

CITY OF WEST TORRENS



Notice of Committee Meeting

NOTICE IS HEREBY GIVEN in accordance with Sections 87 and 88 of the
Local Government Act 1999, that a meeting of the

CORPORATE PLANNING, POLICY AND PERFORMANCE PRESCRIBED COMMITTEE

Members: Councillor C O'Rielly (Presiding Member), Mayor J Trainer
Councillors: G Palmer, G Nitschke, K McKay, M Farnden, M Hill, A Mangos

of the

CITY OF WEST TORRENS

will be held in the Mayor's Reception Room, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 13 MARCH 2018
at 6.30pm**

**Terry Buss PSM
Chief Executive Officer**

City of West Torrens Disclaimer

Please note that the contents of this Committee Agenda have yet to be considered by Council and Committee recommendations may be altered or changed by the Council in the process of making the formal Council decision.

INDEX

1	Meeting Opened.....	1
1.1	Evacuation Procedures	
2	Present	1
3	Apologies	1
4	Disclosure Statements	1
5	Confirmation of Minutes.....	1
6	Communication by the Chairperson.....	1
7	Reports of the Chief Executive Officer.....	2
7.1	Mobile Food Vendors Policy.....	2
7.2	Review of Council Policy - Use of Public Footpaths and Roads for Business Purposes.....	14
7.3	Review of the Council Policy - Customer Complaints	35
7.4	Commonwealth Home Support Program Policies.....	57
7.5	Code of Practice - Procedures at Meetings Review.....	80
7.6	Afterhours Parking in the City of West Torrens.....	106
7.7	Annual Service Plans 2nd Quarter 2017/18 Progress Update	107
7.8	Progress on Implementing Council Decisions	130
8	Outstanding Reports / Actions	143
	Nil	
9	Other Business	143
9.1	West Torrens Council Credit Card Expenses	143
9.2	Travel by Elected Members and Staff.....	143
10	Confidential	143
	Nil	
11	Next Meeting	143
12	Meeting Close	143

1 MEETING OPENED**1.1 Evacuation Procedures****2 PRESENT****3 APOLOGIES****4 DISCLOSURE STATEMENTS**

Committee Members are required to:

1. Consider Section 73 and 75 of the *Local Government Act 1999* and determine whether they have a conflict of interest in any matter to be considered in this Agenda; and
2. Disclose these interests in accordance with the requirements of Sections 74 and 75A of the *Local Government Act 1999*.

5 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the Minutes of the meeting of the Corporate Planning, Policy and Performance held on 14 November 2017 be confirmed as a true and correct record.

6 COMMUNICATION BY THE CHAIRPERSON

7 REPORTS OF THE CHIEF EXECUTIVE OFFICER

7.1 Mobile Food Vendors Policy

Brief

This report proposes a new draft *Council Policy - Mobile Food Vendors* as required following recent changes to the *Local Government Act 1999*.

RECOMMENDATION

The Committee recommends to Council that:

1. The *Council Policy - Mobile Food Vendors* as set out in Attachment 1 to this report be endorsed.
2. The fees for mobile food vendor permits be adopted and the Schedule of Fees and Charges be updated as follows:
 - a. Annual Fee - \$1,000 excluding GST (if applicable); and
 - b. Monthly Fee - \$100 excluding GST (if applicable)
3. That the Chief Executive Officer be authorised to make amendments of a formatting and or minor nature to the *Council Policy - Mobile Food Vendors* as may be necessary from time to time.

Introduction

In August 2017, the South Australian Parliament passed the *Local Government (Mobile Food Vendors) Amendment Bill 2017* which, together with the *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017*, took effect on 1 March 2018.

The intent of the amendment of the Act and the variation of Regulations is that councils will develop a policy to encourage mobile food vending businesses to trade within the Council area whilst protecting fixed food businesses. Council must prepare and adopt rules which set out locations within its area in which mobile food vending businesses may operate. These locations must comply with the requirements prescribed by the regulations and be published on Council's website.

The legislation will result in a uniform system for the operation of mobile food trucks across the state, limiting the discretion of local councils to approve or refuse section 222 permits for business purposes under the *Local Government Act 1999*. In short, it will be mandatory for councils to grant a section 222 permit to a mobile food vending business upon application, subject to the relevant legislation.

The changes do not relate to the selling of food on the land other than a local government public road, even if carried out by someone who would otherwise be considered a mobile vending business. For instance, mobile food vendors on privately owned or council-owned land are covered by the *Development Act 1993* and not these regulations. Mobile ice cream vans are also exempt and these permit applications will be considered under the existing provisions of section 222 of the *Local Government Act 1999* and the Council Policy - *Use of Public Footpaths and Roads for Business Purposes*.

The regulations prescribe the maximum annual (\$2,000) and monthly (\$200) permit fees that councils can charge for mobile food vendor permits, as well as a number of other rules with which the vendors must comply. The Administration has developed a draft *Council Policy - Mobile Food Vendors* (the policy) which details recommended requirements for mobile food vendors operating in the Council area.

The regulations do not affect the Mobile Food Vending Businesses obligations under various other Acts, including the *Food Act 2001* and the *Road Traffic Act 1961*.

Discussion

In developing the draft Policy consideration was given to the needs of both established fixed food businesses and the community for example the need for car parking availability, distances to fixed food businesses etc. Consideration was also given to ensure the conditions were equitable for all mobile food vending businesses.

Due to the legislative requirement to develop 'location rules' in terms of which mobile food vending businesses may operate on a road, the attached policy (**Attachment 1**) has been drafted for consideration.

It is acknowledged that a one-size-fits-all approach will not meet the needs of all businesses and the Council will therefore need to be flexible to understand and meet these needs, acknowledging the statutory and regulatory functions of Council, the need for consistency and transparency and the expectations of the broader community.

Location Rules

In developing the 'location rules', as prescribed in Section 225A of the *Local Government Act 1999*, the preferred approach was not to specify locations on a map but rather to allow the traders to determine where they would like to trade and be given guidelines to assist them in choosing suitable locations. This allows the mobile food vending businesses to have the flexibility to identify sites that are suitable for trading and to ensure they will not interfere with fixed food businesses and the community use of the area.

The following 'location rules' were developed.

Mobile Food Vendor Businesses:

- a) Must not operate within:
 - 200 metres of a fixed food business whilst they are operating
 - 30 metres of an intersection (without signalised traffic lights)
 - 50 metres of an intersection (with signalised traffic lights)
 - 15 metres of a residence unless otherwise approved
 - 10 metres of a car park entrance/egress points
 - 10 metres of a crest or bend of a road
- b) Must not park their vehicles in areas where parking is restricted to less than 1 hour. Once mobile food vending businesses have exceeded a timed parking restriction they may not attend the same location with a 24 hour period.
- c) May not cause undue interference or obstruction to persons using the public road, residents or businesses.
- d) Must not obstruct vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities.
- e) Must adhere to parking rules / restrictions and only park within designated parking zones.

