Strategic Management Plans
- A6 – Annual Business Plan
- A7 – Rates and charges – Change to Basis of Rating Report
- A8 – Rating – Differential Rates
- A9 – Amendment or revocation of management plans
- A10 – Passing by-laws
- A11 – Councils to Develop Policies (power to make orders)

**Statutory Compliance with CTTG policy (as per LG Act)**

- A12 – Principal Office – Opening hours
- A13 – Code of Practice – Access to meetings and documents
- A14 – Community Land – Exclusion from Classification
- A15 – Community Land – Revocation of Classification
- A16 – Community Land – Management Plans
- A17 – Community Land – Alienation by lease or licence
- A18 – Authorisations/Permits
- A19 – Roads – Trees
- A20 – Stormwater Management Plan

**Non-legislative matters (discretionary community engagement)**

- B1 – Targeted Policies and Strategies
- B2 – Service Planning/Operational Matters
- B3 – Performance/Customer Satisfaction
- B4 – Development on Council land





City of Tea Tree Gully  
Governance and Policy Committee

Document Cover Sheet

17 AUGUST 2022

MAJOR EVENTS POLICY

Responsible Manager: Manager Customer & Communications

The purpose of this policy is to **provide operational direction for the conduct of Council's** major events. Part of this policy relates to the conduct of Official Events associated with the completion of capital works projects.

The proposed amendments to the policy are designed to tighten the scope for the conduct of Official Events and provide greater clarity regarding their delivery.

RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

**That the “Major Events Policy ” as reviewed by the** Governance and Policy Committee on 17 August 2022 be adopted.



Summary of changes		
Page No.	Heading	Comments
1-3		Minor grammatical edits.
4	2.5 Official Events	This section has been altered to provide greater clarity in relation to the requirement for an official opening event.
5	Definitions	A definition of what constitutes Open Space has been added for additional clarity. For consistency, <b>the same definition that appears in Council's Open Space Policy</b> has been used.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

## Attachments

1. [Major Events Policy - reviewed version for GPC Meeting - 15 June 2022 and 17 August 2022](#) ..... 86

# Major Events Policy



Record number	D22/24864
Responsible Manager	Manager Customer & Communications
Other key internal stakeholders	Director Organisational Services & Excellence
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	24/8/21, 21/10/20, 24/10/17, 22/09/15, 11/06/13 (Major Event Management Policy), 9/02/10 (Event Management Policy), 19/01/10
Legal requirement	NA
Due date next review	2025

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.

## 1. PURPOSE

The purpose of this policy is to provide operational direction for Council's major events.

## 2. POLICY

### 2.1 Major Events

Each year Council hosts a number of events as part of its major events calendar. The life cycle of the annual major events calendar is outlined below:

- a. Step 1: A report recommending the Major Events Calendar will be submitted to Council for endorsement
- b. Step 2: It is the responsibility of the CEO to administer the planning and management of the major events
- c. Step 3: Elected Members will receive an information report detailing any substantial changes to the major events calendar as necessary
- d. Step 4: At the conclusion of the major events calendar, a post-events report will be submitted to Council or a committee of Council that will include, by event, a budget summary, attendance summary, lessons learnt and feedback received. Feedback will be sought from Elected Members, the community and event partners after each event in a timely manner.

### 2.2 Traders and Stall Holders

Council will call and assess expressions of interest from traders or stall holders to host a stall at a major event in accordance with the following general principles:

- a. Preference will be given to those whose activities are consistent with the theme and nature of the event
- b. Preference will be given to those who meet the terms and conditions of the expression of interest
- c. A diversity of traders and stall holders will be encouraged unless the event is based on a particular theme
- d. All traders and stall holders are required to hold appropriate public liability insurance
- e. Where required, traders and stall holders may be required to submit a risk assessment which will be assessed in accordance with Council's Risk Management Policy
- f. Preference will be given to local traders and stall holders where they comply with the general principles mentioned above
- g. In order for Council to continue to be politically neutral, traders and stall holders are not to be utilised for political purposes.

Where Council approves traders and stall holders for an event, a letter of engagement will be issued outlining the agreements terms and conditions.

## 2.3 Guests by Invitation

Subject to funding scope and nature of the event, the major events plan may include a Guests by Invitation area. Where the Guests by Invitation area is funded and managed from outside the major events budget, this policy does not apply. Where the major event owns and funds the Guests by Invitation area, invitations will be sent to the following people:

- a. Elected Members
- b. Guests invited by the Principal Spokesperson, up to a maximum of eight (8), in addition to the nominated partner invitation
- c. Guests invited by each Councillor, up to a maximum of four (4), in addition to their nominated partner's invitation. Councillors with immediate families that exceed this allocation will be provided with an additional allocation. Vacancies occurring as a result of Elected Members not attending, or not utilising their full entitlement, may be reallocated to another Elected Member at the discretion of the Member
- d. Sponsors (as determined within the sponsorship packages)
- e. Members of State and Federal Parliament, and their respective partners, whose electorates form part of or fall within the City of Tea Tree Gully.

At the discretion of the CEO, in consultation with the Principal Spokesperson, in addition to the above:

- a. Members of Parliament who hold the relevant portfolio for Local Government, and their respective partner
- b. Other Members of Parliament
- c. Mayors of other Councils (with or without their respective partners).

At the discretion of the CEO:

- a. Members of Council's senior executive (with or without their respective partners and immediate family members)
- b. Employees and volunteers who have contributed significantly to the event
- c. Potential sponsors for future events
- d. Other relevant people.

## 2.4 Community Ticket Allocations

In the event of a state emergency declaration, all events must abide by the rules and regulations as stipulated under the directive. For events that typically attract over 15,000 people and as a result of the directive have to significantly limit the number of attendees at the event, the following principles will be applied to ticket allocations:

- a. An allocation of 80% of tickets will be available for Tea Tree Gully residents and ratepayers to apply for up to 5 tickets per application
- b. Further allocation of remaining tickets shall be available to all members of the general public with a maximum of 5 tickets per application
- c. The ticket allocation process will be fair and transparent
- d. Ticket allocation terms and conditions will be published on Council's website.

## 2.5 Official Events

~~The conduct of an official opening event for projects Capital works projects~~ associated with open space, playground works and cycle-ways may ~~be~~ required ~~where one or more of the following criterion is met~~; an Official Event to mark the completion of the project ~~when~~. In order to determine the scale of the official event, the below levels have been identified based on project funding:

- ~~a. The total project cost exceeds \$1 million (Exclusive of GST) Projects (as outlined above) with a cost of \$250,000 and below — no Official Event required.~~
- ~~a. Projects (as outlined above) with a cost of between \$250,001 and \$500,000 — a small scale Official Event with a budget allocation of up to \$1,000 to be allocated from the project fund for the event. Invitees to include Elected Members, Member of State and Federal Parliament involved in the project or project/area and key stakeholders.~~
- ~~b. Projects (as outlined above) with a cost of between \$500,001 and \$700,000 — a medium scale Official Event with a budget allocation of up to \$2,000 to be allocated from the project fund for the event. Invitees as per section 2.3 of this policy.~~
- ~~b. Projects (as outlined above) with a cost of more than \$700,001 When a grant funding agreement requires the conduct of such an event~~
- ~~c. The project has a level significance at the CEO's discretion beyond~~
- ~~d. The Council has resolved to hold an event~~

~~The requirement for the conduct of an Official Event will be determined by Council's Executive Leadership Team~~ CEO in conjunction with the project owner.

~~—a budget of up to \$5,000 may will be considered for opening events with the —The cost of the event must be fully funded in its entirety from the project budget.~~

~~large scale Official Event that will become a Major Event under the guidelines of this policy. A budget allocation of up to \$5,000 to be allocated from the project fund for the event. Invitees for opening events will be as per section 2.3 of this policy.~~

~~The conduct of Official Events will be the responsibility of the project owner in conjunction with Council's Events Team. Where possible Council will attempt to align these Official Events with an existing Council event.~~

~~Should a third party wish to conduct an opening event, in the absence of a Council run Official Event, it is a requirement for the third party to seek Council approval to conduct the opening event. The third party is responsible for funding the event, and must invite Council's Principal Spokesperson to speak and open the project / event and invite any other dignitaries as requested.~~

## 2.6 Cancellation of Events

In extenuating circumstances, or attendance has reduced capacity which deems it unviable to proceed, events may be cancelled without notice. Where possible and time permits, recommended

cancellations will be presented to a formal Council meeting for consideration. If circumstances do not allow sufficient time for this then the CEO has the discretion to cancel an event.

### 3. 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.

#### Council operated event

An event that Council initiates, manages and has the full responsibility and risk management.

#### Elected Members

Used when referring to the members of Council elected by the community and includes the Mayor.

#### Immediate family

Used when referring to immediate family members who live within the same household.

#### Major events

Events endorsed by Council as part of the major and activation events calendar.

#### Official Events

Events that meet the criteria as outlined in this policy.

#### Guests by Invitation

Those people that are determined to be very important or influential with respect to Council and the major events calendar.

#### Trader

Any person, organisation, or other who establishes a site or stall at an event for the purposes of distributing goods and/or services for free or otherwise.

#### Open Space

Open space Land that is set aside for public recreation, parklands or similar purposes including active and passive open spaces.

### 4. LEGISLATIVE FRAMEWORK

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

Depending on the event(s) held, the legislation below may need to be considered:

Development Act 1993

This Act may regulate the use and management of land and buildings where events will be held. The use of land for a particular event and/or the installation of stages, advertising, tents etc. may require approval under this Act.

Food Act 2001

This Act provides for the safety and suitability of food and will therefore be considered for events where food is to be supplied or sold.

Liquor Licensing Act 1997

This Act regulates sale, supply and consumption of liquor at events.

Road Traffic Act 1961

Division 2 (Traffic Control Devices) and Division 3 (Road Closing Provisions) of this Act will be considered for events where road closures are required.

Explosives Act 1936

Consideration needs to be given to the Regulations associated with this Act when considering the inclusion of fireworks at any Council event.

#### 4.1 Other references

Council's document including:

- a. Asset Capitalisation Policy
- b. By-law No.2 - Roads
- c. By-law No.3 - Local Government Land
- d. Fees and Charges Register
- e. Events Framework
- f. Media Policy
- g. Risk Management Policy

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
<b>Community</b>	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	Council's events calendar provides our community with a sense of inclusion and connection
<i>There are opportunities for people to volunteer, give back and share their skills with others</i>	Council regularly engages volunteers to assist with the delivery of our events calendar
<b>Economy</b>	

<i>Modbury Precinct is revitalised as the city's key activity</i>	The vast majority of Council's major and activation events are held within the Modbury Precinct and specific events carry the Modbury branding
<b>Places</b>	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	Council's events calendar utilises our open spaces and parks to host our events showcasing their appeal and accessibility
<i>Opportunities exist to express and experience art and culture</i>	Council's events calendar provides opportunities for the community to experience art and culture
<b>Leadership</b>	
<i>Customer service provides a positive experience for people and is based on honesty and transparency</i>	Council's events are run with a high level of focus on customer service including pre, during and post event

## 5.2 Organisation Plan

Council's Major Events focus on delivering high quality, free entertainment for the whole City. The decision informing the design of the events come from residents in an effort to create events that are appealing to all who live here.

## 6. 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.



## SPONSORSHIP POLICY

Responsible Manager: Manager Customer & Communications

The purpose of this policy is to provide guidance to Council and its staff in relation to giving and receiving sponsorship.

In 2021 Council endorsed the creation of the Event Attraction Program, which was intended to attract established events to the City of Tea Tree Gully. This program now operates alongside **Council's Event Sponsorship Program, which like the Event Attraction Program serves to support the conduct of community and cultural events.**

As the two funding programs are similar in their purpose and the criteria by which they are assessed, they have been combined under the heading of Event Attraction program. Please note, the eligibility and assessment criteria has been refined following the combine of the two programs. The most notable refinement, is the potential to consider events that charge an entry fee. Under section 2.3.3 Eligible, dot point c, it now states:

- The event is free or has a substantial portion of free programming (while Council may sponsor an event that charges a modest entry fee, where an entry fee is proposed, the applicant must clearly state if any discount will be applied to City of Tea Tree Gully residents).

To provide greater efficiencies and allow for planning, it has also been recommended that Council conduct a single round of applications, rather than receiving and assessing applications on an ad hoc basis. It is proposed that the round of funding be conducted once Council has finalised its program of events - around August/September each year.

While a single round of applications is preferred, should funds remain unallocated at the close of the funding round, it is proposed that Council may accept applications until the funding it completely exhausted.

## RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

**That the “Sponsorship Policy” as reviewed by the** Governance and Policy Committee on 17 August 2022 be adopted.

Summary of changes		
Page No.	Heading	Comments
4-9	2.2 Part 2 – Event Sponsorship	Sections 2.2 and 2.3 have been combined to create one event funding program under the heading Event Attraction Program.
	2.3 Part 3 – Event Attraction Program	
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

## Attachments

1. [Sponsorship Policy - reviewed version for GPC Meeting - 17 August 2022](#) ..... 95

# Sponsorship Policy



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Record number	D22/24867
Responsible Manager	Manager Customer & Communications
Other key internal stakeholders	Director Organisational Services & Excellence
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	24/8/21, 21/10/20, 24/10/17, 11/07/17 (minor amendments), 10/11/15, 20/11/13, 10/11/09, 31/05/05, 25/02/03, 13/03/01
Legal requirement	NA
Due date next review	2025

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.

## 1. PURPOSE

The purpose of this policy is to state Council's position in regards to:

- a. Council receiving sponsorship from a third party for a Council activity, program or event
- b. Council providing sponsorship to another organisation for an event.

This policy establishes a clear set of guidelines for Council and its staff that must be applied when negotiating sponsorships.

The existence of this policy will assist to ensure that sponsorship is managed in an open and transparent manner.

## 2. POLICY

The City of Tea Tree Gully has a range of responsibilities to deliver services and programs under relevant legislation and policies. To enhance, vary or reduce the cost of current activities, Council may enter into sponsorship agreements. Sponsorship can be advantageous for all parties, however Council must ensure all sponsorship agreements do not compromise or question the integrity of Council operations.

### 2.1 Part 1 – Event Partnership Program (Council receiving Sponsorship for Council events)

#### 2.1.1 General Principles

Council, in endorsing sponsorships for individual activities, programs and/or events will support the following principles:

- a. Sponsorship agreements are contracts and will be in written form, and comply with the principles outlined in this policy
- b. A sponsorship agreement must not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions fully and impartially
- c. There must be no real or perceived conflict between the objectives and mission of Council and those of the sponsor
- d. New sponsorships may be sought either through advertising or by direct contact with potential sponsors
- e. Council reserves the right to approach current event partners based on previous years partnership prior to engaging new partners
- f. It is inappropriate and potentially unlawful for any employee or Elected Member to receive any personal benefit from a sponsorship
- g. Any other condition deemed appropriate by Council.

#### 2.1.2 Assessment of Sponsorship Proposals

The CEO or delegate will assess sponsorship proposals against the following criteria:

- a. The amount of money offered
- b. The length of time (tenure) of the sponsorship being offered
- c. The conditions (if any) of the sponsorship being offered

- d. Whether the sponsor being considered is in direct competition (same market) with an existing sponsor of a Council event, activity or program
- e. That the sponsor's aims and objectives do not conflict with the aims and objectives of the City of Tea Tree Gully
- f. That the sponsorship arrangement presented does not commit Council to endorsing the goods and services from the sponsor outside of the specific sponsored event
- g. Where the sponsorship includes the provision of goods and services to Council, the goods and services will be evaluated to ensure they provide value for money, meet an identified need and comply with Council policy
- h. Whether there is a possibility of a conflict of interest

Proposals will be assessed in the order they are received and details of the criteria will be provided to organisations that may wish to offer sponsorship.

### 2.1.3 Conflict of Interest

Every sponsorship proposal will be assessed against the possibility of a conflict of interest. A proposal may be refused or terminated in any case where, during the life of the sponsorship, the sponsor:

- a. Has a current development application or planning matter before Council, or Council is aware of the possibility of an application or matter coming before Council in the near future
- b. Is, or is likely to be, subject to regulation or inspection by Council which may impose or imply conditions; and where the sponsorship may limit Council's ability to carry out its functions fully and impartially.

If sponsorship is accepted under these circumstances, the reasons for acceptance must be clearly recorded by the approving officer.

It is expected that any individual or organisation with a sponsorship agreement with Council will disclose in the agreement if lodging development applications or tender proposals with Council. Failure to adhere to these conditions may result in termination of the sponsorship agreement.

The fact sponsorship has been provided to the Council by a sponsor is an irrelevant consideration that will not be taken into account outside the terms of the sponsorship arrangement, including when the Council is required to exercise its regulatory or other decision-making functions in respect of a current or former sponsor.

Elected Members or employees of Council will not accept any gifts or benefits from sponsors from the time expressions of interest are called for until the end of the sponsorship term.

### 2.1.4 Partnerships sought by Council

- a. Council reserves the right to either publicly call for expressions of interest to ensure equal opportunity for all interested parties or to approach individual sponsors directly if required
- b. A partnership proposal is developed to clearly outline the opportunities available as well as the benefits of the partnership to both the proposed partner and to Council
- c. Where possible Council will actively seek partnership opportunities from local traders and businesses.

### 2.1.5 Recognition of Sponsors

Sponsors may be recognised for their contribution in a number of ways, including but not limited to:

- a. Opportunity to display signage and promotional material at selected Council events associated with the sponsorship
- b. Media release acknowledging the role and contribution of the sponsor
- c. Erect displays in the foyer of Council's Civic Centre or Library
- d. Acknowledgment of sponsor in promotional material associated with the asset/event/promotion being sponsored.

The extent of such recognition will be determined by the level and nature of the sponsorship. The cost of providing recognition for sponsors must not exceed the value of the sponsorship package being offered to Council.

### 2.1.6 Reporting

Details regarding key sponsorships of Council activities, program and/or events will be included in Council's Annual Report.

## 2.2 Part 2—Event Sponsorship Program (Council providing sponsorship for external events)

### 2.2.1 Principles

The City of Tea Tree Gully, through this Event Sponsorship Program, seeks to attract events to the council area and will provide both financial and in-kind support to successful applicants.

Applications will be invited through promotion of the Event Sponsorship Program.

Applications requesting sponsorship are open all year. As applications are received, and funds are available, a panel will convene within four (4) weeks to undertake an assessment against the criteria and provide the applicant with the outcome.

As well as providing financial support, Council will look for ways to provide in-kind support to events it decides to sponsor. This may include promotion, assistance with permits and event site-specific requirements.

Council has a budget for providing financial sponsorship each year. As the funds are exhausted, only in-kind support will be offered, at which time a notice will be placed on our website to notify interested parties.

A list of successful and unsuccessful applications will be reported to Council on a regular basis.

Events supported by the Event Sponsorship Program should have a direct and positive impact on the City, the community and businesses operating within the council area by:

Increasing activity and tourism in the City

Raising the profile of the City as a destination for business, entertainment and recreation.

A financial sponsorship sliding scale will apply to any successful applications. The sliding scale will be applied to the applicant's application date and will reset where the applicant did not receive financial sponsorship in the previous financial year:

Applicants who did not receive sponsorship in the previous financial year will be eligible for 100% of the requested sponsorship amount

Applicants who were successful for financial sponsorship in the previous financial year will be eligible for 80% of the requested sponsorship amount

Applicants who were successful for financial sponsorship in the previous two financial years will be eligible for 60% of the requested sponsorship amount

Applicants who were successful for financial sponsorship in the previous three financial years will be eligible for 40% of the requested sponsorship amount

~~Applicants who were successful for financial sponsorship in the previous four financial years will be ineligible for financial sponsorship.~~

~~In the event of a state emergency declaration, all events must abide by the rules and regulations as stipulated under the directive.~~

#### ~~2.2.2 Categories~~

~~Two levels of sponsorship exist in Council's Sponsorship Program:~~

~~Category One— Sponsorship under \$5,000~~

~~Category Two— Sponsorship of \$5,000 and above. Additional assessment criteria apply.~~

#### ~~2.2.3 Criteria~~

~~The following criteria ensure applications are assessed in a clear and transparent manner for sponsorship under this program:~~

#### ~~2.2.4 Eligible~~

~~To be eligible, the event must demonstrate that:~~

~~The whole event takes place in the City of Tea Tree Gully~~

~~The event aligns with Council's Strategic Plan~~

~~The total value of the event exceeds the value of sponsorship requested~~

~~The event must add to the diversity of Council's Major Events Calendar~~

~~The applicant is a legal entity or auspiced by a legal entity~~

~~The proposed event is covered by an appropriate and current Public and/or Product Liability Insurance Policy~~

~~The event has not been considered in any other grant or sponsorship program/category managed by Council. Submissions of the same event through multiple grants or sponsorship programs will not be considered~~

~~Entry to the event is free and not conditional on membership, affiliation or alignment with a club, group or other organisation~~

~~Any other condition the CEO determines appropriate for the relevant event~~

~~The financial support provided via this program will not be used for fees associated with Council's facilities.~~

~~Note: Successful applicants will be required to provide Council an event evaluations report within one month of the event date.~~

#### ~~2.2.5 Ineligible~~

~~Council will not support:~~



Individuals or City of Tea Tree Gully employees

Events that have a political purpose, or applications made by political organisations

Events that degrade or offend parts of the community

Funding requests for interstate or overseas travel expenditure

Where the financial sponsorship is for costs associated with running an organisation (salaries, rent, etc)

Retrospective funding proposals

Events hosted outside the council area

Events that are of general fundraising nature (The City of Tea Tree Gully may however consider applications for events where they meet the assessment criteria)

Applicants who have not fulfilled previous sponsorship obligations

Events previously funded in the same financial year from the same applicant.

#### ~~2.2.6 Assessment~~

In addition to the eligibility criteria above, all applications need to include the following as part of its application:

Event Management Plan, Running Schedule and Site Map (templates available from Council's website)

Demonstrated capacity of the event organisers to successfully manage the event

Risk Management Plan (template available from Council's website)

Event Budget (template available from Council's website)

Benefits to Council of being a sponsor, how will Council be recognised as a sponsor?

In addition, Category Two applications must also include:

Event sustainability plan (how does the event continue after Council's funding?)

Any other appropriate plans the event, e.g. traffic and pedestrian management, fireworks management, crowd control, etc.

#### ~~2.2.7 Selection panel~~

The selection panel will consist of a group of at least five staff members from different parts of Council's operations, as approved by the CEO.

