

# Notice of Adjourned Governance and Policy Committee Meeting

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## MEMBERSHIP

Cr Damian Wyld (*Presiding Member*)

Cr Rob Unger  
Cr Jessica Hawkvelt  
Cr Irena Zagladov

Cr Lucas Jones  
Cr Kimberley Drozdoff

Please be advised that the Governance and Policy Committee Meeting scheduled for Wednesday 16 August 2023 was adjourned due to lack of quorum.

The next scheduled meeting is to be held on Wednesday 30 August 2023.

**RYAN MCMAHON**  
**CHIEF EXECUTIVE OFFICER**

Dated: 14 August 2023

# Notice of Governance and Policy Committee Meeting

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## MEMBERSHIP

Cr Damian Wyld (*Presiding Member*)

Cr Rob Unger  
Cr Jessica Hawkvelt  
Cr Irena Zagladov

Cr Lucas Jones  
Cr Kimberley Drozdoff

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 16 AUGUST 2023 commencing at 6.30pm

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

Members of the community are welcome to attend the meeting or listen and observe minutes via [Council's website](#).

RYAN MCMAHON  
CHIEF EXECUTIVE OFFICER

Dated: 10 August 2023

# CITY OF TEA TREE GULLY

## GOVERNANCE AND POLICY COMMITTEE MEETING 16 AUGUST 2023

### AGENDA

#### 1. Opening and Welcome

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

#### 2. Attendance Record:

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

#### 3. Confirmation of Minutes to the Previous Meeting

That the Minutes of the Governance and Policy Committee held on 21 June 2023 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

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

7. Petitions - Nil

8. Declarations of Conflicts of Interest

*Members are invited to declare any material and/or general conflicts of interest in matters appearing before the Council.*

9. Adjourned Business - Nil

10. Motions Lying on the Table - Nil

11. Management Reports

Office of the Chief Executive Officer - Nil

City Operations - Nil

Corporate Services - Nil

Community Services - Nil

12. Returned Policies

12.1 Code of Practice for Meeting Procedures ..... 5

13. First Discussion of Policies

13.1 External Grant Funding Policy ..... 64

13.2 Development Assessment Delegation Policy ..... 71

13.3	Liquor Licence Application Management Policy .....	82
13.4	Easements Management Policy .....	98
13.5	Citizenship Ceremony Policy .....	110
14.	Notice(s) of Motion - Nil	
15.	Motion(s) without Notice	
16.	Question(s) on Notice - Nil	
17.	Question(s) without Notice	
18.	Status Report on Resolutions	
18.1	Status Report on Governance and Policy Committee Resolutions.....	116
19.	Other Business	
20.	Section 90(2) Local Government Act 1999 – Confidential Items - Nil	
	<i>A record must be kept on the grounds that this decision is made.</i>	
21.	Date of Next Meeting	
	22 November 2023	
22.	Closure	

## CODE OF PRACTICE FOR MEETING PROCEDURES

Responsible Manager: Manager Corporate Governance

This report was provided to the Governance and Policy Committee on 21 June 2023. The Committee resolved to return this report for further consideration.

### Code review – legislative requirement

This Code is being reviewed pursuant to the requirements of regulation 6 from the *Local Government (Procedures at Meetings) 2013* which requires Council to review its Code once every financial year, if the Council varies any of the regulations (which it has). The Code was last reviewed in August 2022.

It should be noted that in the event that the Committee recommends to Council that this **Code be varied (as it is not within the Committee's delegation to do so), it can only be** done with the support of at least two thirds of the members of the Council entitled to vote.

### Other potential changes

It was requested by an elected member for Governance staff to investigate potential changes within the current Agenda template and its layout to improve readability. The suggestion by the member was to include the purpose and recommendation, in addition to the report title, as part of the agenda (rather than just including it the report). Given the Agenda content is prescribed within the Code, this request/suggestion has been addressed as part of reviewing the Code.

A mock agenda is provided in Attachment 2 to demonstrate what these potential changes would visually look like using the November 2022 agenda as an example would increase from 5 pages to 14 pages. Should the Committee or Council choose to amend the template this would incur an external contractor fee of approximately \$1,200 (with Council's agenda and minutes software provider).

For benchmarking and comparison purposes with the 10 biggest councils (in addition to City of Tea Tree Gully), 90% (or 9 out of 10 councils) have a similar approach to Council's current practices, in that only the report title is listed as part of the agenda. One council includes recommendations for going into confidence as part of the agenda, but this applies to confidential items only. 10% (or 1 out of 10 councils) include the report purpose in addition to the report title. No councils currently incorporate the recommendation as part of the agenda, noting this does not impact City of Tea Tree Gully's ability to do so should that be the desire of the Committee and Council.

There is a legislative requirement to publicly display a copy of the notice, at the Civic Centre in the front window (as the principal office of the council) as per section 84(1a) of the Act. This same legislative requirement doesn't apply to the agenda (which is only required to be published on Council's public website), however traditionally it has been the practice of the City of Tea Tree Gully to publicly display copy of the notice and agenda. Should the agenda be amended to incorporate the purpose and recommendation of a report in addition to the report title (which was an increase from 5 to 14 pages based on the November 2022 Council meeting agenda), this practice may need to be amended to align with legislative requirements only.

At this stage the suggestion has not been incorporated in the review of the Code, but can easily be achieved if committee wishes to make an amendment.

## RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

**That the "Code of Practice for Meeting Procedures" as reviewed by the Governance and Policy Committee on 16 August 2023 be adopted.**

OR

That the **"Code of Practice for Meeting Procedures"** as reviewed by the Governance and Policy Committee on 16 August 2023 be returned to the Governance and Policy Committee for consideration.

Summary of changes		
Page No.	Heading	Comments
4	Order of Business	<p>It is noted that the agenda structure for the Governance &amp; Policy Committee is different to that of Council and other Committees. The Code has been amended to reflect current practice.</p> <p><b>Proposed rename of ‘management reports’ to ‘decision reports’ to more accurately distinguish the difference between an information report and a matter requiring a decision of Council.</b></p> <p>Minor change to be consistent with Agenda Item listed on page 15 for Mayor and Council delegates.</p>
6	Leave of Absence	Simplified this section to remove duplication.
8	Public participation / speaking at a meeting	Simplified this paragraph to remove duplication.
11	Declaration of Conflicts of Interest	<p>Discussion Point:</p> <p>The Committee to consider this section be removed as it causes confusion within the meeting and not all members declare the COI at this point. It is proposed that this be removed to allow for conflicts of interest to be declared at the time the relevant item is considered. Elected members are able to make the Presiding Member aware of proposed conflict of interest declarations prior to the meeting.</p>
11	Adjourned Business	Simplified this paragraph to remove duplication.
11	Motions Lying on the Table	Removed the reference to the motion lying on the table will be included in the Agenda. The matter would be listed on the agenda for reference but no reports, attachments will be included as part of the agenda. This reduces the chance of large attachments being included in the agenda when a matter is not actually being considered at that meeting, given this requires a member to do so via Notice of Motion (unless a motion without notice is accepted).
12	Management Reports	<p>This section has been updated to align with current organisational structure.</p> <p><b>Proposed rename of ‘management reports’ to ‘decision reports’ to more accurately distinguish the difference between an information report and a matter requiring a decision of Council.</b></p>



13	Notice(s) of Motion	Removal of this paragraph as it is a matter for the Presiding Member and relevant Elected Member to consider.
13	Motion(s) without Notice	Removal of duplication in paragraph and updating department title.
15	Other Council Delegate Reports	Simplified this section to remove duplication.
15	Other Business	Simplified this section to remove duplication.
16	Motions	Simplified this section to remove duplication.
18	Amendments to Motions	Simplified this paragraph to remove duplication.
21	Divisions	Discussion Point: Consider removing the requirement to stand when voting in the negative to simplify process when a division is called for, and only require a show of hands. This has not yet been amended in the Code proposed.
22	Meeting Etiquette	Removing practices and protocols that are no longer current practices or to simplify this section.
22	Visual or Audio Recordings	Additional clarity that not only are audio recordings not made of confidential matters (or where technical difficulties arise), that this also applies to live streaming.  Clarified that Committee meetings are not recorded or live streamed, which is consistent with current practice.
Changes during or after GPC Meeting on 21 June 2023		
5	Acknowledgment of Country Statement	Changes made: <ul style="list-style-type: none"> <li>• Acknowledgment to be read at Council Meeting only with the removal of Committees.</li> <li>• Acknowledgment to be read by the Presiding Member only.</li> <li>• Removal of the four examples and only one statement to remain in the Code.</li> </ul>
6	Leave of Absence	This section has been re-written to simplify the process.
6	Officers in Attendance and Public Gallery	Staff inclusion: The removal of media in attendance to no longer be recorded.
7	Public participation / speaking at a meeting	Reviewed wording so that handouts are provided to Staff before speaking.
8	Deputations	Staff inclusion: Limiting Deputation to time limit to provide guidance on how many speakers per meeting.

13	Questions without Notice	Staff Inclusion: The process of how a question without notice will be dealt with if it cannot be answered at the meeting The addition of the process of how a question without notice will be dealt with should the Presiding Member deem it to be answered at the next meeting.
13	<b>Mayor's Report</b>	Removal of requirements for the Mayor report to be provided in the Minutes.
22	Variations to Motions	Staff Inclusion: Clarification that any member may move a variation.
25	Divisions	Removal of Discussion Point as Committee will like this to remain as status quo.
26	Meeting Etiquette	Point 3: Wording has been included that all questions from Elected Members will be from the Presiding Member via the CEO Point 5: Allowing Committee members to be addressed by their first name.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

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# Code of Practice for Meeting Procedures



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## 1. PURPOSE

The purpose of this Code is to establish a consistent and transparent approach and provide clear expectations for Elected Members, Council employees and members of the public regarding Council and Committee meetings.

This Code only applies to all ordinary and special meetings of Council and section 41 Committee meetings at the City of Tea Tree Gully. Council Assessment Panel (CAP) is governed by the *Planning, Development and Infrastructure Act 2016* and therefore has its own meeting procedures.

## 2. CODE

### 2.1 Introduction

Council and Committees follow the rules and procedures outlined in the:

1. Local Government Act 1999 (Chapter 6)
2. Local Government (Procedure at Meetings) Regulations 2013
3. Code of Practice for Meeting Procedures (this Code)
4. Code of Practice – Access to Council and Committee Meetings and Documents – this determines access to meetings and documents
5. Committee Structure - Terms of Reference and Membership

The Code complements and is applied in conjunction with the prescribed procedures set out in the *Local Government Act 1999* and the *Local Government (Procedures at Meetings) Regulations 2013* except where Council has, in accordance with Regulation 6, chosen to vary meeting procedures.

### 2.2 Guiding Principles (Regulation 4)

#### Legislation

The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a council or council committee:

- a. Procedures should be fair and contribute to open, transparent and informed decision-making
- b. Procedures should encourage appropriate community participation in the affairs of the council
- c. Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting
- d. Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

## 2.3 Agenda and Order of Business

### 2.3.1 Order of Business

The order of business to be considered at an ordinary or special Council and Committee meetings (with the exception of the Governance & Policy Committee) has been determined as follows:

- a. Opening Prayer (Council only) and Welcome
- b. Acknowledgement of Country Statement (Council only)
- c. Attendance record (Present, Apologies, Leave of absence, Officers in attendance, Public in attendance)
- d. Confirmation of Minutes of the previous meeting *(this will not occur at a special meeting)*
- e. Public forum
- f. Deputations
- g. Presentations
- h. Petitions *(this will not occur at a special meeting)*
- i. Declaration of conflicts of interest
- j. Adjourned business *(this will not occur at a special meeting)*
- k. Motions lying on the table *(this will not occur at a special meeting)*
- l. Committee reports (for section 41 Committee recommendations to Council) *(this will not occur at a special meeting)*
- m. Management reports *(referred to as matters for discussion at a special meeting)*
- n. Notices of Motion
- o. Motions without Notice *(this will not occur at a special meeting)*
- p. Questions on Notice
- q. Questions without Notice *(this will not occur at a special meeting)*
- r. Mayor and Council Delegates Report *(this will not occur at a special meeting)*
- s. Information reports *(this will not occur at a special meeting)*
- t. Status report on resolutions *(this will not occur at a special meeting)*
- u. Other business *(this will not occur at a special meeting)*
- v. Confidential items
- w. Date of next ordinary meeting *(this will not occur at a special meeting)*
- x. Closure

**Deleted:** , Media in attendance

**Deleted:** and Activities

**Deleted:** (including Mayor reports)

For a special meeting, each agenda item listed above must relate to the agenda for the special meeting as specified in the request to the CEO to call a special meeting.

The order of agenda items may be varied by Leave of the Meeting, or by resolution of the Council or Committee, in consideration of the needs of the public, employees, consultants, individual members or any person making a deputation, presentation or participating in the public forum.

### 2.3.2 Welcome

All present will stand as the Presiding Member takes their position in the Chambers. The Presiding Member will welcome everyone in attendance. (Note: The requirement to stand only applies to Council meetings.)

### 2.3.3 Opening Prayer (Council only)

To be read by the Presiding Member. The form of words for the Council prayer will be:

*"Almighty God we humbly ask you for your blessing upon this Council Meeting, direct and prosper our deliberations to the advancement of your glory and the welfare of the people of our City and of Australia. Amen."*

### 2.3.4 Acknowledgement of Country Statement (Council only)

To be read by the Presiding Member. The form of words for the Acknowledgment of Country Statement will be one of the following:

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

### 2.3.5 Evacuation Protocols

In the event that there is a significant number of public present, the CEO (or delegate) may provide guidance on evacuation protocols at the start of the meeting. As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

### 2.3.6 Brief Statement to Public Gallery (if members of public are present)

Where a number of members of the public are present, the Presiding Member may advise that while the public are encouraged and are welcome to attend meetings, they are doing so to listen to the proceedings in an observer role only. There are designated sections of the meeting (eg. Public Forum and Deputations) where members of the public can directly interact in the meeting.

As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

### 2.3.7 Attendance Record

#### 2.3.7.1 Present

A record of Elected Members present is maintained (identifying the time of arrival for any Elected Members not present at the commencement of the meeting). Names will be recorded by listing the Mayor first followed by the names of the Elected Members in the order they sit around the Council Chamber or meeting room. First name initials with surnames in full will be used.

#### 2.3.7.2 Apologies

A record is taken of those Elected Members who have previously advised that they would not be present at the meeting. Elected Members that are absent from meetings and have not previously advised that they would not be present, are not recorded in the Minutes.

**Deleted:** An Acknowledgement of Country is a way of showing respect and an awareness of Aboriginal and Torres Strait Islander owners of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country. ¶

¶ At the City of Tea Tree Gully an Acknowledgement of Country Statement may be read by the Presiding Member, or at their discretion another Elected Member, at each Council and Committee meeting (where members of the public are present). Council recognises the need for flexibility in the content of the statement to ensure it demonstrates respect for the traditional custodians. The following statements are provided as examples that can be read. ¶

**Deleted:** "The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors. We acknowledge the Kurna people living today as the custodians and caretakers of their land and pay our respect to elders both past and present" ¶

¶ "The City of Tea Tree Gully recognises that we are meeting on the traditional lands of the Kurna people of the Adelaide Plains. We recognise and respect their cultural heritage, beliefs and relationship with the land of their Ancestors." ¶

¶ "We would like to Acknowledge that the land we meet on today is the traditional land for the Kurna people and that we respect their spiritual relationship with their Country. We also acknowledge the Kurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kurna people today." (Statement of Acknowledgement from Reconciliation SA) ¶

**Deleted:** Presiding Member or

### 2.3.7.3 Leave of Absence (Council only)

~~Leave of absence requests (including the relevant meeting(s)) will be considered by the Council.~~

### 2.3.7.4 Officers in Attendance and Public Gallery

A record in the minutes is to be taken of those employees present (physically or electronically) at the meeting, their name and position title.

A record in the minutes is to be taken of the number of members of the public present (physically) at the meeting. This does not form any part of the formal Agenda.

### 2.3.8 Confirmation of Minutes of the Previous Meeting

#### Legislation - Regulation 8

- (1) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, a subsequent meeting.
- (2) No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- (3) On the confirmation of the minutes, the presiding member will –
  - (a) Initial each page of the minutes, which pages are to be consecutively numbered; and
  - (b) Place his or her signature and the date of confirmation at the foot of the last page of the minutes.

### 2.3.9 Public participation / speaking at a meeting

Similar to other levels of government, for the majority of the meeting members of the public are not able to participate in the meeting and are there to listen to the proceedings in an observer role only. However, as part of Council's desire to be open, transparent and accessible to its community, provision has been made at each meeting for a Public Forum session (specific to each council) and Deputations (provided for in legislation). This allows residents, ratepayers or guests of the City to speak to the meeting on topics of Council business, which should relate to policy, strategic type matters or items that are currently before the Council. Operational matters should be referred to Council's Customer Service during normal business hours.

Deputations are a more formal way of addressing a meeting than Public Forum (details of the Deputation are published on the meeting Agenda if known prior to the meeting). For either speaking method, speakers are required to register their request to speak in writing prior to the commencement of the meeting (preferably by [online form](#)) with the following information:

- a. The speakers name
- b. The speakers address
- c. Contact details
- d. Subject matter that the speaker wishes to address at the meeting
- e. Representation method – ie. Public Forum or Deputation
- f. Preferred meeting date
- g. Proposed duration of deputation (restricted to a maximum of 10 minutes) *[Note: relevant to Deputations only]*

**Deleted:** ¶

**Moved down [3]:** A motion may be sought by the Presiding Member for Council to grant any requested leave of absence by Elected Members.¶

**Moved (insertion) [2]**

**Deleted:** The CEO will advise the Presiding Member of any requests for leave of absence and apologies for non-attendance at Council Meeting(s) prior to the commencement of the meeting¶

**Moved up [2]:** The CEO will advise the Presiding Member of any requests for leave of absence and apologies for non-attendance at Council Meeting(s) prior to the commencement of the meeting¶

**Moved up [1]:** At each meeting, Council will formally consider and vote on leave of absences for those Elected Members who have requested it.¶

**Deleted:** If an Elected Member requires leave of absence the following guidelines will be followed:¶  
If an Elected Member knows in advance that they will be away for Council meeting(s) they will advise the CEO in writing (e.g. by email) A motion may be sought by the Presiding Member for Council to grant any requested leave of absence by Elected Members.¶  
At each meeting, Council will formally consider and vote on leave of absences for those Elected Members who have requested it.¶  
The Elected Member's name will be listed as an apology under the Agenda item "Leave of Absence" and include the relevant period¶

**Moved (insertion) [3]**

**Moved (insertion) [1]**

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**Deleted:** first name initial and full last name

**Deleted:** and media organisations



Priority will be given to those person(s) who have placed a request to speak prior to the day of the meeting. Persons who have requested to speak prior to 10am on the day of the meeting will be informed of the outcome of their request.