- f) Are required to park their vehicle parallel to the kerb with trading and service only to occur on the kerb side.
- g) Footpath must have clear access for people with disabilities in accordance with the *Disability Discrimination Act 1992*.
- h) Ensure that no more than two (2) parking bays are used for a mobile food vending vehicle including a tow vehicle.
- i) Must not operate on a road with a speed limit greater than 60 km/h.
- j) Must not operate on the shoulder of a road without designated parking unless otherwise approved in writing.
- k) Must not operate on a road with verge widths of less than 2.8 metres.
- l) Must not operate from a Department of Planning, Transport and Infrastructure South Australia road.

A permit may be cancelled by Council if it is satisfied that there is a sufficiently serious breach of the conditions of the permit. If the Council cancels a mobile food vendor business permit, the permit holder will be prevented from reapplying for a new permit for a period of 6 months.

Disputes may be referred to the Small Business Commission

There are clear legislative processes available for both mobile food vendors and aggrieved fixed businesses to follow, should either party consider they are directly and adversely affected by the location rules. Under section 225 of the Act, the Small Business Commissioner is able to direct Council to amend its location rules in place. If Council is directed under subsection 225A(7), to amend its location rules and fails to comply with this direction, a maximum penalty of \$5,000, may be incurred.

Legislative Requirements

A mobile food vending businesses must select a site for operation which does not breach any relevant requirements under the:

- *Food Act 2001*;
- *South Australian Public Health Act 2011*
- *Environment Protection Act 1993*;
- *Local Nuisance and Litter Control Act 2016*
- *Motor Vehicle Act 1959*
- *Road Traffic Act 1961*
- *Australian Road Rules*
- City of West Torrens By-laws No. 1-5
- Any other related legislation

Compliance

The general conditions for mobile food vending businesses require that they must:

- a) Complete a mobile food vendor application form, which is available on the City of West Torrens' website.
- b) Pay the prescribed fee, yearly or monthly, that is applied in accordance with Council's annual Schedule of Fees and Charges. The prescribe fee is subject to annual review by Council within its adopted Fees and Charges pursuant to Section 188 of the *Local Government Act 1999*.
- c) Hold a valid current City of West Torrens' permit prior to trading within the city.
- d) Only operate between the hours of 9:00am and either sunset or 8:30pm whichever is the earlier. Operating outside these hours is prohibited unless written permission has been given by Council.
- e) Hold and provide a copy of a valid current public liability insurance policy for a minimum amount of twenty million dollars (\$20,000,000) which must indemnify the City of West Torrens against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder in relation to the activity.
- f) Advise Council staff via email or other electronic means as determined by Council when they arrive and start trade at a location within the City of West Torrens providing their permit number and location of trade details of contact available on the application form and Council's website.
- g) Be self-sufficient in regards to power, waste water disposal and rubbish disposal.
- h) Supply adequate rubbish and litter disposal receptacles for the use for the business and customers, and all rubbish is to be removed from the site and not disposed of in Council street or reserve bins.
- i) Accept total responsibility to make good any damage that occurs to Council roads or public infrastructure as a result of the operation of business by the permit holder.
- j) Not assign or otherwise transfer a permit without first obtaining the consent of the Council in writing.
- k) Not have; music or other audible devices, or A-Frame signs must not have balloons, flags, streamers or other things attached to it, it must not rotate or contain flashing parts. These are prohibited unless approved by Council and listed as a condition of the permit.
- l) Must not cause noise, odour, fumes etc. or other disturbance to the surrounding environment.
- m) All advertising must be fixed to the mobile food vendor vehicles and not encroach on the public realm except for one (1) 'A' frame or sandwich board sign, with an advertisement advising 'open for trade' and located no further than a distance of 5 metres from the mobile food vendors vehicle to which it relates. The construction and design and placement of a moveable sign must comply with Council's Moveable Sign By-Law No. 4 of 2017.

Fees

A maximum fee has been set in section 24a (1) (b)(ii) of the *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017*. Council is able to set its own fees, however the fee cannot exceed \$2,000 excluding GST for an annual fee or \$200 excluding GST per month.

It is recommended that City of West Torrens introduces an annual fee of \$1,000 excluding GST and \$100 excluding GST per month for mobile food vendors.

Events

Mobile food trading permit are voided for events (such as Fork in the Road) and trading is not permitted within surrounding roads for a distance of 200 metres for the duration of such an event unless permission has been sought and approved by the event organiser.

Conclusion

As a result of the changes to the *Local Government Act 1999* and Regulations, Council is required to prepare and adopt 'location rules' that set out locations within the Council area in which mobile food vending businesses may operate on roads.

The Schedule of Fees and Charges be amended to include Mobile Food Vendor Fees of \$1,000 (annual fee) excluding GST and \$100 (monthly fee) excluding GST.

Attachments

1. Mobile Food Vendor Policy

CITY OF WEST TORRENS



Council Policy: Mobile Food Vendors

Classification:	Council Policy
First Issued:	
Dates of Review:	
Version Number:	
Objective ID:	
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 • Road Traffic Act 1961 • Food Act 2001 • South Australian Public Health Act 2011 • Environment Protection Act 1993 • Local Nuisance and Litter Control Act 2016 • Disability Discrimination Act 1992 • Motor Vehicles Act 1959
Related Policies or Corporate Documents:	
Associated Forms:	
Note:	
Responsible Manager:	Manager Regulatory Services
Confirmed by General Manager:	Date
Approved by Executive:	Date
Endorsed by Council	Date

City of West Torrens Council Policy - Mobile Food Vendors

Table of Contents

1. Preamble	3
2. Purpose	3
3. Scope	3
4. Definitions.....	4
5. Policy Statement.....	4

Objective ID -

Page 2 of 7

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City of West Torrens Council Policy - Mobile Food Vendors

COUNCIL POLICY - Mobile Food Vendors

1. Preamble

- 1.1 Council recognises that trading from mobile vending can improve services to residents and add a pedestrian-friendly feel to an area, improving public safety and bringing a festive atmosphere to local streets.
- 1.2 Council encourages mobile vending of food and beverages within the City of West Torrens to increase overall community enjoyment of the city. While supporting the practice of mobile vending, Council also recognises the need for appropriate procedures and guidelines for these activities.

2. Purpose

The purpose of this policy is to:

- 2.1 Detail the locations where mobile food vending businesses may trade.
- 2.2 Detail the number of mobile food vending businesses that can trade within the approved locations for roads.
- 2.3 Ensure that there is a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of the fixed food businesses.
- 2.4 Take into account the effect of mobile food vending business on:
 - a. Vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
 - b. The requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the location rules; and
 - c. Residents and businesses at the locations in which mobile food vending businesses may operate under the location rules.
- 2.5 Provide a clear, open, equitable and accountable process for the issuing of mobile food trading permits to mobile food vending businesses to allow trade from roads.