#### ~~2.2.8 In-kind sponsorship~~

~~D22/24867~~ In addition to financial sponsorship, Council will offer in-kind sponsorship to successful applicants. This can include:

Assistance with the hire of Council managed public open space

Assistance with promoting the event through Council's marketing channels

Meetings to provide support and advice as part of the event management process.

## 2.3 Part 23 – Event Attraction Program

(Council providing sponsorship for external ~~established~~ events)

### 2.3.1 Principles

The City of Tea Tree Gully's Event Attraction Program is designed to support the delivery of events that create a memorable, engaging and innovative experience for locals and visitors in the City of Tea Tree Gully. The program enables Council to sponsor and work alongside community and cultural events as well as established events and event providers to extend the City's event program in a more sustainable way.

The Event Attraction Program is seeking to support events that ~~achieve the following outcomes:~~

- a. Raise awareness of the City of Tea Tree Gully and contribute to its ~~destination~~ image and appeal
- b. ~~Attract~~ Increase visitors from outside the Council area ~~and tourism activity~~
- c. Contribute to, enhance and grow the local economy
- d. Create positive economic benefits through partnership and collaboration with local businesses
- e. Provide inclusive and accessible experiences.

~~It is important to note that All~~ events are different and unique, ~~and~~ as such the relative importance of the above ~~outcomes/objectives~~ will vary from event to event.

~~Application Council will conduct one funding round per year are open all year. As application are received, and funds are available, A~~ panel will convene within four (4) weeks ~~of the close of applications to assess each submission undertake an assessment~~ against the eligibility criteria. The selection panel will be appointed by the Manager, Customer and Communication, under delegation from the CEO.

Should a portion of the budget allocation not be expended at the end of the formal grant funding round, Council reserves the right to accept applications for funding on an ad hoc basis. Applications received outside the formal application process will be considered by the appointed assessment panel within six (6) weeks of submission.

~~As the funds are exhausted only some in-kind support will be offered, at which time a notice will be placed on Council's website to notify interested parties.~~

As the funds are exhausted only some in-kind support will be offered. When all funds have been allocated at which time a notice will be placed on Council's website to notify interested parties.

A list of successful and unsuccessful applications will be reported to Council ~~on a regular basis.~~

### 2.3.2 Categories

Applicants may submit a request for funding under two categories:

- a. Category one – Under \$5,000
- b. Category two - \$5,000 and above

### 2.3.2 Criteria

The following criteria ensure applications are assessed in a clear and transparent manner for sponsorship funding under this program.

### 2.3.3 Eligible

To be eligible for sponsorship funding, the event must demonstrate that:

- a. The whole event takes place in the City of Tea Tree Gully
- b. The event has widespread appeal and is likely to attract more than 3,000 attendees
- c. The event is free or has a substantial portion of free programming (while Council may sponsor an event that charges a modest entry fee, where an entry fee is proposed, the applicant must clearly state if any discount will be applied to City of Tea Tree Gully residents).
- d. The total value of the event exceeds the value of sponsorship requested
- e. The event aligns with Council's Strategic Plan
- f. The event must add to the diversity of Council's events calendar and does not clash with events scheduled in this calendar
- g. The event must be accessible and inclusive to all members of the public
- h. The applicant is a legal entity or auspiced by a legal entity
- i. The proposed event is covered by an appropriate and current Public and/or Product Liability Insurance Policy
- j. The event includes strategies to partner and/or collaborate with local businesses and community to support ~~the~~ economic and social outcomes
- ~~k.~~ The event demonstrates ways in which the event will attract visitors from outside the Council area and raise awareness of the City
- ~~k.l.~~ The event has not been considered in any other grant or sponsorship program/category managed by Council. Submissions of the same event through multiple grants or sponsorship programs will not be considered.
- ~~t.m.~~ The event must adhere to all legislative requirements and the applicable current SA Government COVID-19 restrictions and requirements
- ~~m.n.~~ Any other condition the CEO determines appropriate for the relevant event.
- ~~n.o.~~

### 2.3.2 Ineligible

Events and applications will be ineligible if:

- ~~a.~~ The requested funding is used for the purposes of running the organisation (salaries, rent etc)
- ~~a.b.~~ The event takes place outside the City of Tea Tree Gully
- ~~b.c.~~ The event is already receiving funding from Council in the same financial year
- ~~c.d.~~ The event is a private event or function, or the proposed event will be held for members of a community or business organisation exclusively
- ~~e.~~ The event is for general fundraising purposes
- ~~d.f.~~ The event is political or religious in nature and events that may denigrate, exclude or offend parts of the community
- ~~e.g.~~ The event is a school fete, fair, market or similar activity including programs and events that happen on a regular basis
- ~~h.~~ The applicant is unable to meet the compliance and safety requirements of running the event/s
- ~~f.i.~~ The applicant has not fulfilled their obligations under previous funding arrangements

~~g.i. Applications. The applicant is a Council staff member from staff or Elected Members of the City of Tea Tree Gully and/or their a direct family member/s.~~

### 2.3.5 Assessment

~~In addition to addressing the eligibility criteria above, all applicants must submit the following:~~

- ~~a. A comprehensive event management plan, including a site map and run sheet~~
- ~~b. Risk management plan~~
- ~~c. All other appropriate event documentation – eg traffic and pedestrian management, fireworks, liquor licencing, crowd control.~~
- ~~d. Event budget~~
- ~~e. Copies of all relevant insurance and licencing documentation~~
- ~~f. The environmental credentials of the event~~
- ~~g. Details on how event participation and experience will be measured~~
- ~~h. Compliance with all relevant SA Government COVID-19 restrictions and requirements~~
- ~~i. The benefits to Council of sponsoring the event, including how Council's contribution will be recognised – eg speaking opportunities, brand exposure, signage and community engagement opportunities~~
- ~~j. Evidence of the applicant's ability to successfully manage the event~~
- ~~k. The future viability of the event beyond funding through this program~~

~~In addition to the eligibility criteria above, all applications need to address the following as part of its application:~~

~~Event plan includes proactive strategies to partner/collaborate with local businesses to support broader outcomes including increased local spend in the City~~

~~Event concept and program supports increased visitation to the City of Tea Tree Gully~~

~~Event timing and location does not conflict with existing events and community programs~~

~~Event plan outlines proactive strategies to measure visitation and patron experience~~

~~Event management company has proven experience in the delivery of similar events~~

~~The event demonstrates financial management and viability beyond funding from this program~~

~~The event includes opportunities for community participation and/or volunteering~~

~~The event demonstrates sustainable event practices~~

~~The event is accessible and inclusive~~

~~The event demonstrates knowledge and understanding of current SA Government COVID-19 restrictions and requirements for public activities and has an approved COVID Safe or COVID Management Plan from SA Health.~~

- ~~a. The event is free to attend or has a significant portion of free programming~~
- ~~b. The value of sponsorship benefits offered to the City of Tea Tree Gully in the form of speaking opportunities, brand exposure, signage and community engagement opportunities~~
- ~~c. The event demonstrates alignment with Council's Strategic Plan.~~

### 2.3.6 Selection panel

~~The selection panel will consist of a group of at least five-four staff members from different parts of Council's operations, as approved by the CEO. The selection panel will be appointed by the Manager, Customer and Communication, under delegation from the CEO.~~

### 2.3.7 In-kind sponsorship

As outlined above, in-kind support is also something for applicants to consider prior to submission. In-kind contributions often have a financial cost to Council and are therefore given a monetary value which must be included in the total amount requested via the Program.

All applications must adhere to the current SA Government COVID-19 restrictions and requirements and consider the cost of implementing the required additional measures as part of their application.

In-kind support that Council can provide includes:

- a. Site hire fees/bonds
- b. Waste bin hire and transport (please note: provision of this service will incur a cost to the applicant)
- c. Marketing and promotional support
- d. Event management [advice and](#) support.

## 3. 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.

#### Sponsor

An organisation or individual providing resources in return for specific benefits.

#### Sponsorship

A contract where Council provides or is provided with financial and/or in kind in support for an activity. Sponsorship is usually for a defined period and does not include the selling of advertising space, joint ventures, consultancies, grants and unconditional gifts, bequests, endowments or donations.

#### Sponsorship Agreement

A contract that outlines the terms of the Sponsorship.

## 4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area. It is recommended that this policy be implemented for the purpose of applying best practice principles in the area of sponsorship.

### 4.1 Other references

Council's document including:

- a. Fees and Charges Register

External document including:

- a. Independent Commissioner Against Corruption

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
<b>Community</b>	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	Event Sponsorship provides opportunities to connect with the City and the community
<i>Diversity is welcome and celebrated</i>	The Event Sponsorship Program seeks to encourage and support Cultural events held in the City of Tea Tree Gully.
<b>Economy</b>	
<i>Modbury Precinct is revitalised as the city's key activity</i>	Sponsorship of Council events and of events within our Council area assist with the promotion and familiarity of the Modbury Precinct
<i>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the livability of our city</i>	Attraction of event patrons into the City of Tea Tree Gully through sponsorship supports local businesses
<b>Places</b>	
<i>Opportunities exist to express and experience art and culture</i>	The Event Sponsorship Program provides opportunities for the Community to put on events in our City which serves as a way for the broader community to experience art and culture (i.e. cultural festivals etc)
<b>Leadership</b>	
<i>Decision making is informed, based on evidence and is consistent</i>	All decisions made in relation to Sponsorship are made using the procedures outlined in this policy

### 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: Customers and community relations and Finance and systems.

## 6. 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.

## CEMETERIES MANAGEMENT POLICY

Responsible Manager: Group Coordinator Civil and Buildings Projects

This Policy provides guidance for the management of cemeteries, particularly in respect to the permitted users of the cemeteries. This Policy is referenced within contract documentation for **Council's Contractor who manages** the administration of burials and associated services for the City of Tea Tree Gully Cemeteries.

This Policy is due for review as part of the policy review cycle.

Additional practices have been included into this review for consideration by the Committee for general site management.

Future review will be undertaken with council to consider the longer term strategic direction of cemetery provisions for our community.

This policy is to be discussed with discussion points included in the table.

### RECOMMENDATION

That the “Cemeteries Management Policy” **as reviewed by** the Governance and Policy Committee on 17 August 2022 be adopted.

Summary of changes		
Page No.	Heading	Comments
3	General	Additional information regarding the issue of burial licenses
3	Interments	Changed heading of Burials to Interments to cover burials and ashes
4	Maintenance of Graves, Plaques, Monuments & Structurers	Additional guidelines for ground maintenance and floral and memorial tributes added
5	Other – Burials & Cremations	Reference to Burial & Cremation Act 2013, Burial & Cremation Regulations 2014 and third party licensed contractor for the management of burials and cremations added
5	Other References	Updated information provided
6	Definitions – Memorial Sites	Definition of memorial sites added
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

## Attachments

1. [Cemeteries Management Policy - reviewed for GPC - 17 August 2022](#) ..... 109



# Cemeteries Management Policy



Record number	D22/12273
Responsible Manager	<del>Group Coordinator Civil and Buildings Projects</del> <del>Manager Civil &amp; Water Operations</del>
Other key internal stakeholders	Director Assets & Environment <del>Supervisor Civil Operations &amp; Depot Services</del>
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	21/08/19, 29/08/17, 16/07/14, 20/11/13, (previously: Cemeteries – Care and Control Policy), 18/01/11, 23/1/07, 25/2/03, 13/3/01
Legal requirement	NA
Due date next review	<a href="#">2025</a>

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.

## 1. PURPOSE

The purpose of this Policy is to establish guidelines for the care and control of Council's Hope Valley Cemetery and Golden Grove Cemetery in relation to interments and memorials.

This Policy excludes memorials located outside of Council owned cemeteries. Refer to Memorial Management Policy for guidelines on installation of memorials on Local Government land and on Roads under the care and control of the City of Tea Tree Gully.

## 2. POLICY

### 2.1 Background

The City of Tea Tree Gully (Council) manages two cemeteries within the Council area: Golden Grove Cemetery and Hope Valley Cemetery. The cemeteries have been managed and operated by the Council for more than 150 years. Both cemeteries are considered to be historically significant.

Within these cemeteries Council permits two types of interment that being, earth burials and ashes memorial garden beds.

#### **a. Golden Grove Cemetery**

The Golden Grove Cemetery is bounded by Crouch Road, One Tree Hill Road and extractive industry land. The cemetery is small, approximately 11,000m<sup>2</sup> and has developed gradually over the years. Golden Grove Cemetery has limited available sites for interment of ashes with a number of leased burial sites available for second interments.

#### **b. Hope Valley Cemetery**

This is an urban cemetery small in size, approximately 4,200m<sup>2</sup> which has limited available sites for interment of ashes with a number of leased burial sites available for second interments.

To assist Council in meeting its legislative requirement, the management of leasing and licensing as well as the coordination of Interments, plaques and monuments is carried out through a Council engaged Contractor.

Council employees are responsible for various aspects of grounds maintenance and interments in accordance with Council's Cemetery Management Procedure.

## 2.2. General

The following general guidelines apply to Council cemeteries:

- a. Construction of vaults in Council's cemeteries is not permitted except where a burial licence has been issued prior to 20 April 1987
- b. Due to the limitation of space available within Council's cemeteries, burial licences will only be granted to Residents or former Residents of the City of Tea Tree Gully, or in circumstances where there is a burial licence already in existence.
- ~~b.c.~~ This may extend to family members who do not reside in the Council area but have immediate relations already existing within the cemetery or at the Chief Executive Officer's discretion with assessment based on the relationship with the City of Tea Tree Gully community.
- ~~c.d.~~ Sites are available for burials based on a need only basis (i.e. not for future use)
- ~~d.e.~~ Council will maintain the landscape and historical character of the cemeteries outside of any leased area, which includes pathways, fencing, plantings, signage and infrastructure (other than memorials).

## 2.3. BurialsInterments

In conjunction with the Burial and Cremation Act 2013 and the Burial and Cremation Regulations 2014 the following guidelines apply to ~~burials~~ interments in Council's cemeteries:

- a. Burials will generally take place Monday to Fridays between the hours of 9.00 a.m. and 3.00 p.m. Where burials are required on weekends, public holidays and / or out of the hours stated above, additional fees will be charged as set out in Council's Fees and Charges Register
- b. Burial plots will be to a standard size of 2.45 metres in length and 1.20 metres in width. The depth will not exceed 2.3 metres (and minimum depth is one metre from the top of the last burial to the natural earth level)
- ~~b.c.~~ Interment of Ashes is at the discretion of the curator of the cemetery
- ~~c.d.~~ Burial licences (not exceeding 50 years) will be required for all burials including the interment of cremated ashes
- ~~d.e.~~ The assignment of burial licences is not permitted unless it is an immediate member of the licensee's family
- ~~e.f.~~ Historical Burial Sites at Hope Valley and Golden Grove cemeteries do not require burial/memorial licence renewals. Non Historical Burial Sites will not be provided with renewals for licenses.

## 2.4. Memorials

The following guidelines apply for memorials in Council cemeteries:

- a. A memorial licence is required prior to the erection of a memorial headstone or any other structure on any allotment in Council's cemeteries
- b. Approval is required for additional inscription to monuments or for the replacement of monuments (as per AS 4204- 2019 - Headstones and Cemetery Monuments ~~1994~~)
- c. Headstones will be located in accordance with all approvals. Memorials erected on cemetery plots leased after the 1 January 1988 will consist of a headstone only (set upon a footing), which will not exceed a height of 0.84 metres, a depth of 0.3 metres and a maximum width of 1.2 metres. Memorials of a more substantial or elaborate nature may, subject to the discretion of the relevant Contractor or Council's delegate, be allowed on plots existing prior to 1 January 1988

- d. The burial licence holder or their personal representative (usually family if the licence holder is deceased) will be responsible for the maintenance, repair or removal of damaged or deteriorated memorial work during the licence period.

## 2.5 Maintenance of Graves, Plaques, Monuments & Structures

The following guidelines apply for Maintenance in Council cemeteries:

- a. The ownership of plaques, monuments or other structures installed or constructed is deemed to be with the Interment Right holder (or their heirs and successors).
- b. The Interment Right holder is responsible for the upkeep, maintenance, repair etc. of any plaque, monument or structure.
- ~~b-c.~~ Council will maintain natural soil level where there is ground movement or subsidence not including structures as outlined above.
- ~~c-d.~~ The Council may act to remove any structure that has become dilapidated, unsafe or unsightly. Except in circumstances where there is a risk to the safety of persons or damage may be imminent to nearby sites, Council will take reasonable steps to contact Interment right holders to provide an opportunity to take required actions to remedy the interment site.

## 2.6 Floral and Memorial Tributes

The following guidelines apply for the provision of floral and memorial tributes within Council cemeteries:

- a. Council may remove any items that encroach on other graves or plots making collection available of any removed items for a period of two weeks
- b. No permanent potted and/or permanent plantings
- c. Once perished, faded or frayed fresh, dried or silk flowers will be removed periodically

For the safety of the community the following guidelines apply for the provision of floral and memorial tributes within Council cemeteries:

- a. Breakable Items
  - Items made from or containing glass or other breakable materials (including porcelain, terracotta and hardened clay), unless they are built into the monumental work, are prohibited as they may pose serious harm to visitors and staff when damaged. No alcohol bottles, empty or full, to be left at the site.
- b. Other Hazardous Items
  - Stones, pebbles, decorative fencing and metal spikes are prohibited in all lawn areas.
- c. Candles & Incense Sticks
  - We understand the cultural and religious significance surrounding the lighting of candles and incense sticks, however these items can pose a substantial fire risk. Candles and incense sticks must be placed within an approved container (such as a candle box) or communal facility where provided. Those placed within garden beds or lawn areas at any time will be extinguished.
  - On days of total fire ban, the lighting of these items is prohibited. As an alternative, appropriately placed plastic LED candles may be used.
- d. Being Respectful
  - Tributes that encroach on neighboring sites or are of an offensive nature may cause considerable distress.

### 2.76 Other – Burial Register

The Council Contractor maintains the burial register, plans and assessment of licence applications for Hope Valley and Golden Grove cemeteries.

### 2.8 Other – Burials and Cremations

The management of the all burials and cremations including opening of interment sites, exhumation and re-interment are in accordance with the Burial and Cremation Act 2013, the Burial and Cremation Regulations 2014 and managed through Council's third-party licenced contractor

## 3. 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.

#### Contractor

Third party contractor.

#### Historical Burial Sites

Pioneer sites both marked and unmarked created from 1849 at Hope Valley Cemetery and from 1853 at Golden Grove Cemetery as determined by Council's Heritage Adviser.

#### Memorial Sites

(a) A gravestone, plaque, cenotaph or other monument; or

(b) Any other structure or permanent physical object used to memorialise a deceased person

#### Resident

Is defined as a person on the Electoral Roll of the City; or a resident's child under the age of 18; or where evidence is provided to the Contractor to substantiate that the application is for a bona fide resident.

## 4. LEGISLATIVE FRAMEWORK

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

The following legislation applies to this Policy:

#### Burial and Cremation Act 2013

This Act provides for and regulates the identification, handling, storage, transport, disposal and memorialisation of human remains; provides for the establishment, administration and closure of cemeteries and natural burial grounds; as well as providing for the conversion of closed cemeteries into parklands or public parks or gardens.

[Burial and Cremation Regulations 2014](#)

This Regulation covers additional requirements in relation to the disposal of human remains, as well as other requirements relating to cemeteries, natural burial grounds and crematoria including powers of the relevant authority, prohibited activities and interment rights.

[Local Government Act 1999](#)

Section 163 relates to the rebate of rates for public cemeteries.

## 4.1 Other references

Council's document including:

a. Fees and Charges Register ([D22/51266](#))

a.b. Cemetery Plot Preparation Procedure ([D21/29575](#))

External document including:

a. Australian Standards AS4204-~~2019~~ [1994](#) - Headstones and Cemetery Monuments.

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
<u>Community</u>	
<i><u>People feel a sense of belonging, inclusion and connection with the City and the community</u></i>	<i><u>The cemeteries are well maintained and provide a tranquil setting for families and visitors to provide respect to past residents of the City of Tea Tree Gully.</u></i>
<i><u>Diversity is welcome and celebrated</u></i>	
<i><u>There are opportunities for people to volunteer, give back and share their skills with others</u></i>	
<i><u>Our services are accessible to all and respond to changing community needs</u></i>	
<i><u>People can have a say in decisions that affect them and the key decisions of the Council</u></i>	
<u>Environment</u>	
<i><u>Environmentally valuable places and sites that are flourishing and well cared for</u></i>	<i><u>The cemeteries are well maintained and are of historical significance.</u></i>
<i><u>A community that is protected from public and environmental health risks</u></i>	
<i><u>The carbon footprint of our city is reduced through the collective efforts of community and Council, including businesses</u></i>	

<u>Our consumption of natural resources is minimized by reducing, reusing and recycling products and materials, and using renewable resources</u>	
<u>We are resilient to climate change and equipped to manage the impact of extreme weather events</u>	
<u>Our tree canopy is increasing</u>	
<u>Economy</u>	
<u>Modbury Precinct is revitalised as the city's key activity</u>	
<u>A population profile that supports a growing economy</u>	
<u>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the livability of our city</u>	
<u>People are supported to develop their leadership and employment capabilities</u>	
<u>Support the efficient use of land for valuable mineral extraction and energy resources</u>	
<u>Places</u>	
<u>Streets, paths, open spaces and parks are appealing, safe and accessible</u>	
<u>Opportunities exist to express and experience art and culture</u>	
<u>Neighbourhoods are easy to move around and are well connected with pedestrian and cycle paths that offer an alternative to cars</u>	
<u>Buildings and places are energy efficient, well designed and display a uniqueness of character and identity</u>	
<u>Housing is well designed and affordable and responds to the changing needs of existing and future residents</u>	
<u>Infrastructure and community facilities are fit for purpose, constructed using sustainable practices and well maintained</u>	<u>An inviting and comfortable place to remember the community's loved ones</u>
<u>Leadership</u>	
<u>Leadership and advocacy is focused on the long term interests of the community</u>	
<u>Customer service provides a positive experience for people and is based on honesty and transparency</u>	
<u>Planning considers current and future community needs</u>	

<u>Delivery of services is sustainable and adaptable</u>	
<u>Decision making is informed, based on evidence and is consistent</u>	
<u>Major strategic decisions are made after considering the views of the community</u>	

[remove aspirations that are not relevant]

## 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

## 6. 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.



## 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.cttg.sa.gov.au](http://www.cttg.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.~~



## COMMUNITY WASTEWATER MANAGEMENT SYSTEM INFRASTRUCTURE MANAGEMENT POLICY

Responsible Manager: Group Coordinator, Water Waste & Environment

During the State Election Campaign March 2022, the Australian Labour Party (ALP) released a policy statement in relation to Council's Community Wastewater Management System (CWMS) whereby:

1. From 1 July 2022, all residents on the Tea Tree Gully Community Wastewater Management System (CWMS) will become customers of SA Water for their sewerage services.
2. From 1 July 2022, all residents in the City of Tea Tree Gully will only pay SA Water sewerage rates, and not CWMS service charges.