A person who has submitted a petition to Council (or a nominated representative) on a matter, may at the discretion of the Presiding Member, be requested to speak on behalf of the signatories, instead of all individuals speaking.

A person will not be allowed to speak about a matter if they have already made a previous submission in relation to the same matter, particularly where the matter has been to the community for consultation or is part of a community engagement process, unless leave of the meeting is granted.

During an election period (as defined by *Local Government (Elections) Act 1999*), the Presiding Member may not allow a person to speak about a matter where the subject matter is a matter which a candidate has made public statements about, or if the person speaking is a candidate in the local government elections.

The speaker must follow these protocols for speaking at a meeting:

- a. Introduce themselves (name, suburb and subject)
- b. Required to speak at the meeting with respect; use appropriate language; comments must be truthful, fair and based on facts; not include allegations or make critical remarks about people or organisations.
- c. Provide any handouts to Elected Members to staff prior to speaking.

The Presiding Member has the authority to terminate any public forum or deputation at any time where it fails to conform to these protocols or a reasonable request of the Presiding Member.

The meeting will not debate a matter raised from the Public Forum or Deputation, although Elected Members may ask questions for clarification at the discretion of the Presiding Member.

The Minutes of the meeting will include a record of the name of the person addressing the meeting, and a brief description on the nature of the matter discussed.

#### 2.3.9.1 Public Forum

The Public Forum session will be restricted to a maximum of 10 minutes in total and each person will be restricted to a maximum of 2 minutes (unless otherwise resolved by the meeting or Leave of the Meeting is granted). A list of speakers will be provided to the Presiding Member at the commencement of the meeting.

The Presiding Member has absolute discretion as to allow or refuse a person to continue speaking in the Public Forum.

**Deleted:** Each person allowed to speak must address the Presiding Member and state their name, suburb and the subject upon which they wish to address the meeting. Any person speaking at the meeting must seek approval from the Presiding Member before giving handouts to Elected Members.¶

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<#>Speakers are r

**Deleted:** Seek approval from the Presiding Member before giving

**Deleted:** Elected Members

Where there are more registered speakers than the allocated maximum of 10 minutes, the Presiding Member will have the right to limit the number of speakers, or may seek leave of the meeting to extend the time accordingly. Where multiple speakers have indicated they wish to speak on the same topic, the Presiding Member may request a ballot draw. The names drawn will indicate people who can speak in the Public Forum. The ballot draw will be coordinated by staff present at the meeting as nominated by the CEO.

### 2.3.9.2 Deputations

#### Legislation - Regulations 11

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

A Deputation is to be restricted to a maximum of 10 minutes per request (unless otherwise resolved by the meeting or Leave of the Meeting is granted). Deputations will be restricted to a maximum of 15 minutes in total per meeting.

Deleted: Deputation

Deputation requests should be submitted within the following timeframes:

- Deputation is related to matter of business on Agenda – by 10am the day of the meeting
- Deputation does not relate to a matter of business on Agenda – at least seven (7) days prior to the meeting (if approved, the deputation request will be published on the Agenda).

It is preferable that any deputation relating to a planned report should occur at the same meeting as the report that is presented to Council or Committee (where relevant).

Whether or not a deputation may be allowed or refused is to be determined on a case by case basis. In determining whether a deputation is allowed, the following considerations will be taken into account:

- a. The subject matter of the proposed deputation
- b. Whether the subject is within the jurisdiction of the Council
- c. Relevance to the Agenda of the meeting nominated
- d. The size and extent of the Agenda for the particular meeting

The Presiding Member must report the decision to refuse a deputation at the next meeting of the Council or Committee (if relevant).

Any person that requires the use of presentation aids (eg. PowerPoint presentation, DVD etc) must make the presentation available to Council prior to 2pm on the day of the meeting to enable testing. External USB drives will not be inserted into any Council computers.

### 2.3.10 Presentations

Employees, consultants, government agencies or other organisations that work with Council, may make presentations to a meeting on matters relating to the Council or Committee at the discretion of the CEO or Presiding Member. A general limit of two presentations per Council meeting applies unless other priorities are identified.

The Minutes of the meeting will include a record of the name and role of the employee or consultant making the presentation, together with a brief description on the nature of the presentation.

### 2.3.11 Petitions

#### Legislation - Regulations 10

Subregulation (2) – not varied by Council

- (1) A petition to the council must –
  - a. Be legibly written or typed or printed; and
  - b. Clearly set out the request or submission of the petitioners; and
  - c. Include the name and address of each person who signed or endorsed the petition; and
  - d. Be addressed to the council and delivered to the principal office of the council.
- (2) If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
- (3) Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

Any petition lodged with Council in accordance with Council's Petition Management Policy will be reported to the next available Council or Committee meeting. A report containing a statement as to the nature of the petition, along with the number of signatures on each petition will be provided in the Agenda. The petitions will not be copied and circulated, however a copy will be available for Elected Members to inspect.

This report is provided for information purposes, and does not require a resolution. The Minutes will record that the Petition was received by Council.

#### **Deleted: 2.3.12 Declaration of Conflicts of Interest¶**

Elected Members will be invited to nominate any item on the Agenda where they are of the view that they have a conflict of interest in order for the Presiding Member to allow the Member the appropriate opportunity to identify the details of the conflict of interest immediately prior to any discussion occurring on the relevant item.¶

¶ The Minutes will record a reference to the Agenda item to which the interest relates. Details on the specific nature of the conflict of interest will be recorded in the Minutes in accordance with the Act as part of consideration of the Agenda item itself and will also record if the Member was present or not for the vote.¶

### 2.3.13 Adjourned Business

Any adjourned business will be listed **and included** on the next meeting Agenda as a reminder of their status.

**Deleted:** A copy of any adjourned business is to be included in the Agenda.

#### Legislation - Regulations 19

Regulation 19 –varied by Council

- (1) If a formal motion for a substantive motion to be adjourned is carried –
  - a. The adjournment may either be to a later hour of the same day, to another day, or to another place; and
  - b. The debate will, on resumption, continue from the point at which it was adjourned.
- (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting.
- (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 19(3) is varied to allow the Presiding Member, in determining order of business, to consider whether it is appropriate for business adjourned from a previous meeting to be dealt with before any new business.

### 2.3.14 Motions Lying on the Table

Any motions currently lying on the table will be listed on the next meeting Agenda as a reminder of their status.

**Deleted:** A copy of any motion lying on the table is to be included in the Agenda.

#### Legislation - Regulations 12(19) and (20)

- 12.
- (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election.
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to council at the first ordinary meeting of the council after the general election.

### 2.3.15 Committee Reports (Council only)

Any Committee (or Sub Committee) recommendations or matters that need to be presented to Council will be presented for consideration at the next available meeting.

Presiding Members of Committees may present to Council on relevant matters in accordance with the Terms of Reference for that Committee.

### 2.3.16 Management Reports

Management Reports will be listed on the Agenda in accordance with the management structure of Council:

1. Office of the Chief Executive Officer
2. ~~City Operations~~
3. ~~Corporate Services~~
4. ~~Strategy and Finance~~
5. ~~Community Services~~

**Deleted:** Assets and Environment

This listing will be varied as required to ensure consistent alignment with Council's management structure at any point in time.

**Deleted:** <#>Organisational Services and Excellence¶  
<#>Community and Cultural Development¶

### 2.3.17 Notice(s) of Motions

#### Legislation – Regulation 12(1) to (4) and (7)

- 12.
- (1) A member may bring forward any business in the form of a written notice of motion.
- (2) The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.
- (3) A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
- (4) If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought –
  - a. until the expiration of 12 months; or
  - b. Until after the next general election, whichever is sooner.
- (7) The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

The Notice of Motion will be placed on the Agenda with the following information (to be considered in the prescribed form determined by Council):

- a. Subject of Notice of Motion
- b. Proposed Motion
- c. Background (must be provided prior to Notice of Motion deadline or will be considered not in the form required by Council and subsequently disallowed)
- d. Name and Ward of Councillor that submitted the Notice of Motion
- e. CEO's comments (to be added after a Notice of Motion has been submitted by the deadline)
  - o Policy
  - o Risk
  - o Financial implications
- f. Attachments

As a matter of probity and governance best practice, the Presiding Member should not submit Notices of Motions at the meeting over which he or she presides.

**Deleted:** Where regulation 12(7) is triggered, the Presiding Member will have the ability to refuse a motion as it is written. However, the Presiding Member may work with the Elected Member to amend the wording to bring it within the power of Council, or may refuse the Notice of Motion within the agenda.¶

### 2.3.18 Motion(s) without Notice

#### Legislation – Regulation 12(5) and (6)

- 12.
- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
  - (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

In order to assist Council in maintaining an open and transparent approach to governance, these motions should be restricted to matters closely related to Agenda items, house-keeping issues or urgent matters. Elected Members are encouraged where possible to provide a proposed motion to the Corporate Governance Department prior to Council's consideration.

**Deleted:** written motion without notice

**Deleted:** Governance & Policy Department

**Deleted:** to expedite minute taking

### 2.3.19 Question(s) on Notice

#### Legislation – Regulation 9 (1), (2) and (6)

- 9.
- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
  - (2) If notice of a question is given under Subregulation (1) –
    - (a) The chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
    - (b) The question and the reply must be entered in the minutes of the relevant meeting.
  - (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting and improper.

The Question on Notice will be placed on the Agenda. Where possible, answers to the Questions on Notice will also be included in the Agenda.

Questions on Notice will not be debated in the meeting.

In accordance with regulation 9(6), the Presiding Member has the ability to refuse the answering of the Question on Notice. Where the answering the question is refused, no response will be provided either in the agenda or minutes, but there will be a record that the Presiding Member refused the answering of the question and on what basis.

A copy of the Question(s) on Notice and answers will be included in full as an attachment to the Council or Committee Minutes.

### 2.3.20 Question(s) without Notice

#### Legislation – Regulation 9(3) to (6)

- 9.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

Unless otherwise determined by resolution, the Minutes will only record for transparency purposes the number of questions, the Elected Member that asked the question(s), and reference to the question topic.

If a Question without Notice cannot be answered at the meeting, the Presiding Member may allow the reply to be provided to Elected Members separately (i.e via email) or given at the next meeting.

Where a question without notice is to be given at the next meeting, it is the responsibility of the Elected Member to submit this in writing as a Question on Notice in accordance with the regulations.

### 2.3.21 Mayor and Council Delegates Reports (Council only)

#### 2.3.21.1 Mayor's Report

The Mayor may elect to present a report of their activities since the previous Mayor's report for inclusion in the Agenda, including where an Elected Member has attended a meeting on behalf of the Mayor. This is generally submitted on a monthly basis. This report is provided for information and does not require a resolution.

**Deleted:** The Mayor's report will only be included in full as an attachment to the Council Minutes where it has not been provided in the Agenda.

#### 2.3.21.2 Other Council Delegate Reports

Elected Members are invited to submit a written report for inclusion in the Agenda, where they have attended a meeting and/or function:

- On behalf of Council as a nominated Council delegate (rather than as an elected member)
- On behalf of the Mayor

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This report is provided for information and does not require a resolution.

**Deleted:** they are invited to submit a written report of the attendance. It is expected that these reports will include some specific information relating to recent meetings of the relevant body. If time permits, this will be included in the Agenda otherwise the report will be tabled at the meeting and provided as an Attachment to the Minutes.

### 2.3.22 Information Reports

The Minutes will record a list of those Information Reports that have been distributed to Elected Members in the Agenda. While these reports are provided for information and do not require a resolution, Elected Members may ask questions or move motions in relation to the Information Reports. The Presiding Member will make a determination whether to accept a motion in this regard, after taking into account the Guiding Principles.

### 2.3.23 Status Report on Previous Resolutions

A report that contains a summary of resolutions in progress or completed since the previous status report will be part of the Agenda for each Committee meeting and the first Council meeting of each month. This record will be used to ensure that Council and Committee decisions are enacted and the meeting is informed of any action(s) undertaken to date (with the exception of confidential items). This report is provided for information purposes and does not require a resolution. At the meeting, Council or Committee members will have the option of asking questions or querying outstanding items.

### 2.3.24 Other Business

Any late correspondence that needs to be circulated to Elected Members promptly, relating to Council business, may be recorded at this point in the meeting. This item is restricted to Council business considered to be of a minor housekeeping nature or matters of extreme importance that are unable to be deferred to the next meeting. The Presiding Member has the discretion to allow for other matters to be raised ~~taking into account~~ the Guiding Principles in the Regulations.

**Deleted:** These items have not been advertised to the broader community and therefore it is considered to not be good governance practice, however t

**Deleted:** . It is generally contrary to

**Deleted:** to have items that do not fit into the above criteria considered during this part of the meeting

### 2.3.25 Confidential Items - Section 90(2) Local Government Act 1999 Matters

Any item that has been identified as potentially confidential may include a report from the CEO that identifies the reason why the report should be discussed with the exclusion of the public. Any recommendation to consider an item in confidence will be presented to Council or Committee in accordance with the requirements under the Act.

Council or Committee will consider the recommendation of the CEO and determine whether the matter will be considered in confidence. This section should be read in conjunction with Council's Code of Practice – Access to Council and Committee Meetings and Documents, which outlines how Council or Committee may apply the confidential provisions of the Act and restrict public access to the specific matter under consideration (and any associated documents).

### 2.3.26 Date of Next Meeting

This is to be recorded in the Minutes to remind Elected Members of the scheduled date for the next meeting.

### 2.3.27 Closure

The time of closure of the meeting will be recorded.



## 2.4 Meeting Practices

### 2.4.1 Motions

<p><b>Legislation – Regulation 12(7) to (11) –</b>  Subregulation (10)(c) – varied by Council  Subregulation (9), (10)(a) and (b) and (11) – not varied by Council</p>
<p>12.  (7) The Presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).  (8) A motion will lapse if it is not seconded at the appropriate time.  (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.  (10) A member may only speak once to a motion except –  (a) to provide an explanation in regard to material part of his or her speech, but not so as to introduce any new matter; or  (b) with leave of the meeting; or  (c) as the mover in reply.  (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.</p>

Council has varied Regulation 12(10)(c) above as follows:

- A Member may only speak as the mover in reply (closing the debate) to a motion where another Elected Member has spoken against the motion or where leave of the meeting is granted (also refer to Amendments to Motions).

~~It~~ will be the responsibility of ~~the~~ mover of a motion, ~~an amendment, or variation, to provide the draft motion, an amendment or variation to the CEO in writing.~~

As a matter of probity and governance best practice, it is preferable that a Presiding Member not move any Motions at the meeting over which they preside.

All resolutions will be consecutively numbered throughout a Council term starting at 1 at the beginning of each term for both Council and Committee.

**Deleted:** All motions submitted by Elected Members will be in writing

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## 2.4.2 Formal Motions

Legislation – Regulation 12(12) to (18)
<p>12.</p> <p>(12) A member who has not spoken in the debate on a question may move a formal motion.</p> <p>(13) A formal motion must be in the form of a motion set out in Subregulation (14) (and no other formal motion to a different effect will be recognised).</p> <p>(14) If the formal motion is –</p> <ul style="list-style-type: none"> <li>(a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or</li> <li>(b) that the question be put, then the effect of the motion, if successful, is that the debate is terminated and the question put to the vote by the presiding member without further debate; or</li> <li>(c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or</li> <li>(d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or</li> <li>(e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without consideration of further business.</li> </ul> <p>(15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).</p> <p>(16) A formal motion does not constitute an amendment to a substantive motion.</p> <p>(17) If a formal motion is lost –</p> <ul style="list-style-type: none"> <li>(a) the meeting will be resumed at the point at which it was interrupted; and</li> <li>(b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken to the question.</li> </ul> <p>(18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.</p>

### 2.4.3 Amendments to motions

#### Legislation – Regulation 13(1) to (5)

Subregulation (1), (3), (4) and (5) - not varied by Council

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion to which the amendment relates.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

The following has been added to assist in the clarification of the Regulations:

1. Any Elected Member who has spoken to the original motion cannot speak to any amendments.
2. A second amendment can only be considered by the meeting once the first amendment has been resolved.
3. Any Elected Member who has not spoken previously to the original motion or the first amendment may move, second or speak to a second amendment.
4. The mover of an amendment does not have right of reply ~~or closing of debate~~ prior to voting of the amendment.
5. After any amendments have been resolved, other members who have not moved, seconded or spoken to the original motion or amendments should be invited to speak to the motion (as may be amended) before the debate concludes.
6. During the debate an Elected Member who has not moved, seconded or spoken previously to the motion or amendments may foreshadow an alternative motion should the motion (original or as amended) be defeated. The foreshadowing of a motion will not be included in the Minutes.
7. The debate on the matter is to be closed by the original mover of the original motion after all amendments have been voted upon and all speakers who wish to participate in the debate have been exhausted.

**Deleted:** <#>There is no closing of the debate prior to voting on an amendment.¶

### 2.4.4 Variations to motions

#### Legislation – Regulation 14

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

**A member may move a variation if they have already spoken to the motion. The member must not debate the variation and may only do so with leave of the meeting**

## 2.4.5 Voting

### Legislation – Regulation 16

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3) –
  - (a) may be varied at the discretion of the council pursuant to regulation 6; and
  - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purpose of section 89 of the Act.

All members of the meeting must vote if they are in attendance, including the Presiding Member of a Committee.

While a tied vote cannot occur at Council meetings with the Mayor having a casting vote, it can occur at Committee meetings. In the event that a vote is tied the matter will be referred to the parent body for deliberation; i.e. if it is a Committee then Council will consider the matter, or if the matter is being considered by a sub-committee then the parent Committee will consider the matter.

### Legislation – Regulation 6(1) to 6(4)

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

Based on legal advice obtained in July 2018, of sections 6(1) and 6(3) of the *Local Government (Procedures at Meetings) Regulations* direction relating to resolving to alter, substitute or revoke a Code of Practice requires a resolution supported by at least two thirds of the members of the Council entitled to vote on the resolution. This is interpreted as being the number of Members who are present in the meeting room for the vote, excluding the Mayor who is only entitled to vote in the event of a tie. The Mayor should only be included in the calculation in the event of a tie. Any

member who is an apology or is absent from the meeting or if a member declares a conflict of interest and leaves the meeting or is otherwise not in his/her seat is to be excluded for the purposes of the calculation.