3. Scope

- 3.1 This policy applies to all mobile food vending businesses that want to trade from public roads with the exception of mobile ice-cream vendors.
- 3.2 The policy establishes the location rules which mobile food vending businesses may trade and the locations in which they may operate.
- 3.3 The policy ensures that mobile vending businesses operate in a way which complements the existing food businesses and ensures that they do not unreasonably compromise the amenity of the surrounding area.
- 3.4 This policy clearly identifies the terms and conditions of hire of Council land.

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Page 3 of 7

City of West Torrens Council Policy - Mobile Food Vendors

- 3.5 This policy is not applicable to privately owned land, noting that the provisions of the *Development Act 1993* and related legislation and the Development Plan may apply in relation to use of the land.

4. Definitions

- 4.1 **Public road** - meaning given in the *Local Government Act 1999*.
- 4.2 **Reserve** - means community land reserve or dedicated as a reserve or designated by Council as a reserve.
- 4.3 **Mobile food vending vehicle** - defined as any vehicle whether mobile or stationary, used for the purpose of selling food and/or beverages.
- 4.4 **Mobile food vending business** - means a business involving the sale of food or beverages from a vehicle (within the meaning of the *Road Traffic Act 1961*).
- 4.5 **Fixed food business** - means a business, the primary purpose of which is the retail sale of food and/or beverages that is undertaken on a fixed premises that have a valid land use approval for use as a food business under the *Development Act 1993*. Fixed food businesses includes cafes, restaurants, hotels, delicatessens, take away food businesses, bakeries, green grocers, health food shops, butchers, supermarkets, service stations and sporting clubs.

5. Policy Statement

- 5.1 A mobile food vending business trading on public roads within the Council area must hold a valid City of West Torrens' mobile food trading permit under section 222 of the *Local Government Act 1999*.
- 5.2 A mobile food vending permit is not required for trading on privately owned land or when catering for an event on public land (by invitation) where a permit has already been issued to the event holder.
- 5.3 Fees payable are as detailed in Council's Fees and Charges Register.
- 5.4 Trading on Council reserves is not permitted as part of this policy.

6. Location rules - section 225A of the Local Government Act 1999

A mobile food vending business holding a permit issued by the Council may operate anywhere in the Council area, subject to complying with the location rules and any other requirement of the permit.

- 6.1 A mobile food vending business must select a site for operation which takes into account the effect of the operation of the mobile food vending business:
- a) Must not operate within:
- 200 metres of a fixed food business whilst they are operating
 - 30 metres of an intersection (without signalised traffic lights)
 - 50 metres of an intersection (with signalised traffic lights)
 - 15 metres of a residence unless otherwise approved
 - 10 metres of a car park entrance/egress points
 - 10 metres of a crest or bend of a road

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Page 4 of 7

City of West Torrens Council Policy - Mobile Food Vendors

- b) Must not park their vehicles in areas where parking is restricted to less than 1 hour. Once mobile food vending businesses have exceeded a timed parking restriction they may not attend the same location within a 24 hour period.
- c) May not cause undue interference or obstruction to persons using the public road, residents or businesses.
- d) Must not obstruct vehicles and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities.
- e) Must adhere to parking rules / restrictions and only park within designated parking zones.
- f) Are required to park their vehicle parallel to the kerb with trading and service only to occur on the kerb side.
- g) Footpath must have clear access for people with disabilities in accordance with the *Disability Discrimination Act 1992*.
- h) Ensure that no more than two (2) parking bays are used for a mobile food vending vehicle including a tow vehicle.
- i) Must not operate on a road with a speed limit greater than 60 km/h.
- j) Must not operate on the shoulder of a road without designated parking unless otherwise approved in writing.
- k) Must not operate on a road with verge widths of less than 2.8 metres.
- l) Must not operate from a Department of Planning, Transport and Infrastructure South Australian road.

6.2 Legislative requirements

A mobile food vending business must select a site for operation which does not breach any relevant requirements under:

- *Local Government Act 1999*
- *Food Act 2001*;
- *South Australian Public Health Act 2011*;
- *Environment Protection Act 1993*;
- *Local Nuisance and Litter Control Act 2016*;
- *Road Traffic Act 1961*;
- *Australian Road Rules*;
- City of West Torrens By-laws No. 1-5
- Any other related legislation

6.3 Compliance

Mobile food vending businesses must:

- a) Complete a mobile food vendor application form, which is available on the City of West Torrens website.

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Page 5 of 7

City of West Torrens Council Policy - Mobile Food Vendors

- b) Pay the prescribed fee, yearly or monthly, that is applied in accordance with Council's annual Schedule of Fees and Charges. The prescribed fee is subject to annual review by Council within its adopted Fees and Charges pursuant to Section 1888 of the *Local Government Act 1999*.
- c) Hold a valid current City of West Torrens permit prior to trading within the city.
- d) Only operate between the hours of 9:00am and either sunset or 8:30pm whichever is the earlier. Operating outside these hours is prohibited unless written permission has been given by Council.
- e) Hold and provide a copy of a valid current public liability insurance for a minimum amount of twenty million dollars (\$20,000,000) which must indemnify the City of West Torrens against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against the permit holder in relation to the activity.
- f) Advise Council staff via email or other electronic means as determined by Council when they arrive and start trade at a location within the City of West Torrens, providing their permit number and location of trade details of contact available on the application form and Council's website.
- g) Be self-efficient in regards to power, waste water disposal and rubbish disposal.
- h) Supply adequate rubbish and litter disposal receptacles for the use for the business and customers, and all rubbish is to be removed from the site and not disposed of in Council street or reserve bins.
- i) Accept total responsibility to make good any damage that occurs to Council roads or public infrastructure as a result of the operation of business by the permit holder.
- j) Not assign or otherwise transfer a permit without first obtaining the consent of the Council in writing.
- k) Not have music or other audible devices, or A-frame signs with balloons, flags, streamers or other things attached, and it must not rotate or contain flashing parts. These are prohibited unless approved by Council and listed as a condition of the permit.
- l) Must not cause noise, odour, fumes etc. or other disturbance to the surrounding environment.
- m) All advertising must be fixed to the mobile food vendor vehicles and not encroach on the public realm, except for one (1) 'A' frame or sandwich board sign, with an advertisement advising 'open for trade' located no further than a distance of 5 metres from the mobile food vendors vehicle to which it relates. The construction and design and placement of a moveable sign must comply with Council's Moveable Sign By-Law No. 4 of 2017.

6.4 Events

Mobile food trading permits are voided for events and trading is not permitted within surrounding roads for a distance of 200 metres for the duration of an event unless permission has been sought and approved by the event organiser.

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Page 6 of 7

City of West Torrens Council Policy - Mobile Food Vendors

7. Breach of permit

- 7.1 Council may mobile food vendor business permit if satisfied that there is a sufficiently serious breach of the conditions of the permit.
- 7.2 If the Council cancels a mobile food vendor business permit, the permit holder will be prevented from reapplying for a new permit for a period of 6 months.

8. Disputes may be referred to the Small Business Commissioner

There are clear legislative processes available for both mobile food vendor and aggrieved fixed businesses to follow, should either party consider they are directly adversely affected by the location rules.