Following the State Election result, Council contacted SA Water and discussions commenced in relation to how the election commitment would be implemented. It was proposed that Council transfer all CWMS assets and CWMS customers to SA Water as of 1 July 2022 which will allow the State government to implement its election commitment.

At the Council meeting held 14 June 2022, Council resolved the following:

*That Council, having considered the Audit Committee report titled "Community Wastewater Management System (CWMS) Final Prudential Report" including its various attachments and dated 14 June 2022 resolves to:*

1. *Receive the Updated CWMS Prudential Report as detailed in Attachment 4 "Prudential Report - Sustainable Sewers Program Final Report June 2022" of the abovementioned report and acknowledges that it has been provided with sufficient information to*

*satisfy the requirements of Section 48 of the Local Government Act 1999 and Council's Prudential Management Policy.*

2. *Authorise Council's Chief Executive Officer to continue with negotiations with SA Water to finalise and sign the "Asset Transfer Agreement" in accordance with Attachment 7 of the abovementioned report, noting that the Council acknowledges that in signing the Asset Transfer Agreement, included in Attachment 7, the Chief Executive Officer will extinguish the Transition Management Agreement between SA Water and Council dated 11 February 2022 included in Attachment 6 of this report.*
3. *Request Council's Chief Executive Officer to write to the Premier of South Australia and to the Minister for Environment and Water to thank them for their commitment to ensuring that Council's CWMS system is transferred to SA Water from 1 July 2022.*
4. *Authorise Council's Chief Executive Officer to extinguish and make redundant the Community Wastewater Management System (CWMS) easements from 1 July 2022 as the system is decommissioned.*

Carried Unanimously (1230)

In accordance with the resolution (1230), the Asset Transfer Agreement (refer to attachment 2) was executed on 20 June 2022 by Council's Chief Executive Officer and SA Water's Chief Executive whereby all CWMS customers and CWMS infrastructure will be transferred to SA Water from 1 July 2022.

The CWMS Infrastructure Policy is Council's commitment to operate and maintain CWMS infrastructure in accordance with Council's Recycled Water and Sewage Customer Service Charter, CWMS Asset Management Plan, the Safety, Reliability, Maintenance, Technical Management Plan (SRMTMP) and Office of Technical Regulator Infrastructure Standards.

This Policy sets out the guidelines and principles for the following areas:

1. Operation and maintenance of CWMS infrastructure.
2. Renewal and upgrade of CWMS infrastructure.
3. Collaboration with SA Water to assist in the development of SA Water's transition plan.
4. Sewer Conversion of CWMS customers with existing SA Water Connection points.
5. Decommissioning of septic tanks.
6. Development of properties in CWMS serviced areas.
7. Management of CWMS easements.
8. Decommissioning of CWMS Infrastructure.

As of 1 July 2022, SA Water has taken possession of all Council's CWMS infrastructure and risk related to the assets. As such, the guidelines and principles covered by this Policy are no longer relevant for Council as of 1 July 2022. Therefore, it is recommended that the CWMS Infrastructure Management Policy be revoked.

## RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

**That the “Community Wastewater Management System Infrastructure Management Policy” as reviewed by the Governance and Policy Committee on 17 August 2022 be revoked.**

Summary of changes		
Page No.	Heading	Comments
5-8	Operation and CWMS Maintenance	<p>This section has been made redundant as of 1 July 2022 following the transfer of Community Wastewater Management System (CWMS) infrastructure to SA Water.</p> <p>As of 1 July 2022, SA Water is responsible for operating and maintaining the system while the system is upgraded through the Sustainable Sewers Program.</p> <p>As of 1 July 2022, all CWMS customers have been transferred to SA Water and will be serviced in accordance to <b>SA Water’s customer service charter</b>. Commercial customers transferred to SA Water will be required to comply with SA Water liquid trade waste requirements.</p> <p>SA Water will continue to manage the program for cleaning septic tanks for their customers.</p>
9 - 10	CWMS Upgrade and Maintenance	<p>This section has been made redundant as of 1 July 2022 following the transfer of Community Wastewater Management System (CWMS) infrastructure to SA Water.</p> <p>As of 1 July 2022, SA Water is responsible for the renewal and upgrade of the CWMS system. Stage 1 and Stage 2 of the Sustainable Sewers Program is funded by the State government. The State government is committed to fund Stage 3 of the Sustainable Sewers Program.</p>
10	Collaboration with SA Water	<p>This section has been made redundant as of 1 July 2022 following the transfer of Community Wastewater Management System (CWMS) infrastructure to SA Water.</p>

Summary of changes		
Page No.	Heading	Comments
		Council have agreed to provide operational and maintenance support during the Transition Period up until 1 October 2022 for a fixed monthly fee of \$135,000.
11	Sewer Conversion for CWMS Customers with Existing SA Water Connection Points	<p>This section has been made redundant as of 1 July 2022 following the transfer of Community Wastewater Management System (CWMS) infrastructure to SA Water.</p> <p>SA Water and the State government are responsible for upgrading the wastewater system to sewer standards as part of the Sustainable Sewers Program.</p>
12	Decommissioning of Septic Tanks	<p>Council is the relevant authority for any wastewater work approvals associated with septic tanks under the Public Health Regulation 2013 (sewerage).</p> <p>Council will govern this process through the Public Health Regulation 2013 (sewerage).</p> <p>This section of the policy is no longer required.</p>
13-16	Development of Properties in CWMS Serviced Areas	<p>This section has been made redundant as of 1 July 2022 following the transfer of Community Wastewater Management System (CWMS) infrastructure to SA Water.</p> <p>As the asset owner, SA Water will assess land <b>division in accordance to SA Water's assessment</b> criteria.</p> <p>SA Water may require developers to cover the cost associated with new wastewater infrastructure required to service the development.</p> <p>SA Water is responsible for the management of new connections or disconnections from their infrastructure.</p>
16-18	Management of CWMS Easements	<p>This section has been made redundant as of 1 July 2022 following the transfer of Community Wastewater Management System (CWMS) infrastructure to SA Water.</p> <p>Council will no longer create new easements to protect CWMS Infrastructure.</p> <p>CWMS infrastructure owned by SA Water are protected as statutory easements under the Water</p>

Summary of changes		
Page No.	Heading	Comments
		<p>Industry Act 2012. SA Water is the relevant authority for applicants seeking to encroach on SA Water easements.</p> <p>SA Water is responsible for updating their asset database to ensure that the public is aware of underground infrastructure which can be obtained through Dial Before you Dig reports.</p> <p>Council will continue to retain existing CWMS easements post 1 July 2022. In accordance to resolution (1230) at the Council meeting held 14 June 2022, Council Chief Executive Officer will extinguish redundant easements from 1 July 2022 as CWMS assets are decommissioned. SA Water is responsible for the decommissioning of redundant CWMS infrastructure. Extinguishment of decommissioned CWMS assets will be addressed in the Council Easement Management Policy which is scheduled for review in 2023.</p>
18-19	Decommissioning of Redundant CWMS Infrastructure	<p>This section has been made redundant as of 1 July 2022 following the transfer of Community Wastewater Management System (CWMS) infrastructure to SA Water.</p> <p>SA Water is responsible for decommissioning all redundant CWMS infrastructure in accordance to the requirements set out by SA Health and the Office of Technical Regulator.</p>
Changes during or after GPC Meeting for Council Meeting [date]		
Supporting Information		

## Attachments

1. [Community Wastewater Management System Infrastructure Management Policy - reviewed version for GPC Meeting 17 August 2022](#) ..... 124

2. <a href="#">Download</a>	Signed Asset Transfer Agreement - City of Tea Tree Gully and SA Water .....	149
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# Community Wastewater Management System (CWMS) Infrastructure Management Policy



Record number	D21/75890
Responsible Manager	<a href="#">Group Coordinator – Water, Waste and Environment</a> <del>Civil and Water Operations</del>
Other key internal stakeholders	Director of Assets and Environment Director of Organisational Services and Excellence Manager of Finance and Rating Services <del>Water Resource Specialist</del> <a href="#">Group Coordinator – Water, Waste and Environment</a>
Last reviewed	<a href="#">9 February 2021</a>
Adoption reference	
Resolution number	
Previous review dates	9/2/21, 22/10/19, 21/10/20
Legal requirement	Under section 37(3) of the <i>Water Industry Act 2012</i> , a water industry entity must adopt a customer hardship policy published by the Minister under this section; or with the approval of the Commission, adopt such a policy with modifications.
Due date next review	<del>2022</del> <a href="#">2023</a>

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## 1 BACKGROUND

The Community Wastewater Management System (CWMS) Infrastructure Management Policy was last reviewed and adopted by Council at Council meeting held 9 February 2021. The review date of this Policy was 9 February 2022, adopted by Council 22 October 2019. Council Policies are typically reviewed every three years and the normal review date of this Policy would have been 2023. However, due to sensitivities on matters related to CWMS, the review date of the Policy was brought forward to October 2020, which would have given the opportunity for amendments to be made where required.

In June 2020, the State Government announced a commitment to connect properties with septic tanks to SA Water's sewer system providing \$65 million of funding to SA Water to fund the sewer conversion of the City of Tea Tree Gully's (CTTG) CWMS during 2020-2024. There is no commitment from the State Government to fund Stage 3 of the Sustainable Sewers Program

The Minister for Environment and Water directed SA Water to come to an agreement with CTTG to invest in CTTG's CWMS scheme to convert the system to sewer standard, with the aim of transitioning the wastewater service to SA Water (Government Gazette Notice dated 1 April 2021).

On 13 May 2021 SA Water provided their CTTG Sustainable Sewers Transition Plan dated 30 April 2021, for the Sustainable Sewers Program (Program) to Council for consideration. The Sustainable Sewers Transition Plan is a high-level document that gives an overview of the proposed Program to cover the cost of new sewer mains, augmentation of the existing SA Water network to accommodate the increased flows, on-property infrastructure and work to connect household plumbing and reinstatement. The Sustainable Sewers Transition Plan does not take into consideration the decommissioning of redundant CWMS infrastructure, which is an area of concern for Council and the regulators.

Recognising the complexity of the issues and financial impacts that need to be considered under the proposed Sustainable Sewers Transition Plan, Council considered it appropriate to have a Prudential Report prepared independently to provide transparency to all relevant stakeholders regarding the issues and risks relating to the Project. Copies of the draft Prudential Report were issued to the Minister of Water and Environment and the Chief Executive of SA Water for their consideration and feedback. Council is currently awaiting feedback from the Minister regarding the findings and recommendations of the Report.

The Prudential Report will be presented to Council for consideration and determination on the proposed Sustainable Sewers Program. This Policy should be updated in 12 months (from the date of adoption of this Policy) or when Council has made a decision regarding the Sustainable Sewers Program, whichever comes first.

The most significant development on matters relating to CWMS is the recent announcement from the State Government to commit \$65 million to SA Water Corporation for the purpose of converting the CWMS scheme to sewer standards. On 28 May 2020, the Minister of Environment and Water directed SA Water Corporation to invest into Council's CWMS scheme to convert the system to sewer standard with a view of transitioning Council's CWMS customers to SA Water. Council has welcomed the State Government funding for this undertaking and have committed to assisting SA Water Corporation with this undertaking.

Council has been notified by SA Water Corporation on 30 July 2020 that it is in the preliminary stages of investigation that will inform required upgrades and timing to ensure a safe and reliable sewer service which will take several months to complete. SA Water Corporation has informed Council that the investigation should be completed in March 2021. Council staff have been working closely with SA Water Corporation to provide them with the information necessary to complete the investigation.

Council have a number of concerns in regards to the proposed undertaking to convert the CWMS system to sewer standards and proposed divestment of assets to SA Water Corporation. The concerns stem from the lack of clarity in the funding arrangement and the sewer conversion and customer transition strategy, which should be clarified in March 2021 when SA Water complete their due diligence investigation and develop a strategy. Some of the main concerns of Council are as follows—

1. — Uncertainty if the committed funds are adequate to complete the sewer conversion of the whole system. Options that would need to be considered if funding was insufficient.
2. — Uncertainty if the committed funds can be used for upgrading on-property plumbing owned by property owners (includes septic tanks and all wastewater drainage pipes on the property upstream of the Council connection point) to sewer standard, which is necessary as part of the sewer conversion process.
3. — Uncertainty over the response from community members in relation to the on-property work that will likely have an impact on their private property.
4. — Timeframes of delivering the project and divestment strategy that Council will need to adopt that will minimise any impacts to the wider local community.

The Essential Services Commission of South Australia (ESCOSA) have stated that Council will need to maintain the system until the time of handover and prices should be based on that requirement. Council are responsible for ensuring that the system is operational and maintained in accordance to Council's CWMS Asset Management Plan and the requirements of the Office of Technical Regulator (OTR). The OTR requires Council to comply with the Safety, Reliability, Technical Maintenance Management Plan (SRMTMP) and the Infrastructure Standards of the OTR.

These concerns listed above relating to the sewer conversion project and divestment of the CWMS scheme can potentially have a significant impact on Council's customers. There has been insufficient new information that would warrant changes to this Policy with the acceptance of Capital upgrades and renewals which will be addressed in Section (3.2) of this Policy.

## 2 PURPOSE

The City of Tea Tree Gully is committed to the sustainable management of Community Wastewater Management System (CWMS) services. The purpose of this policy is to establish a set of guiding principles for the management of Council's CWMS assets. The policy provides transparency in the way Council manages CWMS infrastructure and provides clear direction to Council staff, the criteria used in prioritising operational and maintenance activities, capital renewals and upgrades, sewer conversions and divestment of CWMS assets.

This policy sets out the guiding principles applied to the management of CWMS infrastructure in the following areas.

1. Operation and maintenance of CWMS infrastructure.
2. Upgrade and renewal of CWMS infrastructure
3. Sewer conversion for CWMS customers with SA Water connection points.

4. Decommissioning of septic tanks.
5. Development in CWMS serviced areas
6. Management of CWMS easements
7. Payment plans

### 3 POLICY

Council is committed to ensuring the responsible and sustainable management of CWMS infrastructure that ensures continued and resilient service delivery for our community into the future. The CWMS Asset Management Plan (AMP) sets out the projected operating and maintenance and capital expense for the period 2018-2019 to 2054-2055. The Community Wastewater Management System Asset Management Plan was adopted by Council in July 2018. The CWMS AMP demonstrates Council's commitment to implement best practice asset management to ensure that the CWMS customers will continue to have reliable and affordable wastewater services into the future.

The CWMS AMP takes into consideration the following guiding principles in the management of CWMS infrastructure:

1. The requirement that the CWMS asset management plan is aligned to Council's Strategic Plans.
2. The integration of the CWMS Asset Management Plan and Council's financial planning.
3. Sets out the long-term management of CWMS infrastructure -
  - a. Consideration of the future demand on the system with the aim of meeting the service levels required by the community, current and future.
  - b. Managing current demand.
  - c. The consideration of current and future system capacity and risk of asset failing in long-term asset management planning.
  - d. Informed decision making processes that take into consideration alternative means of service provision, full life cycle costing, performance measurement and monitoring that reflect the long lived nature of the infrastructure.
  - e. Confident decision making that is based on up to date high quality information.
4. Managing and communicating risk to key stakeholders.
5. Sustainable management of assets to provide benefits of the service to future generations taking into consideration intergenerational equity by ensuring existing users pay an equitable share for asset consumption and not leaving the cost to be borne by future generations.
6. Transparent assumptions and decision-making process.
7. Decision making guided by the long-term sustainability of the Council and service delivery.
8. Network design that -
  - a. Improves development potential of properties.
  - b. Reduces the risk of infrastructure damage.
  - c. Converts the existing CWMS properties to sewer.

The following documents sets out the level of service provided by Council.

1. [Recycled Water and Sewage Services Customer Service Charter](#)
2. Community wastewater management system (CWMS) asset management plan
3. [Office of Technical Regulator \(OTR\) – Safety, Reliability, Maintenance, Technical Management Plan \(SRMTMP\)](#)

3.4. Office of Technical Regulator (OTR) – Infrastructure Standards**3.1 CWMS Operation and Maintenance**

The CWMS AMP sets out the operation and maintenance activities required to maintain CWMS infrastructure with the aim of minimising service disruptions, extend asset useful lives and improve asset maturity to make increasingly informed asset management decisions. Policies relating to operational and maintenance activities are consistent with the OTR's SRMTMP and Council's Recycled Water and CWMS Customer Service Charter are described in the following table.

**Table 1 Policy relating to Operation and maintenance CWMS infrastructure**

Policy	Policy Description
1. Condition assessment of infrastructure, which includes CCTV inspections of drains and inspections of structures.	<ol style="list-style-type: none"> <li>1. Council will undertake Closed Circuit Television (CCTV) condition assessment of at least 1km of CWMS conduits each year.</li> <li>2. Assets greater than a condition rating of 3 (condition assessment based on Water Services Australia Code of Practice WSA 05) are assessed for rehabilitation or capital renewal and upgrade.</li> <li>3. Always investigating rehabilitation options before renewal, using a cost benefit analysis based on full life cycle cost to determine the preferred solution.</li> <li>4. Assets that have been identified for rehabilitation will be assessed with other assets in the rehabilitation program and prioritised based on asset hierarchy, risk from asset failing (environmental and public health impacts) and risk of asset failing.</li> <li>5. Assets that have been identified for renewal or upgrade will be assessed with other assets in the capital works program and prioritised based on asset hierarchy, risk from asset failing (environmental and public health) capacity and risk of asset failing.</li> </ol>
2. Infiltration/inflows (I/I) analysis, which includes flow monitoring of CWMS mains and network assessment.	<ol style="list-style-type: none"> <li>1. Council will undertake flow monitoring and (I/I) analysis of portions of the CWMS network that are at greater risk every 5 years or earlier as required by Council's trade waste agreement with SA Water. I/I analysis will be used to condition assess CWMS catchments and identify and reduce illegal stormwater connections. Flow monitoring data will be used to calibrate hydraulic models for CWMS to manage development and system demand. Council will provide SA Water with hydraulic models of portions of the CWMS network that</li> </ol>

Policy	Policy Description
	<p>discharge into SA Water to assist SA Water in planning for future demand.</p> <p>2. Council will provide flow monitoring data to SA Water based on requirements set out in Council's trade waste agreement with SA Water.</p>
3. Survey of drainage system.	<p>Council will continue to undertake surveys of all CWMS underground infrastructure to</p> <p>1. Verify the geospatial location of CWMS assets. Surveyed information publican be obtained through dial before you dig (DBYD) services to protect assets from third party damage.</p> <p>2. Acquire data necessary for network planning and design.</p>
4. Scheduled maintenance of drains to prevent and remove blockages.	<p>1. Council will implement a preventative maintenance program with the aim of reducing system blockages and service disruptions.</p> <p>2. Preventative maintenance plans takes into consideration adverse environmental impact and protection of public health in the operation and maintenance of CWMS infrastructure.</p>
5. Cleaning of septic tanks every four years.	<p>1. Septic tanks, sanitary drainage and associated pipes and fittings upstream of the Council connection point are the property of the property owner and do not form part of the CWMS network. Council will manage the septic tank cleaning schedule and manage the septic tank cleaning contract to ensure that each septic tank serviced by the CWMS network are cleaned once every four years in accordance to</p> <p>a. SA Health onsite wastewater management system code of practice; and</p> <p>b. Design criteria set out by SA Health.</p> <p>2. The intent of Council septic tank cleaning program is to reduce the solids loading entering the CWMS system that can potentially reduce the asset life and also lead to system blockages. To meet this intent, septic tanks will be cleaned by Council once every four years.</p> <p>3. Customers may choose to undertake septic tank cleaning on their own. However, this will not negate the necessity for Council's septic</p>

Policy	Policy Description
	<p>tank cleaning contractor to return to a property once every four years at the appointed time to clean a septic tank. Therefore, the annual CWMS service charge will not change as a result of customers cleaning their own septic tanks. Council have a transparent procurement process to ensure that the work undertaken to Council's standards while obtaining competitive pricing for the service.</p> <p>4. The cost of cleaning septic tanks is paid for by CWMS customers through the annual CWMS service charge. The annual CWMS service charge accounts for one septic tank clean every four years. The cost of any additional cleaning of septic tanks should be paid for by the customer.</p>
6. Compliance inspections including disconnection of illegal stormwater connections.	<p>1. Stormwater shall not be discharged into the CWMS system because the system is not designed to transport stormwater. Stormwater infiltration increases the risk of environmental harm, public health risk and damage to infrastructure.</p> <p>2. Council will undertake compliance inspections of CWMS customers to remove illegal stormwater connections into the CWMS system. Council acknowledges that the property owner may not be aware of the illegal stormwater connection. Council will issue enforcement notices to ensure compliance with provision 50 of the Water Industry Act 2012. A period of 4 weeks will be given to the property owner to comply with the requirements of the enforcement notice.</p>
7. Rehabilitation of drains and structures.	<p>1. Council will plan the rehabilitation and renewal of all CWMS structures greater than a condition rating of 3 (condition assessment based on Water Services Australia Code of Practice WSA 05).</p> <p>2. Always investigating rehabilitation options before renewal, using a cost benefit analysis based on full life cycle cost to determine the preferred solution.</p> <p>3. Assets that have been identified for rehabilitation will be assessed with other assets in the rehabilitation program and</p>

Policy	Policy Description
	<p>prioritised based on asset hierarchy and risk of asset failing.</p> <p>4. Assets that have been identified for renewal or upgrade will be assessed with other assets in the capital works program and prioritised based on asset hierarchy, capacity and risk of asset failing.</p>
1. Management of liquid trade waste customers.	<p>1. Pursuant to Clause 50 of the Water Industry Act 2012, CWMS customers will need to submit a liquid trade waste application to Council for assessment if the customer plans to undertake a commercial activity in premises connected to the CWMS network.</p> <p>2. Council will implement a trade waste management plan to manage trade waste discharges (commercial customers) connected to Council's CWMS network. The trade waste management plan sets out the controls required to ensure trade waste customers comply with the requirements of Council's trade waste agreement with SA Water.</p> <p>3. The intent of the management of liquid Trade waste is to provide an appropriate level of protection such that operational problems in the CWMS network arising from trade waste discharges is reduced.</p> <p>4. Commercial customers includes any business operating out of a premises connected to the CWMS network. This includes CWMS customers operating a home business.</p> <p>5. Trade waste customers will be assessed based on the nature of activity undertaken on the premises and the risk to the CWMS network. The assessment will prescribed minimum requirement of control and conditions to ensure compliance with the trade waste agreement with Council.</p> <p><b>Refer to</b></p> <p>6. <a href="#">Table 3</a> <del>Table 7</del> for additional information regarding this policy.</p>
1. Water quality monitoring of CWMS effluent.	<p>1. Council will undertake water quality monitoring of the CWMS network in compliance with the requirements of Council's trade waste agreement with SA Water.</p>

Policy	Policy Description
	2. Council will take steps to ensure that wastewater quality is maintained at standards acceptable to SA Water.