#### 2.4.6 Addresses by Members

<b>Legislation – Regulation 15 (1) to (6)</b>
Subregulations (1) and (2) – has been varied by Council in relation to Committees
(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.
(2) A member may, with leave of the meeting, raise a matter of urgency
(3) A member may, with leave of the meeting, make a personal explanation
(4) The subject matter of a personal explanation may not be debated.
(5) The contribution of a member must be relevant to the subject matter of the debate
(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6

Elected Members will stand when addressing Council. However, to provide for sufficient flexibility, the Mayor will have the discretion to determine whether Elected Members are required to stand or may remain seated while speaking. This may occur for various reasons (whether it be to assist with voice projections through the audio system or to take into account other limitations). At Committee meetings Members may remain seated while they are speaking.

For Committee meetings, regulation 15(1) & (2) are varied at the discretion of the Presiding Member as informal dialogue is encouraged concerning Agenda matters insofar as is permitted within the Regulations and the Committee's Terms of Reference.

A Member may also seek Leave of the Meeting to speak more than once to an Agenda item. This is generally an undesirable practice and should only be considered in limited circumstances (e.g. where additional material information comes to light during debate or an accepted amendment materially varies an original motion). Leave of the Meeting should be sought by a Member for each instance.

The Presiding Member should generally refrain from entering the debate until the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. This requirement is not to restrict the Presiding Member in their duty of chairing meetings, from asking questions and adding valuable information or clarification to assist the debate when required.

### 2.4.7 Divisions

**Legislation – Regulation 17**

Subregulation (3) - varied by Council

- (1) A division will be taken at the request of a member.
- (2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- (3) The division will be taken as follows:
  - (a) the member voting in the affirmative will, until the vote is recorded, stand in their places;
  - (b) the members voting in the negative will until the vote is recorded, sit in their seats;
  - (c) the presiding member will count the number of votes and then declare the outcome.
- (4) The chief executive officer will record in the minutes the names of those members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote)
- (5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.

Council has varied (3)(b) above as follows:

- (b) then the members voting in the negative will, until the vote is recorded, stand in their place

In a Committee meeting, the Presiding Member's vote will be counted at the time of taking the Division.

It is noted, that a Division cannot be called on an amendment as it is not a motion.

### 2.4.8 Points of Order

**Legislation – Regulation 28**

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.
- (2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- (3) A point of order takes precedence over all other business until determined.
- (4) The presiding member will rule on a point of order.
- (5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- (6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.
- (7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –
  - (a) the ruling has no effect; and
  - (b) the point of order is annulled.

The Minutes will record all Points of Order called by a member and the Presiding Member's ruling on the Point of Order, along with the reason for the ruling (if provided). Any Points of Order that do not comply with regulation 28(2) will be recorded in the Minutes along with a notation that it did not comply, if so determined by the Presiding Member.

#### 2.4.9 Minutes

Where possible, the Minutes of the meeting will be recorded electronically on a screen that is viewable by the meeting.

A copy of the minutes ~~of the Council meeting~~ must be placed on public display on a website determined by the CEO within five days after the meeting and kept on display for a minimum period of one month.

**Deleted:** of a meeting of the Council

#### 2.4.10 Appointment to role

In the event that there is an item for appointment where more than one member expresses an interest in occupying a role (e.g. Deputy Mayor) the Council may follow a voting procedure in accordance with Attachment 1. This process may be varied by Council staff or by resolution as required.

#### 2.5 Meeting Etiquette

The following meeting etiquette will apply to Council and Committees:

1. At the beginning of each Council term, the Mayor will determine the seating arrangements of Elected Members in the Council Chamber (for Council Meetings only). These seating arrangements will remain until the end of a Council term, unless the Presiding Member or CEO determines otherwise.
2. Elected Members and people making deputations, presentations or participating in the public forum, except when ill or infirm, will rise when speaking as a mark of respect at all Council and Committee meetings
3. During Council and Committee meetings employees will respond to questions from the floor at the invitation of the Presiding Member ~~via the CEO~~ and will acknowledge the Presiding Member before replying.
4. Elected Members, Committee members and employees are to use respectful language and adopt civil behaviour.
5. At a Council meeting the Principal Member will be addressed as "Mr or Madam ~~or~~ Mayor (Name)" and Committee members including the Presiding Member ~~may~~ be addressed by their first name.
6. ~~Any mobile telephones brought into the meeting are to be switched to silent or vibration alert mode. Text messaging and emailing is tolerated, however the taking of telephone calls in a meeting is unacceptable.~~
7. ~~The standard of dress commonly referred to as "business" is the minimum accepted standard for Council meetings or casual business attire for Committee meetings.~~

**Deleted:** Each meeting will follow the practice as detailed below:¶  
Where Council or a Committee has been meeting for two and a half hours without adjournment a resolution may be invited by the Presiding Member for the meeting to adjourn for 10 minutes¶

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**Deleted:** <#>For Council or Committee meetings that are held in the Chamber, if a member needs to leave the Chamber, he or she should indicate this to the Presiding Member e.g. by standing, facing the chair and making eye contact before leaving the meeting. This will also provide the minute taker the opportunity to record the movement from the Chamber. Members should be aware that as soon as they leave their seats they have left the meeting.¶

**Deleted:** Elected Members are expected to afford respect to the meeting, the people they represent and all ratepayers of the City by being appropriately dressed when attending meetings.

### 2.5.1 Visual or Audio Recordings

Members of the public who wish to record audio or visual footage of a Council or Committee meeting must first obtain the approval of the Presiding Member.

Council employees may take visual footage (including photographs) for the purposes of Council business. Elected Members must seek and obtain approval from the Presiding Member, and permissions of all people included in footage, before taking visual footage (including photographs) or audio recordings and/or publishing images that feature any other individual. Any other provisions for audio recordings by staff may be included in the Code of Practice – Access to Council and Committee Meeting Documents.

An audio recording of each Council meeting (with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise) will be taken to support the accurate recording of the Council Meeting minutes and be managed in accordance with the State Records Act. Where an Elected Member requests a copy of a recording prior to its destruction, a copy will be provided and the request recorded in a register and all Elected Members will be informed.

Council is committed to providing greater accessibility to Council meetings through live streaming of Council meetings (with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise).

Committee meetings are not recorded or live streamed.

### 2.5.2 Family and Worker Friendly Meeting Times

This section incorporates consideration of family and worker friendly meeting times to enable the opportunity for people to attend. The requirement is that:

1. All Committees establish a meeting schedule that incorporates a minimum of 50% of meetings held outside of normal business hours (that is outside of 8.30am – 5.00pm)
2. Any decrease from this 50% position for any individual Committee must be referred to Council for consideration along with a justification / explanation for the request.

## 2.6 Table of variations

The following table is a list to show the regulations available to be varied and where Council has varied its meeting procedures, and the relevant page number for further information.

Regulation	Sub-regulation	Variation
Regulation 10	(2)	Not varied by Council ( <i>Petition</i> )
Regulation 12	(10)(c)	Varied by Council ( <i>Motions</i> )
Regulation 12	(9) (10)(a) (10)(b) (11)	Not varied by Council ( <i>Motions</i> )
Regulation 13	(1), (3), (4) (5)	Not varied by Council ( <i>Amendments</i> )
Regulation 15	(1) and (2)	Varied by Council in relation to Committees ( <i>Addresses by Members</i> )
Regulation 17	(3)(b)	Varied by Council ( <i>Divisions</i> )
Regulations 19	(3)	Varied by Council ( <i>Adjourned Business</i> )



### 3. DEFINITIONS

For the purpose of this Code the following definitions apply:

#### Act

Local Government Act 1999.

#### Agenda

As defined in the Local Government Act 1999 means a list of items of business to be considered at a meeting.

#### CEO

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

#### Clear Days

As defined in the Regulations, means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g. if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.

#### Code

Code of Practice for Meeting Procedures.

#### Committee

Refers to key (section 41) Council Committees established under the Local Government Act 1999.

#### Elected Members

Includes the Councillors and the Mayor of the City of Tea Tree Gully.

#### Electronic Means

Includes a telephone, computer or other electronic device used for communication.

#### Leave of the Meeting

As defined in the Regulations. Approval is determined by a majority show of hands of the meeting by members of Council or Committee.

#### Minutes

A written record of the proceedings at every meeting of the Council or a Committee in accordance with the Act and Regulations.

#### Notice of a meeting (Notice)

Pursuant to section 83 of the Act in the case of an ordinary meeting of Council or Committee, the CEO must give each member of the Council or Committee notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting of Council or Committee, the CEO must give each member of Council or Committee notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Council Meeting must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the Meeting. For Committees, the Notice is not required to be signed by the CEO.

**Presiding Member**

As defined in the Regulations. The person who is the Presiding Member of a council or committee (as the case may be) and includes any person who is presiding at a particular meeting.

**Public Gallery**

The area in Council or Committee meetings designated for members of the public who wish to observe the meeting proceedings.

**Regulations**

Local Government (Procedures at Meetings) Regulations 2013

**Written Notice**

A notice given in accordance with the requirements prescribed within the Regulations.

#### 4. LEGISLATIVE FRAMEWORK

This Code reflects the requirement and intentions of the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013.

The following legislation applies to this Code:

**Local Government Act 1999**

Each meeting will be held in accordance with the provisions of Chapter 6 of this Act.

**Local Government (Procedure at Meetings) Regulations 2013**

The Regulations applies to the meetings of councils and key (section 41) committees.

Regulation 6 allows councils to vary some Regulations to suit their needs, by adopting a Code of Practice. If there are variations, then Council is required to review the operation of this Code at least once in every financial year.

Subject to the requirements of the Local Government Act 1999, and any allowable variations to the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.

(Note: for Council purposes, this vote is to be recorded separately in detail in the Council Minutes).

#### 4.1 Other references

Council's documents including:

- a. [Code of Practice – Access to Council and Committee Meeting Documents](#)
- b. [Committee Structure – Terms of Reference and Membership](#)
- c. [Fees and Charges Register](#)
- d. [Petition 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
Community	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	This Code provides opportunity for the Community to participate in Council and Committee meetings and have the opportunity to speak on matters that may affect them.

## 6. POLICY IMPLEMENTATION

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

Record number	D23/20014
Responsible Manager	Manager Corporate Governance
Other key internal stakeholders	NA
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	9/08/22, 18/01/22, 23/02/21, 14/4/20, 26/02/19, 27/11/18, 28/08/18, 8/05/18, 12/09/17, 9/08/16, 25/11/14, 11/02/14, 11/12/12, 11/10/11, 10/05/11, 08/02/11, 23/11/10, 08/06/10, 13/04/10, 19/01/10, 09/06/09, 10/02/09, 16/12/08, 12/08/08, 13/02/07, 11/10/05, 12/10/04, 25/02/03, 13/03/01
Legal requirement	<p>Subject to the requirements of the Local Government Act 1999, and any allowable variations to the provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.</p> <p>Variations made by Council to the Regulations must be reviewed once every financial year.</p>
Due date next review	2024

**Deleted:** To be reviewed within 12 months after the conclusion of each Council election.¶

## 7. Attachment 1 - Voting Matters

When Council is faced with voting on a matter there are several methods available to assist Council in making the decision.

The formal method involves a mover / seconder of a motion followed by debate and then the matter is voted upon – this is provided for in the *Local Government (Procedures at Meetings) Regulations 2013* and in Council's Code of Practice for Meeting Procedures. Sometimes one or two amendments are used as a slight variation to this method.

Deleted: Council and Committee

There are a number of other options available to assist Council to get to the above position.

These do not form part of the formal procedures for Council meetings, but are purely a means of getting to a position of being ready to present a recommendation to Council.

Some of these alternative options are:

- A show of hands of which option the Elected Members prefer
- Suspension of formal proceedings and allow open discussion
- A secret ballot - with this option the views of an individual member is not public until it is followed with a public vote.

It must be stressed that none of these methods form part of the Council resolution process. These alternative processes assist with the vote and are only a means to getting to the end of a preferred candidate's name being put forward.

It is important that Elected Members agree to a process prior to a formal resolution for appointment.

A suggested process to assist Council is a secret ballot where:

- The Presiding Member will call for candidate(s) and a paper ballot (one vote per Elected Member) will be arranged by the Corporate Governance Department
- The candidate(s) with the highest number of votes will be taken to be the preferred candidate(s) for the position(s) of appointee(s)
- Following the secret ballot, which is to be counted by a staff member of the Corporate Governance Department and scrutineered by the CEO (or delegate), the Presiding Member will invite a motion from the floor, recommending the candidate(s) with the most votes to be the appointee(s).

Deleted: Governance and Policy

Deleted: Governance and Policy

# Code of Practice for Meeting Procedures



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## 1. PURPOSE

The purpose of this Code is to establish a consistent and transparent approach and provide clear expectations for Elected Members, Council employees and members of the public regarding Council and Committee meetings.

This Code only applies to all ordinary and special meetings of Council and section 41 Committee meetings at the City of Tea Tree Gully. Council Assessment Panel (CAP) is governed by the *Planning, Development and Infrastructure Act 2016* and therefore has its own meeting procedures.

## 2. CODE

### 2.1 Introduction

Council and Committees follow the rules and procedures outlined in the:

1. Local Government Act 1999 (Chapter 6)
2. Local Government (Procedure at Meetings) Regulations 2013
3. Code of Practice for Meeting Procedures (this Code)
4. Code of Practice – Access to Council and Committee Meetings and Documents – this determines access to meetings and documents
5. Committee Structure - Terms of Reference and Membership

The Code complements and is applied in conjunction with the prescribed procedures set out in the [Local Government Act 1999](#) and the [Local Government \(Procedures at Meetings\) Regulations 2013](#) except where Council has, in accordance with Regulation 6, chosen to vary meeting procedures.

### 2.2 Guiding Principles (Regulation 4)

Legislation
<p>The following principles (the Guiding Principles) should be applied with respect to the procedures to be observed at a meeting of a council or council committee:</p> <ol style="list-style-type: none"> <li>a. Procedures should be fair and contribute to open, transparent and informed decision-making</li> <li>b. Procedures should encourage appropriate community participation in the affairs of the council</li> <li>c. Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting</li> <li>d. Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.</li> </ol>



## 2.3 Agenda and Order of Business

### 2.3.1 Order of Business

The order of business to be considered at an ordinary or special Council and Committee meetings (with the exception of the Governance & Policy Committee) has been determined as follows:

- a. Opening Prayer (Council only) and Welcome
- b. Acknowledgement of Country Statement (Council only)
- c. Attendance record (Present, Apologies, Leave of absence, Officers in attendance, Public in attendance)
- d. Confirmation of Minutes of the previous meeting (*this will not occur at a special meeting*)
- e. Public forum
- f. Deputations
- g. Presentations
- h. Petitions (*this will not occur at a special meeting*)
- i. Declaration of conflicts of interest
- j. Adjourned business (*this will not occur at a special meeting*)
- k. Motions lying on the table (*this will not occur at a special meeting*)
- l. Committee reports (for section 41 Committee recommendations to Council) (*this will not occur at a special meeting*)
- m. Management reports (*referred to as matters for discussion at a special meeting*)
- n. Notices of Motion
- o. Motions without Notice (*this will not occur at a special meeting*)
- p. Questions on Notice
- q. Questions without Notice (*this will not occur at a special meeting*)
- r. Mayor and Council Delegates Report (*this will not occur at a special meeting*)
- s. Information reports (*this will not occur at a special meeting*)
- t. Status report on resolutions (*this will not occur at a special meeting*)
- u. Other business (*this will not occur at a special meeting*)
- v. Confidential items
- w. Date of next ordinary meeting (*this will not occur at a special meeting*)
- x. Closure

For a special meeting, each agenda item listed above must relate to the agenda for the special meeting as specified in the request to the CEO to call a special meeting.

The order of agenda items may be varied by Leave of the Meeting, or by resolution of the Council or Committee, in consideration of the needs of the public, employees, consultants, individual members or any person making a deputation, presentation or participating in the public forum.

### 2.3.2 Welcome

All present will stand as the Presiding Member takes their position in the Chambers. The Presiding Member will welcome everyone in attendance. (Note: The requirement to stand only applies to Council meetings.)

### 2.3.3 Opening Prayer (Council only)

To be read by the Presiding Member. The form of words for the Council prayer will be:

*“Almighty God we humbly ask you for your blessing upon this Council Meeting, direct and prosper our deliberations to the advancement of your glory and the welfare of the people of our City and of Australia. Amen.”*

### 2.3.4 Acknowledgement of Country Statement (Council only)

To be read by the Presiding Member. The form of words for the Acknowledgment of Country Statement will be one of the following:

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

### 2.3.5 Evacuation Protocols

In the event that there is a significant number of public present, the CEO (or delegate) may provide guidance on evacuation protocols at the start of the meeting. As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

### 2.3.6 Brief Statement to Public Gallery (if members of public are present)

Where a number of members of the public are present, the Presiding Member may advise that while the public are encouraged and are welcome to attend meetings, they are doing so to listen to the proceedings in an observer role only. There are designated sections of the meeting (eg. Public Forum and Deputations) where members of the public can directly interact in the meeting.

As this is undertaken for information purposes only, no record will be made in the Minutes in relation to this matter.

### 2.3.7 Attendance Record

#### 2.3.7.1 Present

A record of Elected Members present is maintained (identifying the time of arrival for any Elected Members not present at the commencement of the meeting). Names will be recorded by listing the Mayor first followed by the names of the Elected Members in the order they sit around the Council Chamber or meeting room. First name initials with surnames in full will be used.

#### 2.3.7.2 Apologies

A record is taken of those Elected Members who have previously advised that they would not be present at the meeting. Elected Members that are absent from meetings and have not previously advised that they would not be present, are not recorded in the Minutes.

### 2.3.7.3 Leave of Absence (Council only)

Leave of absence requests (including the relevant meeting(s)) will be considered by the Council.

### 2.3.7.4 Officers in Attendance and Public Gallery

A record in the minutes is to be taken of those employees present (physically or electronically) at the meeting, their name and position title.

A record in the minutes is to be taken of the number of members of the public present (physically) at the meeting. This does not form any part of the formal Agenda.

### 2.3.8 Confirmation of Minutes of the Previous Meeting

Legislation - Regulation 8	
(1)	The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, a subsequent meeting.
(2)	No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
(3)	On the confirmation of the minutes, the presiding member will –
(a)	Initial each page of the minutes, which pages are to be consecutively numbered; and
(b)	Place his or her signature and the date of confirmation at the foot of the last page of the minutes.

### 2.3.9 Public participation / speaking at a meeting

Similar to other levels of government, for the majority of the meeting members of the public are not able to participate in the meeting and are there to listen to the proceedings in an observer role only. However, as part of Council's desire to be open, transparent and accessible to its community, provision has been made at each meeting for a Public Forum session (specific to each council) and Deputations (provided for in legislation). This allows residents, ratepayers or guests of the City to speak to the meeting on topics of Council business, which should relate to policy, strategic type matters or items that are currently before the Council. Operational matters should be referred to Council's Customer Service during normal business hours.