If an operator of a food business (defined as a business primary purpose of which is the retail sale of food or beverages) in the Council area is directly and adversely affected by these location rules, then the operator may apply to the Small Business Commissioner for a review of the location rules.

9. Amendments of these rules

The location rules may be amended from time to time by the Council

The location rules must be amended by the Council if directed to do so by the Small Business Commissioner or to satisfy a requirement of the Minister of Local Government.

Vendors are advised to check the website on a regular basis for updates on the location rules.

7.2 Review of Council Policy - Use of Public Footpaths and Roads for Business Purposes

Brief

The *Council Policy - Use of Public Footpaths and Roads for Business Purposes* has been subject to a review as a result of legislative change to the *Local Government Act 1999* and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for its consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. Given that the nature of the changes to the *Council Policy - Use of Public Footpaths and Roads for Business Purposes* are minor and consistent with legislative requirements that the Policy does not proceed to public consultation
2. That the revised *Council Policy - Use of Public Footpaths and Roads for Business Purposes* be considered and approved.
3. That the Chief Executive Officer be authorised to make amendments of a formatting and or minor nature to the *Council Policy - Use of Public Footpaths and Roads for Business Purposes* as may be necessary from time to time.

Introduction

In August 2017, the South Australian Parliament passed the *Local Government (Mobile Food Vendors) Amendment Bill 2017* which, together with the *Local Government (General) (Mobile Food Vendors) Variation Regulations 2017*. The amendments to the *Local Government Act 1999* (LG Act) commenced on 1 March 2018.

These amendments have resulted in a need to review the *Council Policy - Use of Public Footpaths and Roads for Business Purposes* (Policy).

Discussion

The *Council Policy - Use of Public Footpaths and Roads for Business Purposes* has been reviewed, especially in the Mobile Vending section of the Policy, to ensure that it is consistent with the amendments to the LG Act.

The clauses of the Policy which deals with mobile food vending vehicles have been amended or removed from the Policy as shown in **Attachment 1** as mobile food vending will be contained in the new *Council Policy - Mobile Food Vending*.

The amendments to the *Council Policy - Use of Public Footpaths and Roads for Business Purposes* are shown in tracked changes in **Attachment 1** and include:

- The scope of the Policy has been amended to exclude trading by Mobile Food Vendors
- The definition of Mobile Food Vendors has been clarified for purposes of the Policy
- Clause 5.8 of the Policy has been amended to clarify the items for sale

Conclusion

The *Council Policy - Use of Public Footpaths and Roads for Business Purposes* has been reviewed as a result of legislative amendment as is required to be considered by Council for approval.

Attachments

1. **Revised Council Policy - Use of Public Footpaths and Roads for Business Purposes**

CITY OF WEST TORRENS



Council Policy: Use of Public Footpaths and Roads for Business Purposes

Classification:	Council Policy
First Issued:	6 November 2012
Dates of Review:	March 2017
Version Number:	2
Objective ID:	8177
Applicable Legislation:	Local Government Act 1999 Development Act 1993 Disability Discrimination Act 1992 Environment Protection Act 1993 Food Act 2001 Liquor Licensing Act 1997
Related Policies or Corporate Documents:	Advertising on Council Land and Public Infrastructure Policy Public Consultation Policy By-law 3 : Roads By-law 4 : Moveable Signs
Associated Forms:	Business Use of Roads and Footpaths Application Form
Note:	
Responsible Manager:	Manager Regulatory Services
Approved by Executive:	March 2017
Adopted by Council	2 May 2017

City of West Torrens Council Policy – Use of Public Footpaths and Roads for Business Purposes

Table of Contents

1. Preamble	3
2. Purpose	3
3. Scope	3
4. Definitions	3
5. Policy Statement	5
5.1 General	5
5.2 Permit System	5
5.3 General Conditions of Permits	7
5.4 Enforcement	8
5.5 Outdoor Dining on Footpaths	9
5.6 Commercial Vending of Goods Placed on Footpaths	13
5.7 Placement of Mother's Day Flowers	14
5.8 Mobile Vending on Public Roads	15
5.9 Temporary Vending from Street Stalls	16
5.10 Temporary Hoarding, Scaffolding or Fencing on Footpaths	17
5.11 Temporary Placement of a Container on a Public Road	19

City of West Torrens Council Policy – Use of Public Footpaths and Roads for Business Purposes

COUNCIL POLICY - Use of Public Footpaths and Roads for Business Purposes

1. Preamble

1.1 Council manages the use of public footpaths and roads for a mix of purposes:

- Functional - to facilitate the movement of people and traffic around the city;
- Aesthetic - to enhance the 'look' of the city and its precincts; and
- Social - to encourage a community 'feel' and vibrant street life.

1.2 Council believes that businesses play a strong role in each of these areas and that business use of public footpaths and roads could contribute positively and substantially to the look and feel of the city. Rising community expectations for outdoor dining experiences are one example of how street trading might enhance the social and cultural life of the city.

1.3 Street trading could also contribute to social capital by attracting community members to mix in a safe and vibrant setting and increase local economic development by revitalising strip shopping centres, encouraging a diversity of businesses to locate within the City of West Torrens (CWT) and attracting a wide variety of shoppers and visitors to the area.

2. Purpose

This policy aims to:

- Maximise the benefits and return to the community from appropriate and approved business use of public footpaths and roads; and
- Specify the conditions under which public footpaths and roads could be used for commercial trading, so that space is shared equitably, the enjoyment of the community is enhanced, economic benefits are generated and public safety, convenience and amenity is not compromised.

3. Scope

3.1 This policy deals with the business use of footpaths and roads for selling or offering products or services for commercial gain. Such business use requires Council approval under section 222 of the *Local Government Act 1999* (the Act).

3.2 It also deals with the placement of waste storage containers or the erection of hoarding, fencing or scaffolding on public footpaths and roads, which also require Council approval under section 221 of the Act.

3.3 This policy does not deal with advertising on Council land and public infrastructure which is dealt with in the *Council Policy - Advertising on Council Land and Public Infrastructure*.

3.4 This policy does not deal with mobile food vendors selling food and/or beverages except for mobile vendors selling ice cream and ice confectionery which is dealt with in the *Council Policy - Mobile Food Vendors*.