### 3.2 CWMS Upgrade and Renewal

Maintenance is important component of asset management to achieve asset useful life and to ensure that assets continue to perform at acceptable levels throughout their life. Rehabilitation of assets is an important activity of asset maintenance where defects are addressed to prevent further damage to the asset and maintain functionality and performance of asset. Rehabilitation is not always a suitable option, which is often due to site constraints whereby a new alignment is required or in situations where the asset has defects which would provide greater benefit to renew the asset instead of repair.

Council staff use a risk-based approach to prioritise condition assessments of CWMS infrastructure. Assets that have been condition assessed and found to have defects which are greater than a condition rating of “3” based on the WSA 05 Code will be prioritised and scheduled into the rehabilitation program. Prioritisation is based on the condition of the asset and the risk rating of the asset (refer to Table 1, item 7).

In response to the recent announcement from the State Government of their \$65 million commitment and direction to SA Water to upgrade Council’s CWMS assets to sewer standard, Council had resolved (Resolution 491, 492 and 493) at the Council meeting held 7 July 2020 to –

3.2.1 Temporarily suspend any new capital ~~upgrades with the exception of capital works detailed in Clauses 3.2.3, 3.2.4 and 3.2.5~~ upgrades with exception of Glenere Drive, Modbury Catchment Dawson, Modbury Catchment, Beltana, Fairleigh, Alawa Modbury Catchment and Coulls, Steventon Banksia Park Catchment;

3.2.2 Continue to renew, maintain and repair assets to ensure that the CWMS system is operational and maintained in accordance to the requirements of the OTR’s SRMTMP;

~~3.2.3 Continue with the detailed design work for the sewer conversion of Dawson Drive, Modbury Catchment;~~

~~3.2.4 Continue with the detailed design work for the sewer conversion of Beltana, Alawa and Iliad, Modbury Heights Catchment;~~

~~3.2.5 Continue with the detailed design work for the sewer conversion of Elizabeth Street, Coulls Road, Steventon Road, Banksia Park Catchments.~~

~~3.2.6~~ 3.2.3 The temporary suspension will be in place until a strategy between Council and SA Water is developed or Council resolved otherwise.

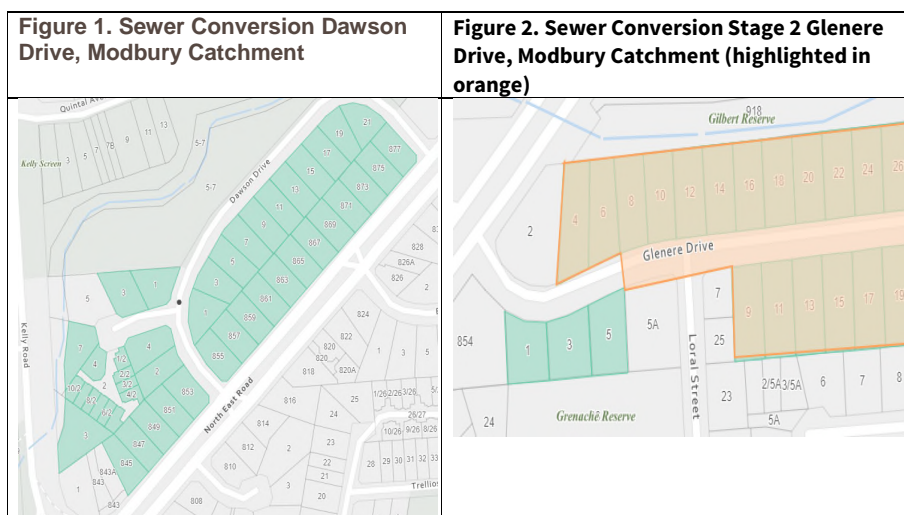
~~3.2.7~~ 3.2.4 Sewer Conversion Pilot Trials -

Council and SA Water have agreed to undertake sewer conversion pilot trials of two CWMS catchment areas which are –



1. Sewer Conversion Stage 2 Glenere Drive, Modbury Catchment (refer to **Error! Reference source not found.**Figure 2). The sewer conversion work on Glenere Drive, Modbury is completed.
2. Sewer Conversion Dawson Drive, Modbury Catchment (refer to **Error! Reference source not found.**Figure 1)

Council is supporting SA Water who will deliver these projects upon completion of their investigation in March 2021.



### 3.3 Collaboration with SA Water

SA Water has been directed by the Minister of Environment and Water to invest into Council CWMS network by upgrading the infrastructure to sewer standards with a view to transition the customers across to SA Water. The direction given by the Minister of Environment and Water to SA Water is consistent with Council's CWMS Infrastructure Management Policy, which is a long term strategy to convert the CWMS system to sewer standards and consideration of divestment of CWMS infrastructure in some areas.

~~To assist SA Water in the completion of their investigation, development of a strategy and the delivery of this project, Council will undertake the following activities in collaboration with SA Water—~~

1. ~~Provide SA Water with technical information regarding the CWMS network, which includes the following—~~
  - a. ~~Flow monitoring data of CWMS mains~~
  - b. ~~Hydraulic models of the network which have been developed by Council~~
  - c. ~~Condition assessment data and reports that have been undertaken by Council~~
  - d. ~~GIS information of the network~~
  - e. ~~CWMS asset register~~
  - f. ~~Survey data of CWMS infrastructure that have been undertaken by Council~~
  - g. ~~Field reports and asset performance data~~

~~h. Where available, provide sanitary drainage diagrams (on property drainage diagrams to SA Water).~~

- ~~2. Provide support to SA Water in the engagement of Council's CWMS customers, such as provision of facilities to undertake information sessions.~~
- ~~3. Provide support to SA Water who may require access to private property to undertake assessments and investigations.~~

### 3.4 Sewer Conversion for CWMS Customers with existing SA Water Connection Points

There are a number of CWMS customers in the City of Tea Tree Gully who in addition to CWMS annual service charges are also required to pay SA Water sewer access charges because the properties have access to an SA Water sewer connection point. Although the properties have SA Water connection points, they are not connected to the SA Water sewer network. In the circumstance where Council CWMS network passes properties where they have transferred to SA Water, no service charge will be applied. As of 30 June 2019, there are 158 CWMS customers with existing SA Water connection points. Council will use its best endeavours to proactively encourage these customers to transfer to SA Water. Transitioning customers will be given reasonable notice of no less than 2 years to connect to SA Water sewer, after which point Council may decommission its CWMS main servicing the property.

The following are some factors that have discouraged property owners from transitioning to SA Water:

1. Cost associated with compliance of sanitary drainage system to current standards.
2. Cost of extending their drainage pipes to the SA Water connection point.
3. Cost of decommissioning septic tanks.
4. Damage to flower beds, sheds, pergolas, garden and reinstatement.
5. New owners have moved in and unaware there is an option or might be unsure of the process to transition.

The policy shown in

~~Table 2~~ ~~Table 6~~ describes how Council will be assisting these CWMS customers in the transition to SA Water.

**Table 2 Policy for CWMS customers with SA Water connections.**

Policy	Policy Description
Conversion from CWMS to sewer for CWMS customers with an existing SA Water connection point.	<ol style="list-style-type: none"> <li>1. CWMS customers with existing SA Water sewer connection points will be transitioned to SA Water sewer.</li> <li>2. The CWMS infrastructure currently servicing these affected properties will be decommissioned when all the CWMS customers have been transitioned to SA Water.</li> </ol>
Funding assistance for the transition from Councils CWMS to SA Water sewer.	<ol style="list-style-type: none"> <li>1. <u>The Sustainable Sewers Transition Plan identifies a number of these properties that will be converted to sewer in Stage 1 and Stage 2 of the Transition Plan.</u></li> <li>2. <u>Property owners with SA Water sewer connections and are not included in Stage 1 or Stage 2 of the Transition Plan may seek financial assistance from Council will provide to enter into payment plans to convert to sewer for current customers with existing SA Water connection points.</u> The duration of the payment plan and schedule of payments will be specific to each property due to the difference in the scope of capital works required for each catchment. The payment plan will include all cost associated with the transition to SA Water.</li> <li>3. <u>Property owners can claim financial assistance for associated on-property works which include the following:</u> <ol style="list-style-type: none"> <li>a. <u>Plumbing work associated with disconnection from CWMS main</u></li> <li>b. <u>Plumbing work associated with decommissioning septic tank.</u></li> <li>a-c. <u>Plumbing work associated with connecting all sanitary drains to sewer main.</u></li> </ol> </li> </ol>

### 3.5 Decommissioning of Septic Tanks

It is a requirement under the SA Health Act that existing septic tanks that are disconnected should be decommissioned. Council's requirements for decommissioning septic tanks that are no longer in use are as follows:

1. All the waste material from the septic tank should be removed and disposed of by an EPA approved waste transporter and EPA approved waste facility.
1. Council is the relevant authority for wastewater works applications under the Public health Regulation 2013 (sewerage)
2. The septic tank should be crushed on site and backfilled ensuring that the lid and base of the tank are broken. Poly tanks should be removed and disposed of at an EPA approved

~~disposal site. Applicants must seek approval from Council through a wastewater works application before commencing any plumbing work on septic tanks.~~

~~3. Applicants who are not the property owner must seek consent from the owner of the property.~~

~~2.4. Septic tanks should be decommissioned in accordance to the requirements set out in the wastewater works approval.~~

~~3. Application of lime on the site and backfilled with appropriate material.~~

~~Property owners who have converted from CWMS to sewer must decommission their septic tanks. Property owners who decommission septic tanks in accordance to Council's requirements are eligible for financial assistance in the form of payment plans. Although removing the septic tank from the ground is an acceptable method of decommissioning septic tanks, Council will provide payment plans for the removal of septic tanks up to an amount of \$600 per septic tank.~~

### 3.6 Development of properties in CWMS Serviced Areas

Consistent with Resolution (493) and (494) of Council Meeting held 7 July 2020, Council will continue to assess new land divisions in accordance to the requirements set out in this Policy and the Development Act 1993. The following table sets out the guiding principles for assessing new developments in CWMS serviced areas.

**Table 3 Policy relating to development of properties in CWMS serviced areas.**

Policy	Policy Description
New Connections	<ol style="list-style-type: none"> <li>1. Pursuant to Clause 8 of the Economic Regulation of Minor and Intermediate Retailers of Water and Sewerage, the cost of any new connections to the CWMS network will be paid for by the applicant. The connection point will be contributed to Council and Council will operate, maintain and renew the asset.</li> <li>2. All connection applications to Council will be required to pay an application fee as stated in Council's fees and charges. The cost of the new connection will be provided to the applicant for consideration.</li> <li>3. Each application will be assessed and approval will be provided for applications if the additional connection does not place any part of the system at an unacceptable risk. For example, if a portion of the system is at capacity, no further development will be permitted in the area until an upgrade of the system is undertaken.</li> <li>4. Applications will be assessed taking into consideration the following: <ul style="list-style-type: none"> <li>• System capacity and upgrade requirements</li> <li>• Distance of connection from the main</li> <li>• Site profile and topography</li> <li>• Requirements for traffic management</li> <li>• Complexity of construction</li> </ul> </li> </ol>

Policy	Policy Description
	<ul style="list-style-type: none"> <li>• Feasibility of connection</li> <li>• Material of construction of the main and condition assessment of the main providing the connection point.</li> </ul> <p>5. Developers will pay developer charges for each new equivalent tenement added to the CWMS scheme. The intent of the developer charge is to promote an equitable system that will ensure that existing CWMS customers who have made financial contributions to the scheme over the years are not financially disadvantaged from new developments which put additional demand on the CWMS system. Developer charge must be paid for by the applicant for each new equivalent tenement added to the system. The cost of the developer charge can be found in Council's Fees and Charges Register.</p>
Extension of CWMS mains	<p>1. Pursuant to Clause 8 of the Economic Regulation of Minor and Intermediate Retailers of Water and Sewerage, the applicant must cover the cost of extending the network to meet the new connection point.</p> <p>2. Council will arrange design and construction of extensions of the CWMS mains to meet Water Services Australia Code of Practice WSA 02 and SA Water standards. Work will be undertaken in accordance with Council's Procurement Policy through an open and transparent process.</p> <p>3. Council will superintend all work associated with the extension of the CWMS main <u>and installation of new CWMS connection point</u>.</p>
Upgrade of CWMS mains	<p>1. An upgrade to Councils existing CWMS network may be required to provide an applicant with a connection point. The applicant should pay for the system upgrade, <u>if there are no other CWMS customers benefiting from the upgrade</u>.</p> <p>2. There may be capital contribution from Council to cover the cost of a portion of the upgrade if there were developer charges paid to Council in the past for the portion of network requiring upgrade. For example, a developer is required to upgrade a CWMS main to service the proposed development because the current CWMS main servicing the street is not able to safely transport the wastewater from the proposed development. Council has in the past obtained developer charges associated with the same asset to a value of \$20,000. Council will contribute a maximum of \$20,000 to upgrade the asset.</p>

Policy	Policy Description
Modification of an existing connection	<ol style="list-style-type: none"> <li>CWMS customers may decide to undertake the following modification to their existing connection. <ul style="list-style-type: none"> <li>Installation of a swimming pool, spa or pond/water feature</li> <li>Installation of a new pump to an existing swimming pool, spa or pond/water feature</li> <li>Starting up a business from home</li> <li>Starting up a new business from an existing commercial property.</li> </ul> </li> <li>Pursuant to Clause 50 of the Water Industry Act 2012, CWMS customers will need to submit an application to Council for assessment if they are planning to undertake any of the above activities.</li> <li>Applications will be assessed taking into consideration the following: <ul style="list-style-type: none"> <li>System capacity and upgrade requirements</li> <li>Distance of connection from the main</li> <li>Site profile and topography</li> <li>Feasibility of connection</li> <li>Material of construction of the main and condition assessment of the main providing the connection point.</li> </ul> </li> <li>Council have a trade waste agreement with SA Water because CWMS wastewater is discharged into the SA Water sewer network. CWMS customers who are either operating as a commercial premises or have a home business must enter into a trade waste agreement with Council. Commercial premises and home based business will comply with Council's risk-based approach to manage trade waste discharges into the CWMS network. Appropriate pre-treatment devices must be in place to prevent damage to the network and ensure that Council does not breach SA Water discharge limits.</li> </ol>
Disconnections	<ol style="list-style-type: none"> <li><u>Property owners serviced by CWMS should disconnect from the CWMS system prior to the commencement of works on site such as demolition of a house, installation of a new septic tank. This will ensure that the CWMS main is protected from damage.</u></li> <li><del>1-2.</del> CWMS Customers may apply to disconnect from Council's CWMS scheme. The request must be made by the owner of the property <u>or on behalf of the property owner</u>.</li> <li><del>2-3.</del> A disconnected property will not be able to discharge wastewater into the CWMS scheme.</li> <li><del>3-4.</del> Council will not permit a disconnection of a property unless there is an alternate SA Health approved</li> </ol>

Policy	Policy Description
	<p>method of wastewater disposal. For example, connection to SA Water sewer scheme.</p> <p><u>4.5.</u> Council may give notice to existing customers of the intent to decommission a CWMS main because an alternate service through SA Water is available. The customer will be given reasonable notice of no less than 2 years to connect to the new SA Water service, after which Council may decommission its CWMS main servicing the property.</p> <p><u>5.6.</u> Council will not charge disconnected properties the CWMS annual service charge if the properties are connected to the SA Water sewer scheme.</p> <p><u>7. The applicant seeking to disconnect from the CWMS main shall pay the fees and charges associated with disconnecting from the CWMS main. CWMS customers will have to pay a disconnection fee. The disconnection fee covers the cost of decommissioning the connection point. The disconnection fee is shown in the Fees and Charges register.</u></p> <p><u>6.8. Disconnections from the CWMS main should be undertaken in accordance to the relevant Codes and Standards.</u></p>
Realignment of CWMS mains	<ol style="list-style-type: none"> <li>1. The location of existing CWMS mains can potentially reduce the development potential of the parcel land. Applicants may in writing request for the CWMS main to be relocated to a different location.</li> <li>2. The application will be assessed based on the following criteria <ul style="list-style-type: none"> <li>• Feasibility of the realignment</li> <li>• Feasibility of the construction work without service disruptions.</li> <li>• Application will not be approved if it has an adverse impact on existing customers or increases the risk of damage to the infrastructure.</li> <li>• Benefit to the network.</li> </ul> </li> <li>3. Council will assess the application and design an alternate route. Council will superintend all work associated with the realignment.</li> <li>4. The applicant will pay for all cost associated with the design and construction of the work.</li> </ol>

### 3.7 Management of CWMS Easements

An easement is an interest in land. Specifically, an easement is a contract between parties to give an entity (the grantee) the right to use another's land (the grantor) for a particular purpose. The effect of an easement is to partially restrict a landowner's use of the land, which is the subject of the easement.

Some common mechanisms for creating new easements include:

1. Land division where the land is divided and new services such as water, sewer, electricity, stormwater drainage are required to service the newly created sub-division.
2. Re-alignment of essential service and other infrastructure, such as water, sewer, electricity and stormwater infrastructure.

Short Form Easements is defined in Schedule 6 of the Real Property Act 1886 and gives the grantee limited rights to the land (refer to Definitions). Additional conditions cannot be imposed in relation to how land over a Short Form Easement can be further developed. This means that the grantee cannot legally prevent the construction of a building, or the carrying out of earthworks (fill and/or excavation) with a Short Form easement. Such work can obstruct the entity's access to the infrastructure for maintenance purpose

A large portion of CWMS assets are not registered with the Lands and Title Office and therefore do not appear on the land title. CWMS infrastructure is protected under Part 6 Division 1 of the Water Industry Act 2012 and are regarded as statutory easements.

**Table 4 Policy for the management of CWMS easements**

Policy	Policy Description
Creating of new easements	<ol style="list-style-type: none"> <li>1. All newly created CWMS easements will be Long Form Easements and will have limitations placed on the following: <ul style="list-style-type: none"> <li>• The alteration of ground levels within the easements.</li> <li>• The design and nature of buildings permitted to be constructed within the easement;</li> <li>• Any other conditions as deemed appropriate by the Council Delegate.</li> </ul> </li> <li>2. New CWMS easements should as far as practicable be located in a location where they minimise the impact on the development of the land. The intent of this policy is to limit the occurrence of severing a parcel of land preventing development of the land.</li> <li>3. New CWMS easements created through the land division process will not receive compensation for the new easement on the affected land. This is because the easement is often required to provide wastewater service to the new connection point servicing the development.</li> <li>4. An easement may be so close to the property boundary that the easement overlaps into the adjacent property. New CWMS easements should only impact one parcel of land and not cross over the boundary of the parcel of land.</li> <li>5. New CWMS easements created through the land division process will not receive compensation for the new easement on the affected land.</li> </ol>



Policy	Policy Description
	6. The width of an easement is a minimum of one and a half metres (1.5m) horizontal distance either side of the centre line of the drainage pipe. Therefore the minimum width of an easement shall be three metres (3m). The length of the CWMS easement will over the same length of the CWMS infrastructure.
Easement negotiation, compensation and settlement	<ol style="list-style-type: none"> <li>1. There may be private landowners in the City of Tea Tree Gully who have CWMS infrastructure on their land, which are unregistered with the Lands Title Office as easements. The CWMS infrastructure is protected under Part 6 Division 1 of the Water Industry Act 2012 and are regarded as statutory easements. Council will not retrospectively compensate these landowners with CWMS infrastructure on their land.</li> <li>2. CWMS easements will be acquired before the installation of new CWMS infrastructure on the affected land. The delegation register designates the staff with authority pursuant to Clause 24(2)(b) and 25 of Schedule 1A of the Act to acquire easements or other appropriate interest over the relevant land by agreement with the owner or in accordance with the Land Acquisition Act 1969.</li> </ol>
Encroachment of Easements	<ol style="list-style-type: none"> <li>1. The purpose of the encroachment policy is to protect Council's CWMS infrastructure from damage.</li> <li>2. An encroachment is any change in the land, land use or may be a physical intrusion of a structure, or item into, over or under the land subject to Council CWMS infrastructure. Clause 49 of the Water Industry Act 2012 sets out the legislation regarding the encroachment of assets owned by the water industry entity to protect infrastructure, equipment and services.</li> <li>3. Council will provide a set of encroachment guidelines "Propose Encroachment over Community Wastewater Management System Infrastructure Information Sheet" to assist developers, CWMS customers, builders and other stakeholders.</li> <li>4. The delegation register designates the staff with authority pursuant to Section 49(1) of the Water Industry Act to consent to a person to encroach on CWMS easements. Consent should not be given if the risk controls proposed do not adequately satisfy engineering and work health and safety requirements.</li> </ol>

### 3.8 Decommissioning redundant CWMS Infrastructure

CWMS infrastructure is made redundant under the following circumstances:

1. Provision of new wastewater infrastructure through asset renewals and upgrades.
2. Provision of new wastewater infrastructure as part of the Sustainable Sewers Program.

Redundant CWMS infrastructure should be decommissioned in accordance to relevant codes and standards. The relevant codes and standards include the OTR Infrastructure standards (Gravity Sewerage Code 3.1 2014) and Plumbing Code AS3500.