Deputations are a more formal way of addressing a meeting than Public Forum (details of the Deputation are published on the meeting Agenda if known prior to the meeting). For either speaking method, speakers are required to register their request to speak in writing prior to the commencement of the meeting (preferably by [online form](#)) with the following information:

- a. The speakers name
- b. The speakers address
- c. Contact details
- d. Subject matter that the speaker wishes to address at the meeting
- e. Representation method – ie. Public Forum or Deputation
- f. Preferred meeting date
- g. Proposed duration of deputation (restricted to a maximum of 10 minutes) *[Note: relevant to Deputations only]*

Priority will be given to those person(s) who have placed a request to speak prior to the day of the meeting. Persons who have requested to speak prior to 10am on the day of the meeting will be informed of the outcome of their request.

A person who has submitted a petition to Council (or a nominated representative) on a matter, may at the discretion of the Presiding Member, be requested to speak on behalf of the signatories, instead of all individuals speaking.

A person will not be allowed to speak about a matter if they have already made a previous submission in relation to the same matter, particularly where the matter has been to the community for consultation or is part of a community engagement process, unless leave of the meeting is granted.

During an election period (as defined by *Local Government (Elections) Act 1999*), the Presiding Member may not allow a person to speak about a matter where the subject matter is a matter which a candidate has made public statements about, or if the person speaking is a candidate in the local government elections.

The speaker must follow these protocols for speaking at a meeting:

- a. Introduce themselves (name, suburb and subject)
- b. Required to speak at the meeting with respect; use appropriate language; comments must be truthful, fair and based on facts; not include allegations or make critical remarks about people or organisations.
- c. Provide any handouts to Elected Members to staff prior to speaking

The Presiding Member has the authority to terminate any public forum or deputation at any time where it fails to conform to these protocols or a reasonable request of the Presiding Member.

The meeting will not debate a matter raised from the Public Forum or Deputation, although Elected Members may ask questions for clarification at the discretion of the Presiding Member.

The Minutes of the meeting will include a record of the name of the person addressing the meeting, and a brief description on the nature of the matter discussed.

#### 2.3.9.1 Public Forum

The Public Forum session will be restricted to a maximum of 10 minutes in total and each person will be restricted to a maximum of 2 minutes (unless otherwise resolved by the meeting or Leave of the Meeting is granted). A list of speakers will be provided to the Presiding Member at the commencement of the meeting.

The Presiding Member has absolute discretion as to allow or refuse a person to continue speaking in the Public Forum.

Where there are more registered speakers than the allocated maximum of 10 minutes, the Presiding Member will have the right to limit the number of speakers, or may seek leave of the meeting to extend the time accordingly. Where multiple speakers have indicated they wish to speak on the same topic, the Presiding Member may request a ballot draw. The names drawn will indicate people who can speak in the Public Forum. The ballot draw will be coordinated by staff present at the meeting as nominated by the CEO.

### 2.3.9.2 Deputations

#### Legislation - Regulations 11

- (1) A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- (2) The chief executive officer must transmit a request received under subregulation (1) to the presiding member.
- (3) The presiding member may refuse to allow the deputation to appear at a meeting.
- (4) The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- (5) If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council or council committee (as the case may be).
- (6) The council or council committee may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- (7) A council may refer the hearing of a deputation to a council committee.

A Deputation is to be restricted to a maximum of 10 minutes per request (unless otherwise resolved by the meeting or Leave of the Meeting is granted). Deputations will be restricted to a maximum of 15 minutes in total per meeting.

Deputation requests should be submitted within the following timeframes:

- Deputation is related to matter of business on Agenda – by 10am the day of the meeting
- Deputation does not relate to a matter of business on Agenda – at least seven (7) days prior to the meeting (if approved, the deputation request will be published on the Agenda).

It is preferable that any deputation relating to a planned report should occur at the same meeting as the report that is presented to Council or Committee (where relevant).

Whether or not a deputation may be allowed or refused is to be determined on a case by case basis. In determining whether a deputation is allowed, the following considerations will be taken into account:

- a. The subject matter of the proposed deputation
- b. Whether the subject is within the jurisdiction of the Council
- c. Relevance to the Agenda of the meeting nominated
- d. The size and extent of the Agenda for the particular meeting

The Presiding Member must report the decision to refuse a deputation at the next meeting of the Council or Committee (if relevant).

Any person that requires the use of presentation aids (eg. PowerPoint presentation, DVD etc) must make the presentation available to Council prior to 2pm on the day of the meeting to enable testing. External USB drives will not be inserted into any Council computers.

### 2.3.10 Presentations

Employees, consultants, government agencies or other organisations that work with Council, may make presentations to a meeting on matters relating to the Council or Committee at the discretion of the CEO or Presiding Member. A general limit of two presentations per Council meeting applies unless other priorities are identified.

The Minutes of the meeting will include a record of the name and role of the employee or consultant making the presentation, together with a brief description on the nature of the presentation.

### 2.3.11 Petitions

<b>Legislation - Regulations 10</b>	
Subregulation (2) – not varied by Council	
(1)	A petition to the council must –
	a. Be legibly written or typed or printed; and
	b. Clearly set out the request or submission of the petitioners; and
	c. Include the name and address of each person who signed or endorsed the petition; and
	d. Be addressed to the council and delivered to the principal office of the council.
(2)	If a petition is received under subregulation (1), the chief executive officer must ensure that the petition or, if the council has so determined as a policy of the council, a statement as to the nature of the request or submission and the number of signatures or the number of persons endorsing the petition, is placed on the agenda for the next ordinary meeting of the council or, if so provided by a policy of the council, a committee of the council.
(3)	Subregulation (2) may be varied at the discretion of the council pursuant to regulation 6.

Any petition lodged with Council in accordance with Council's Petition Management Policy will be reported to the next available Council or Committee meeting. A report containing a statement as to the nature of the petition, along with the number of signatures on each petition will be provided in the Agenda. The petitions will not be copied and circulated, however a copy will be available for Elected Members to inspect.

This report is provided for information purposes, and does not require a resolution. The Minutes will record that the Petition was received by Council.

### 2.3.13 Adjourned Business

Any adjourned business will be listed and included on the next meeting Agenda as a reminder of their status.

<b>Legislation - Regulations 19</b>
Regulation 19 –varied by Council
(1) If a formal motion for a substantive motion to be adjourned is carried – <ol style="list-style-type: none"> <li>The adjournment may either be to a later hour of the same day, to another day, or to another place; and</li> <li>The debate will, on resumption, continue from the point at which it was adjourned.</li> </ol> (2) If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted. (3) Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting. (4) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

Regulation 19(3) is varied to allow the Presiding Member, in determining order of business, to consider whether it is appropriate for business adjourned from a previous meeting to be dealt with before any new business.

### 2.3.14 Motions Lying on the Table

Any motions currently lying on the table will be listed on the next meeting Agenda as a reminder of their status.

<b>Legislation - Regulations 12(19) and (20)</b>
12. (19) Any question that lies on the table as a result of a successful formal motion under subregulation (14)(c) lapses at the next general election. (20) The chief executive officer must report on each question that lapses under subregulation (19) to council at the first ordinary meeting of the council after the general election.

### 2.3.15 Committee Reports (Council only)

Any Committee (or Sub Committee) recommendations or matters that need to be presented to Council will be presented for consideration at the next available meeting.

Presiding Members of Committees may present to Council on relevant matters in accordance with the Terms of Reference for that Committee.

### 2.3.16 Management Reports

Management Reports will be listed on the Agenda in accordance with the management structure of Council:

1. Office of the Chief Executive Officer
2. City Operations
3. Corporate Services
4. Strategy and Finance
5. Community Services

This listing will be varied as required to ensure consistent alignment with Council's management structure at any point in time.

### 2.3.17 Notice(s) of Motions

<b>Legislation – Regulation 12(1) to (4) and (7)</b>	
12.	
(1)	A member may bring forward any business in the form of a written notice of motion.
(2)	The notice of motion must be given to the chief executive officer at least 7 clear days before the date of the meeting at which the motion is to be moved.
(3)	A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion.
(4)	If a motion under subregulation (3) is lost, a motion to the same effect cannot be brought –
a.	until the expiration of 12 months; or
b.	Until after the next general election, whichever is sooner.
(7)	The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).

The Notice of Motion will be placed on the Agenda with the following information (to be considered in the prescribed form determined by Council):

- a. Subject of Notice of Motion
- b. Proposed Motion
- c. Background (must be provided prior to Notice of Motion deadline or will be considered not in the form required by Council and subsequently disallowed)
- d. Name and Ward of Councillor that submitted the Notice of Motion
- e. CEO's comments (to be added after a Notice of Motion has been submitted by the deadline)
  - o Policy
  - o Risk
  - o Financial implications
- f. Attachments

As a matter of probity and governance best practice, the Presiding Member should not submit Notices of Motions at the meeting over which he or she presides.



### 2.3.18 Motion(s) without Notice

#### Legislation – Regulation 12(5) and (6)

12.

- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- (6) The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.

In order to assist Council in maintaining an open and transparent approach to governance, these motions should be restricted to matters closely related to Agenda items, house-keeping issues or urgent matters. Elected Members are encouraged where possible to provide a proposed motion to the Corporate Governance Department prior to Council's consideration.

### 2.3.19 Question(s) on Notice

#### Legislation – Regulation 9 (1), (2) and (6)

9.

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 7 clear days before the date of the meeting at which the question is to be asked.
- (2) If notice of a question is given under Subregulation (1) –
  - (a) The chief executive officer must ensure that the question is placed on the agenda for the meeting at which the question is to be asked; and
  - (b) The question and the reply must be entered in the minutes of the relevant meeting.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting and improper.

The Question on Notice will be placed on the Agenda. Where possible, answers to the Questions on Notice will also be included in the Agenda.

Questions on Notice will not be debated in the meeting.

In accordance with regulation 9(6), the Presiding Member has the ability to refuse the answering of the Question on Notice. Where the answering the question is refused, no response will be provided either in the agenda or minutes, but there will be a record that the Presiding Member refused the answering of the question and on what basis.

A copy of the Question(s) on Notice and answers will be included in full as an attachment to the Council or Committee Minutes.

### 2.3.20 Question(s) without Notice

#### Legislation – Regulation 9(3) to (6)

- 9.
- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.
- (6) The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.

Unless otherwise determined by resolution, the Minutes will only record for transparency purposes the number of questions, the Elected Member that asked the question(s), and reference to the question topic.

If a Question without Notice cannot be answered at the meeting, the Presiding Member may allow the reply to be provided to Elected Members separately (i.e via email) or given at the next meeting.

Where a question without notice is to be given at the next meeting, it is the responsibility of the Elected Member to submit this in writing as a Question on Notice in accordance with the regulations.

### 2.3.21 Mayor and Council Delegates Reports (Council only)

#### 2.3.21.1 Mayor's Report

The Mayor may elect to present a report of their activities since the previous Mayor's report for inclusion in the Agenda, including where an Elected Member has attended a meeting on behalf of the Mayor. This is generally submitted on a monthly basis. This report is provided for information and does not require a resolution.

#### 2.3.21.2 Other Council Delegate Reports

Elected Members are invited to submit a written report for inclusion in the Agenda, where they have attended a meeting and/or function:

- On behalf of Council as a nominated Council delegate (rather than as an elected member)
- On behalf of the Mayor

This report is provided for information and does not require a resolution.

### 2.3.22 Information Reports

The Minutes will record a list of those Information Reports that have been distributed to Elected Members in the Agenda. While these reports are provided for information and do not require a resolution, Elected Members may ask questions or move motions in relation to the Information Reports. The Presiding Member will make a determination whether to accept a motion in this regard, after taking into account the Guiding Principles.

### 2.3.23 Status Report on Previous Resolutions

A report that contains a summary of resolutions in progress or completed since the previous status report will be part of the Agenda for each Committee meeting and the first Council meeting of each month. This record will be used to ensure that Council and Committee decisions are enacted and the meeting is informed of any action(s) undertaken to date (with the exception of confidential items). This report is provided for information purposes and does not require a resolution. At the meeting, Council or Committee members will have the option of asking questions or querying outstanding items.

### 2.3.24 Other Business

Any late correspondence that needs to be circulated to Elected Members promptly, relating to Council business, may be recorded at this point in the meeting. This item is restricted to Council business considered to be of a minor housekeeping nature or matters of extreme importance that are unable to be deferred to the next meeting. The Presiding Member has the discretion to allow for other matters to be raised taking into account the Guiding Principles in the Regulations.

### 2.3.25 Confidential Items - Section 90(2) Local Government Act 1999 Matters

Any item that has been identified as potentially confidential may include a report from the CEO that identifies the reason why the report should be discussed with the exclusion of the public. Any recommendation to consider an item in confidence will be presented to Council or Committee in accordance with the requirements under the Act.

Council or Committee will consider the recommendation of the CEO and determine whether the matter will be considered in confidence. This section should be read in conjunction with Council's Code of Practice – Access to Council and Committee Meetings and Documents, which outlines how Council or Committee may apply the confidential provisions of the Act and restrict public access to the specific matter under consideration (and any associated documents).

### 2.3.26 Date of Next Meeting

This is to be recorded in the Minutes to remind Elected Members of the scheduled date for the next meeting.

### 2.3.27 Closure

The time of closure of the meeting will be recorded.

## 2.4 Meeting Practices

### 2.4.1 Motions

<p><b>Legislation – Regulation 12(7) to (11) –</b>  Subregulation (10)(c) – varied by Council  Subregulation (9), (10)(a) and (b) and (11) – not varied by Council</p>
<p>12.  (7) The Presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council or council committee (as the case may be).  (8) A motion will lapse if it is not seconded at the appropriate time.  (9) A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion.  (10) A member may only speak once to a motion except –  (a) to provide an explanation in regard to material part of his or her speech, but not so as to introduce any new matter; or  (b) with leave of the meeting; or  (c) as the mover in reply.  (11) A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.</p>

Council has varied Regulation 12(10)(c) above as follows:

- A Member may only speak as the mover in reply (closing the debate) to a motion where another Elected Member has spoken against the motion or where leave of the meeting is granted (also refer to Amendments to Motions).

It will be the responsibility of the mover of a motion, amendment or variation to provide the draft motion, amendment or variation to the CEO in writing.

As a matter of probity and governance best practice, it is preferable that a Presiding Member not move any Motions at the meeting over which they preside.

All resolutions will be consecutively numbered throughout a Council term starting at 1 at the beginning of each term for both Council and Committee.

## 2.4.2 Formal Motions

### Legislation – Regulation 12(12) to (18)

- 12.
- (12) A member who has not spoken in the debate on a question may move a formal motion.
- (13) A formal motion must be in the form of a motion set out in Subregulation (14) (and no other formal motion to a different effect will be recognised).
- (14) If the formal motion is –
- (a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
  - (b) that the question be put, then the effect of the motion, if successful, is that the debate is terminated and the question put to the vote by the presiding member without further debate; or
  - (c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
  - (d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
  - (e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without consideration of further business.
- (15) If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- (16) A formal motion does not constitute an amendment to a substantive motion.
- (17) If a formal motion is lost –
- (a) the meeting will be resumed at the point at which it was interrupted; and
  - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (ie a motion to the same effect) cannot be put until at least 1 member has spoken to the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

### 2.4.3 Amendments to motions

**Legislation – Regulation 13(1) to (5)**

Subregulation (1), (3), (4) and (5) - not varied by Council

- (1) A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- (2) An amendment will lapse if it is not seconded at the appropriate time.
- (3) A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- (4) If an amendment is lost, only 1 further amendment may be moved to the original motion to which the amendment relates.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.

The following has been added to assist in the clarification of the Regulations:

1. Any Elected Member who has spoken to the original motion cannot speak to any amendments.
2. A second amendment can only be considered by the meeting once the first amendment has been resolved.
3. Any Elected Member who has not spoken previously to the original motion or the first amendment may move, second or speak to a second amendment.
4. The mover of an amendment does not have right of reply or closing of debate prior to voting of the amendment.
5. After any amendments have been resolved, other members who have not moved, seconded or spoken to the original motion or amendments should be invited to speak to the motion (as may be amended) before the debate concludes.
6. During the debate an Elected Member who has not moved, seconded or spoken previously to the motion or amendments may foreshadow an alternative motion should the motion (original or as amended) be defeated. The foreshadowing of a motion will not be included in the Minutes.
7. The debate on the matter is to be closed by the original mover of the original motion after all amendments have been voted upon and all speakers who wish to participate in the debate have been exhausted.

### 2.4.4 Variations to motions

**Legislation – Regulation 14**

- (1) The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- (2) The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

A member may move a variation if they have already spoken to the motion. The member must not debate the variation and may only do so with leave of the meeting

## 2.4.5 Voting

### Legislation – Regulation 16

- (1) The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- (2) The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- (3) A person who is not in his or her seat is not permitted to vote.
- (4) Subregulation (3) –
  - (a) may be varied at the discretion of the council pursuant to regulation 6; and
  - (b) does not apply in relation to a member participating in a council committee meeting by telephone or electronic means approved in accordance with procedures determined by the council or council committee for the purpose of section 89 of the Act.

All members of the meeting must vote if they are in attendance, including the Presiding Member of a Committee.

While a tied vote cannot occur at Council meetings with the Mayor having a casting vote, it can occur at Committee meetings. In the event that a vote is tied the matter will be referred to the parent body for deliberation; i.e. if it is a Committee then Council will consider the matter, or if the matter is being considered by a sub-committee then the parent Committee will consider the matter.

### Legislation – Regulation 6(1) to 6(4)

- (1) Subject to the requirements of the Act, if a provision of this Part is expressed to be capable of being varied at the discretion of the council pursuant to this regulation, then a council may, by a resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, determine that a code of practice prepared or adopted by the council that establishes its own procedures for the relevant matter or matters will apply in substitution for the relevant provision (and such a determination will have effect according to its terms).
- (2) A council should, at least once in every financial year, review the operation of a code of practice under this regulation.
- (3) A council may at any time, by resolution supported by at least two-thirds of the members of the council entitled to vote on the resolution, alter a code of practice, or substitute or revoke a code of practice.
- (4) A council must, in considering the exercise of a power under this regulation, take into account the Guiding Principles.

Based on legal advice obtained in July 2018, of sections 6(1) and 6(3) of the *Local Government (Procedures at Meetings) Regulations* direction relating to resolving to alter, substitute or revoke a Code of Practice requires a resolution supported by at least two thirds of the members of the Council entitled to vote on the resolution. This is interpreted as being the number of Members who are present in the meeting room for the vote, excluding the Mayor who is only entitled to vote in the event of a tie. The Mayor should only be included in the calculation in the event of a tie. Any

member who is an apology or is absent from the meeting or if a member declares a conflict of interest and leaves the meeting or is otherwise not in his/her seat is to be excluded for the purposes of the calculation.