4. Definitions

Objective ID - 8177

Page 3 of 20

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City of West Torrens Council Policy – Use of Public Footpaths and Roads for Business Purposes

- 4.1 **Business purpose** means the conduct of trading for commercial gain. This can include trading by not-for-profit education, welfare, cultural and other community organisations.
- 4.2 **Commercial vending** means the placement of goods for sale or display over or on the footpath.
- 4.3 **Community organisation** means registered public charities and local educational, sporting, cultural, welfare, special interest recreational and leisure organisations.
- 4.4 **Container** refers to a mini skip, shipping container or other similar device used for rubbish disposal or the transport of goods, furniture and equipment.
- 4.5 **Footpath** means:
- That part of the road not used as carriageway; or
 - A footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles.
- 4.6 **Hoarding, scaffolding or fencing** refers to structures used to screen off a building or other site that may pose a safety risk to the public. It may include:
- A fence used to separate the public from a construction site, evacuation, or vacant land to prevent unauthorised entry;
 - Overhead protection for the public adjacent to a demolition or construction site (with or without sheds on top);
 - Two metre high open wire or mesh fixed to metal rails and posts;
 - One metre high plastic barrier mesh fixed to star droppers or similar;
 - Concrete barriers generally known as "new jersey kerbing";
 - Modular plastic barriers that provide a flexible interlocking system which, when filled with sand or water, offer a level of impact resistance;
 - Bunting / flags supported on star droppers or similar, or mobile barriers;
 - Plastic cones.
- 4.7 **Mobile vending** means the sale of goods from a vehicle (includes mobile Ice Cream and Ice Confection vendors, does not include selling of other food and/or beverages - see [Council Policy - Mobile Food Vendors](#) ~~Mobile Food Vendors Policy~~).
- 4.8 **Outdoor dining** means the use of public footpaths by food and drink businesses (such as cafes and restaurants) to extend their services outdoors;
- 4.9 **Council land and public infrastructure** means footpaths, roads, Council buildings, community land and associated Council infrastructure.
- 4.10 **Public road** has the same meaning as in the Act.
- 4.11 **Road** has the same meaning as in the Act but excludes any roads in private ownership
- 4.12 **Street furniture** means chairs, tables, litter bins, water fountains, telephone boxes, street trees, planter boxes, bus shelters, street signs and other structures placed on a public road by Council or any other authority.
- 4.13 **Street stall** means any market stall, stand, table, trestle, BBQ or other structure used in temporary vending.

4.14 **Street trading** means use of footpaths and roads for outdoor dining, commercial vending, mobile vending and temporary vending from street stalls.

4.15 **Temporary vending from street stalls** means business use of footpaths, such as use by local community organisations for fund raising and membership drives.

5. Policy Statement

5.1 General

5.1.1 While Council supports the conduct of footpath activity by established businesses, it recognises that controls are necessary, irrespective of the activity conducted on them, to ensure:

- Equity in the treatment of business proprietors;
- Public safety and disability access;
- Free passage of pedestrians;
- Clear sight lines for road users;
- Maintenance of streetscapes and their unique characters.

5.1.2 Council's approach is to facilitate:

- Outdoor dining and commercial trading in strip (main road) shopping centres, particularly when it will enhance the cosmopolitan nature of a precinct;
- Outdoor dining and commercial trading in residential streets when it extends services to residents without impacting on nearby properties or the character of the neighbourhood;
- Vending from mobile vehicles when they extend services beyond established shops and shopping areas and add to overall community enjoyment;
- Temporary vending from stalls on footpaths, particularly vending by community organisations to support charitable causes which enhance community welfare or well-being, promote community pride or encourage a sense of belonging.

5.1.3 Council's approach is to facilitate these activities while ensuring that they do not detract from the overall streetscape and image of the area by:

- Avoiding excessive advertising, unnecessary clutter, oversized or bulky items;
- Setting broad urban design standards;
- Ensuring cleanliness and community amenity is maintained;
- Requiring all structures and equipment to be in good working order;
- Requiring environmental, safety and noise standards to be met.

5.1.4 Development approval under the *Development Act 1993* will be necessary in certain cases involving the use of public roads for a business purpose, depending on the nature and / or size of an intended development and the extent to which a "change of use" is proposed. Staff responsible for the administration of this policy will confer with planning staff whenever the possibility arises of development approval being necessary.

5.2 Permit System

5.2.1 The CWT manages business use of public roads through a system of permits issued under section 222 of the Act.

5.2.2 Permit applications must be submitted using the approved CWT application form. Applications will be considered on their merits and be assessed against the requirements of this policy, including local conditions that may pose a safety or physical constraint, such as:

- width of footpath
- speed of vehicular traffic adjacent to the area
- proximity to traffic
- proximity to intersections
- proximity to various types of parking
- proximity to bus zones, taxi ranks, loading zones, traffic lights
- proximity to pedestrian crossings and pram crossings
- positioning of bicycle paths
- accident history of an area
- presence of street furniture, safety barriers or bollards
- clearance requirements
- access requirements of pedestrians
- volume of pedestrians using footpaths within particular times.

5.2.3 Permits will grant limited rights to trade on roads and footpaths. In some locations the width of the footpath and the right for the public to access public use facilities including public seats, pedestrian footpath access points, bus zones, loading zones, disabled parking and passenger loading/unloading zones and the like, may restrict the area that is available. This can mean that sometimes none of the footpath is available for the placement of goods.

Similarly, locations that have been associated with 'loss of control' vehicle crashes are unsuitable for the display of goods and the CWT will not issue permits in these circumstances.

5.2.4 A permit is not, however, a tenancy arrangement and the permit may specify conditions such as hours of use, areas of operation, duration of permit and types of items permitted.

5.2.5 The CWT will require any person or organisation wishing to use a public road for a business purpose to obtain a permit from Council which will not be issued before:

- A certificate of currency showing the required level of public liability insurance is provided to the CWT with the insurer's endorsement;
- Public consultation has occurred when required under section 223 of the Act and the *Council Policy - Public Consultation*;
- Development approval is issued, when required; and
- Required permit fees are paid.

5.2.6 The CWT will not grant a permit for an activity that would compromise pedestrian, diner, patron or traffic safety or inhibit access to parking, other businesses, street furniture or to public services. In some circumstances, such as narrow footpaths or busy roads, the CWT may not issue a permit.

5.2.7 The CWT is under no obligation to remove any Council owned property (eg litter bins, public seating) to allow commercial use of a footpath. If the CWT agrees to relocate or remove Council property, the business that makes the request will cover all costs.

- 5.2.8 The CWT may decide to grant or refuse a permit, or grant a permit on condition that specified safety measures are installed.
- 5.2.9 The CWT reserves the right to revoke a permit should public space be required for another purpose or if the conditions of use of the permit are not complied with.
- 5.2.10 Authorised officers will monitor the permitted use of public roads for business purposes and take action against breaches of permit requirements. Repeated breaches will result in the cancellation of a permit without refund.
- 5.2.11 Those responsible for the business use of public roads will be held accountable for any infrastructure damage that occurs and the cost of reinstatement.
- 5.2.12 Except for temporary trading, a permit will normally be valid for twelve months. The prior issue of a permit will not guarantee renewal on expiry.
- 5.2.13 Permit conditions may be amended at any time by the CWT. Permit holders will be notified in writing of the changes.
- 5.2.14 The CWT may add or remove directions in addition to conditions at any time. Failure to comply with directions will be taken as failing to comply with a condition of the permit.