Where a design results in a disuse of an existing sewer pipe, the Design Drawings and Specifications shall detail treatment of the redundant CWMS infrastructure. Council shall be consulted for instructions regarding disused sewers.

SA Department of Health is the regulator for wastewater under the Public Health Regulation 2013 (Sewerage). Council shall seek advice from the regulator regarding the decommissioning requirements for redundant CWMS infrastructure.

### 3.93.9 **Payment plans**

Council will offer payment plans for CWMS customers in the following situations:

1. Sewer conversion for CWMS customers with SA Water connection points.
2. When Council instigates an upgrade to sewer standard.

Where a payment plan is offered to a CWMS customer, Council will inform the customer on an agreement being reached, of:

- a. The duration of the plan
- b. The amount of each instalment payable under the plan, the frequency of instalments and the date by which each instalment must be paid
- c. If the customer is in arrears, the number of instalments to pay the arrears, and
- d. If the customer is to pay in advance, the basis on which instalments are calculated.

Council will continue to regard community members on payment plan as CWMS customers and are eligible for Councils Community Wastewater Management System and Recycled Water Customer Hardship Policy.

Where a hardship customer is seeking assistance in accordance with this Policy, but has failed to fulfil their obligations under an existing hardship arrangement, Council will require them to sign up for Centrepay or direct debit deductions.

### 3.93.10 **General provisions**

Council will ensure residential customers have equitable access to this Policy, and that this Policy is applied consistently. A copy of the documentation will be available at no charge to customers. Council will ensure appropriate training of employees administering this Policy to ensure that the policy is undertaken consistently. Council will also make a copy of this Policy available to a customer upon request as soon as practicable following a request to do so.

### 3.103.11 Complaints handling

Council's General Complaints Policy detailing Council's customer complaints and dispute resolution process is available at Council's website [www.teatreegully.sa.gov.au](http://www.teatreegully.sa.gov.au). Council will also make a copy of this policy available to a residential customer, upon request.

## 4 DEFINITIONS

For the purposes of this Policy the following definitions apply:

### AMP

Asset management plan. It is a comprehensive process to ensure that delivery of services from the infrastructure is provided in a sustainable manner.

### Asset Hierarchy

Asset hierarchy is the terminology used to describe the importance/criticality of an asset. Asset hierarchy in accordance to the CWMS AMP is dependent on the number of CWMS connections reliant on the asset. The greater the number of CWMS connections related to an asset, the greater the importance of the asset. Disruptions of assets with a high level of importance will affect a greater number of customers and also result in greater financial impact to Council.

### CEO

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

### Commercial Customers

Commercial customers are any CWMS customer discharging non-domestic waste into the CWMS network.

### Condition assessment

Condition assessment is used to determine the functionality and structural integrity of a structure. Condition assessment of CWMS infrastructure will be in accordance to the Water Services Australia Code of Practice (WSA 06). Condition rating of asset range from 1 to 5 (good to poor respectively). In general, assets with a condition rating of 3 and less do not require rehabilitation and do not appreciably increase the risk of damage to under downstream or upstream assets. Assets with a condition rating of 4 require intervention to prevent asset failure or damage to other associated assets. Assets with a condition rating of 5 require immediate intervention because either the asset has failed or the asset is close to failure.

### Connection Point

The connection point is the point at which the sanitary drain from a property connects into the Council main. The connection point is owned, operated and maintained by Council.

### Conversion

Conversion in this document specifically refers to the conversion of all mains and sanitary drainage from CWMS to sewer standard.

### Customer

As defined in the Water Industry Act 2012 means a person who owns land in relation to which a retail service is provided and includes:

- Where the context requires, a person seeking the provision of a retail service, and
- In prescribed circumstances, a person supplied with retail services as a consumer or user of those services (without limiting the application of this definition to owners of land) and
- A person of a class declared by the regulations to be customers.

#### CWMS

Refers to Community wastewater management system. This system is an alternative service to SA Water mains sewer. The infrastructure is owned and managed by Council.

#### Developer Charge

Developer charges are upfront charges to recover part of the infrastructure cost incurred in servicing new developments or additions and changes to existing developments

#### Easement

The right to use a portion of land for a specific purpose. An easement generally provides for the provision of a service.

#### Equivalent Tenement (ET)

Equivalent tenement (ET) is a measure of the load a property places on the CWMS system. For example, 1 ET is the CWMS discharge from an average single residential house under dry weather flow.

#### Fees and Charges Register

A register that contains Council's fees and charges.

#### Land division

Land Division has the same meaning as the term "Division" as defined within Section 4 of the Development Act 1993. Division of an allotment means:

- The division, subdivision or re-subdivision of the allotment (including community plan under the Community Titles Act 1996 and by strata plan under the Strata Titles Act 1988); or
- The alteration of the boundaries of an allotment; or
- The conferral or exercise of a present right to occupy part only of an allotment under a lease or licence, or an agreement for a lease or licence, the term of which a right or option of renewal or extension exist so that the lease, licence or agreement may operate by virtue of renewal or extension for a total period exceeding six years or such longer period as may be prescribed; or
- The grant or acceptance of a lease or licence, or the making of an agreement for a lease or licence, of a class prescribed by regulation.

#### Liquid trade waste

Liquid trade waste is any wastewater that is discharged from commercial activity into Council's CWMS network. This includes business that operate from home.

#### Long Form easements

Unlike the Short Form Easement, the specific description of the Long Form Easement is not found in the Real Property Act 1886. The description for a Long Term Easement and its conditions for this easement are set out in the full documentation creating the easement and can be varied depending on the circumstances and the reasons for the easement.

#### Maintenance

To maintain infrastructure to ensure that assets are serviceable through their useful lives.

#### Renewal

The like for like replacement of an asset.

#### Septic Tanks

Septic tanks provide pre-treatment of wastewater and intercept solids, preventing the solids from entering into CWMS drains. Septic tank are not part of Council's CWMS network and are owned by property owners connected to the CWMS scheme.

#### Service easement

Under section 223LG of the Real Property Act 1886, a service easement means an easement in favour of:

- A water industry entity for sewage or water supply purposes
- A council or the crown for drainage purpose; or
- An electricity entity for electricity supply purposes.

#### Sewage

As defined in the Water Industry Act 2012 includes any form of waste that may be appropriately removed or dealt with through the use of a sewerage service.

#### Sewage services

As defined in the Water Industry Act 2012 means:

- A service constituted by the collection, storage, treatment or conveyance of sewage through the use of a reticulated system, or
- Any other service, or any service of a class, brought within the ambit of this definition by the regulations.

#### Short Form easements

Section 89A of the real Property Act 1886 provides for a short form description to be used on a plan and title. Where used, the short form wording incorporates the corresponding long form description of that easement as set out in the Schedule 6 of the Real Property Act. Schedule 6 of the Real Property Act 1886 gives rights to the grantee to "enter the land, break surface of, dig, open up and use the land for the purpose of laying down, fixing up, repairing, relaying or examining." Additional conditions cannot be imposed in relation to how land over a Short Form Easement can be further developed. This means that the grantee cannot legally prevent the construction of a building, or the carrying out of earthworks (fill and/or excavation) with a Short Form easement. Such work can obstruct the entity's access to the infrastructure of maintenance purpose.

#### Upgrade

To replace an asset with a new asset that performs the same general tasks but at a higher level.

Eg.

1. Increasing the capacity of a drain to accommodate for more flow through the pipe.
2. Changing the material of construction to a stronger material that can withstand greater stresses.
3. Conversion from CWMS to sewer.

#### Water industry entity (WIE)

Council is a water industry entity (WIE) under the WI Act. Council holds a licence under Part 4 of the WI Act to provide retail services. Council variously answers to the Minister for Environment and Water, the Essential Services Commission of South Australia, and the Technical Regulator (each of which are invested with different aspects of governmental authority under the WI Act)

## 5 LEGISLATIVE FRAMEWORK

The following legislation applies to this Policy:

- a. Water Industry Act 2012
- b. South Australia Water Industry Regulations 2012
- c. Essential Services Commission Act 2002
- d. Economic Regulation of Minor and Intermediate Retailers of Water and Sewerage Services

### 5.1 Other references

Council's documents including:

- a. Community Wastewater Management System Asset Management Plan
- b. City of Tea Tree Gully's Delegation Register
- c. Fees and Charges Register
- d. Customer Service Charter for Recycled Water & Sewage (CWMS) Services
- e. Late Payment and Sale of Land for Non-payment of Council Rates Policy
- f. General Complaints Policy
- g. Internal Review of Council Decisions Policy
- h. Easements Management Policy
- i. Community Wastewater Management System and Recycled Water Customer Hardship Policy
- j. Encroachment over Community Wastewater Management System Infrastructure Information Sheet

External documents including:

- a. Water Retail Code – Minor and Intermediate Retailers
- b. Water Retail Code – minor and intermediate retailers WRX-MIR/01 – Explanatory memorandum

## 6 STRATEGIC PLAN/POLICY

### 6.1 Strategic Plan

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

Objective	Comments
Environment	
A community that is protected from public and environmental health risks	<ul style="list-style-type: none"><li>Well maintained wastewater infrastructure that meets the changing needs of the community.</li></ul>
Economy	
Modbury Precinct is revitalised as the city's key activity	<ul style="list-style-type: none"><li>The provision of wastewater infrastructure that is consistent with the Modbury Activation Policy.</li><li>The provision and maintenance of wastewater infrastructure that is reliable and does not impede growth in the City.</li></ul>
A population profile that supports a growing economy	
A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the livability of our city	
Places	
Leadership	
Customer service provides a positive experience for people and is based on honesty and transparency	<ul style="list-style-type: none"><li>The Policy sets out Council's responsibilities and service standards that for part of the asset management plan.</li></ul>
Planning considers current and future community needs	<ul style="list-style-type: none"><li>The Policy sets out the commitment to convert the CWMS scheme to sewer standard.</li><li>The Policy sets out the assessment criteria for approving new connections for land divisions.</li><li>The Policy sets out the principles of decision making process for repairs and maintenance of CWMS infrastructure.</li></ul>
Delivery of services is sustainable and adaptable	
Decision making is informed, based on evidence and is consistent	

## 6.1 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan that focuses on five key themes of organisational excellence. The theme most relevant to this report is: Customers and community relations.

## 7 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.







Mellor Olsson Lawyers  
ABN 44 157 825 957  
lawyers@molawyers.com.au

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## ASSET TRANSFER AGREEMENT

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Between:

**CITY OF TEA TREE GULLY**  
(Transferor)

and

**SOUTH AUSTRALIAN WATER CORPORATION**  
(Transferee)

**Adelaide**  
Pirie House, Level 6, 89 Pirie Street  
Adelaide SA 5000

GPO Box 74 Adelaide SA 5001.

P 08 8414 3400  
F 08 8414 3444

**Port Lincoln**  
11 Mortlock Terrace  
Port Lincoln SA 5606

PO Box 411 Port Lincoln SA 5606

P 08 8682 3133  
F 08 8682 6030

**Clare**  
165 Main North Road  
Clare SA 5453

PO Box 671 Clare SA 5453

P 08 8842 1833  
F 08 8842 1811

**Regional Offices**  
(By appointment only)

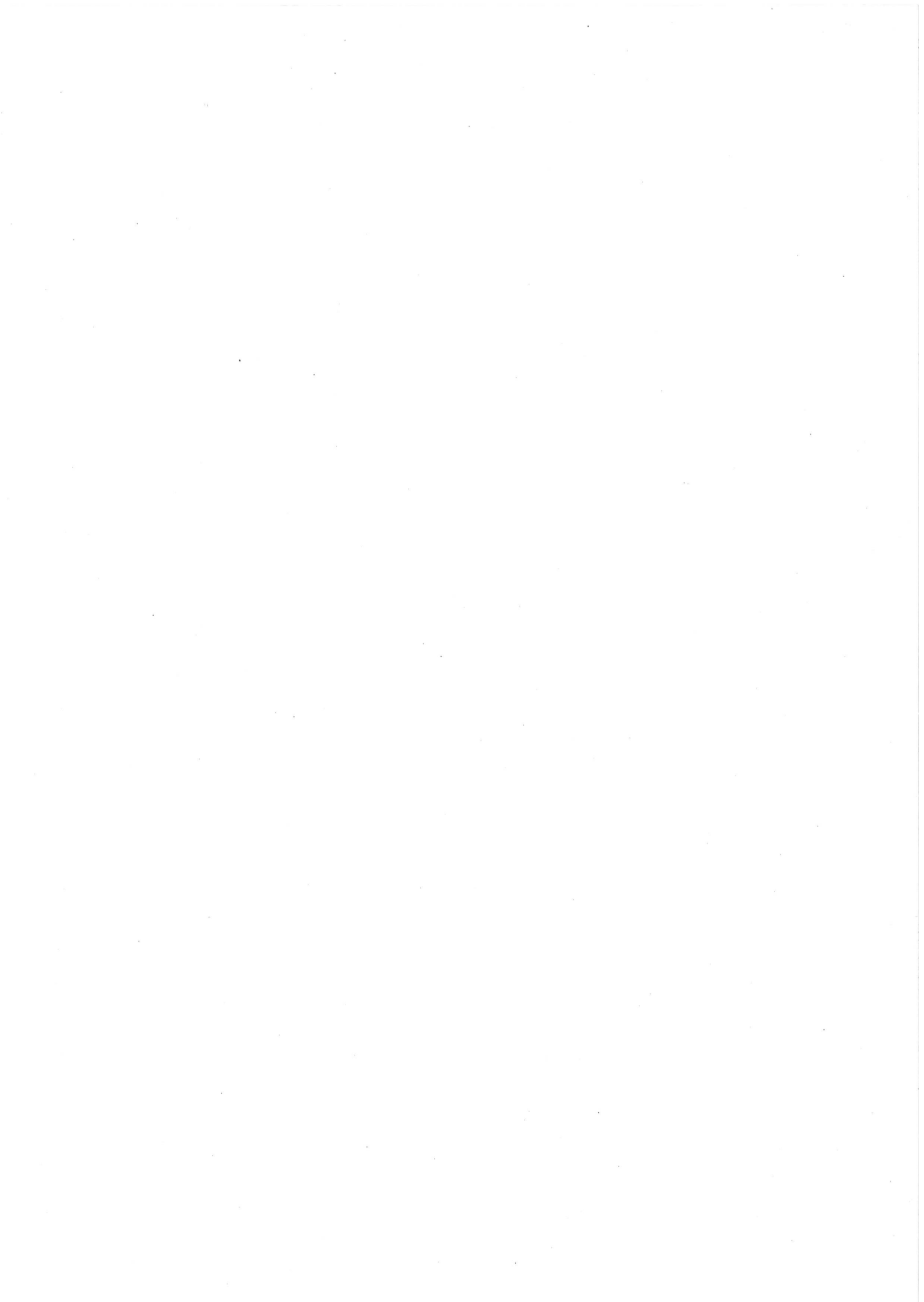
Barossa Valley, Bordertown,  
Kadina, Keith, McLaren Vale

P 1300 414 414  
F 08 8414 3444

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Item 13.6

Attachment 2



AGREEMENT dated 20 June 2022

## PARTIES

**THE CITY OF TEA TREE GULLY** ABN 69 488 562 969 of 571 Montague Road, Modbury SA 5092  
(Transferor)

and

**SOUTH AUSTRALIAN WATER CORPORATION** ABN 69 336 525 019 of 250 Victoria Square,  
Adelaide SA 5000 (Transferee)

## RECITALS

- A. The Transferor is the owner of the Assets.
- B. The Transferee acknowledges the commitments made by the State Government as set out in the document titled 'Taking control of the CWMS' and attached as Schedule 2 to this agreement.
- C. The Transferor has agreed to transfer and the Transferee has agreed to accept the Assets on the terms and conditions contained in this agreement.

## AGREEMENT

### 1. DEFINITIONS

In this agreement:

**Assets** means the items set out and described in Schedule 1, subject to any changes under clause 6.2;

**Business Day** means a day which is not a Saturday, Sunday or public holiday in Adelaide;

**Completion** means completion of the transfer of the Assets contemplated in this agreement;

**Encumbrance** means any mortgage, lien, charge, pledge, claim or other encumbrance;

**Existing CWMS Customers** means any person that is an existing customer of the Transferor in relation to the Assets;

**Transfer Date** means 1 July 2022; and

**Transfer Fee** means the amount calculated under clause 3.1.

### 2. TRANSFER OF ASSETS

The Transferor as owner agrees to transfer the Assets to the Transferee and the Transferee agrees to accept the Assets:

- 2.1 for the Transfer Fee;

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- 2.2 free from any Encumbrance; and
- 2.3 with effect from the Transfer Date.

### 3. TRANSFER FEE

#### 3.1 Amount

The Transfer Fee for the Assets is \$1.00 (inclusive of GST)

#### 3.2 Payment

The Transferee will pay the Transfer Fee to the Transferor or as the Transferor otherwise directs as to \$1.00 on Completion in accordance with clause 4.3.

### 4. COMPLETION

#### 4.1 Time and place

Completion will take place at 12:01am on the Transfer Date.

#### 4.2 Transferor's obligations

At Completion the Transferor must:

- 4.2.1 deliver to the Transferee possession and control of the Assets;
- 4.2.2 use best endeavours to provide the Transferee with all records relating to the Assets, except that the Transferor may maintain any document required by law to be held by the Transferor and deliver copies of those retained documents to the Transferee;
- 4.2.3 any other document or thing reasonably necessary to give full effect to this agreement as it relates to the Transferor.

#### 4.3 Transferee's obligations

At Completion the Transferee must:

- 4.3.1 pay to the Transferor the Transfer Fee; and
- 4.3.2 transfer all Existing CWMS Customers to its system, from which point onwards they will become customers of the Transferee subject to the Transferee's customer contracts.

#### 4.4 Simultaneous actions at Completion

In respect of Completion:

- 4.4.1 the obligations of the parties under this agreement are interdependent; and
- 4.4.2 all actions required to be performed will be taken to have occurred simultaneously on the Transfer Date.

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**5. TITLE AND RISK****5.1 Title**

Title to the Assets passes to the Transferee at Completion.

**5.2 Possession**

Possession of the Assets and risk related to the Assets is given and taken at Completion.

**6. OTHER TERMS AND CONDITIONS OF THE TRANSFER**

In addition to the terms and conditions of the transfer of the Assets as set out above, the parties acknowledge and agree that the following terms and conditions apply to the transfer:

**6.1 Warranties from third parties**

At Completion the Transferor will transfer, or take all such steps as are necessary on its part to be taken, for the Transferee to obtain the benefit of warranties provided by third party suppliers of plant and equipment installed in and forming part of the Assets.

**6.2 Fluidity of Assets**

6.2.1 The parties acknowledge that the Assets may be subject to change between the date of execution of this agreement and the Transfer Date.

6.2.2 The Transferor warrants that it will keep the Transferee up to date with any changes to the Assets as contemplated under clause 6.2.1, and will provide any records or documentation associated with such changes as part of complying with clause 4.2.2.

**6.3 Development approvals**

The parties acknowledge that there may be instances in which Existing CWMS Customers have obtained development approval and are waiting for CWMS connections to be provided, and the Transferee warrants that it will provide CWMS connection points where required in accordance with those approvals.

**6.4 Transferee Warranty**

The Transferee warrants that it has completed or will complete its own review and inspection of the Assets and accepts the transfer of the Assets in their condition as at the Transfer Date.

**7. INTERIM ACCESS**

7.1 Between the date of executing this agreement and the Transfer Date, the Transferor agrees that it will permit the Transferee, as its agent, to enter onto any land and/or property where the Transferor has the benefit of an easement or right of access that is related to the Assets.

7.2 The Transferee agrees to comply with all conditions of entry (if any) when exercising the rights granted under clause 7.1.

7.3 The Transferee indemnifies the Transferor against any claim or damages arising out of or in relation to the Transferee's access to land or property under clause 7.1.

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**8. INDEMNITY**

- 8.1 The Transferee indemnifies the Transferor against any liability which the Transferor incurs as a consequence of anything that Transferee does or omits to do in relation to the Assets after the Transfer Date.
- 8.2 The Transferor indemnifies the Transferee against any liability which the Transferee incurs as a consequence of anything that the Transferor does or omits to do in relation to the Assets up to and including the Transfer Date.
- 8.3 The Transferee indemnifies and releases the Transferor from and against all actions, costs, claims, charges and expenses whatsoever which may be brought or made or claimed against them as a result of any inaccuracy or omission relating to any information or records provided in accordance with clause 4.2.2.

**9. TRANSITION PERIOD**

- 9.1 The Transferor agrees that following the Transfer Date and up until 1 October 2022 ("**Transition Period**"), it will continue to operate and maintain the Assets in accordance with service standards agreed between the parties acting reasonably.
- 9.2 The parties agree that the Transferor's obligations during the Transition Period will be broadly as follows:
- 9.2.1 responding to customer service requests to inspect and clear blockages in Assets;
  - 9.2.2 program preventative maintenance of the Assets including cleaning of septic tanks;
  - 9.2.3 provide operational customer service support; and
  - 9.2.4 undertaking reasonable repairs of the Assets as required.
- 9.3 If there are any works that do not fall under the services outlined under clause 9.2, the Transferor will notify the Transferee and the parties will agree as to which party is responsible for those works. Both parties must act reasonably in reaching this agreement.
- 9.4 The Transferee agrees to pay the Transferor a fixed monthly fee of \$135,000.00 to cover the carrying out the continued services outlined under clause 9.2.

**10. CUSTOMER CARE**

The parties acknowledge and agree that they will both use best endeavours to minimise impacts to Existing CWMS Customers during the Transition Period.

**11. TERMINATION OF TRANSITION MANAGEMENT AGREEMENT**

The Transferor and the Transferee acknowledge that the existing agreement between them dated 11 February 2022 and titled 'Transition Management Agreement – Tea Tree Gully Sustainable Sewers Program' will terminate effective as at the Transfer Date.

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**12. GOODS AND SERVICES TAX****12.1 Interpretation**

Words or expressions used in this clause 6 which are defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) or, if not so defined, then which are defined in the Trade Practices Act 1974 (Cth), have the same meaning in this clause.

**12.2 GST inclusive amounts**

For the purposes of this agreement where the expression 'GST inclusive' is used in relation to an amount payable or other consideration to be provided for a supply under this agreement, the amount or consideration will not be increased on account of any GST payable on that supply.

**12.3 Consideration is GST exclusive**

Any consideration to be paid or provided for a supply made under or in connection with this agreement, unless specifically described in this agreement as 'GST inclusive', does not include an amount on account of GST.