### 2.4.6 Addresses by Members

<b>Legislation – Regulation 15 (1) to (6)</b>
Subregulations (1) and (2) – has been varied by Council in relation to Committees
(1) A member must not speak for longer than 5 minutes at any 1 time without leave of the meeting.
(2) A member may, with leave of the meeting, raise a matter of urgency
(3) A member may, with leave of the meeting, make a personal explanation
(4) The subject matter of a personal explanation may not be debated.
(5) The contribution of a member must be relevant to the subject matter of the debate
(6) Subregulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6

Elected Members will stand when addressing Council. However, to provide for sufficient flexibility, the Mayor will have the discretion to determine whether Elected Members are required to stand or may remain seated while speaking. This may occur for various reasons (whether it be to assist with voice projections through the audio system or to take into account other limitations). At Committee meetings Members may remain seated while they are speaking.

For Committee meetings, regulation 15(1) & (2) are varied at the discretion of the Presiding Member as informal dialogue is encouraged concerning Agenda matters insofar as is permitted within the Regulations and the Committee's Terms of Reference.

A Member may also seek Leave of the Meeting to speak more than once to an Agenda item. This is generally an undesirable practice and should only be considered in limited circumstances (e.g. where additional material information comes to light during debate or an accepted amendment materially varies an original motion). Leave of the Meeting should be sought by a Member for each instance.

The Presiding Member should generally refrain from entering the debate until the end of the debate (but before the mover speaks in reply) so as to avoid any suggestion of 'leading' the meeting. This requirement is not to restrict the Presiding Member in their duty of chairing meetings, from asking questions and adding valuable information or clarification to assist the debate when required.



### 2.4.7 Divisions

<p><b>Legislation – Regulation 17</b> Subregulation (3) - varied by Council</p>
<p>(1) A division will be taken at the request of a member.</p> <p>(2) If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.</p> <p>(3) The division will be taken as follows:</p> <p>(a) the member voting in the affirmative will, until the vote is recorded, stand in their places;</p> <p>(b) the members voting in the negative will until the vote is recorded, sit in their seats;</p> <p>(c) the presiding member will count the number of votes and then declare the outcome.</p> <p>(4) The chief executive officer will record in the minutes the names of those members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote)</p> <p>(5) Subregulation (3) may be varied at the discretion of the council pursuant to regulation 6.</p>

Council has varied (3)(b) above as follows:

- (b) then the members voting in the negative will, until the vote is recorded, stand in their place

In a Committee meeting, the Presiding Member's vote will be counted at the time of taking the Division.

It is noted, that a Division cannot be called on an amendment as it is not a motion.

### 2.4.8 Points of Order

<p><b>Legislation – Regulation 28</b></p>
<p>(1) The presiding member may call to order a member who is in breach of the Act or these regulations.</p> <p>(2) A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.</p> <p>(3) A point of order takes precedence over all other business until determined.</p> <p>(4) The presiding member will rule on a point of order.</p> <p>(5) If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.</p> <p>(6) The presiding member is entitled to make a statement in support of the ruling before a motion under subregulation (5) is put.</p> <p>(7) A resolution under subregulation (5) binds the meeting and, if a ruling is not agreed with –</p> <p>(a) the ruling has no effect; and</p> <p>(b) the point of order is annulled.</p>

The Minutes will record all Points of Order called by a member and the Presiding Member's ruling on the Point of Order, along with the reason for the ruling (if provided). Any Points of Order that do not comply with regulation 28(2) will be recorded in the Minutes along with a notation that it did not comply, if so determined by the Presiding Member.

#### 2.4.9 Minutes

Where possible, the Minutes of the meeting will be recorded electronically on a screen that is viewable by the meeting.

A copy of the minutes of the Council meeting must be placed on public display on a website determined by the CEO within five days after the meeting and kept on display for a minimum period of one month.

#### 2.4.10 Appointment to role

In the event that there is an item for appointment where more than one member expresses an interest in occupying a role (e.g. Deputy Mayor) the Council may follow a voting procedure in accordance with Attachment 1. This process may be varied by Council staff or by resolution as required.

### 2.5 Meeting Etiquette

The following meeting etiquette will apply to Council and Committees:

1. At the beginning of each Council term, the Mayor will determine the seating arrangements of Elected Members in the Council Chamber (for Council Meetings only). These seating arrangements will remain until the end of a Council term, unless the Presiding Member or CEO determines otherwise.
2. Elected Members and people making deputations, presentations or participating in the public forum, except when ill or infirm, will rise when speaking as a mark of respect at all Council and Committee meetings
3. During Council and Committee meetings employees will respond to questions from the floor at the invitation of the Presiding Member, via the CEO and will acknowledge the Presiding Member before replying.
4. Elected Members, Committee members and employees are to use respectful language and adopt civil behaviour.
5. At a Council meeting the Principal Member will be addressed as "Mr or Madam or Mayor (Name)" and Committee members including the Presiding Member may be addressed by their first name.
6. Any mobile telephones brought into the meeting are to be switched to silent or vibration alert mode. Text messaging and emailing is tolerated, however the taking of telephone calls in a meeting is unacceptable.
7. The standard of dress commonly referred to as "business" is the minimum accepted standard for Council meetings or casual business attire for Committee meetings.

### 2.5.1 Visual or Audio Recordings

Members of the public who wish to record audio or visual footage of a Council or Committee meeting must first obtain the approval of the Presiding Member.

Council employees may take visual footage (including photographs) for the purposes of Council business. Elected Members must seek and obtain approval from the Presiding Member, and permissions of all people included in footage, before taking visual footage (including photographs) or audio recordings and/or publishing images that feature any other individual. Any other provisions for audio recordings by staff may be included in the Code of Practice – Access to Council and Committee Meeting Documents.

An audio recording of each Council meeting (with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise) will be taken to support the accurate recording of the Council Meeting minutes and be managed in accordance with the State Records Act. Where an Elected Member requests a copy of a recording prior to its destruction, a copy will be provided and the request recorded in a register and all Elected Members will be informed.

Council is committed to providing greater accessibility to Council meetings through live streaming of Council meetings (with the exception of matters where the public is excluded from attendance at a meeting or where technical difficulties arise).

Committee meetings are not recorded or live streamed.

### 2.5.2 Family and Worker Friendly Meeting Times

This section incorporates consideration of family and worker friendly meeting times to enable the opportunity for people to attend. The requirement is that:

1. All Committees establish a meeting schedule that incorporates a minimum of 50% of meetings held outside of normal business hours (that is outside of 8.30am – 5.00pm)
2. Any decrease from this 50% position for any individual Committee must be referred to Council for consideration along with a justification / explanation for the request.

## 2.6 Table of variations

The following table is a list to show the regulations available to be varied and where Council has varied its meeting procedures, and the relevant page number for further information.

Regulation	Sub-regulation	Variation
Regulation 10	(2)	Not varied by Council ( <i>Petition</i> )
Regulation 12	(10)(c)	Varied by Council ( <i>Motions</i> )
Regulation 12	(9) (10)(a) (10)(b) (11)	Not varied by Council ( <i>Motions</i> )
Regulation 13	(1), (3), (4) (5)	Not varied by Council ( <i>Amendments</i> )
Regulation 15	(1) and (2)	Varied by Council in relation to Committees ( <i>Addresses by Members</i> )
Regulation 17	(3)(b)	Varied by Council ( <i>Divisions</i> )
Regulations 19	(3)	Varied by Council ( <i>Adjourned Business</i> )

### 3. DEFINITIONS

For the purpose of this Code the following definitions apply:

#### Act

Local Government Act 1999.

#### Agenda

As defined in the Local Government Act 1999 means a list of items of business to be considered at a meeting.

#### CEO

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

#### Clear Days

As defined in the Regulations, means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g. if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.

#### Code

Code of Practice for Meeting Procedures.

#### Committee

Refers to key (section 41) Council Committees established under the Local Government Act 1999.

#### Elected Members

Includes the Councillors and the Mayor of the City of Tea Tree Gully.

#### Electronic Means

Includes a telephone, computer or other electronic device used for communication.

#### Leave of the Meeting

As defined in the Regulations. Approval is determined by a majority show of hands of the meeting by members of Council or Committee.

#### Minutes

A written record of the proceedings at every meeting of the Council or a Committee in accordance with the Act and Regulations.

#### Notice of a meeting (Notice)

Pursuant to section 83 of the Act in the case of an ordinary meeting of Council or Committee, the CEO must give each member of the Council or Committee notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting of Council or Committee, the CEO must give each member of Council or Committee notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Council Meeting must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the Meeting. For Committees, the Notice is not required to be signed by the CEO.

**Presiding Member**

As defined in the Regulations. The person who is the Presiding Member of a council or committee (as the case may be) and includes any person who is presiding at a particular meeting.

**Public Gallery**

The area in Council or Committee meetings designated for members of the public who wish to observe the meeting proceedings.

**Regulations**

Local Government (Procedures at Meetings) Regulations 2013

**Written Notice**

A notice given in accordance with the requirements prescribed within the Regulations.

## 4. LEGISLATIVE FRAMEWORK

This Code reflects the requirement and intentions of the Local Government Act 1999 and Local Government (Procedures at Meetings) Regulations 2013.

The following legislation applies to this Code:

**Local Government Act 1999**

Each meeting will be held in accordance with the provisions of Chapter 6 of this Act.

**Local Government (Procedure at Meetings) Regulations 2013**

The Regulations applies to the meetings of councils and key (section 41) committees.

Regulation 6 allows councils to vary some Regulations to suit their needs, by adopting a Code of Practice. If there are variations, then Council is required to review the operation of this Code at least once in every financial year.

Subject to the requirements of the Local Government Act 1999, and any allowable variations to the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.

(Note: for Council purposes, this vote is to be recorded separately in detail in the Council Minutes).

#### 4.1 Other references

Council's documents including:

- a. [Code of Practice – Access to Council and Committee Meeting Documents](#)
- b. [Committee Structure – Terms of Reference and Membership](#)
- c. [Fees and Charges Register](#)
- d. [Petition 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
Community	
<i>People can have a say in decisions that affect them and the key decisions of the Council</i>	This Code provides opportunity for the Community to participate in Council and Committee meetings and have the opportunity to speak on matters that may affect them.

## 6. POLICY IMPLEMENTATION

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

Record number	D23/20014
Responsible Manager	Manager Corporate Governance
Other key internal stakeholders	NA
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	9/08/22, 18/01/22, 23/02/21, 14/4/20, 26/02/19, 27/11/18, 28/08/18, 8/05/18, 12/09/17, 9/08/16, 25/11/14, 11/02/14, 11/12/12, 11/10/11, 10/05/11, 08/02/11, 23/11/10, 08/06/10, 13/04/10, 19/01/10, 09/06/09, 10/02/09, 16/12/08, 12/08/08, 13/02/07, 11/10/05, 12/10/04, 25/02/03, 13/03/01
Legal requirement	Subject to the requirements of the Local Government Act 1999, and any allowable variations to the provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013, a Council may, by a resolution supported by at least two thirds of the members of Council entitled to vote on the resolution, determine that a Code of Practice prepared or adopted by the Council that establishes its own procedures for a relevant matter or matters will apply in substitution for the relevant provision in the Regulations.  Variations made by Council to the Regulations must be reviewed once every financial year.
Due date next review	2024

## 7. Attachment 1 - Voting Matters

When Council is faced with voting on a matter there are several methods available to assist Council in making the decision.

The formal method involves a mover / seconder of a motion followed by debate and then the matter is voted upon – this is provided for in the *Local Government (Procedures at Meetings) Regulations 2013* and in Council's Code of Practice for Meeting Procedures. Sometimes one or two amendments are used as a slight variation to this method.

There are a number of other options available to assist Council to get to the above position.

These do not form part of the formal procedures for Council meetings, but are purely a means of getting to a position of being ready to present a recommendation to Council.

Some of these alternative options are:

- A show of hands of which option the Elected Members prefer
- Suspension of formal proceedings and allow open discussion
- A secret ballot - with this option the views of an individual member is not public until it is followed with a public vote.

It must be stressed that none of these methods form part of the Council resolution process. These alternative processes assist with the vote and are only a means to getting to the end of a preferred candidate's name being put forward.

It is important that Elected Members agree to a process prior to a formal resolution for appointment.

A suggested process to assist Council is a secret ballot where:

- The Presiding Member will call for candidate(s) and a paper ballot (one vote per Elected Member) will be arranged by the Corporate Governance Department
- The candidate(s) with the highest number of votes will be taken to be the preferred candidate(s) for the position(s) of appointee(s)
- Following the secret ballot, which is to be counted by a staff member of the Corporate Governance Department and scrutineered by the CEO (or delegate), the Presiding Member will invite a motion from the floor, recommending the candidate(s) with the most votes to be the appointee(s).



City of Tea Tree Gully  
Governance and Policy Committee

Document Cover Sheet

16 AUGUST 2023

## EXTERNAL GRANT FUNDING POLICY

Responsible Manager: Manager Finance & Rating Services

This policy is due for review as part of the cyclical review process (last review 27/10/2020).

The current version of the policy is still relevant and appropriate in how the Council manages external grant funding opportunities.

The only change to the policy include a slight change to the reporting requirements to align with the approval criteria in 2.2 and the requirement for Council to accept agreements and delegate deed execution, where required.

### RECOMMENDATION

That the “External Grant Funding Policy” **as reviewed by** the Governance and Policy Committee on 16 August 2023 be adopted.

Summary of changes		
Page No.	Heading	Comments
2	Reporting	Change to the reporting requirements to align with the approval criteria in 2.2 and the requirement for Council to accept agreements and delegate deed execution, where required.
Changes during or after GPC Meeting for Council Meeting [date]		


Supporting Information

Attachments

1. [↓](#) External Grant Funding Policy .....66

# External Grant Funding Policy



## 1. PURPOSE

The purpose of this Policy is to establish criteria for effective and efficient management of applications for grants funded by external organisations, to ensure consistent and objective analysis that is aligned to corporate objectives prior to applying for external grant funding.

## 2. POLICY

There is a diverse range and level of funding that Council can apply for in relation to its own activities or any regional activities the Council is involved with. This Policy outlines the factors that must be considered prior to applying for External Grant Funding.

### 2.1 Application

When applying for any External Grant Funding opportunities, the following should be considered:

- a. Alignment / consistency with Council's objectives - all funding applications should align with Council's strategic plan, annual business plan, corporate plan and/or suite of other strategic management plans
- b. In developing a formal grant submission, the project scope should be clearly defined and cost estimates should be sourced from a suitably qualified person. This is to ensure that the project cost estimates are in alignment with scope and that any preliminary contribution from Council is clearly understood
- c. Council's required contribution (both in kind or financial), alignment to existing approved budgets and future budget requirements, and the ability for the value of grant funding to be sufficient to meet stakeholder expectations
- d. Impact on internal and external stakeholders, including establishing clearly defined and agreed roles and responsibilities for managing External Grant Funding and meeting the required outcomes
- e. Assessment of relevance and risks to the community and Council
- f. Ability to comply with proposed contractual terms and conditions, other relevant legal requirements (e.g. licence requirements), and Council policies (e.g. Procurement Policy)
- g. Whole-of-life-cost impacts of the funding opportunity if relevant (which takes into account all aspects of cost over time including capital, maintenance, management, insurance, disposal and operating costs)

- h. Project management and administrative costs associated with the External Grant Funding (including but not limited to project management, risk management, procurement, promotion, communication, reporting, monitoring, evaluation etc.)
- i. Ability for Council to deliver the agreed grant objectives within approved timelines
- j. Opportunities for regional funding partnerships and the benefits and risks associated with entering into these partnerships.

Appropriate records will be kept in accordance with Council's Records Management Policy.

## 2.2 Approval

External Grant Funding applications must be submitted to Council for approval where:

- a. Additional unbudgeted expenditure funding is required to support the grant
- b. When a grant is applied for on a regional basis

At times there is a short lead time for External Grant Funding applications which does not enable details of the funding to be provided to Council prior to application. Should this occur, the CEO or delegate will authorise the application. If the External Grant Funding application is successful a report must be provided to Council before the funding is accepted and any formal arrangements are entered into.

Grants must not be applied for unless approval is obtained from one of the following:

- a. Employees delegated to commit expenditure that has been allocated in an existing budget line; or
- b. Council.

## 2.3 Reporting

Council must be informed when:

- a. External Grant Funding applications are successful and Council resolution is required to accept the agreement and delegate the execution of the deed.
- b. the scope of a project funded by a grant is changed to the extent that the agreed project outcomes are required to be renegotiated with the funding body

Assessment should be undertaken on all completed External Grant Funding to ensure the grant assisted Council in achieving the expected outcomes and objectives.

**Deleted:** or unsuccessful (including those applied for within employee delegations)

**Deleted:** <#>External Grant Funding expenditure is completed.¶

## 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.

### External Grant Funding

Money that is given to Council by an external body (funding provider) in order to deliver a specific project or program, provide a new service or enhance an existing service.

## 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:

### Local Government Act 1999

Section 133 states that Council may obtain funds as permitted by or under this or another Act and as may otherwise be appropriate in order to carry out its functions under this or another Act i.e. by obtaining grants and other allocations of money.

### 4.1 Other references

Council's key reference documents include:

- a. Strategic Plan
- b. Annual Business Plan
- c. Long Term Financial Plan
- d. Records Management Policy
- e. Procurement Policy

## 5. STRATEGIC PLAN/POLICY

### 5.1 Strategic Plan

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

Objective	Comments
<b>Economy</b>	
<i>Modbury Precinct is revitalised as the city's key activity</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>	
<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>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>	

## 6. POLICY IMPLEMENTATION

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

Deleted: 5.2 Organisation Plan¶

Deleted: ¶

Deleted: director

Record number	D23/52211
Responsible Manager	Manager Finance & Rating <u>Services</u>
Other key internal stakeholders	General Manager Strategy & Finance Manager City Strategy
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	28/10/20, 16/10/19, 28/02/18, 14/07/15, 12/08/14
Legal requirement	N/A
Due date next review	2027
Delegations	

Deleted: Operations

Deleted: 3

## DEVELOPMENT ASSESSMENT DELEGATION POLICY

Responsible Manager: Manager City Development

Section 34(23) of the Development Act (Act) 1993 requires Council to delegate all of its powers and duties to make decisions on whether or not to grant development plan consent to either its Development Assessment Panel or relevant employees.

Section 34(27) of the Act requires Council to establish a policy in relation to the basis of its delegations under section 34(23) of this Act. This policy satisfies that specific requirement. Section (27) A council must—

- (a) establish a policy relating to the basis upon which it will make the various delegations required by subsection (23);
- (b) and (b) ensure that a copy of that policy is available— (i) for inspection at the principal office of the council during ordinary office hours; and (ii) for inspection on the Internet.