5.3 General Conditions of Permits

- 5.3.1 All structures or items to be erected or installed on a public road must meet certain standards, including construction and placement standards, and these are described in the policy.
- 5.3.2 The CWT will also require all businesses making use of public roads to comply with a range of general conditions, including the following to:
- Comply with all applicable industry standards, health or safety standards, current Australian standard or any applicable Codes of Practice;
 - Comply with relevant Council By-laws, policy and permit requirements;
 - Comply with state and federal legislation, with the issue of a permit not absolving the permit holder or their agents from any overriding legislation;
 - Maintain in good condition and to recognised standards all structures and object, erected, installed or placed on or over the land;
 - Indemnify and to keep indemnified the Council, its employees, servants and agents from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them arising out of or in relation to the issuing and granting of the permit;
 - Maintain a current public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of twenty million dollars (\$20,000,000);
 - Provide proof, upon the request of CWT, of current public liability insurance at any time

- Accept total responsibility to make good any damage that occurs to the CWT roads or to public infrastructure as a result of the erection or installation of structures by the permit holder;
- Not assign or otherwise transfer a permit without first obtaining the consent of the CWT in writing;
- Notify the CWT and obtain prior approval for any changes to the approved activity contained in the permit (changes to the activity may cause conditions to the permit to be altered, in which case a new permit will be issued);
- Notify the CWT within 14 days of any changes to circumstances that would affect the validity of the permit (eg change of ownership of a company);
- Make the permit available for inspection upon request by an authorised officer or police officer;
- Minimise any disturbances or nuisances to road users and owners of land adjacent to the road being used;
- Remove, if so directed by the CWT, any structure or object erected or installed on the road and to reinstate the condition of the road to the satisfaction of the CWT, at the expiration or earlier termination of a permit.

5.3.3 Goods on or above the footpath must not pose a hazard or obstruction to users of the footpath. Goods that will generally not be permitted on the footpath include:

- Sharp / protruding items;
- Items with oscillating and moving parts. Items that have illuminated or flashing lights;
- Reflective items that pose a risk to vehicular traffic;
- Any other items that CWT may declare inappropriate.

5.3.4 Umbrellas are permitted provided that they:

- Have a clearance of a minimum of 2.1 metres above the footpath level;
- Are secured against the effects of adverse weather, and are closed or removed during extremely windy conditions;
- Are maintained in good condition at all times;
- Are removed from the footpath area when not in use; and
- Do not include side curtains.

Advertising on umbrellas is to be a minor element and restricted to one company, product or dining name.

5.3.5 The permit holder must:

- Ensure that all goods are securely contained and do not spill, stain or litter the footpath.
- Maintain the cleanliness of the footpath area during business hours and clean the area at the close of business each day.
- Ensure that all goods and associated structures are removed from the footpath at the end of the business day.

5.4 Enforcement

- 5.4.1 Authorised officers will monitor compliance with permit conditions and take action against breaches of authorisation. Repeated breaches will result in cancellation of permits without refund.
- 5.4.2 Authorised officers will require any proprietors operating business activities on public roads without a permit to remove any structures and to cease business activities in the public space immediately. Failure to do so will result in a fine and costs will be recovered for the removal of any goods or structures.
- 5.4.3 On termination or expiration of a permit, the former permit holder must remove all structures and objects from the footpath within fourteen days. If all structures and objects are not removed within the specified time frame, the Council will remove the items and recover removal costs from the former permit holder.

5.5 Outdoor Dining on Footpaths

5.5.1 Legal Framework

- *Local Government Act 1999*

Under section 222 of the Act, any person wanting to place tables and chairs or any other furniture on the footpath area of any road, street or public place under the care and control of Council, for the purpose of providing to the public food or drink for consumption, is required to obtain a permit from Council.

Under section 224 of the Act, Council may attach conditions to the granting of such a permit and under section 225 Council may, by notice in writing, cancel a permit for breach of a condition.

Under section 242, an application for the Council's authorisation to use a road for a business purpose must be decided within two months of the relevant date and, if not decided in this time, will be taken to have been refused. The relevant date is the date of the application or, in the case of an application on which the CWT proposes to conduct public consultation, a later date the CWT fixes in a written notice as the date on which it expects to complete the process of public consultation.

- *Development Act 1993*

In some instances outdoor dining may represent 'development' under the Development Act 1993 and require development approval. Items that require development approval are those defined as 'building work' in the Development Act 1993, including:

- Fixed screens;
- Full height enclosures (e.g. plastic screens);
- Permanent structures (e.g. shade structures); and
- Signage.

Outdoor dining areas of a significantly large (not typical) scale may be considered 'change of use' of the footpath and under such circumstances are also subject to development approval.

- *Liquor Licensing Act 1997*

When a licensee wants to serve alcoholic beverages in an outdoor dining area, a separate application must be made to the Licensing Court for a licence.

- *Disability Discrimination Act 1992*

The Disability Discrimination Act 1992 (DDA) makes it an offence for providers of goods, services and facilities to discriminate against persons because of their disability. The Act also makes it an offence for public places to be inaccessible to people with a disability.

- *Environment Protection Act 1993*

Section 25 of the Environment Protection Act 1993 imposes the general environmental duty on all persons undertaking an activity that might cause pollution, to take all reasonable and practical measures to prevent or minimise the resultant environmental harm.

5.5.2 Entitlement

A permit for outdoor dining entitles the permit holder to place approved furniture and accessories on the footpath in front of their food premises, but the permit does not grant exclusive rights over the relevant public space. Permit holders cannot exclude the general public from using tables and chairs if they opt not to avail themselves of outdoor dining services being provided.

5.5.3 Location

In determining whether a location is appropriate for outdoor dining, access to the area for pedestrians and vehicles, safety and the relationship between the associated food preparation and outdoor dining area will be considered. A decision on the appropriateness of a location will be at the total discretion of the CWT.

Generally, outdoor dining areas can only be established outside the premises to which they relate (i.e. not encroach across neighbouring property lines) and on footpaths with a width of at least 3.4 metres.

To maintain public access and circulation, a defined outdoor dining area must:

- Be located within the public road area that is aligned with the primary food business;
- Be at least one metre wide;
- Allow a minimum of 1.8 metres of footpath to be kept clear for pedestrians; and
- Allow a minimum space of 60 cm between the defined area and the kerb face.

Proposed layouts must be submitted to the CWT for approval and:

- Meet DDA requirements and relevant Australian safety standards;
- Incorporate appropriately positioned planter boxes if applicable;
- Provide diner safety features, including safety barriers and bollards when necessary;

- Provide traffic safety features as necessary; and
- Ensure that public access and egress is not obstructed.

Applicants must provide the CWT with an independent risk assessment of the proposed outdoor dining area undertaken by an accredited Road Safety Auditor. The requirement for independent assessment applies to new applications for outdoor dining areas and to the first renewal of an existing outdoor dining permit following the commencement date of this policy.

5.5.4 Design

The CWT will approve furniture style and materials. Street furniture should be selected for its durability and style to ensure that it complements the streetscape area and can be easily maintained in good condition.

Planter box designs are to be approved by the CWT. They must be constructed of durable materials and their physical appearance, including colours, must complement the local streetscape character.

Discharge from the planter boxes must not enter the stormwater system, and water and discharge is not to stain the pavement area or create a hazard for pedestrians.