**13. DISPUTE RESOLUTION****13.1 Dispute Resolution Procedure**

Any dispute between the parties arising under this agreement must be dealt with by the dispute resolution procedure set out in this clause 13.

**13.2 Negotiation by Senior Representatives**

13.2.1 If a dispute arises in connection with this agreement and one party requires it to be resolved, that party must promptly give the other party written notice (in accordance with clause 17.1) identifying, and giving details of, the dispute.

13.2.2 As soon as is reasonably practicable but within 14 days of the notice of dispute being submitted, a senior representative of each party to this agreement must meet and genuinely attempt to resolve the dispute.

**13.3 Negotiation by Chief Executive Officers**

13.3.1 If within 14 days of the first meeting under clause 13.2.2 (or such later date as the parties agree), the dispute is not resolved then, the chief executives of both parties must meet within 7 days of the expiry of that 14 day period and attempt to resolve the dispute.

13.3.2 If within 14 days of the meeting convened under clause 13.3.1, the dispute has not been resolved, then either party may commence court proceedings.

**14. STAMP DUTY**

The Transferee is responsible for any stamp duty payable on this Agreement.

**15. ASSIGNMENT**

A party must not assign this agreement or any right under this agreement.

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**16. MISCELLANEOUS****16.1 Alteration and amendments**

This agreement may only be altered or amended by agreement in writing and signed by each party.

**16.2 Entire agreement**

This agreement:

16.2.1 constitutes the entire agreement between the parties about its subject matter;

16.2.2 supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about its subject matter.

**16.3 Waiver**

A waiver of a provision of or right under this agreement:

16.3.1 must be in writing signed by the party giving the waiver;

16.3.2 is effective only to the extent set out in the written waiver.

**16.4 Exercise of power**

16.4.1 The failure, delay, relaxation or indulgence by a party in exercising a power or right under this agreement is not a waiver of that power or right.

16.4.2 An exercise of a power or right under this agreement does not preclude a further exercise of it or the exercise of another right or power.

**16.5 Severance**

If a provision of this agreement would, but for this clause, be unenforceable:

16.5.1 the provision must be read down to the extent necessary to avoid that result; or

16.5.2 if the provision cannot be read down to that extent, it must be severed without affecting the validity and enforceability of the remainder of this agreement.

**16.6 Survival**

Each indemnity, obligation of confidence and other term capable of taking effect after the expiration or termination of this agreement, remains in force after the expiration or termination of this agreement.

**16.7 Good faith**

The parties must at all times during the term of this agreement act towards each other in good faith.

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**16.8 Further action**

16.8.1 Each party must do all things necessary to carry out and give effect to this agreement.

16.8.2 A party must not do anything that will prevent this agreement from being carried out.

**16.9 Confidentiality**

A party must not at any time make improper use or disclosure of any information about the affairs of the other party obtained in negotiations for, or in performance of, this agreement and not in the public domain.

**16.10 Counterparts**

16.10.1 This agreement may be executed in any number of counterparts.

16.10.2 All counterparts, taken together, constitute one instrument.

16.10.3 A party may execute this agreement by signing any counterpart.

**16.11 Costs**

Each party will bear their own costs incidental to the preparation, negotiation and execution of this agreement.

**16.12 Governing Law**

This agreement is governed by the laws of South Australia.

**17. NOTICES****17.1 Giving notice**

A party giving notice or notifying under this agreement must do so in writing:

17.1.1 directed to the recipient's address specified in this agreement, as varied by any notice; and

17.1.2 hand delivered or sent by prepaid post, facsimile or email to that address.

**17.2 Receipt of notice**

A notice given in accordance with clause 17.1 is taken to be received:

17.2.1 if hand delivered, on delivery;

17.2.2 if sent by prepaid post, two Business Days after the date of posting; or

17.2.3 if sent by facsimile, when the sender's facsimile system generates a message confirming successful transmission of the total number of pages of the notice unless, within eight Business Hours after that transmission, the recipient informs the sender that it has not received the entire notice.

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**17.3 Other modes of service permitted**

The provisions of this clause are in addition to any other mode of service permitted by law.

**17.4 Meaning of 'notice'**

In this clause 'notice' includes a demand, request, consent, approval, offer and any other instrument or communication made, required or authorised to be given under this agreement.

**18. INTERPRETATION**

In this agreement, unless the contrary intention appears:

- 18.1 headings are for ease of reference only and do not affect the meaning of this agreement;
- 18.2 the singular includes the plural and vice versa and words importing a gender include other genders;
- 18.3 other grammatical forms of defined words or expressions have corresponding meanings;
- 18.4 a reference to a clause, paragraph, schedule or annexure is a reference to a clause or paragraph of, or schedule or annexure to, this agreement and a reference to this agreement includes its schedules and annexures;
- 18.5 a reference to a party includes its executors, administrators, successors and permitted assigns;
- 18.6 a reference to 'A\$', '\$A', 'dollar' or '\$' is a reference to Australian currency;
- 18.7 a reference to a specific time for the performance of an obligation is a reference to the time in South Australia even if the obligation is to be performed elsewhere.
- 18.8 words and expressions importing natural persons include partnerships, bodies corporate, associations, governments and governmental and local authorities and agencies;
- 18.9 if a covenant, undertaking, representation, warranty, indemnity or agreement is made or given by two or more parties, that covenant, undertaking, representation, warranty, indemnity or agreement is made or given and binds those parties jointly and severally;
- 18.10 if a party comprises two or more persons, a covenant, undertaking, representation, warranty, indemnity or agreement made or given by that party binds those persons jointly and severally;
- 18.11 a reference to writing includes typewriting, printing, lithography, photography and any other mode of representing or reproducing words, figures or symbols in a permanent and visible form;
- 18.12 reference to any legislation or statutory instrument or regulation is construed in accordance with the *Acts Interpretation Act 1901* (Cth) or the equivalent State legislation, as applicable;

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- 18.13 if a day for payment under this agreement falls on a day that is not a Business Day, the payment is due on the next Business Day;
- 18.14 a document expressed to be an exhibit means a document a copy of which has been initialled for the purposes of identification by or on behalf of the parties; and
- 18.15 the Special Conditions in the Schedule 1 will apply to this agreement and in the event of any inconsistency with the terms and conditions in the body of this agreement then those Special Conditions will prevail.

**EXECUTED** as an agreement.

**Council**

**Executed** by the authorised delegate of  
**THE CITY OF TEA TREE GULLY**  
pursuant to section 44 of the *Local*  
*Government Act 1999*



.....  
Signature of authorised delegate

John Moyle

Chief Executive Officer



.....  
Signature of witness

**LISA LEHMANN**

.....  
Name of witness (print)

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**SA Water**

EXECUTED for and on behalf of  
**SOUTH AUSTRALIAN WATER**  
**CORPORATION** by a person duly  
authorised to do so in the presence of:



Signature of Witness

LISA LEHMAN

Name of Witness

  
Signature

David Ryan

Print Name

Chief Executive Officer

Print Position

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**SCHEDULE 1****ASSETS**

For the purpose of this agreement, the Assets means all CWMS infrastructure located within the Tea Tree Gully Sustainable sewers program marked in the map below, including:

- connection points (as shown in the council diagram below);
- maintenance shafts;
- manholes;
- CWMS reticulation mains; and
- all other associated infrastructure necessary to service CWMS customers,

and specifically excluding the following:

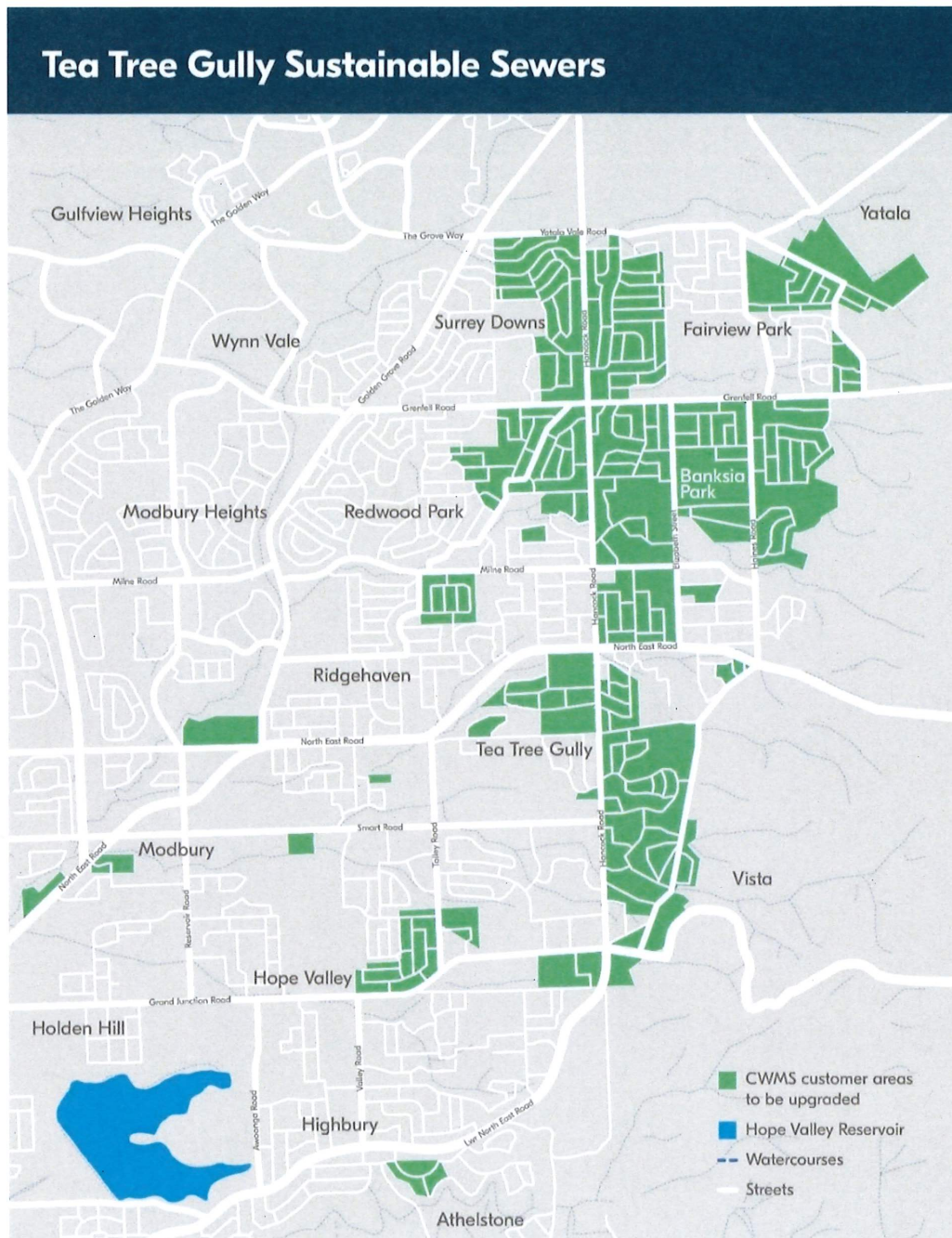
- the Council Effluent Reuse Scheme comprising:
  - two pump stations (located in Amanda Drive and Riverside Drive) that sewer mine from SA Water's sewer network, the associated sewer rising main; and
  - the Recycled Wastewater Treatment Plant (located at 201 Greenwith Road, Golden Grove SA 5125) and associated recycled water distribution network (wastewater and stormwater); and
- the Managed Aquifer Recharge Scheme consisting of borefields, Wynn Vale Dam stormwater harvesting treatment plant (located 6-10 Shearwater Place, Wynn Vale SA 5127), water allocation and licenses, wetlands and storage facilities.

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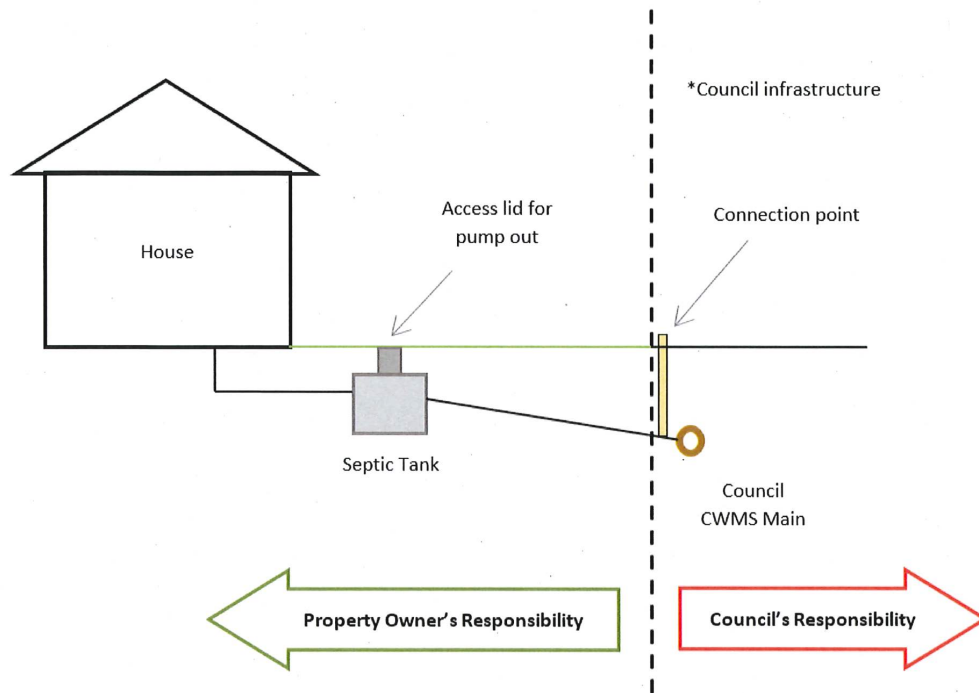
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Diagram



Note:

\*Council infrastructure may be located in rear of allotment, front of allotment or Council verge.

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**SCHEDULE 2**

**TAKING CONTROL OF THE CWMS – FOR THE FUTURE**

**STATE GOVERNMENT POLICY COMMITMENT**

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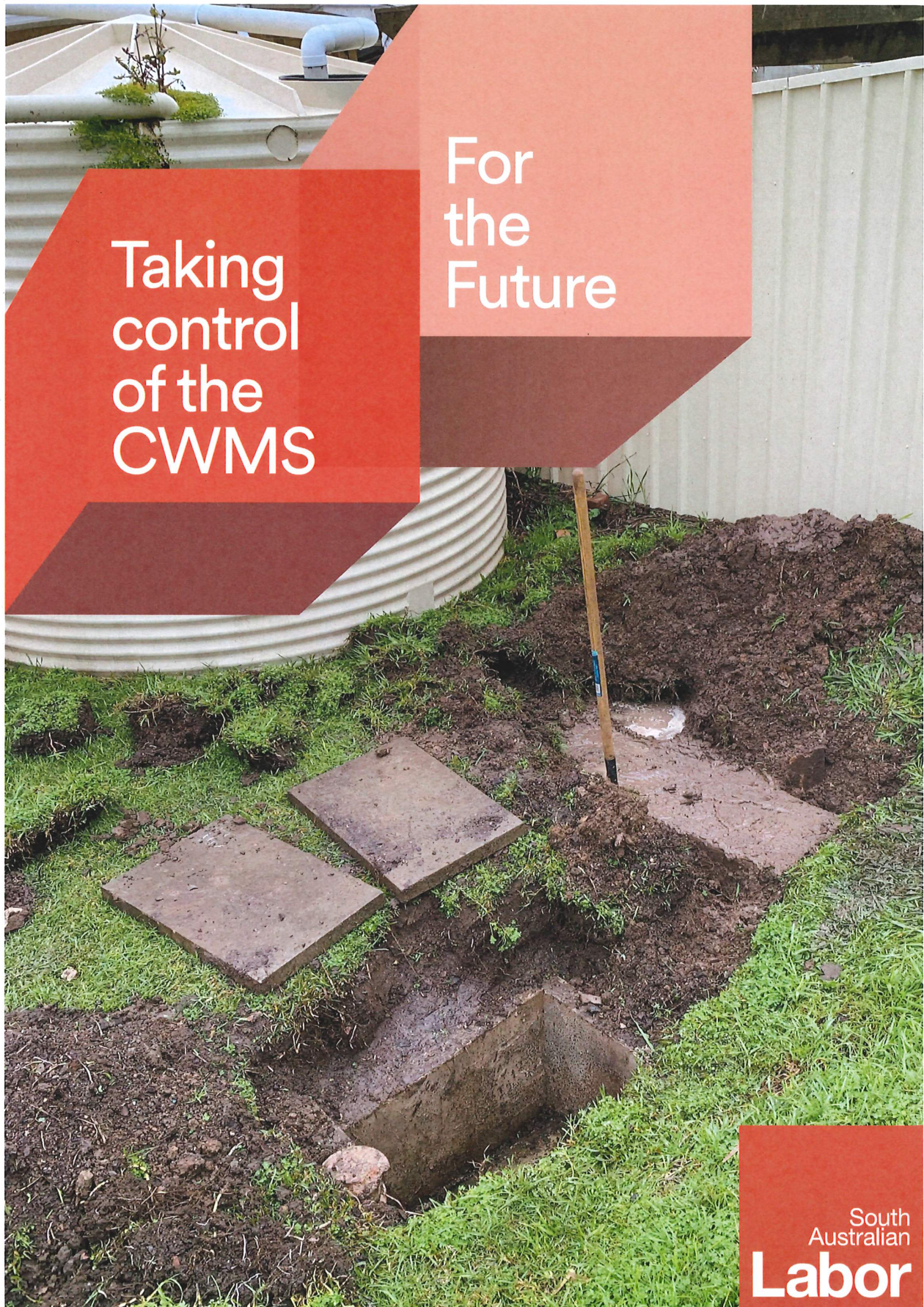
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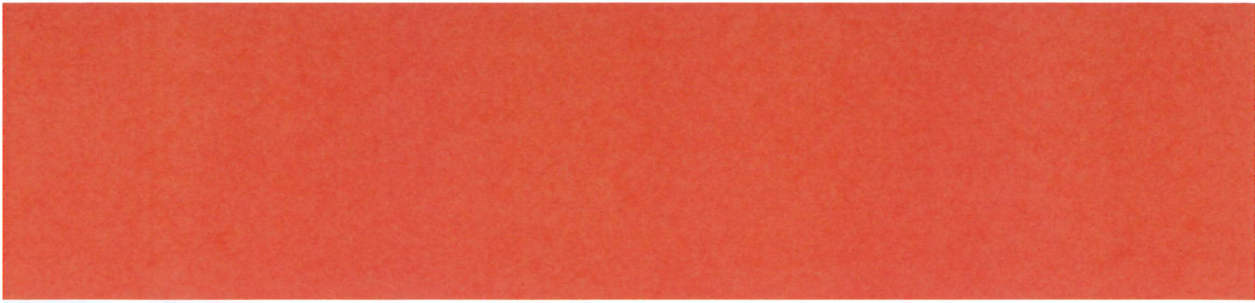




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#### Acknowledgment of Country.

We acknowledge and respect the Traditional Custodians whose ancestral lands we live and work upon and we pay our respects to their Elders past and present. We acknowledge and respect their deep spiritual connection and the relationship that Aboriginal and Torres Strait Islander people have to Country. We also pay our respects to the cultural authority of Aboriginal and Torres Strait Islander people and their nations in South Australia, as well as those across Australia.

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## Labor's plan for your CWMS household

- ✓ From 1 July 2022, all residents on the Tea Tree Gully CWMS will be an SA Water customer for their sewerage services.
- ✓ From 1 July 2022, all residents in the City of Tea Tree Gully will only pay SA Water sewerage rates, and not CWMS service charges.
- ✓ **This will provide immediate savings to the average household of hundreds of dollars per year.**
- ✓ Residents will not pay remediation costs.
- ✓ Labor will create a dedicated customer service unit to provide information to residents.

For too long, thousands of residents in the North East have been living with an outdated septic tank system. The system costs too much, is prone to breakdowns and spillages, and residents are bearing the costs of repairs and maintenance. The Liberal plan to dismantle the system is vague, inadequately funded, and inequitable.

Labor believes the state government should be providing these utilities, not local government.

Labor has a comprehensive solution that will convert your home to the SA Water sewerage network at no cost to you.



Peter Malinauskas MP  
SA Labor Leader



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## Our concerns with the Liberals' policy

### Uncertainty of funding

On 3 June 2020, Labor announced a \$92 million plan to scrap the Tea Tree Gully Community wastewater Management System (CWMS) and connect residents to the SA Water sewerage network. This cost was based on data provided by the City of Tea Tree Gully.

But on 10 June 2020, the Liberals rushed out their policy, making a \$65 million funding commitment for only half the houses. There have been mixed messages from the minister about whether the City of Tea Tree Gully will be required to contribute to fund the transfer of the remaining houses.

This lack of clarity about whether the Liberal government will fully fund the remaining houses to be moved over to the SA Water sewerage creates uncertainty. This uncertainty means those households could experience big delays before their upgrades happen. This comes at a cost to residents living on CWMS:

- ▶ For future planning of upgrades or renovations to the house and property; and
- ▶ A potential impact on housing prices.

### Ongoing maintenance costs of the system

Under the Liberals' plan, CWMS households will be converted to the SA Water sewerage network, leaving the City of Tea Tree Gully with a declining user-base over time. The council will still maintain the CWMS system for remaining households.

The council will have to pay for this maintenance somehow. If the council doesn't raise rates, reduce services, or accumulate more debt, its only option will be to directly charge the remaining customer base through an increasing service charge.

As a result, households that are last to upgrade will be hit the worst; They will wait years to be upgraded while experiencing ever-increasing fees to cover the system. This is clearly an unfair situation.



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**"Elected members believe SA Water should take responsibility for the CWMS from "day one of any formal agreement" and it requests a "formal offer". However, Minister Speirs told The Messenger in a statement the government would not be providing an offer for the transition and it expected council to contribute."**

Tea Tree Gully Council worried \$65m for septic system upgrade would be 'insufficient', 19 March 2021, The Messenger

**"There is a risk that there will be increases to the CWMS service charge that will adversely affect CWMS customers. As more CWMS customers are transitioned to SA Water, there will be an increasing financial burden on remaining CWMS customers."**

Risks identified from the CTTG's response to SA Water's Sustainable Transition Plan, dated 13 July 2021

**"There is a risk that Stage 3 of the Sustainable Sewers Program will not be funded by the State Government which will leave the customers in Stage 3 paying very high fees and charges."**

Risks identified from the CTTG's response to SA Water's Sustainable Transition Plan, dated 13 July 2021

## Listening to your feedback

We've been listening and taking feedback from residents on the CWMS system. On 15 November 2021, we held a forum at which more than 200 residents attended to voice their ideas and concerns.