On the 19<sup>th</sup> March 2021 the Development Act 1993 was repealed and therefore replaced by the Planning, Development and Infrastructure Act 2016 which no longer requires Councils to have a Development Assessment Delegations Policy. Verbal legal advice was received from Norman Waterhouse Lawyers stating that Council should retain this policy until such time that all outstanding Development Application lodged under the Development Act 1993 have been completed. The majority of the content in this policy is no longer relevant as will be described in the summary of changes. City Development no longer has any development applications lodged under the Development Act 1993, therefore, it is recommended that the Development Assessment Delegation Policy be revoked.



## RECOMMENDATION

That the Governance and Policy Committee recommends to Council:

That the “Development Assessment Delegation Policy ” **as reviewed by** the Governance and Policy Committee on 16 August 2023 be revoked.

Summary of changes		
Page No.	Heading	Comments
1	Cover Page	Director Community and Cultural Development is now General Manager Community Services  The Development Act 1993 has been repealed so there is no legal requirement.
2	Purpose	The Development Act 1993 has been repealed.
		Council Assessment Panel and the Assessment Manager are now the relevant authority not Council or its staff. Staff are delegated by the Assessment Manager not Council.
	Policy	The Development Act 1993 has been repealed so all reference to sections of the Act are now invalid.
2/3	Delegations	The Development Act 1993 has been repealed so all reference to sections of the Act are now invalid.
3	Council Officers	The Development Act 1993 has been repealed so all reference to sections of the Act are now invalid. Council Assessment Panel and the Assessment Manager are now the relevant authority not Council or its staff. Staff are delegated by the Assessment manager not Council.
3/4	Council Assessment Panel	The Development Act 1993 has been repealed so all reference to sections of the Act are now invalid. There is no longer Category 2, 2A or 3 Development Application. There are no non-complying applications. The Council will only assess a development application that has been on public notification because it has a wall on the boundary greater than 11.5 metres or more than 3.0 metres in

		height. Or a building is greater than 9 metres in height and they have received a valid representation. The Assessment Manager can determine the application to be politically sensitive so they can use their powers under Section 100 to present the item to the CAP.
4	Council	The Development Act 1993 has been repealed so all reference to sections of the Act are now invalid.
4/5	Definitions	The Development Act 1993 has been repealed so all reference to sections of the Act are now invalid. There is no more Category 1,2,2A, 3 Development, Complying or Non-complying CDAP is now CAP Development Plan replaced by Planning and Design Code Development Regulations 2008 has been repealed.
5/6	Legislative Framework.	The Development Act has been replaced by the Planning Development and Infrastructure Act 2016.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

## Attachments

1. [Development Assessment Delegation Policy - reviewed version for GPC Meeting - 16 August 2023](#).....74

# Development Assessment Delegation Policy



Record number	D22/12241
Responsible Manager	Manager City Development
Other key internal stakeholders	General Manager Community Services
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	12/9/17, 22/9/15, 11/02/14, 12/06/12, 11/08/09
Legal requirement	
Due date next review	2023

**Deleted:** Director Community and Cultural Development

**Deleted:** Section 34(27) of the Development Act 1993 requires Council to establish a policy

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 the basis upon which will delegate its powers and duties, under the Planning, Development and Infrastructure Act 2016 as a relevant authority with respect to determining whether or not to grant development plan approval.

This policy also establishes what types of matters will be referred to Council's Assessment Panel and what development applications the Assessment Manager can approve under delegation.

It is understood that this Council policy will be replaced by Regulations at some time in the foreseeable future when delegations provided by the Planning, Development and Infrastructure Act, 2016 are established.

## 2. POLICY

This policy provides the guiding principles on how the delegations to approve or refuse a planning application may be exercised by the CAP or the Assessment Manager.

### 2.1 Delegations

A decision to approve or refuse an application for development plan consent will be made by Assessment manager under delegated authority, or by the CAP. The delegation principles contained within this policy have been established having regard to the following factors:

- The cost of a development which is the subject of a Government grant.

### 2.2 Council Officers

In order to assess development applications in a timely and efficient manner and to assist employees with meeting the statutory timelines for assessing applications under the Act, Council Officers acting under the delegated authority of the Assessment Manager may assess and approve the following types of development applications:

Any development application (including those that have been recommended for refusal and those that constitute a compromise proposal from the ERD Court) may be referred to the CAP at the discretion of the assessing Council officer.

### 2.3 Council Assessment Panel

The CAP will determine whether or not to grant development approval on behalf of Council, after Council Officers have provided a report to CAP in a form that CAP have previously approved, with respect to the following types of applications:

### 2.4 Council

Council will be responsible for providing comment to the State Planning Commission on applications submitted to that are of significant social, economic, environmental or

**Deleted:** Council

**Deleted:** the Development Act 1993 and

**Deleted:** This policy also meets Council's obligations under the Development Act 1993 for Council to adopt such a policy.

**Deleted:** Council officers

**Deleted:** Section 33(1) of the Act states that a planning application may only be approved, if first assessed against the relevant provisions of Council's Development Plan. The delegation relating to section 33(1) of the Act is all encompassing, enabling the delegated officer or the CAP to process and approve or refuse any planning application. In accordance with section 34(23) of Act, this delegation has been granted to the CAP and all planning officers. ¶

**Deleted:** a Council employee

**Deleted:** a council officer

**Deleted:** <#>The nature and category of development¶  
<#>Whether an application is for a complying or Non-Complying Development¶  
<#>Whether or not the application received objections from members of the public¶  
<#>Complexity of the application¶  
<#>The level of public interest in the application¶  
<#>The relevant authority (i.e. application referred to Council from the State Planning Commission)¶  
<#>Whether or not the application has been submitted by Council and/or relates to Council land or facilities ¶

**Deleted:** <#>All Complying Development applications, noting that restricted timeframes for the assessment of Complying Development applications inhibits the ability for the CAP to consider such applications¶  
<#>All other Category 1 Development applications which, in the opinion of the Council officer, sufficiently satisfies the provisions of Council's Development Plan so as to warrant consent¶  
<#>Category 2, 2A and 3 Development applications where no representations have been received opposing the application as part of the public notification process, or where all objections raised by representors have been resolved and the representation(s) have been officially withdrawn¶  
<#>Minor Non-Complying Development¶  
<#>Minor Development Applications referred to the Council by Development Assessment Council in accordance with section 49(4a) of the Act. ¶  
<#>¶  
<#>Council Officers may refuse non-complying applications without proceeding to make an ... [1]

**Deleted:** <#>Category 2, 2A and 3 Development applications where representation(s) have been received as part of the public notification process ... [2]

**Deleted:** Council pursuant to section 49 of the Act

political interest as determined by the Team Leader Planning, Manager City Development or the CEO.

Subject to the conditions referred to within Attachment 1 of the Land Division Infrastructure and Open Space Management Policy, Council will be responsible for making decisions on the following matters in relation to development applications:

- a. A decision to gift land to Council through the development application process
- b. A decision to allow the installation of service infrastructure through an existing Council reserve
- c. A proposal to create public open space as part of a plan of division

### 3. DEFINITIONS

For the purposes of this policy the following definitions apply:

#### PDI Act

Planning Development and Infrastructure Act 2016

#### CAP

Council Assessment Panel

#### CEO

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

#### Council Officers

For the purpose of this Policy, this term refers to a Council delegate responsible for the assessment of planning applications, and includes planning consultants acting under delegated authority.

#### ERD Court

Environment Resources and Development Court.

#### Regulated Tree

According to the this means: -

- a. Trees within a designated area as prescribed within and that have a trunk with a circumference of 2 metres or more or, in the case of trees with multiple trunks, that have trunks with a total circumference of 2 metres or more and an average circumference of 625 millimetres or more, measured at a point one(1) metre above natural ground level, but does not apply to those trees listed within

### 4. LEGISLATIVE FRAMEWORK

The following legislation applies to this policy:

**Deleted:** <#>A decision to pay into the Council open space fund or to provide a combination of open space and provide money as permitted under section 50(1)(e) of the Act.¶

**Deleted:** Act¶  
Development Act 1993¶

**Deleted:** CDAP¶  
Council's Development Assessment Panel.¶  
¶  
**Category 1 Development**¶  
Public notification not required.¶  
¶  
**Category 2 Development**¶  
Limited public notification is required (i.e. owners of adjacent land).¶  
¶  
**Category 2A Development**¶  
Limited public notification is required (i.e. owners of adjoining land).¶  
¶  
**Category 3 Development**¶  
Full public notification required (subsequent appeal rights are provided)¶  
¶

**Deleted:** Complying Development¶  
A form of development listed as "complying" within Council's Development Plan or Schedule 4 of the Development Regulations 2008.¶  
¶

**Deleted:** Minor Development Applications¶  
A development, which in the opinion of the assessing officer, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.¶  
¶

**Non-Complying Development**¶  
A form of development listed as "non-complying" within Council's Development Plan.¶  
¶

**Deleted:** Development Act 1993,

**Deleted:** regulation 6A(3)

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**Deleted:** regulation 6A(5) or the exemptions listed within Schedule 3 of the Development Regulations.¶

Planning, Development and Infrastructure Act 2016

1. Council Assessment Panel
  - a. Section 83 of this Act requires Council to establish a Council Assessment Panel (CAP) to undertake development assessment functions in its behalf.
  - b. CAP will be able to exercise powers and functions delegated to them by Council to determine development applications under the *Development Act*. All development applications will continue to be lodged and assessed under the *Development Act* for the time being.
2. Assessment manager
  - a. Section 87 of this Act requires the CEO of Council to appoint an Assessment Manager. The role of the Assessment Manager under this Act is, for the time being, limited to assisting the CAP and ensuring that it is adequately resourced.
  - b. The role of the Assessment Manager will eventually expand to include that of a relevant authority for development applications under this Act.

In such instances, the application must be referred to the relevant Council for comment.

#### 4.1 Other references

Council's document including:

1. [Council's Fees and Charges Register](#)
2. [Land Division Infrastructure and Open Space Management Policy](#)
  - a. The Land Division Infrastructure and Open Space Management Policy provides guidance in relation to the provision of infrastructure and open space for new development applications. Attachment 1 to the Land Division Infrastructure and Open Space Management Policy, details those instances when decisions can be made by a Council delegate or an employee acting under delegated authority. This Policy should be read in conjunction with the Land Division Infrastructure and Open Space Management Policy for decisions regarding the provision of infrastructure and open space for new developments.

### 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
	Community
<i>People feel a sense of belonging, inclusion and connection with the City and the community</i>	
<i>Diversity is welcome and celebrated</i>	

**Deleted: [Development Act, 1993](#)**

Section 34(23) of this Act requires Council to delegate all of its powers and duties to make decisions on whether or not to grant development plan consent to either its Development Assessment Panel or relevant employees. This delegation is made pursuant to section 20 of this Act.

Although a decision on whether to issue development plan consent must be subdelegated, such decisions do not extend to land division assessments performed under section 33(1)(c) of the Act. Such decisions (amongst other things) relate to the vesting of infrastructure and open space in Council.

Section 34(27) of the Act requires Council to establish a policy in relation to the basis of its delegations under section 34(23) of this Act. This policy satisfies that specific requirement.

Section 49 of this Act refers to planning decisions made by the State Planning Commission in circumstances where a:

State agency proposes to undertake development (other than in partnership or joint venture with a person or body that is not a State agency); or

State agency proposes to undertake development for the purposes of the provision of public infrastructure (whether or not in partnership or joint venture with a person or body that is not a State agency); or

Person proposes to undertake development initiated or supported by a State agency for the purposes of the provision of public infrastructure, which is specifically endorsed by the State agency.

<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 liveability 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>	

[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 organisational excellence. The themes most relevant to this report are: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement

## 6. POLICY IMPLEMENTATION

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

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City of Tea Tree Gully  
Governance and Policy Committee

Document Cover Sheet

16 AUGUST 2023

LIQUOR LICENCE APPLICATION MANAGEMENT POLICY

Responsible Manager: Manager City Development & Manager Community Safety

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

The policy was last reviewed in June 2020.

RECOMMENDATION

That the “Liquor Licence Application Management Policy” **as reviewed by** the Governance and Policy Committee on 16 August 2023 be adopted.

Summary of changes		
Page No.	Heading	Comments
1	Purpose	<p>The changes to the policy are generally minor grammatical errors, sentence structure amendments, updating references to Section 11C of the Liquor Licensing Act 1997 (Act).</p> <p>This will include providing the Commissioner the following information:</p>

		<ul style="list-style-type: none"> <li>• That the Applicants have been granted development authorisation for the proposed Licensed premises.</li> <li>• If the Development Authorisations have any planning conditions imposed that are associated with trading hours or capacity.</li> <li>• That the Development Authorisation is not outdated.</li> <li>• Assessment of concerns identified by the Council, including complaints made to the Council about the particular premises.</li> </ul> <p>By collating with the Office of Consumer and Business Services it will ensure the application for a Liquor License will be assessed correctly or in the imposition of conditions, to take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the Planning, Development and Infrastructure Act 2016 (the Planning Act).</p>
2.1	Overview	Removal of the Liquor and Gambling online portal as Council staff do not have access to this.
2.3	Consideration of Licence Applications	<p>Words Included:</p> <ul style="list-style-type: none"> <li>• Council will provide the Commissioner relevant planning authorisations on the subject land</li> <li>• Ensure that the Development Authorisation is not outdated</li> <li>• Include any complaints made to the Council about the particular premises</li> <li>• Provide the Commissioner any planning conditions relating to capacity and hours of operation associated with the development authorisation</li> <li>• Further Section 11C of the Act the Commissioner will take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the Planning, Development and Infrastructure Act 2016.</li> </ul>

2.4	Criteria	Legal update: or Planning, Development and Infrastructure Act 2016,
2.6	Public Notification	Legal update: or Planning, Development and Infrastructure Act 2016,
4	Legislative Framework	<p>Legal update: or Planning, Development and Infrastructure Act 2016,</p> <p>Words Included:</p> <p>Further Section 11C of the Act the Commissioner will take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the <i>Planning, Development and Infrastructure Act 2016</i>.</p> <p>Where a development application is not required but an application for a liquor licence is required the applicant will need to provide a <b>completed 'Council Approvals – liquor licence application' to the Liquor Licence and Gambling Commission</b>. Planning staff will review the request and complete Section 2 of the form which poses the following yes/ no questions;</p> <ul style="list-style-type: none"> <li>• I confirm all relevant planning and development approvals, consents and exemptions required in connection with this liquor licence application have been obtained</li> <li>• I confirm any relevant building works are completed and the premises is ready for occupancy and trade</li> <li>• I confirm that the proposed trading hours, venue capacity and premises plan are suitable</li> <li>• Confirmation of any outstanding approvals, documents or certificates.</li> </ul> <p>The Planning Officer considering the request will need to declare their name, position with Council, signature and date.</p>

13	Policy Implementation	Remove Manager of Community Development from responsibility.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

Attachments

1. [↓](#)    Liquor Licence Management Policy -Reviewed version for GPC Meeting 16 August 2023.....86

# Liquor Licence Application Management Policy



## 1. PURPOSE

The purpose of this policy is to highlight Council's commitment to working with all stakeholders to identify and address liquor-related issues and to protect and enhance the City's unique amenity for the benefit of its residents, workers and visitors.

This Policy provides a framework for Council staff to work with the Liquor and Gambling Commissioner (Commissioner) in the assessment of an application for a Liquor Licence under Section 11C of the Liquor Licensing Act 1997 (Act).

This will include providing the Commissioner the following information:

- That the Applicants have been granted development authorisation for the proposed Licensed premises.
- If the Development Authorisations have any planning conditions imposed that are associated with trading hours or capacity.
- That the Development Authorisation is not outdated.
- Assessment of concerns identified by the Council, including complaints made to the Council about the particular premises.

By collating with the Office of Consumer and Business Services it will ensure the application for a Liquor License will be assessed correctly or in the imposition of conditions, to take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the Planning, Development and Infrastructure Act 2016 (the Planning Act).

**Deleted:** This Policy provides a framework for the exercise of Council's powers pursuant to the Liquor Licensing Act 1997 including the:

- Consideration of Liquor Licence applications referred to the Council pursuant to the Act
- Assessment of concerns identified by the Council, including complaints made to the Council about particular premises.

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## 2. POLICY

### 2.1. Overview

Consumer and Business Services and the Licensing Court of South Australia are the authorities responsible for the administration of the Act.

Although the Act does not require the Licensing Authority to obtain Council approval for the granting of, variations to or transfer of a Licence, the Licensing Authority will advise Council of any new or transfer applications under the Act via email. In addition, an applicant may contact Council for advice regarding a current or proposed application.

**Deleted:** and the Liquor and Gambling Online portal

This policy will be used to guide Council responses to applicants and the Licensing Authority on applications received for Licences, and in assessing a development application relating to a liquor-related land use.

A procedure will be developed and maintained by the CEO in ensuring that this Policy is managed appropriately.

### 2.2. Policy Objectives

Council's overall objective is to have all licensed premises operating in alignment with the requirements of this Liquor Licensing Application Management Policy, and applicable Liquor Licences and Development Authorisations.

Council's role is to, wherever possible, promote safe venues for patrons, and minimise any adverse impacts on local amenity arising from the operation of licenced venues, functions and special events.

Specifically, in adopting this Policy the Council aims to:

- Reduce potential impacts on local amenity caused through the consumption of alcohol by minimising noise, offensive behaviour, disturbance or inconvenience to people who reside, work, play or worship in the vicinity of the licensed premises
- Minimise the prejudice to the safety and welfare of a child dedicated facility, children attending a kindergarten, primary school or secondary school in the vicinity of the licensed premises
- Resolve longstanding issues arising from existing Licence conditions as they relate to hotel precincts within the City of Tea Tree Gully
- Achieve trading hours and Licence conditions that are consistent with the terms of this Policy, while recognising that this may not always be achievable given the provisions of the Act
- Effectively balance the needs of the business operators against the needs of the general community.

To achieve these objectives, Council may pursue one or more the following courses of action:



- Ensure that all forms of Liquor Licence applications are assessed against the framework established by this Policy
- Exercise its right to make a submission under the Act, whenever warranted
- Exercise its right of complaint under the Act, if noise emanating from a licensed premise is unduly offensive, annoying or disturbing or inconvenient to a person who resides, works, plays or worships in the vicinity of the licensed premises
- Provide information to the community, which encourages the responsible service and consumption of alcohol
- Act as an advisory body to persons seeking advice or clarification on licensing and planning related issues as they relate to Council
- Identify issues and problems relating to the operation or scope of this Policy and revise this Policy as appropriate.