Heating and cooling units may be installed with the permission of the CWT, but should be specifically designed for outdoor operation and be equipped with emergency shut off valves.

If gas heaters are used, permit holders must comply with safety requirements recommended by the South Australian Metropolitan Fire Service for gas bottles, gas lines and fire fighting equipment.

Signage to advertise the business (business name or logo) or goods sold on the premises is only permitted on umbrellas and glass or canvas screens. No third party advertising is allowed on any outdoor dining item.

Details of any proposed signage on furniture must be submitted with applications for permits.

Only one moveable sign may be used in conjunction with an outdoor dining area and must be placed within the defined area. The *Council Policy - Advertising of Council Land and Public Infrastructure* applies in this regard.

When outdoor dining has been approved outside of daylight hours, adequate lighting must be provided by the permit holder to ensure safety of pedestrians and maintain the amenity of the area. Lighting should not create unreasonable spill into neighbouring properties or the roadway.

When an applicant needs to provide safety barriers (energy absorbing bollards) to protect patrons from the risk of impacting vehicles, the applicant must organise and bear all costs associated with the purchase and installation of the barriers.

Bollard casing designs and colours must complement the streetscape, with painting to be in a contrasting colour to buildings and the footpath to maximise visibility for sight-impaired persons.

Blinds must be:

- Constructed of a transparent and durable material;
- Affixed to the underside of the canopy;
- Rolled up when not in use;
- Installed only in conjunction with canopies or verandahs that are less than four metres in height.

Screens must:

- Be maximum of 1.5 metres in height;
- Not fully enclose the vertical space between the footpath and a building canopy;
- Not obscure visibility.

Screens greater than 90 cm in height should be made of safety glass or some similar durable and transparent material.

Portable screens must be appropriately secured at all times to maintain safety in adverse weather conditions.

Litter containers must be installed and be of a design and number approved by the CWT.

5.5.5 Area Management

The permit holder must ensure that all furniture, fixtures and other accessories are retained at all times in the area approved by the CWT as the defined area for outdoor dining and that they do not encroach onto other areas of the footpath.

The permit holder must ensure that any other objects associated with the outdoor dining area do not encroach beyond the defined area so that a footpath width of not less than 1.8 metres is maintained at all times for direct and free travel without obstruction.

The hours of operation of the outdoor dining area must be limited to the hours of operation of the adjacent business and when licensed to serve alcoholic beverages, limited to the hours during which the licensed premises are permitted.

The permit holder must ensure furniture and fixtures are maintained in a good state of repair at all times, that any heaters and cooling units are serviced and maintained regularly and that any lighting is maintained in good working order.

The permit holder must maintain the outdoor dining area, including the footpath, in a clean, hygienic and tidy state at all times. If the CWT has to undertake cleaning and/or tidying of the area, the permit holder will be liable to reimburse the CWT for all costs incurred by the CWT in relation to the cleaning and/or tidying of the area.

The permit holder must maintain appropriate food safety standards.

Permit holders considering a 'dog friendly' outdoor dining area must:

- Refer to clause 24(1)(a) of the Food Safety Standard 3.2.2 (which prohibits live animals in areas in which food is handled) and to the exemption granted under the Food Regulations 2002 (which permits the presence of dogs in an outdoor dining area that is not enclosed);
- Be aware that dogs will need to be kept under effective control by means of a physical restraint by the owner or person responsible for the animal;
- Ensure that patrons understand that dogs are not allowed to be a nuisance or be fed within the outdoor dining area.

A copy of any liquor licence granted by the Licensing Court for an outdoor dining area will be supplied to the CWT upon request.

All outdoor dining furniture must be removed from the footpath at the close of business each day unless specific approval to fix the furniture to the footpath has been given in writing by the CWT. If the furniture forming part of the outdoor dining area is intended to remain on the footpath during hours of darkness, illumination of the obstructions must be provided by the permit holder and approved by the CWT.

The permit holder must ensure the orderly conduct of members of the public within the area and must not cause or permit any disturbance or nuisance to users of land adjacent to the area or to vehicles or pedestrians travelling along the area.

Amplification and/or live entertainment is not permitted in outdoor dining areas without prior approval.

5.6 Commercial Vending of Goods Placed on Footpaths

5.6.1 Entitlement

A permit for commercial vending on footpaths entitles the permit holder to place goods that they want to display, offer or expose for sale, on or over the footpath area outside their business premises. The permit does not, however, grant exclusive rights over the relevant public space. The ability to trade on the footpath is a concession granted to traders when the CWT is satisfied that there is no danger to community safety or adverse effect on the street amenity.

5.6.2 Location

To maintain public access and circulation, goods must:

- Be located entirely within the public road area that is aligned with the permit holder's premises and not encroach across the frontage of adjacent properties;
- Not exceed a width of 80cm;
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times; and
- Allow a minimum space of at least 60 cm from the kerb face to be kept clear of goods at all times.

In some locations the width of the footpath and the right for the public to access public use facilities including litter bins, public seats, pedestrian footpath access points, bus zones, loading zones, disabled parking and

passenger loading/unloading zones and the like, may restrict the area that is available. This can mean that sometimes none of the footpath is available for the display of goods.

Similarly, locations that have been associated with 'loss of control' vehicle crashes are unsuitable for the display of goods and the CWT will not issue permits in these circumstances.

The CWT is under no obligation to remove any street furniture (e.g. litter bin) to allow business use of the footpath. However, this may occur on occasions and in such circumstances will be at the expense of the business that makes the request.

5.6.3 Layout and Setback

The following minimum layout and setbacks must be satisfied prior to a permit being issued:

- Goods on display must not exceed a height of 1.2 metres with a minimum height of 600 mm measured from the footpath;
- Overhanging objects must have a minimum clearance of 2.1 metres measured from the footpath;
- Goods are prohibited within:
 - Two metres of an intersection;
 - 1.2 metres of a pedestrian ramp;
 - 1.2 metres of a rubbish bin or street furniture;
 - A bus zone or bus stop;
- Goods must be placed at least two metres from a crossover or property entrance;
- If a loading zone, disabled parking zone or a passenger loading zone is in front a premises, a minimum space of 1.2 metres must be provided for footpath access at all times;
- An unbroken continuous display of goods cannot exceed 1.5 metres in a direction parallel to the footpath (e.g. trestle, display table).

At any time during the permit period, the CWT may assess the pedestrian density in the vicinity of the display of goods. If in the opinion of the CWT the pedestrian density is such that the free flow of pedestrians would be restricted or obstructed by the display of goods, the CWT reserves the right to refuse an application, cancel any current permit or amend permit conditions.

5.6.4 Design and Construction

The permit holder must not permit any third party advertising on or about the displayed goods, other than price tags and small labels associated with the displayed goods.

Permit holders may display a mobile advertising sign directly adjacent to the area that goods are for sale, provided that the sign complies with all provisions of Council By-Law 4 Moveable Signs and *Council Policy-Advertising on Council Land and Public Infrastructure*.