Residents highlighted their priorities:

- ▶ Making sure the upgrade came at no cost to the resident – after all, they've been putting up with this outdated system for decades.
- ▶ A timely delivery of their upgrade.
- ▶ No remediation costs for residents.
- ▶ Maintenance of sewerage systems should not be the role of a metropolitan council.



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## Labor's commitment to you:

The Marshall Liberal Government's upgrade plans are woefully insufficient, and we are remedying this with a comprehensive policy that addresses the concerns you have raised.

Our plan will:

- ▶ Convert your house to the SA Water sewerage network at no cost to residents.
- ▶ Save the average household hundreds of dollars every year in reduced sewerage rates.
- ▶ Include regular discussions and consultation with the community, and with a dedicated hotline available exclusively for residents on the CWMS.



Community forum  
on 15 November 2021

"Residents in the North East deserve change. Our plan will provide certainty and significant savings for thousands of CWMS residents."

Peter Malinauskas MP  
SA Labor Leader



"I've seen so many horror stories of drainage issues, blockages, and maintenance costs for CWMS residents. Our policy will connect you to the SA Water network at no cost to you, meaning no more expensive maintenance bills for thousands of residents."

Blair Boyer MP  
Member for Wright



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## Labor's plan to convert Tea Tree Gully CWMS households to SA Water

### 01

From 1 July 2022, all residents on the Tea Tree Gully CWMS will be an SA Water customer for sewerage services.

### 04

A Malinauskas Labor Government will ensure residents pay no remediation costs incurred as a result of converting their property to the SA Water sewerage network.

### 02

From 1 July 2022, all households in the City of Tea Tree Gully will only pay SA Water sewerage rates, and not CWMS service charges.

### 05

Labor will create a dedicated customer service unit within SA Water whose sole priority will be to provide information, work through issues, and provide clear timeframes to Tea Tree Gully CWMS residents.

### 03

This will provide immediate savings to the average household of hundreds of dollars per year.

Taking control of the CWMS 7

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## RECYCLED WATER POLICY

Responsible Manager: Group Coordinator, Water Waste & Environment Water, Waste & Environment

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

This Policy provides guidance on the following:

1. Safe and reliable operation and maintenance of recycled water infrastructure.
2. Integrated planning for stormwater and recycled water infrastructure.
3. The application of environmental, social and governance considerations when planning for the current and future community.
4. The role Council plays in advocating for recycled water projects with State and Federal bodies, in particular projects with regional benefit.

There are no significant changes proposed with this policy.

### RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

**That the “Recycled Water Policy” as reviewed by the** Governance and Policy Committee on 17 August 2022 be adopted.

Summary of changes		
Page No.	Heading	Comments
1	Title	<p>Added the word “Management” to the title so that it reads “Recycled Water Management Policy” instead of “Recycled Water Policy.”</p> <p>The responsible manger was changed from “Manager Civil &amp; Water Operations” to “Group Coordinator – Water, Waste and Environment”.</p>
2	Purpose	<p>Removed background information related to the recycled water scheme.</p> <p>The purpose of the Recycled Water Policy was rewritten to improve clarity and to recognise the important role recycled water plays in stormwater management and climate resilience.</p>
2 and 3	Scope	<p>Change in numbering.</p> <p>The scope remains unchanged.</p> <p>Relocated paragraph:</p> <p><i>“The implementation of recycled water schemes.... (vii) Protection of the environment through the reduction of effluent discharge into Gulf of St Vincent”</i></p> <p>from Section 2 Scope to Section 3 Policy paragraph 2.</p>
3 and 4	Policy	<p>Addition of the paragraph:</p> <p><i>“The implementation of recycled water schemes.... (vii) Protection of the environment through the reduction of effluent discharge into the ocean”.</i></p>
4 and 5	Policy	<p>Change in numbering.</p> <p>Addition of the sentence in Point 8:</p> <p><i>“.... and undertaking long term integrated water cycled management planning and infrastructure planning”</i></p> <p>This sentence was added to:</p> <ol style="list-style-type: none"> <li>1. Recognise the need for an integrated approach to water resource planning and stormwater management; and</li> <li>2. Acknowledge that long term planning is required for high value assets that take intergenerational equity into consideration.</li> </ol>



		<p>Addition of Point 9:</p> <p><i>“To apply an integrated water management approach that considers economic, environmental, social and wellbeing benefits that meet the current and future needs of the community”.</i></p> <p>This point was added to recognise the importance of implementing environment, social and governance considerations to drive sustainable decision making that will bring about sustained long-term value for our community in a rapidly changing environment.</p> <p>Addition of Point 11:</p> <p><i>“Actively advocate for State and Federal government entities in support of water recycling related projects that align with Council’s strategies and plans”.</i></p> <p>This point was added to recognise that</p> <ol style="list-style-type: none"> <li>1. State and Federal government play an important role in supporting climate adaptation measures but are too far removed from issues at a local level; and</li> <li>2. A regional planning approach is often necessary to capitalise on stormwater management and water recycling opportunities across local government boundaries.</li> </ol> <p><b>Addition of Point 12</b> <i>“Actively seek grant funding to support the sustainable growth of the recycled water scheme”.</i></p>
5	<b>Council’s</b> Commitment to Continuous Improvement and Advocacy	This section was relocated from page 6 to page 5 under the heading of Policy.
5	<b>Council’s</b> Commitment to Effective Stakeholder Engagement	This section was relocated from page 7 to page 5 under the heading of Policy.
6	Future Recycled Water Connections	Change in numbering.

9	Other References	Addition of the Safety Reliability Maintenance Technical Management Plan (SRMTMP) as a key reference document.
10 to 13	Strategic Plan	Addition of section to detail the alignment with <b>Council's Strategic Plan.</b>
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

#### Attachments

1. [↓](#) Recycled Water Policy - Reviewed for GPC - 17 August 2022 ..... 199

# Recycled Water Management Policy



Record number	D22/24815
Responsible Manager	<del>Manager Civil &amp; Water Operations</del> <a href="#">Group Coordinator – Water, Waste and Environment</a>
Other key internal stakeholders	Director Assets & Environment Water Resources Specialist
Last reviewed	<a href="#">4 August 2022</a>
Adoption reference	
Resolution number	
Previous review dates	16/10/19, 8/11/16, 17/07/13, 09/03/10
Legal requirement	N/A
Due date next review	2025

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.

## 1 PURPOSE

The purpose of this Policy is to outline Council's commitment to:

1. The use of recycled water as a sustainable alternative source of water for the purpose of irrigation and activities identified in the Scope of this Policy.
2. The use of stormwater harvesting as a sustainable approach to stormwater management, reducing the demand on Council's stormwater infrastructure.
3. The use of recycled water to improve the resilience of the City to climate change impacts, reducing reliance on mains water, maintaining and improving biodiversity and environmental health and maintaining green infrastructure.
4. Effective management of recycled water infrastructure that is aligned with best practice guidelines, codes, standards and legislation.
- 1.5. Responsible water resource management that takes into consideration social and environmental outcomes that bring about sustained long-term value for our community in a rapidly changing environment, managing risk and seeking opportunities in response to changes.

Water security is one of the most pervasive challenges globally due to the changes in our climate. Water demand and water availability have been seen to increase in response to the changing climate. In recent times, South Australia has experienced low rainfall, longer periods between rainfall and warmer climate resulting in an increase in water demand and less than average inflows into the drinking water catchment. The City of Tea Tree Gully plays an important role by adopting environmentally sustainable practices that not only benefit the local community but the state of South Australia.

The City of Tea Tree Gully implemented a recycled water scheme that improves the City's resilience to climate change and also ensures that sporting fields, parks, gardens and reserves are functional and aesthetically pleasing to our community, while minimising impacts on the natural environment.

## 2 Scope

Recycled water is used for the following activities:

1. Irrigation of sporting fields, reserves parks and gardens
2. Dust suppression
3. Street sweeping
4. Street tree watering
5. Hydro-jet operations
6. Preparation of chemicals
7. Service Centre vehicle wash bay

The implementation of recycled water schemes are important for the following reasons, which align with Council Strategic Plan:

Reducing the pressure on climate dependent water resources.

Reducing the adverse impact of climate change by reducing the creating more comfortable temperature in and around irrigated reserves, creeks and wetlands.

Promotes environmental sustainability by:

Retaining water in the City enhancing biodiversity in wetlands, creeks and waterways;

Reducing reliance on mains water and the River Murray; and

Increasing the available water required for environmental flows, improve riparian health and reduce the risk of erosion and sediment transport.  
 Reducing mains water demand and associated cost savings.  
 Recharging underground aquifers with treated water providing environmental benefit.  
 Flood mitigation and improvement in water quality with pre-treatment that takes place in wetlands.  
 Protection of the environment through the reduction of effluent discharge into Gulf St Vincent.

The purpose of this policy is to establish a framework for the development of recycled water strategic plans, operation and maintenance of Council's recycled water collection and distribution system. The existence of this policy will assist in ensuring the provision of a sustainable recycled water network throughout the City that meets the current and future needs of the community while complying with relevant legislation and standards.

### 3 POLICY

Council acknowledges that water is a climate sensitive valuable resource that should not be wasted. Council promotes and supports the safe and responsible use of recycled water to reduce the pressures on limited drinking water resources for the purpose of maintaining public amenity and making the City a vibrant and liveable place for its community.

Council's recycled water will be used for irrigation of Council's assets, supply to external users (subject to available supply), stand pipe supply for alternative use by for water cartage and other purposes, in accordance with all relevant legislative obligations. Council is committed to providing a healthy, safe and reliable recycled water supply which is fit for its intended usage.

The implementation of recycled water schemes are important for the following reasons, which align with Council Strategic Plan:

1. Reducing pressure on climate dependent water resources.
2. An effective climate mitigation measure by integrating stormwater management while meeting current and future water demand for maintaining or improving green infrastructure, biodiversity and environmental health.
3. Reducing the adverse impact of urban heat island impacts by creating more comfortable ambient temperature in and around irrigated reserves, creeks and wetlands.
4. Promotes environmental sustainability by:
  - i. Retaining water in the City enhancing biodiversity in wetlands, creeks and waterways.
  - ii. Reducing reliance on mains water and the River Murray.
  - iii. Increasing the available water required for environmental flows, improve riparian health and reduce the risk of erosion and sediment transport.
  - iv. Reducing mains water demand and associated costs-savings.
  - v. Recharging underground aquifers with treated water providing environmental benefit.
  - vi. Flood mitigation and improvement in water quality with pre-treatment that takes place in wetlands.
  - vii. Protection of the environment through the reduction of effluent discharge into the oceanGulf St Vincent.

Council will achieve this by committing to the following principles:

1. Apply a risk-based management approach that is consistent with the Australian Guidelines of Water Recycling (AGWR).
2. Apply best practice in asset management, operation, maintenance, design and planning of recycled water infrastructure.
3. Ensure that protection of public health and the environment is recognised as being of paramount importance.
4. Applying the principles of ESCOSA in the management of the recycled water scheme.
5. Applying the principles of the Office of Technical Regulator in the operation, maintenance and planning of the recycle water scheme.
6. Application of 'Catchment to Tap' management philosophy to manage water quality throughout the water cycle.
7. Ensure that there is efficient use of recycled water.
8. Plan ~~Ensure that~~ the recycled water scheme ~~will~~to be able to meet current and future demands (as determined by Council) through effective stakeholder consultation and undertaking long term integrated water cycle management planning and infrastructure planning.
- ~~8.9.~~ To apply an integrated water management approach that considers economic, environmental, social and wellbeing benefits that meet the current and future needs of the community.
10. Where feasible, continue to expand the recycled water network to reduce reliance on mains water.
11. Actively advocate for State and Federal government entities to support water recycling related projects that align with Council's strategies and plans.
12. Actively seek for grant funding to support the sustainable growth of the recycled water scheme.
- ~~9.~~ To apply an integrated water management approach that considers economic, environmental, social and wellbeing benefits that meet the current and future needs of the community;
- ~~10.13.~~ To promote stakeholder confidence in Council's recycled water scheme through the safe, reliable and well maintained systems; and.
- ~~11.14.~~ Implementation of a sound business continuity plan to minimise the risk of disruption to services.

### 3.1 Council's Commitment to Continuous Improvement and Advocacy

Council will:

1. Participate in and support appropriate studies, investigations, research and development activities that will~~ould~~drive continuous improvement on matters related to recycled water, water sensitive urban design and environmental management.
2. Contribute to the development of industry regulations and guidelines, and other standards relevant to public health and the water cycle.
3. Continually improve Council practices by assessing performance against statutory requirements, technical guidelines and standards, corporate commitments and stakeholder expectations.
4. Ensure that employees are provided with adequate training ~~opportunities and adequately trained~~to operate and manage the recycle water scheme and associated infrastructure.

5. Engage appropriate industrial, technical and scientific expertise in developing recycled water schemes.

### 3.2 Council's Commitment to Effective Stakeholder Engagement

Council will:

1. Maintain communication and partnerships with all relevant agencies involved in management of our water resources.
2. Recognise the importance of community participation in decision making processes and the need to ensure that community expectations are met given proper consideration
3. Integrate the needs and expectations of recycled water stakeholders into council planning processes.

### 3.3 Future Recycled Water Connections

A large proportion of Council's recycled water is supplied to Council owned facilities, which include sporting fields and major reserves (such as the Civic Park and Golden Fields reserve). A small proportion of recycled water is supplied to private customers for irrigation, which include schools.

In regard to the management of current and future recycled water connections:

1. Council will cease to offer new connections to any other entity until such time Council is able to provide recycled water services that are price competitive with SA Water mains water pricing.
2. Council will continue to supply recycled water to current customers connected to Council's recycled water scheme.
3. Council will consider connecting new customers to the scheme with the following considerations if all the following conditions are met:
  - a. Adequacy of recycled water supply to meet Council's water demand;
  - b. New connections shall provide a significant improvement in community benefit;
  - c. New customers should cover the cost of new connections. However, Council will take into consideration the value of the community benefit and provide financial assistance that will be negotiated between the Council and new customers; and
  - d. Feasibility of connecting the new customer to the recycled water scheme.
  - e. Council is able to provide recycled water services that are price competitive with SA Water mains water pricing.

~~4—Continual Improvement~~~~5—Council will:~~

- ~~1—Participate in and support appropriate research and development activities to ensure continuous improvement and continued understanding of recycled water issues and performance;~~
- ~~2—Contribute to the development of industry regulations and guidelines, and other standards relevant to public health and the water cycle;~~
- ~~3—Continually improve Council practices by assessing performance against corporate commitments and stakeholder expectations;~~
- ~~4—Ensure that employees are provided with adequate training opportunities and adequately trained to operate and manage the recycle water scheme; and~~
- ~~5—Engage appropriate scientific expertise in developing recycled water schemes.~~

~~6—~~~~7—Communication~~~~8—Council will:~~

- ~~1—Maintain communication and partnerships with all relevant agencies involved in management of water resources;~~
- ~~2—Recognise the importance of community participation in decision-making processes and the need to ensure that community expectations are met; and~~
- ~~3—Integrate the needs and expectations of recycled water, stakeholders into planning processes.~~

~~9—~~



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Item 13.7

Attachment 1

## 114 Employees

All ~~managers and~~ employees involved in the supply of recycled water are responsible for understanding, implementing, maintaining and continuously improving the recycled water management system in line with their role and delegated authority.

Council encourages membership and participation in professional associations dealing with the management and use of recycled water.

Council will ensure that employees are provided with adequate training to operate and manage the recycle water scheme and associated infrastructure.

## 125 DEFINITIONS

For the purposes of this policy the following definition applies:

### Mains water

Water that is sourced from SA Water's drinking water supply.

### Managed Aquifer Recharge (MAR)

Intentional recharge of treated water for subsequent use or environmental benefit.

### Recycled water

Non-potable water generated from stormwater harvesting or from sewage, treated to a standard that is appropriate for its intended use.

## 6 LEGISLATIVE FRAMEWORK

It is a legislative requirement for Council to have a Recycled Water Policy to show Council's commitment to responsible use and management of recycled water ~~quality~~.

The following legislation applies to this policy:

### Environment Protection Act 1993

The Environment Protection Act 1993 provides for the protection of the environment.

### South Australian Public Health (Wastewater) Regulations 2013

The Regulations provide for the management and operation of waste control systems.

Council will also implement this policy in accordance with the following:

- National Water Quality Management Strategy, Australian Guidelines for Water Recycling: Managing Health and Environmental Risks 2008
- Environment Protection (Water Quality) Policy 2003
- Safety, Reliability, Maintenance, Technical Management Plan (SRMTMP)

### Water Industry Act 2012

An Act to facilitate planning in connection with water demand and supply; to regulate the water industry, including by providing for the establishment of a licensing regime and providing for the regulation of prices, customer service standards, technical standards for water and sewerage

infrastructure and installations and plumbing, and by providing performance monitoring of the water industry; to provide for other measures relevant to the use and management of water.

Water Industry Regulations 2012

This regulation supports the Water Industry Act 2012

Essential Services Commission Act 2002

This Act establishes the Essential Services Commission of South Australia (ESCOSA)

## 12.16.1 Other references

Council's documents including:

- a. Council's Fees and Charges Register
- ~~a-b. Safety Reliability Maintenance Technical Management Plan (SRMTMP)~~
- ~~b. Community Wastewater Management System and Recycled Water Customer Service Charter - Final Approved by ESCOSA May 2015~~
- c. Recycled Water Risk Management Plan

External Documents Including:

- a. Compliance Systems and Reporting: Water Industry Guideline No.1 (WG1/2) July 2013 (available from: <http://www.escosa.sa.gov.au/water-overview/codes-guidelines/water-guidelines.aspx>)
- b. National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality, Oct 2000
- c. National Water Quality Management Strategy: Australian Guidelines for Water Recycling: Managing Health and Environmental Risk (Phase1) 2006
- d. National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting, Oct 2000
- e. National Water Quality Management Strategy: Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Augmentation of Drinking Water Supplies 2008 – Under this strategy it is recommended as best practice to have a recycled water policy.
- f. Water retail code – minor and intermediate retailers WRC-MIR/01 July 2013 (available from: <http://www.escosa.sa.gov.au/water-overview/codes-guidelines/water-codes.aspx>)
- g. Non-drinking water guidelines – Guidelines for non-drinking water in South Australia designed for the plumbing, water industries, water industry entities and property owners with a non-drinking water supply.

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
<b>Community</b>	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	<u>Recycled water is supplied to Council reserves and sporting fields. This policy ensures that the quality of recycled water is fit for purpose.</u>
<i><del>Diversity is welcome and celebrated</del></i>	
<i><del>There are opportunities for people to volunteer, give back and share their skills with others</del></i>	
<i><del>Our services are accessible to all and respond to changing community needs</del></i>	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	<u>The Policy recognises the importance of community participation in decision making processes and the need to ensure that community expectations are considered met.</u>
<b>Environment</b>	
<i>Environmentally valuable places and sites that are flourishing and well cared for</i>	<u>Water from managed aquifer recharge can be used for environmental flows, which will provide a fresh flush of water to connect sections of stagnant water in the creeks and maintain riparian health through hot and dry months.</u>
<i>A community that is protected from public and environmental health risks</i>	<u>Recycled water provides the following benefits:</u> <ol style="list-style-type: none"> <li><u>1. Irrigation of public open space with reducing impacts on the natural environment that rely ofn environmental flows (eg. River Murray).</u></li> <li><u>2. Provides areas of cool refuge during hot days.</u></li> <li><u>3. Maintain landscaping, tree screens and urban forest.</u></li> </ol>
<i>The carbon footprint of our city is reduced through the collective efforts of community and Council, including businesses</i>	<u>Desalinated water is a highly energy intensive. Recycled water reduces reliance on mains water with a more sustainable alternative approach.</u>
<i>Our consumption of natural resources is minimized by reducing, reusing and recycling</i>	<u>Recycled water reduces the reliance on mains water which is predominantly</u>

Objective	Comments
<b>Community</b>	
<i>products and materials, and using renewable resources</i>	<u>supplied from water taken from the Murray Darling Basin.</u>
<i>We are resilient to climate change and equipped to manage the impact of extreme weather events</i>	<u>Recycled water is an accepted alternative source of water to improve the climate resilience of community. This includes mitigating against urban heat island impacts, management of environmental flows, drought and flood resilience. It is part of an integrated approach to manage climate change risk.</u>
<i>Our tree canopy is increasing</i>	<u>Recycled water is used for irrigating tree screens, landscaping and establishing new trees. This policy ensures that the quality of recycled water is fit for purpose.</u>
<b>Economy</b>	
<i>Modbury Precinct is revitalised as the city's key activity</i>	<u>The Recycled water scheme has been extended to include reserves in the Modbury Precinct. This policy supports actively seeking grant funding to expand the recycled water scheme to include more reserves.</u>
<i>People are supported to develop their leadership and employment capabilities</i>	<u>This policy supports the training of staff to ensure that their skills are relevant and up to date through appropriate development planning.</u>
<b>Places</b>	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	<u>High quality fit for purpose recycled water is used for the irrigation of open space to provide an appealing and safe place for the community.</u>
<i>Buildings and places are energy efficient, well designed and display a uniqueness of character and identity</i>	<u>This policy supports a system of continuous improvement to ensure that there is the efficiency of electricity usage which is monitored and improved upon when producing recycled water.</u>
<b>Leadership</b>	
<i>Customer service provides a positive experience for people and is based on honesty and transparency</i>	<u>This policy recognises the importance of community participation in decision making processes and the need to ensure that community expectations are considered met.</u>
<i>Planning considers current and future community needs</i>	<u>This policy recognises the importance of ensuring the recycled water scheme ability to meet current and future</u>

Objective	Comments
Community	
	<u>demands through effective stakeholder consultation and undertaking long term integrated water cycle management planning and infrastructure planning.</u>
<i>Delivery of services is sustainable and adaptable</i>	<u>This policy supports a system of review and performance benchmarking and monitoring to ensure that service delivery is sustainable.</u>
<i>Decision making is informed, based on evidence and is consistent</i>	<u>This policy supports the adoption of best practice asset management, using evidence base decision making. In addition, this policy recognises the importance of community participation in decision making processes to ensure that community views are considered.</u>
<i>Major strategic decisions are made after considering the views of the community</i>	<u>This policy recognises the importance of community participation in decision making processes and the need to ensure that community expectations are met.</u>

## 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on four key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

## 6. 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.

## PUBLIC DISCLOSURE POLICY

Responsible Manager: Manager Organisation Development

The Public Interest Disclosure Policy has been updated to reflect significant changes to the Independent Commissioner Against Corruption Act 2012 in October 2021.