### 2.3. Consideration of Licence Applications

The Council will carefully review and consider all applications that are notified by the Licensing Authority or an applicant pursuant to the Act. In doing so, the following procedures will be undertaken:

- Assess the application against the specific criteria contained within the Policy.
- Council will provide the Commissioner relevant planning authorisations on the subject land
- Ensure that the Development Authorisation is not outdated
- Include any complaints made to the Council about the particular premises
- Provide the Commissioner any planning conditions relating to capacity and hours of operation associated with the development authorisation
- Further Section 11C of the Act the Commissioner will take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the Planning, Development and Infrastructure Act 2016.

If:

- There are elements of the application which are inconsistent with this Policy advise Elected Members of Council (via email) of the application
- The Council considers it can provide information or assistance to the Licensing Authority in relation to the application
- The Council has any cause for concern in relation to the application.

Then the Council will make a submission to the Licensing Authority for the matter to be listed for conciliation in the first instance.

The Act does not permit Council raise matters that should be dealt with under the law relating to planning or the carrying out of building work. Where a licenced premises has a development authorisation, Council is unable to make a submission or object to licensing matters relating to the approval. For example, Council does not have the ability to request

**Deleted:** <#>Advise Elected Members of Council (via email) of the application.¶

a restriction of hours on the licence where a development authorisation does not restrict operating hours at the premises.

#### 2.4. Criteria

The following criteria, amongst others not specified that may also be relevant, should be considered:

- Proximity of the premises to residential and other sensitive land uses
- Number and nature of complaints lodged with Council and SAPOL in relation to the licenced premises
- Number of car parking spaces provided on site, and potential impacts to surrounding streets and properties arising from on-street car parking
- Location and operation of outdoor areas, including dining areas
- Hours of operation approved under the Development Act 1993 or Planning, Development and Infrastructure Act 2016
- The extent to which the premises have been designed to minimise the impacts of its activities on adjacent residential properties; i.e.: noise attenuation measures, buffers, etc.
- Level of security to be adopted by the licensed premises (internal and external)
- Current management practices and conditions in place to minimise external impacts
- Whether the proposal required a development authorisation under the *Development Act 1993 or Planning, Development and Infrastructure Act 2016*, or alternatively is at variance (and therefore seeks to vary) with an existing development authorisation.

Where a development application is required to effectively implement the Liquor Licence application, officers will recommend a deferral of the Liquor Licence application to enable the development assessment process to be completed prior to a decision being made by the Licencing Authority.

All applications to Council for Outdoor Dining Permits where a Licence is required will be assessed against this Policy and the Road Alteration and Encroachment Policy.

Other applications to Council for the hire or use of a Council facility, including a dry zone area, reserve or a road closure where a Licence is required will also be assessed by reference to this Policy.

The Council's assessment will not be based on the competitive advantage / disadvantage to be gained or suffered by a licensed premises should the application be granted / refused.

#### 2.5. Hours of Trading

The Council will not support extended trading hours which the Council considers are likely to cause unreasonable disturbance and inconvenience to residents and other businesses in the vicinity of a licensed premises.

Council's assessment of any proposed extension to trading hours will be based on the location of the premises, the nature of the venue, previous history of complaints, current management practices and treatments put into place to minimise external impacts.

Unless good cause is demonstrated, Council will not support applications under this Act where the Council considers unreasonable noise or disturbance may be caused, or where there is a recent or ongoing history of complaints or breaches of licensing conditions.

The Council's assessment will not be based on the competitive advantage / disadvantage to be gained or suffered by a licensed premises should the application be granted / refused.

The Council will not support variations to closing times of a licensed premise that may in the Council's view result in the potential movement of large numbers of patrons from one venue to another, resulting in potential for greater instances of anti-social behaviour, noise, disturbance, vandalism and criminal activity impacting on the nearby residential and business community, except where contrary to an existing development authorisation.

The Council will not support hours of trading for the sale and supply of liquor beyond the following:

For licensed premises located within 200 metres of the boundary of any property used for residential purposes:

- To the general public for consumption on the licensed premises:
- Monday to Thursday inclusive between 8am and midnight the same day
  - Friday and Saturday, between 8am and 1am the following day
  - Sunday between 8am and midnight the same day.

For licensed premises located beyond 200 metres of the boundary of any property used for residential purposes:

- To the general public for consumption on the licensed premises:
- Monday to Thursday inclusive between 7am and 1am the same day
  - Friday and Saturday, between 7am and 2am the following day
  - Sunday between 11am and midnight the same day.

## 2.6. Public Notification

Where a Liquor Licence application required development approval, consultation may or may not be conducted in accordance with the requirements of the [Planning and Design Code and the Planning, Development and Infrastructure Act 2016](#),

**Deleted:** Development Act 1993

Where the Planning and Design Code and the Planning, Development and Infrastructure Act 2016 does not apply or the development application does not require public notification, the Licensee may be required to undertake advertising of the license in accordance with the requirements under this Act.

Deleted: Development Act 1993

## 2.7. Submissions

If an application has been advertised under Part 4 Section 77 of the Act, any person may, by notice in the prescribed form (by contacting Consumer and Business Services) lodged with the Licensing Authority at least seven (7) days before the day appointed for the hearing of the application, make a written submission in respect of the application on one of the following grounds:

- (a) that the grant of the application would not be consistent with the objects of this Act or would be contrary to this Act in some other way;
- (b) in the case of a designated application—that the granting of the designated application is not in the community interest;
- (c) in the case of an application by a natural person for the grant or transfer of a licence, or for the conversion of a temporary licence into an ordinary licence—that the applicant is of bad reputation or character or is in other respects not a fit and proper person to be licensed;
- (d) in the case of an application by a trust or corporate entity for the grant or transfer of a licence, or for the conversion of a temporary licence into an ordinary licence—that the applicant is not a fit and proper person to be licensed or that a person who occupies a position of authority in the entity is of bad reputation or character or is in other respects not a fit and proper person to hold such a position in an entity that holds a licence;
- (e) in the case of an application for the grant or removal of a licence—that the position, nature or quality of the premises renders them unsuitable to be licensed, or to be licensed under a licence of the kind to which the application relates;
- (f) that if the application were granted—
  - (i) undue offence, annoyance, disturbance or inconvenience to people who reside, work or worship in the vicinity of the premises or proposed premises to which the application relates would be likely to result; or
  - (ii) the safety or welfare of children attending kindergarten, primary school or secondary school in the vicinity of the premises or proposed premises to which the application relates would be likely to be prejudiced; or
  - (iii) the amenity of the locality in which the premises or proposed premises to which the application relates are situated would be adversely affected in some other way.

## 2.8. Managing Complaints / Advocacy

All complaints received by Council arising from Licence issues will be coordinated by a CEO nominated employee.

The complaint will firstly be investigated to determine if there has been a breach of a condition imposed under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*. If such breach exists, Council's compliance employees will undertake enforcement action in accordance with Council's Enforcement Policy.

Notwithstanding any action that can be taken under the *Planning, Development and Infrastructure Act 2016*, all Licence issues received by Council will be forwarded onto Consumer and Business Services as the relevant authority for the *Liquor Licensing Act 1997*, as well as to the SAPOL Licensing Enforcement Branch. The Licensing Authority has inspectorial and compliance sections that can monitor and address breaches of the Act, and any conditions attached to an existing Licence.

Depending on the nature and gravity of the complaint(s), Council may also make a complaint to the Licensing Authority where the licensing related activity causes undue noise, or the behaviour of persons making their way to or from a licensed premises is unduly offensive, annoying, disturbing or inconvenient to nearby residents, workers or worshippers.

### 3. DEFINITIONS

For the purposes of this policy the following definitions apply:

#### Act

Liquor Licensing Act 1997

#### CEO

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

#### dB(A)

A measure of recording sound exposure to humans.

#### Entertainment

As defined by the Act is a dance, performance, exhibition or event (including a sporting contest) calculated to attract and entertain members of the public; a visual display but not if provided by means of a television screen the dimensions of which do not exceed two (2) metres by two (2) metres (specified by the Regulations).

#### EPA

Environment Protection Authority

#### Intervention

A council in whose area licensed premises or premises proposed to be licensed are situated may intervene in proceedings before a Licensing Authority for the purpose of introducing evidence, or making representations on any question before the Authority.

**Licence**

A Liquor Licence under the Liquor Licensing Act 1997. Definitions for the various forms of licences referred to within this policy can be found within section 4 of the Act.

**Licensing Authority**

In relation to a matter that is to be decided by the Court under the Act - it is the Court. In relation to any other matter - it is the Consumer and Business Services.

**Liquor**

For the purposes of the definition of liquor in section 4 of the Act, alcohol based food essence and alcoholic ice confection are declared to be liquor for the purposes of the Act.

**Live Entertainment**

- A dance or other similar event at which a person is employed or engaged to play music (live or pre-recorded)
- A performance at which the performers, or at least some of them, are present in person
- A performance of a kind declared by regulation to be Live Entertainment

**Submission**

If an application has been advertised under Part 4 Section 77 of the Act, any person may, by notice in the prescribed form (by contacting Consumer and Business Services) lodged with the Licensing Authority at least seven (7) days before the day appointed for the hearing of the application, make a written submission in respect of the application.

**SAPOL**

South Australia Police.

## 4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to the management of licensed premises.

The following legislation applies to this policy:

**Liquor Licensing Act 1997**

All liquor licensing matters within South Australia are regulated by the provisions of this Act. One of the primary objectives of this Act is to regulate and control the sale, supply and consumption of liquor for the benefit of the community as a whole.

Written notice to the Council may be required under the Act in relation to the granting of a licence (excluding temporary licence), or for the transfer, removal, or conversion of temporary to permanent for the following classes of liquor licencing application:

- General and hotel licence;
- On premises licence;

- Residential licence;
- Restaurant and catering licence;
- Club licence;
- Packaged liquor sales licence;
- Liquor production and sales licence;
- Small venue licence.
- Short term licence

Variations to existing licence arrangements, such as trading hours, may also be referred to Council for comment.

This Act provides Council with the opportunity to make a submission on matters not addressed under the law relating to planning or the carrying out of building work. This is intended to reduce overlap between development-related issues and liquor licencing matters.

#### Planning, Development and Infrastructure Act 2016

Certain Liquor Licence applications also require development authorisation under the Planning, Development and Infrastructure Act 2016 (i.e a change in land use, or construction of a new building to facilitate the proposed use). A Liquor Licence application may also trigger the need to vary an existing development authorisation.

Where a development application is required, this policy seeks to defer consideration of the Liquor Licence application until such time appropriate development authorisations are in place.

Further Section 11C of the Act the Commissioner will take reasonable steps to avoid any inconsistency with, or the duplication of, matters that are dealt with or addressed under the Planning, Development and Infrastructure Act 2016.

Where a development application is not required but an application for a liquor licence is required the applicant will need to provide a completed 'Council Approvals – liquor licence application' to the Liquor Licence and Gambling Commission. Planning staff will review the request and complete Section 2 of the form which poses the following yes/ no questions:

- I confirm all relevant planning and development approvals, consents and exemptions required in connection with this liquor licence application have been obtained
- I confirm any relevant building works are completed and the premises is ready for occupancy and trade
- I confirm that the proposed trading hours, venue capacity and premises plan are suitable
- Confirmation of any outstanding approvals, documents or certificates.

Deleted: Development Act 1993 and

Deleted: Development Act 1993 or

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The Planning Officer considering the request will need to declare their name, position with Council, signature and date.

#### **Environment Protection (Noise) Policy 2007**

Section 25 of the *Environment Protection Act 1993* provides a general environmental duty requiring a person not to undertake an activity which pollutes (includes noise) the environment unless that person takes all reasonable and practicable measures to prevent or minimise environmental harm. Compliance with the noise goals stipulated within the Noise Policy satisfies the general environmental duty.

Section 17 of the *Local Nuisance and Litter Control Act 2016* defines local nuisance as including any adverse effect on an amenity value of an area that is caused by noise, and which unreasonably interferes with, or likely to unreasonably interfere with, the enjoyment if persons occupying a place within the area.

#### **4.1. Other references**

Council's document including:

- Council's Fees and Charges Register
- Council's Road Alteration or Encroachment Policy
- Council's Enforcement Policy
- Council's Liquor Licence Application Management Procedure

## **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>	Our community is healthy and safe
<b>Economy</b>	
<i>A local economy that is resilient and thrives, where businesses are supported to grow and prosper, provide local jobs and sustain our community and visitors and utilize</i>	Our City is a desirable and sustainable place to live and work.



<i>technology to improve the livability of our city</i>	
<i>People are supported to develop their leadership and employment capabilities</i>	

### 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: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement

## 6. POLICY IMPLEMENTATION

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

Record number	D23/48011
Responsible Manager	Manager City Development
Other key internal stakeholders	General Manager Community Services
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	23,6,20, 09/05/17,13/08/13, 20/07/11, 09/06/09, 10/10/06, 25/02/03, 13/03/01
Legal requirement	NA
Due date next review	2027
Delegations	

Deleted: Manager Community Safety



City of Tea Tree Gully  
Governance and Policy Committee

Document Cover Sheet

16 AUGUST 2023

## EASEMENTS MANAGEMENT POLICY

Responsible Manager: Manager Technical & Engineering Services

This policy is due for review as part of the cyclical review process (last reviewed 19/08/2020).

The current version of the policy is considered relevant and appropriate, and is working well.

The Easement Management Policy is being used effectively to manage:

### Easement Creation

**Outlines Council's position on the creation of easements as part of a land division process.** That is, Council will not provide compensation, as the easement is required in order to create the orderly development of land. While this is existing practice, it is prudent to include this position in the Easement Management Policy, including the minimum conditions required for the creation of a 'long form easement'.

### Managing Risks

The technical requirements for an encroachment into an easement reduces the risk to Council in **multiple areas including the Council's ability to access infrastructure in a timely manner and the cost of maintenance, repair and replacement.** The technical requirements will ensure an applicant provides the necessary information to enable Council to make an informed decision.

### Conditions of Approval

Informs applicants / land owners of the risks associated with encroaching onto an easement.

Changes to the policy are considered minor and include correction of grammatical errors or sentence structure. Reference to the CWMS has also been removed due to the change in ownership of this infrastructure.

# RECOMMENDATION

That the “Easements Management Policy” **as reviewed by** the Governance and Policy Committee on 16 August 2023 be adopted.

Summary of changes		
Page No.	Heading	Comments
Various	N/A	The changes to the policy are generally minor grammatical errors, sentence structure amendments, updating hyperlinks and removing reference the CWMS due to the recent change in ownership of the CWMS infrastructure.
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

## Attachments

1. <a href="#">↓</a> Easements Management Policy - Reviewed version for GPC Meeting 16 August 2023	100
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# Easements Management Policy



## 1. PURPOSE

The purpose of this Policy is to:

1. State Council's position in regards to managing Easements.
2. Assist in establishing conditions of approval when an application to build over an Easement is sought.
3. Ensure access is available for future maintenance of Council's assets.
4. State Council's position in regards to Easement negotiation and settlement.

## 2. POLICY

This policy will address various Easement considerations and provides guidance to the management of Easements vested in Council.

### 2.1. Creation of Easements

An Easement is an interest in land. Specifically, an Easement is a contract between parties to give a person (including a company, individual, Council or other entity) (the grantee) the right to use another's land (the grantor) for a particular purpose.

Accordingly, the effect of an Easement is to partially restrict a landowner's use of the land, which is the subject of the Easement.

Easements will be generally created through the conveyancing process when a Land Division is proposed. The Land Division will usually identify Easements relating to the supply of water, sewer, electricity and Council's stormwater drainage **infrastructure**. A Short Form Easement has traditionally been used when a new Easement is required. This form of Easement cannot be altered from the purpose described within Schedule 6 of the *Real Property Act 1886*. In relation to drainage and sewerage infrastructure, Council's rights are limited to entering the said land to "break the surface of, dig, open up and use the land for the purpose of laying down, fixing, taking up, repairing, re-laying or examining".

Additional conditions cannot be imposed in relation to how land over which a Short Form Easement exists can be further developed. This means that **Council may have limited powers in relation to access and the protection of infrastructure within the easement**.

**Deleted:** and CWMS (Community Wastewater Management System) infrastructure. ¶

**Deleted:** cannot legally prevent the construction of a building, or the carrying out of earthworks (fill and/or excavation) with a Short Form Easement

**Deleted:** . Such work can obstruct Council's access to the infrastructure for maintenance purposes. Furthermore, inappropriate building designs may also damage Council's infrastructure.

For the reasons outlined above, only a Long Form Easement is to be used for a new Easement vested in Council, and conditions will be attached to the creation of such an Easement placing limitations on:

1. The design and nature of buildings permitted to be constructed within the Easement
2. The alteration of ground levels within the Easement; and
3. Any other conditions as deemed appropriate by the Council delegate.

In addition, all easements created must adhere to the following criteria:

1. New easements created through the land division process will not receive compensation for the new easement on the affected land. All costs associated with the creation of this easement will be at the applicant's cost.
2. New easements for stormwater drainage purposes must be created with a minimum of one and a half metres (1.5 metres) lateral distance measured from the centreline of the infrastructure to the outer edge of the easement. Therefore, the minimum width of an easement shall be three metres (3 metres). The length of the easement must be the full length of the infrastructure with an additional 1.5 metre buffer.

Deleted: CWMS or

An example of the minimum wording required to form part of the long form easement is shown below:

#### **INTERPRETATION**

**Easement Area** is the area marked "X" on (INSERT PLAN REFERENCE)

##### **1) GRANT**

*The Grantor grants to the Grantee a full, free and unrestricted right and liberty for the Grantee, his agents, servants and workmen, to at any time break the surface of, dig, open up and use the land (described for that purpose in this instrument) for the purpose of laying down, fixing, taking up, repairing, re-laying or examining drains or drainage pipes and of using and maintaining those drains and drainage pipes for drainage purposes and to enter the land at any time (if necessary with vehicles and equipment) for any of those purposes.*

##### **2) ALTERATIONS OR ADDITIONS TO EASEMENT AREA**

*The Grantor must not carry out any alterations, or make any additions, to the Easement Area without the consent of the Grantee.*

## **2.2. Applying to Encroach/Build Over an Easement – Consideration for Consent**

If a property owner or applicant intends to carry out works over Council infrastructure or within an Easement, it is necessary to obtain Council approval. Most Council Easements are registered with the Lands Title Office and will be present on the Certificate of Title for the relevant land.

In general, Council will not approve the construction of any structure over or under an easement in favour of the City of Tea Tree Gully. Council may consider an encroachment if the applicant successfully demonstrates the following:

1. That the proposed encroachment is an essential part of the overall development.
2. That there is no other viable location for the proposed encroachment to be located.
3. That the proposed Easement encroachment poses no long-term maintenance or access issues for Council.
4. That the proposed encroachment does not pose a threat of damage to the Council infrastructure contained within the Easement.