The most significant change is the reduction in the matters that the Commission can investigate. The new definition of Corruption in Public Administration saw the removal of the section concerning any offence (including an offence against Part 5 (offence of dishonesty) of the Criminal Law Consolidation Act 1935 committed by a Public Officer while acting in his or her capacity as a Public Officer.

The amendments reflect changes to the reporting agency (Office for Public Integrity (OPI) for corruption), and the Ombudsman or OPI for misconduct and maladministration. The definitions for misconduct and maladministration have been updated to reflect the referral to the definition under the Ombudsman Act 1972

### RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

**That the “Public Disclosure Policy” as reviewed by the** Governance and Policy Committee on 17 August 2022 be adopted.

Summary of changes		
Page No.	Heading	Comments
2	Policy	Changes to disclosures of corruption and misconduct or maladministration to reflect the changes in the updated ICAC Act 2012
5	Legislative Framework	Inclusion of the Ombudsman Act 1972
6	External documents	Updated to reflect new directions and guidelines and removal of ICAC Directions and Guidelines (removed)
6	Definitions – Corruption in public administration	Removal of reference to Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935 in line with changes to the ICAC Act 2012
7	Definitions – Directions and Guidelines	Updated to reflect changes to the Directions and Guidelines and new Directions and Guidelines
8	Definitions – Maladministration in public administration	Changed to reflect the reference to the Ombudsman Act 1972 definition of maladministration
8	Definitions – Misconduct in public administration	Changed to reflect the reference to the Ombudsman Act 1972 definition of misconduct
8	Definitions – Office for Public Integrity (OPI)	Changed to reflect the changes to the function under the updated ICAC Act 2012
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

#### Attachments

1. [Public Interest Disclosure Policy - reviewed version for GPC - 17 August 2022](#) .....213



# Public Interest Disclosure Policy



Record number	D22/6003
Responsible Manager	Manager Organisational Development
Other key internal stakeholders	Chief Executive Officer Director Community and Cultural Development Director Organisational Services & Excellence Director Assets and Environment
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	2019
Legal requirement	The Public Interest Disclosure Act 2018 requires that proper procedures are in place for making and dealing with public interest Disclosures and by providing protection for persons making such Disclosures.
Due date next review	2025

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Public Interest Disclosure Policy

## 1. PURPOSE

The City of Tea Tree Gully is committed to upholding the principles of transparency and accountability in our administrative and management practices and we encourage the making of Disclosures that reveal public interest information.

The purpose of this Policy is to ensure that we:

- a. properly fulfil our responsibilities under the *Public Interest Disclosure Act 2018*
- b. encourage and facilitate Disclosures of public interest information in accordance with the objects and requirements of the *Public Interest Disclosures (PID) Act 2018*
- c. ensure there is appropriate oversight of public interest Disclosures about corruption, misconduct and maladministration in public administration
- d. provide appropriate protection for those who make Disclosures in accordance with the Act
- e. acknowledge the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.

This Policy applies to appropriate Disclosures of public interest information that are made in accordance with the PID Act by Public Officers including Council members, officers, contractors and employees, and by members of the public, and is intended to complement the reporting framework under the ICAC Act.

## 2. POLICY

We are committed to:

- a. referring, as necessary, appropriate Disclosures to another Relevant Authority
- ~~b.~~ where the Disclosure relates to Corruption that occurred on or after 1 September 2013, reporting the Disclosure directly to the Office of Public Integrity (OPI) in accordance with the requirements of the Independent Commissioner Against Corruption (ICAC) Act and the OPI Directions and Guidelines
- ~~b.c.~~ Where the Disclosure relates to misconduct or maladministration in public administration), reporting any reasonable suspicions to the Ombudsman (reports may also be made to the Office of Public Integrity) or serious or systemic Misconduct or Maladministration in public administration, reporting the Disclosure directly to the Office of Public Integrity (OPI) in accordance with the requirements of the Independent Commissioner Against Corruption (ICAC) Act and the ICAC Directions and Guidelines
- ~~c.d.~~ otherwise facilitating the investigation of appropriate Disclosures in a manner that promotes fair and objective treatment of those involved
- ~~d.e.~~ rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

### 2.1 Confidentiality of an Informant's Identity

The identity of an Informant will be maintained as confidential in accordance with the PID Act.

A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:

- a. the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be

- able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person
- b. the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI
- c. doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or
- d. the Informant consents to his/her identity being disclosed.

The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure the Council should be mindful of the prohibition against victimisation in the PID Act.

An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

## 2.2 Disclosure process

Disclosures will be handled in accordance with the Public Interest Disclosure Procedure.

Nothing in this Policy prevents a person from making a disclosure to an external Relevant Authority (i.e. the Ombudsman or the OPI). This is a choice to be made by the Informant at his/her discretion. We recommend an Informant have regard to the factors at Clause 6.2 of the Public Interest Disclosure Procedure when deciding where to direct a Disclosure.

A Disclosure may be made to one of our designated Responsible Officers in person, by telephone or in writing. The relevant contact details are:

Julie Short	8397 7269
Ryan McMahon	8397 7297
Ilona Cooper	8397 7310

Email: [pid@cttg.sa.gov.au](mailto:pid@cttg.sa.gov.au)

Address:  
Confidential Public Interest Disclosure  
PO Box 571, Modbury, South Australia, 5092.

## 2.3 Role of the Responsible Officer

A person designated as a Responsible Officer for the Council **must**:

- a. receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and the Public Interest Disclosure Procedure, in relation to any such Disclosures
- b. make appropriate recommendations to the Principal Officer of the Council in relation to dealing with Disclosures, including any suggested changes to this Policy or the Public Interest Disclosure Procedure
- c. provide advice to officers and employees of the Council in relation to the administration of the PID Act
- d. complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations
- e. deal with Disclosures in accordance with the Public Interest Disclosure Procedure.

Responsible Officers may also carry out any other functions relating to the PID Act. In making any determination or taking any action under this Policy or pursuant to the Public Interest Disclosure Procedure, the Responsible Officer:

- a. may seek legal advice from our lawyers and/or guidance from SAPOL or the Ombudsman in relation to the most appropriate course of action to pursue
- b. is authorised to incur costs in accordance with budgets for that purpose.

The Responsible Officer will liaise as required with the Informant and any Independent Assessor in relation to any investigation process undertaken (in accordance with the Public Interest Disclosure Procedure), and will ensure that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.

## 2.4 Information to Elected Members

As a matter of discretion, the CEO may inform the elected members, on a confidential basis, of the fact that an investigation of a Disclosure took place and the outcome of the investigation.

Factors the CEO will take into account in determining whether to inform the elected members and the level of detail provided in doing so are to include:

- a. if known, the identity of the Informant, and whether the Informant has consented to his/her identity being divulged
- b. if applicable, the identity of any person the subject of the Disclosure
- c. the impact (if any) of the investigation upon the Council's achievement of its objectives under its Strategic Plan and/or policies; and
- d. the operational/budgetary impact of any action taken to finalise the matter.

In the event the Disclosure and/or any subsequent investigation process is confined to issues that impact only upon our employees and human resource processes, the CEO will not inform the elected members of the fact of the Disclosure and/or investigation (since these matters fall outside the roles and responsibilities of elected members under the *Local Government Act 1999*), unless there is likely to be a significant impact on the City of Tea Tree Gully's reputation.

## 2.5 Protection for the Informant

In accordance with the PID Act, an Informant who makes an appropriate Disclosure is protected by:

- a. immunity from criminal or civil liability in relation to that Disclosure
- b. a prohibition on Disclosure of his/her identity
- c. a prohibition against Victimisation
- d. a prohibition against hindering, obstructing or preventing an Informant from making an appropriate disclosure.

The PID Act does not provide any protection to people who knowingly make Disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular). A person who knowingly makes a Disclosure that is false or misleading in a material particular is guilty of an offence and may be prosecuted.

A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.

We may take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation. Such action may include acting in accordance with the risk minimisation steps set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Police.

Any Council member, employee or officer of the Council who:

- a. knowingly makes a Disclosure that is false or misleading in a material particular; or
- b. commits an act of Victimisation in relation to an Informant; or
- c. acts otherwise than in accordance with this Policy or the Public Interest Disclosure Procedure (including with respect to divulging the identity of an Informant) in relation to a Disclosure may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

## 3. DEFINITIONS

For the purposes of this Policy, the following definitions apply:

### CEO

means Chief Executive Officer of the Council. The CEO is the Principal Officer for the purpose of the Public Interest Disclosure Act.

### Commissioner

means the person holding or acting in the office of the Independent Commissioner Against Corruption.

### Corruption in public administration

is defined in section 5(1) of the ICAC Act and means:

- a. an offence against Part 7 Division 4 (Offences relating to Public Officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
  - (i) bribery or corruption of Public Officers
  - (ii) threats or reprisals against Public Officers
  - (iii) abuse of public office
  - (iv) demanding or requiring benefit on the basis of public office

- (v) offences relating to appointment to public office
- b. an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence
- c. an offence against the Lobbyists Act 2015, or an attempt to commit such an offence
- ~~d. any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a Public Officer while acting in his or her capacity as a Public Officer or by a former Public Officer and related to his or her former capacity as a Public Officer, or by a person before becoming a Public Officer and related to his or her capacity as a Public Officer, or an attempt to commit such an offence~~
- e. ~~d.~~ any of the following in relation to an offence referred to in a preceding paragraph:
  - (i) aiding, abetting, counselling or procuring the commission of the offence
  - (ii) inducing, whether by threats or promises or otherwise, the commission of the offence
  - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence
  - (iv) conspiring with others to effect the commission of the offence.

#### Council

means City of Tea Tree Gully.

#### Detriment

includes:

- a. injury, harm (including psychological harm), damage (including damage to reputation) or loss
- b. intimidation or harassment
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment and/or
- d. threats of reprisal (which may be express or implied, and/or conditional or unconditional).

#### Directions and Guidelines

is a reference to the Directions and Guidelines issued pursuant to section ~~20-18B~~ of the ICAC Act and/or section 14 of the PID Act ~~and/or section 12D of the Ombusman Act 1972~~, which are available on the ~~relevant agency's website. Commissioner's website (www.icac.sa.gov.au).~~

#### Disclosure

means an appropriate Disclosure of public interest information made by an Informant to a Relevant Authority.

A person makes an **appropriate Disclosure of environmental and health information** if:

- a. the person:
  - (i) believes on reasonable grounds that the information is true; or
  - (ii) is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated, and
  - (iii) the Disclosure is made to a Relevant Authority

A person makes an **appropriate Disclosure of public administration information** if:

- a. the person:
  - (i) is a Public Officer

- (ii) reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
- (iii) the Disclosure is made to a Relevant Authority.

#### Employee

refers to all our employees, whether they are working in a full-time, part-time or casual capacity.

#### Environmental and health information

means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.

#### Fraud

includes an intentional dishonest act or omission done with the purpose of deceiving.

#### ICAC Act

is the *Independent Commissioner Against Corruption Act 2012*.

#### Independent Assessor

means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to the Council in accordance with the Public Interest Disclosure Procedure.

#### Informant

means a person who makes an appropriate Disclosure of public interest information to a Relevant Authority.

#### Maladministration in public administration

is defined in section 4(2) 5(4) of the ~~ICAC Act~~ *Ombudsman Act 1972* and means:

- a. conduct of a Public Officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
- b. conduct of a Public Officer involving substantial mismanagement in or in relation to the performance of official functions; and
  - (i) includes conduct resulting from impropriety, incompetence or negligence; and
  - (ii) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

**Misconduct in public administration** is defined in section 4-5(13) of the ~~ICAC Act~~ *Ombudsman Act 1972* and means:

- a. ~~contravention of a code of conduct by a Public Officer while acting in his or her capacity as a Public Officer that constitutes a ground for disciplinary action against the officer; or an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer~~
- ~~other misconduct of a Public Officer while acting in his or her capacity as a Public Officer.~~

**Office for Public Integrity (OPI)** is the office established under the ICAC Act that has the function to:

- a. receive and assess complaints about public administration from members of the public

- b. receive and assess reports about corruption, misconduct and maladministration in public administration from ~~the Ombudsman, inquiry agencies, public authorities, the Council~~ and Public Officers
  - c. refer complaints and reports to inquiry agencies, public authorities and Public Officers ~~in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated~~  
~~give directions or guidance to public authorities in circumstances approved by the Commissioner~~  
~~perform other functions assigned to the Office by the Commissioner~~
- Public administration**  
defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the *Ombudsman Act 1972* will be taken to be carried out in the course of public administration.
- Public administration information**  
means information that raises a potential issue of corruption, misconduct or maladministration in public administration.
- Public interest information**  
means environmental or health information, or public administration information.
- PID Act**  
means the *Public Interest Disclosure Act 2018*.
- Principal Officer**  
for the purposes of the PID Act means the Chief Executive Officer of the Council.
- Public Officer**  
has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:
- a. a Council member
  - b. an employee or officer of the City of Tea Tree Gully
  - c. a person performing contract work for the City of Tea Tree Gully
- Relevant Authority**  
means the person or entity that receives an appropriate Disclosure of public interest information in accordance with the PID Act, as set out in Attachment 1 to this Policy.
- Responsible Officer**  
is a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as Responsible Officer under section 12 of the PID Act.
- Victimisation**  
occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate Disclosure of public interest information.



## 4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

- a. Public Interest Disclosure Act 2018
- b. Public Interest Disclosure Regulations 2019
- c. Independent Commissioner Against Corruption Act 2012
- d. [Ombudsman Act 1972](#)

Reference to other Acts:

- a. Local Government Act 1999
- b. Criminal Law Consolidation Act 1935, Part 5, in relation to offences of dishonesty committed by a Public Officer or former Public Officer
- c. Criminal Law Consolidation Act 1935 Part 7, Division 4 in relation to offences relating to Public Officers

### 4.1 Other references

Council documents including:

- a. [Fraud and Corruption Prevention Policy](#)
- b. Employee Conduct Policy
- c. [Code of Conduct for Council Members](#)
- d. [Internal Review of Council Decisions Policy](#)
- e. Public Interest Disclosure Procedure (D19/45334)

External document including:

- a. [ICAC Public Interest Disclosure Guidelines](#)
- b. [Ombudsman SA Directions and Guidelines](#)
- c. [Office for Public Integrity Directions and Guidelines for Public Officers](#)
- d. ~~[ICAC Directions and Guidelines for Public Officers](#)~~
- e. ~~[ICAC Public Interest Disclosure Guidelines](#)~~

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

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
<b>Community</b>	
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	
<i>Diversity is welcome and celebrated</i>	
<i>There are opportunities for people to volunteer, give back and share their skills with others</i>	

<i>Our services are accessible to all and respond to changing community needs</i>	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	
<b>Environment</b>	
<i>Environmentally valuable places and sites that are flourishing and well cared for</i>	
<i>A community that is protected from public and environmental health risks</i>	
<i>The carbon footprint of our city is reduced through the collective efforts of community and Council, including businesses</i>	
<i>Our consumption of natural resources is minimized by reducing, reusing and recycling products and materials, and using renewable resources</i>	
<i>We are resilient to climate change and equipped to manage the impact of extreme weather events</i>	
<i>Our tree canopy is increasing</i>	
<b>Economy</b>	
<i>Modbury Precinct is revitalised as the city's key activity</i>	
<i>A population profile that supports a growing economy</i>	
<i>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize technology to improve the livability of our city</i>	
<i>People are supported to develop their leadership and employment capabilities</i>	
<i>Support the efficient use of land for valuable mineral extraction and energy resources</i>	
<b>Places</b>	
<i>Streets, paths, open spaces and parks are appealing, safe and accessible</i>	
<i>Opportunities exist to express and experience art and culture</i>	
<i>Neighbourhoods are easy to move around and are well connected with pedestrian and cycle paths that offer an alternative to cars</i>	
<i>Buildings and places are energy efficient, well designed and display a uniqueness of character and identity</i>	

<i>Housing is well designed and affordable and responds to the changing needs of existing and future residents</i>	
<i>Infrastructure and community facilities are fit for purpose, constructed using sustainable practices and well maintained</i>	
<b>Leadership</b>	
<i>Leadership and advocacy is focused on the long term interests of the community</i>	
<i>Customer service provides a positive experience for people and is based on honesty and transparency</i>	
<i>Planning considers current and future community needs</i>	
<i>Delivery of services is sustainable and adaptable</i>	
<i>Decision making is informed, based on evidence and is consistent</i>	
<i>Major strategic decisions are made after considering the views of the community</i>	

## 5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of customer care, learning & growth, future capability and sustainable operations. The key theme most relevant to this policy is sustainable operations, in ensuring that we make consistent, informed decisions which are evidence based.

## 6. POLICY IMPLEMENTATION

This Policy will be implemented by the CEO or relevant Portfolio Director and managed in accordance with Council's scheme of delegations.

**Appendix 1 Relevant Authorities**

Where the information relates to...	The Relevant Authority is...
<p>a Public Officer*</p> <p>*as defined and set out in Schedule 1 of the <i>Independent Commissioner Against Corruption Act 2012</i> - relevantly, this includes members, officers, employees and those undertaking contract work for local government bodies</p>	<p>either:</p> <ul style="list-style-type: none"> <li>the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the Public Officer; or</li> <li>the person who is in fact responsible for the management or supervision of the public officer; or</li> <li>the relevant Responsible Officer (as designated by the Council in accordance with section 12 of the PID Act)</li> </ul>
a public sector agency or public sector employee	<p>either:</p> <ul style="list-style-type: none"> <li>the Commissioner for Public Sector Employment; or</li> <li>the responsible officer for the relevant public sector agency</li> </ul>
an agency to which the <i>Ombudsman Act 1972</i> applies	the Ombudsman
a location within the area of a particular council established under the <i>Local Government Act 1999</i>	a member, officer or employee of that Council
a risk to the environment	the Environment Protection Authority
an irregular and unauthorised use of public money or substantial	the Auditor-General
the commission, or suspected commission, of any offence	a member of the police force
a judicial officer	the Judicial Conduct Commissioner
a member of Parliament	the Presiding Officer of the House of Parliament to which the member belongs
a person or a matter of a prescribed class <sup>1</sup>	an authority declared by the regulations to be a relevant authority in relation to such information

<sup>1</sup> at this stage, no prescribed persons or classes have been identified

Where the information relates to...	The Relevant Authority is...
public interest information - being: <ul style="list-style-type: none"><li>• environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or</li><li>• public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)</li></ul>	<ul style="list-style-type: none"><li>• the OPI;</li><li>• a Minister of the Crown; or</li><li>• any other prescribed person or person of a prescribed class</li></ul>

## Status Report on Governance and Policy Committee Resolutions 17 AUGUST 2022



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

### Pending Actions

Minute No.	Meeting Date	Officer	Subject	Estimated Completion
174 D22/56369 10 Aug 2022 11:16am Harrison, Gill This Policy is being returned to the GPC Meeting of 17 August 2022	25/07/2022	Harrison, Gill	Control of Election Signs Policy	18/08/2022

Minute No.	Meeting Date	Officer	Subject	Estimated Completion
175 D22/56369 10 Aug 2022 11:16am Harrison, Gill This Policy is being returned to the GPC Meeting of 17 August 2022	25/07/2022	Harrison, Gill	Property Identification Policy	18/08/2022

### Completed Actions

Minute No.	Meeting Date	Officer	Subject	Completed
166 D22/56369 01 Aug 2022 1:41pm Harrison, Gill This Policy was adopted by the GPC on 25 July 2022 and has been updated to Council's website.	25/07/2022	Harrison, Gill	Temporary Road Closures for Events on Council Roads Policy	1/08/2022

Minute No.	Meeting Date	Officer	Subject	Completed
168	25/07/2022	Harrison, Gill	Code of Practice - Access to Council and Committee Meetings and Documents	10/08/2022
D22/56369 10 Aug 2022 11:14am Harrison, Gill This Policy was adopted by Council on 9 August 2022 and has been updated to Council's website				

Minute No.	Meeting Date	Officer	Subject	Completed
165	25/07/2022	Harrison, Gill	Road Alteration or Encroachment Policy	1/08/2022
D22/56369 01 Aug 2022 1:41pm Harrison, Gill This Policy was adopted by the GPC on 25 July 2022 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
169	25/07/2022	Harrison, Gill	Code of Practice for Meeting Procedures and Live-Streaming Options	10/08/2022
D22/56369 10 Aug 2022 11:38am Harrison, Gill This Policy was adopted by Council on 9 August 2022 and has been updated to Council's website				

Minute No.	Meeting Date	Officer	Subject	Completed
167	25/07/2022	Harrison, Gill	Late Payment and Sale of Land for Non Payment of Council Rates Policy	10/08/2022
D22/56369 10 Aug 2022 11:13am Harrison, Gill This Policy was adopted by Council on 9 August 2022 and has been updated to Council's website				

Minute No.	Meeting Date	Officer	Subject	Completed
171	25/07/2022	Harrison, Gill	Sports Field Floodlighting Policy	10/08/2022
D22/56369 10 Aug 2022 11:13am Harrison, Gill This Policy was adopted by Council on 9 August 2022 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
173	25/07/2022	Harrison, Gill	Public Lighting Policy	1/08/2022
D22/56369				
01 Aug 2022 1:42pm Harrison, Gill				
This Policy was adopted by the GPC on 25 July 2022 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
164	25/07/2022	Harrison, Gill	Children and Vulnerable Persons Policy	1/08/2022
D22/56369				
01 Aug 2022 1:41pm Harrison, Gill				
This Policy was adopted by the GPC on 25 July 2022 and has been updated to Council's website.				

Minute No.	Meeting Date	Officer	Subject	Completed
172	25/07/2022	Harrison, Gill	Leases and Licences to Sporting and Community Organisations Policy	10/08/2022
D22/56369				
10 Aug 2022 11:13am Harrison, Gill				
This Policy was adopted by Council on 9 August 2022 and has been updated to Council's website				