**Deleted:** Existing CMWS infrastructure may not always be located in a registered easement, however the CWMS infrastructure is protected by a statutory easements in accordance with the provisions of the Water Industry Act 2012.¶

### 2.3. Applying to Encroach/Build Over an Easement – Technical Information

If the property owner or development applicant is successfully able to demonstrate the criteria within *Applying to Encroach/Build Over an Easement – Consideration for Consent*, Council's technical engineering requirements must also be adhered to.

The following technical requirements are applicable:

1. Minimum 1.5 metres horizontal/lateral clearance must be maintained from the from the edge of Council infrastructure.
2. Maximum cover amount over Council infrastructure is to be maintained between 0.6 metres to 1.5 metre.
3. Ensure proposed structure does not inhibit Council access such that a minimum overhead clearance of 2.5 metres is required.
4. The proposed structure (footings/other loads) must ensure the zone of influence will be clear of the adjacent trench line for an existing or future access (engineer design drawings will be required).
5. The proposed structure must allow Council to excavate the full width of the easement without compromising any adjoining structure.
6. No structure encroachment will be acceptable over main access points for Council infrastructure such as manholes, junction boxes or inspection points – a minimum clearance of 1 metre is required from any adjacent structure.
7. Access pit lids must be maintained at surface level, any changes in levels as a result of the proposed encroachment will require the re-adjustment of access pit level. Applicant/land owner shall be responsible for all costs associated with the re-adjustment of lid level.

**Deleted:** The technical requirement may vary slightly as it is dependent on the type of infrastructure located within Council Easement (CWMS or stormwater drainage).¶

**Deleted:** to both forms of infrastructure

8. No excavation of natural surface level is to occur that may compromise the integrity of the underlying infrastructure.
9. Vegetation planted within the easement must not damage or inhibit Council's ability to maintain Council infrastructure – large trees or vegetation with intrusive roots will not be acceptable.
10. Structures must be independently supported from any adjacent dwellings or permanent structure. Structures must not share a roof, foundation or any other permanent structure to allow for minimal impact if dismantling required.

A clear and well-presented Engineering Site Plan and Associated Details are critical documents for Council to successfully assess the suitability of an Easement encroachment.

Engineering plans including footing plans and a site plan (shown to scale) must be submitted to Council which:

1. Show the size of the proposed encroachment over the Easement (in square metres)
2. Clearly show the distance (in metres) between the structure/encroachment from relevant allotment and Easement boundaries.
3. Show the location, depth and size of all footings for a structure relative to the Easement and the infrastructure located within the Easement.
4. Show that the minimum opening height of proposed structures (in metres) does not restrict access for construction equipment onto the Easement.
5. Show any change (cut or fill) to the existing surface level of the Easement by:
  - 5.1 Providing existing surface levels which are obtained by a Licensed Surveyor
  - 5.2 Providing design surface levels which are determined by an Engineer
  - 5.3 Providing details of proposed surface finishes (any sealed hard standing areas must be block paved only)

For additional information relating to stormwater drainage encroachment, refer to the *Drainage Easement Encroachment Form*.

1. The location and alignment of infrastructure contained within Easements will vary and hence Council will assess each encroachment uniquely based upon infrastructure location.
2. Council reserves the right to refuse a proposed Easement encroachment if the impacts upon the Easement have not been adequately addressed.

There are two ways to apply to Council to build over a Council Easement:

1. Via a Development Application (where a structure/development proposed within or near an Easement requires development approval) or:
2. Via application to the relevant infrastructure department (where a Development Application is not required for the proposed structure/development).

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**Deleted:** For additional information relating to CWMS encroachment, refer to the *Encroachment Over Community Wastewater Management System Infrastructure Information Sheet* on Council website. ¶



## 2.4. Applying to Encroach/Build Over an Easement – Condition of Approval

Any approval of encroachment ~~is~~ subject to the following conditions:

1. Council maintains the right to refuse any ~~easement~~ encroachments at its discretion. Should any additional works be proposed which are not indicated on the approved plans, approval must be obtained from Council.
2. Council is to be indemnified against any damages to the structure as a result of any operation by Council in exercising its rights within the Easement.
3. Council shall not be responsible for the removal or reinstatement of any hard-standing area, structure or vegetation placed within the Easement.
4. The applicant/land owner will be responsible for any damages, repair or replacement to Council infrastructure as a result of the structure.
5. The applicant/land owner agrees to take out and keep current a public risk insurance policy for at least 20 million dollars to protect against potential risks associated with ~~the construction and maintenance of the~~ easement encroachment on the land.
6. The applicant/land owner will ensure that the proposed structure will be dismantled within 28 days if requested to do so by Council in order for Council to carry out works in the easement.
7. The applicant/land owner agrees to allow Council to dismantle all encroachments and commence work immediately in the event of an emergency.
8. The applicant/land owner will be responsible for all costs associated with altering Council infrastructure as a direct result of the proposed encroachment.

A Council officer acting under delegated authority is empowered to apply any additional conditions of approval considered necessary.

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## 2.5. Types of Easement Encroachments

An Easement encroachment refers to a physical intrusion of any structure above or below any land that is subject to an Easement as per the Certificate of Title for that property.

The following are examples of common Easement encroachments where approval is and isn't required – this refers to easement encroachment approval only and not any other Council approvals required:

Examples of Easement encroachment where approval is not required:

- a. Minor Landscaping
- b. Relocatable play equipment

Examples of Easement encroachment where approval is required:

- a. Driveways - if proposed over an infrastructure access pit
- b. Carports
- c. Verandas and Pergolas

**Deleted:** h

- d. Timber Decking
- e. Retaining walls
- f. Signage (with footings)
- g. Fixed on-ground structures
- h. Earthworks (cutting and filling)
- i. Fences
- j. Sheds
- k. Above ground rainwater tanks
- l. Any work within a watercourse

Examples of Easement encroachment that will not be approved by Council

- a. Dwellings
- b. Warehouses
- c. Garages
- d. Swimming Pools
- e. Spas
- f. Major Earthworks
- g. Large Sheds
- h. Any structure located over a main infrastructure access point such as a manhole or stormwater drainage pit

Deleted: CWMS

## 2.6. Extinguishing of Easements

Council will consider ~~extinguishing an Easement~~, only if the Easement is not required for Council infrastructure now or in the future. An applicant will be responsible for all costs incurred for extinguishing an Easement.

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## 2.7. Easement Negotiation and Settlement

Easements are often required for the installation and maintenance of Council stormwater infrastructure. Where an Easement is required over an existing allotment a property owner may be entitled to compensation.

The compensation paid for acquiring an Easement will be determined in accordance with industry standard calculations.

## 2.8. Easements over Council owned land

Council as a land owner can receive payment or compensation for granting an Easement over Council land. Statutory authorities and developers usually negotiate with Council prior to the Easement's creation with final approval granted by resolution of Council.

## 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.

**Easement**

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

**Land Division**

- a. the division, subdivision or re-subdivision of the allotment (including by community plan under the Community Titles Act 1996 and by strata plan under the Strata Titles Act 1988); or
- b. the alteration of the boundaries of an allotment

**Short Form Easement**

Section 89A of the Real Property Act 1886 provides for a short form of 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 Schedule 6 of the Real Property Act.

**Long Form Easement**

Unlike a Short Form Easement, the specific description and conditions relating to this type of Easement are not described within the Real Property Act 1886. The description for a Long Form Easement and its conditions for this Easement are set out in full in the documentation creating the Easement and can be varied depending on the circumstance and the reasons for the Easement.

**Service Easement**

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

- a. A water industry entity for sewerage or water supply purposes
- b. A council or the Crown for drainage purposes; or
- c. An electricity entity for electricity supply purposes, and includes an Easement pursuant to a corresponding previous enactment. Service Easements are generally created as a condition of a Land Division approval and can either be a Short Form or a Long Form Easement.

**Deleted: CWMS**

Refers to Community Wastewater Management System. This system is an alternative to mains sewer and is infrastructure that is owned and managed by Council.

#### 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.

Local Government Act 1999

Section 201(2)(d) and (e) of this Act allows Council to grant an Easement over community land or a road owned by or vested in Council.

Section 191 (2) of this Act allows Council to compulsorily acquire land for a purpose classified by the regulations as an approved purpose and under the Land Acquisition Act 1969.

Real Property Act 1886

Part 8 of this Act relates to the creation and management of Easements over land.

Section 223LG of this Act relates to the creation of Service Easements and the rights of Easement holders for the purpose of installing and maintaining service infrastructure.

Schedule 6 of this Act provides an overview of the various types of short forms of Easements and their interpretation.

Water Industry Act 2012

Clause 24(2)(b) and 25 of Schedule 1A of this Act allows Council staff to acquire easements or other appropriate interest over land in accordance with Land Acquisition Act 1969

Part 6 Division 1 of this Act outlines the protection of CWMS under statutory easements

**4.1. Other references**

Council's document including:

- a. [Fees and Charges Register](#)
- b. Indemnity to encroach over Easement Form.

External document including:

- a. Land Services Group - [Easements & Rights of Way](#)

Field Code Changed

**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>Our services are accessible to all and respond to changing community needs</i>	<i>The improved protection of public infrastructure to ensure timely response to emergency works</i>
<b>Environment</b>	

<i>A community that is protected from public and environmental health risks</i>	<i>The structural protection of public infrastructure to</i>
<i>We are resilient to climate change and equipped to manage the impact of extreme weather events</i>	<i>Improve accessibility of public infrastructure to adopt to the impact of increase frequency of heavy rainfall and flooding</i>
<b>Places</b>	
<i>Infrastructure and community facilities are fit for purpose, constructed using sustainable practices and well maintained</i>	<i>Protection of the structural integrity of Council infrastructure whilst ensuring responsible development</i>
<b>Leadership</b>	
<i>Delivery of services is sustainable and adaptable</i>	<i>Minimising the future cost of maintenance and renewal on Council infrastructure through thorough protection of assets</i>
<i>Decision making is informed, based on evidence and is consistent</i>	<i>Implemented practices are based on industry standards and current maintenance hurdles</i>

## 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: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement

## 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.

Record number	D23/48004
Responsible Manager	Manager Technical & Engineering Services
Other key internal stakeholders	General Manager City Operations
Last reviewed	
Adoption reference	
Resolution number	
Previous review dates	28/8/20, 12/9/17, 10/6/14, 12/08/12 (Merging of two policies: Building Over Drainage/CWMS Easements Policy and Easement Negotiation and Settlement Policy)
Legal requirement	NA
Due date next review	2027
Delegations	

City of Tea Tree Gully  
Governance and Policy Committee

Document Cover Sheet

16 AUGUST 2023

CITIZENSHIP CEREMONY POLICY

Responsible Manager: Manager Customer and Communications

The Citizenship Ceremony policy outlines the conduct of such activities in line with relevant legislation and Dept of Home Affairs requirements.

The current process of conducting ceremonies is currently effective and meets the needs of conferees and the Council operations. Volunteers are utilised and more recently, we have involved community groups, such as school bands and Guides to support the events, which is working and is well-liked by the community.

No change is recommended at this time, but updates to referenced documents have been made to keep the document current.

Events Lead has been consulted with this policy review.

Whilst the staff have prepared changes for adoption, upon review, the CEO has considered the merits of this policy which is primarily operational and could be considered for revocation. The Australia Day Awards policy also determines that a ceremony will occur on 26 January each year.

## RECOMMENDATION

That the “Citizenship Ceremony Policy” **as reviewed by** the Governance and Policy Committee on 16 August 2023 be adopted.

OR

That the Governance & Policy Committee recommends to Council:

That the “Citizenship Ceremony Policy” **as reviewed by** the Governance and Policy Committee on 16 August 2023 be revoked.

Summary of changes		
Page No.	Heading	Comments
All		Corrections to numbered bullet points
2	Legislative framework	Added Aust Citizenship Regulation 2016
2	Other references	Fees and charges register added Dept of Immigration and Border Protection updated to Dept of Home Affairs
3	Definitions	Dept of Immigration and Border Protection updated to Dept of Home Affairs
Changes during or after GPC Meeting for Council Meeting [date]		

Supporting Information

#### Attachments

1. [Citizenship Ceremony Policy - reviewed version for GPC Meeting 16 August 2023](#) 112



# Citizenship Ceremony Policy



## 1. PURPOSE

The purpose of this Policy is to provide overall direction for Council's management of Citizenship Ceremonies.

## 2. POLICY

Council has resolved that the Mayor, Deputy Mayor and/or Council's CEO will preside over its Council Citizenship Ceremonies.

### 2.1 Ordinary Citizenship Ceremonies

Council's Elected Members will be given the opportunity to participate in Citizenship Ceremonies based on their availability and the number of ceremonies held:

1. Two months prior to an upcoming Ceremony an email will be distributed to all Elected Members with details of the Ceremony including a link to submit an Expression of Interest (EOI) to perform a role during the Ceremony.
2. Elected Members will be provided two weeks to complete their EOI.
3. At the conclusion of the two weeks staff will prepare an information document outlining the EOI's and preferred roles which will be submitted to Council's Mayor and Deputy Mayor for review.
4. Council's Mayor and Deputy Mayor will have two weeks to review the EOI's and allocate the Elected Members to specific roles.
5. Elected Member roles should be communicated at least one month prior to an upcoming Ceremony where possible.
6. A representative from staff will be in contact with all Elected Members who have been allocated roles to discuss logistics including run sheets, scripts and other requirements.

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

## 2.2 Special Citizenship Ceremonies

Circumstances may arise where an applicant seeks a special purpose ceremony. These circumstances may be various, but usually involve a single individual or family. An example of this is where persons have a disability and are unable to attend an ordinary ceremony.

Special Purpose Ceremonies will be conducted by the Presiding Officer, as outlined in the Citizenship Ceremonies Code, with the assistance of council employees as required. The decision to conduct a special purpose ceremony will be determined by staff in consultation with Council's Mayor, Deputy Mayor and Council's CEO and on the merits of each specific situation.

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## 3. DEFINITIONS

For the purposes of this Policy definitions need to be sought from the Citizenship Ceremonies Code, which is subject to change by the Department of [Home Affairs](#).

Deleted: Immigration and Border Protection

## 4. LEGISLATIVE FRAMEWORK

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

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The following legislation applies to this Policy:

[Australian Citizenship Act 2007 \(Cth\)](#),

[Australian Citizenship Regulation 2016 \(Cth\)](#)

Deleted: and Regulations

This Act and Regulations set out the legal requirements for the granting of Australian Citizenship and the conduct of Citizenship Ceremonies.

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### 4.2 Other References

Internal documents including:

- [Fees and Charges Register](#)
- Volunteer Management Policy

External documents including:

[Australian Citizenship Ceremonies Code](#) - This code is issued by the Department of [Home Affairs](#) and provides guidance for organisations conducting Citizenship Ceremonies. It sets out the legal and other requirements for conducting Citizenship Ceremonies.

Deleted: Immigration and Border Protection

This Policy seeks to only deal with the parameters of Citizenship Ceremonies that are within Council's control and some Citizenship Ceremony guidelines will be developed to guide the structure of each ceremony

## 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>	Citizenship Ceremonies provide an opportunity to showcase what the City of Tea Tree Gully offers to the community
<i>Diversity is welcome and celebrated</i>	Citizenship Ceremonies confer new citizens to the City of Tea Tree Gully from many different backgrounds and cultures
<i>There are opportunities for people to volunteer, give back and share their skills with others</i>	We engage multiple Council volunteers and community groups to assist with our ceremonies and provide opportunities for them to give back and share their skills
<b>Leadership</b>	
<i>Customer service provides a positive experience for people and is based on honesty and transparency</i>	Customer service is at the forefront of all of our Citizenship Ceremonies
<i>Delivery of services is sustainable and adaptable</i>	Our Citizenship Ceremonies are continuously keeping up with the ever changing climate and adapting as required (i.e. ability to perform online ceremonies)

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## 6. DEFINITIONS

For the purposes of this Policy definitions need to be sought from the Citizenship Ceremonies Code, which is subject to change by the Department of [Home Affairs](#).

Deleted: Immigration and Border Protection

## 7. POLICY IMPLEMENTATION

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

Record number	D23/47976
Responsible Manager	Manager Customer & Communications
Other key internal stakeholders	General Manager Corporate Service
Last reviewed	<a href="#">30 July 2023</a>
Adoption reference	
Resolution number	
Previous review dates	<a href="#">##/##/##</a> , 19/08/20, 24/10/17, 19/04/17 (minor changes), 8/04/2014
Legal requirement	N/A
Due date next review	<a href="#">##/##/##</a> ,
Delegations	

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## Status Report on Governance and Policy Committee Resolutions 16 AUGUST 2023



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

### Pending Actions

Nil

### Completed Actions

Minute No.	Meeting Date	Officer	Subject	Completed
16	21/06/2023	Barnes, Kristyn	Code of Practice for Meeting Procedures	23/06/2023
D23/45431 23 Jun 2023 2:43pm Barnes, Kristyn - Completion Title page and policy is organised to be returned to GPC on 16 August 2023				

Minute No.	Meeting Date	Officer	Subject	Completed
12	21/06/2023	Barnes, Kristyn	Memorial Management Policy	23/06/2023
D23/45431 23 Jun 2023 2:39pm Barnes, Kristyn - Completion Policy has been published to website - D23/20134				

Minute No.	Meeting Date	Officer	Subject	Completed
13	21/06/2023	Barnes, Kristyn	Public Toilets Policy	23/06/2023
D23/45431 23 Jun 2023 2:39pm Barnes, Kristyn - Completion Policy has been published to the website - D23/20627				

Minute No.	Meeting Date	Officer	Subject	Completed
11	21/06/2023	Barnes, Kristyn	Compliance and Enforcement Policy	29/06/2023
D23/45431 29 Jun 2023 4:21pm Barnes, Kristyn - Completion Policy was adopted at the 27 June 2023 Council meeting and has been uploaded to the website.				

Minute No.	Meeting Date	Officer	Subject	Completed
14	21/06/2023	Barnes, Kristyn	Private Use of Council Vehicles Policy	29/06/2023
D23/45431 29 Jun 2023 3:36pm Barnes, Kristyn - Completion Policy has been revoked at 27 June 2023 Council meeting. Policy has been removed from website.				

Minute No.	Meeting Date	Officer	Subject	Completed
15	21/06/2023	Barnes, Kristyn	Code of Practice - Access to Council and Committee Meeting Documents	29/06/2023
D23/45431 29 Jun 2023 4:56pm Barnes, Kristyn - Completion Policy was adopted by Council on the 27 June 2023 meeting. Adopted Policy has been uploaded to the website.				

Minute No.	Meeting Date	Officer	Subject	Completed
10	21/06/2023	Cooper, Ilona	Employee Behavioural Standards / Policy	3/07/2023
D23/45431 03 Jul 2023 1:25pm Cooper, Ilona – Completion Matter recommended to Council. Council adopted as recommended by the Committee.				