5.7 Placement of Mother's Day Flowers

5.7.1 Entitlement

A permit for the sale of Mother's Day flowers entitles the permit holder to display and sell flowers on the public road areas outside of their residences. The permit does not however, grant exclusive rights over the relevant public space. The ability to trade on the footpath is a concession granted when the CWT is satisfied that there is no danger to community safety or adverse effect on the street amenity.

5.7.2 Location

To maintain public access and circulation, goods must:

- Be located entirely within the public road area that is aligned with the permit holder's residence and not encroach across the frontage of adjacent properties;
- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times; and
- Allow a minimum space of at least 60 cm from the kerb face to be kept clear of goods at all times.

The sale of flowers is prohibited in public parks, parklands and adjacent car parking areas.

5.7.3 Layout and Setback

The following minimum layout and setbacks that must be satisfied prior to a permit being issued:

- Goods are not within:
 - Two metres of an intersection;
 - 1.2 metres of a pedestrian ramp;
 - 1.2 metres of a rubbish bin or street furniture;
 - A bus zone or bus stop;
- Goods must be placed at least two metres from a cross over or property entrance;
- If a loading zone, disabled parking zone or a passenger loading zone is in front a premises, a minimum space of 1.2 metres must be provided for footpath access at all times;
- An unbroken continuous display of goods cannot exceed 1.5 metres in a direction parallel to the footpath.

5.7.4 Structures Associated with the Display of Flowers

Any structures associated with the display of flowers on the footpath must not pose a hazard or obstruction to users of the footpath.

5.8 Mobile Vending on Public Roads

5.8.1 Entitlement

A permit for mobile vending entitles the permit holder to trade on council roads from a mobile vending vehicle. No person is allowed to trade from a mobile vending vehicle without such a permit.

5.8.2 Policy Requirements

The permit holder must only trade in those goods indicated on the permit.

The name and address of the permit holder must be displayed on the vehicle and be clearly visible to onlookers. A copy of the permit must be displayed in the vehicle.

The issue of a permit does not exempt the mobile vendor/driver from any provisions of the *Road Traffic Act 1961* or Australian Road Rules regarding the stopping or parking of the vehicle.

Mobile vending vehicle must not be parked in such a way, or the business of street trading conducted in such a way, that the free flow of traffic is hindered or that a dangerous or hazardous situation is created. Operators must apply due diligence towards the safety of approaching patrons, and must give special consideration to assessing safe stopping locations.

Operators of mobile ~~food~~ vending vehicles must observe the following restrictions:

- Not use any bell, music or sound device while the vehicle is stationary;
- Not sell ice cream, ice confectionary or other goods ~~coffee or other food~~ within 200 metres of any retail shop, canteen or other facility that sells similar ~~food~~ products;
- Not restrict pedestrian access or obstruct vision to other vehicular traffic;
- Not operate on any main roads when the speed limit is 80 km/h or more;
- Not operate on a reserve, parkland or adjacent car park or land;
- Not stop to trade within 10 metres of an intersection or on a crest or bend of a road;
- Not conduct sales or enquiries from the driver's side of the vehicle.

When ice cream and ice confection vans (and other vans that sell products likely to attract children onto the road) stop to sell a product, the driver should use the vehicle hazard lights to warn approaching drivers of their presence.

The permit holder must ensure the orderly conduct of patrons purchasing goods from the mobile vending vehicle and that no nuisance is caused at the site to pedestrians or residents where the vehicle is temporarily parked.

The permit holder must provide a receptacle for ensuring that ~~food, or other~~ packaging and other items can be disposed of responsibly and does not litter the streets. The permit holder must also ensure that stopping areas are left clean and tidy before the vehicle moves on.

Music or other audible device or decorations such as banners or flags will only be permitted if approved as a condition of the permit.

5.9 Temporary Vending from Street Stalls

5.9.1 Entitlement

A permit for temporary vending entitles the permit holder to place approved street stalls and carry out business activities on the footpath in front of their premises or, with approval, in front of Council facilities.

5.9.2 Policy Requirements

Council restricts the use of temporary street stalls to locally based, not-for-profit community organisations operating adjacent to local community facilities, Council facilities or the premises of charitable organisations.

The conditions for placement of street stalls on footpaths are:

- The width of the footpath is at least than 3.4 metres;
- A width of at least 1.8 metres is kept clear for pedestrians;
- A minimum of 60 cm is kept clear between the stall and the kerb;
- The speed limit of the road is 60 km/h or lower;
- The stalls are not placed within 10 metres of intersecting roads; and
- The site has not been associated with 'loss of control' vehicle crashes.

The sale of goods from the street stall must not, in the opinion of the CWT, have a detrimental effect on nearby commercial premises by presenting unreasonable competition to their trading.

The erection of street stalls will be limited to two occasions per year for charitable organisations and once per year for other community organisations.

5.9.3 Policy Conditions

Policy conditions for temporary vending from street stalls are as follows:

- The organisation must ensure that litter or waste is prevented from falling, spilling or blowing onto the footpaths or gutters;
- Within two hours of the close of the stall, the organisation will ensure the area is cleared of all rubbish and left in a neat and tidy condition;
- The street stall must remain in its designated location and no movement of the street stall to any other location will be permitted without separate approval;
- Street stall operators must comply with the CWT's health and hygiene requirements;
- Vehicles associated with the approval must not park on footpaths or plaza areas;
- Street stall operators must not play amplified music or other amplified content without prior written permission.

5.10 Temporary Hoarding, Scaffolding or Fencing on Footpaths

5.10.1 Entitlement

This permit entitles the authorisation holder to erect hoarding, scaffolding or fencing over the footpath area outside their premises for a limited period of time while work is being undertaken.

5.10.2 Location

To maintain public access and circulation, structures must be:

- Located entirely within the alignments of the authorisation holder's premises and not encroach across the frontage of adjacent properties; and

- Allow a minimum of at least 1.8 metres of footpath to be kept clear for pedestrians at all times.

The holder of a permit must:

- Comply with all relevant requirements of government departments and statutory authorities;
- Comply with any direction of the CWT to remove, raise, lower or otherwise alter the position of a hoarding, scaffolding or fencing;
- Prior to the installation of any structure on a public footpath or road, check the location of underground cables, wires, pipes and other infrastructure;
- Ensure that hoardings do not interfere with or cause damage to or affect in any way any wire, post, cable, pipe or other item which is the property of a public infrastructure organisation; and
- Accept total responsibility to make good any damage that occurs to public infrastructure.

5.10.3 Design and Construction

Structures on the footpath must not pose a hazard or obstruction to users of the footpath. On all sides exposed to the public, hoardings must be free of projections of any kind including shakes and slivers of timber, nails, sharp edges and corners of metal sheets.

Lights must be fixed at each corner of the hoarding and on any hoarding at intervals not exceeding six metres at a height of 1.5 metres above ground level. Lights must be kept clean and illuminated from sunset to sunrise during the whole of the period for which the footpath is occupied

No placards, signs or advertisements of any description may be posted on or attached to any hoardings, scaffolding or fencing or exhibited within such space without approval.

The road or footpath adjacent to the hoarded area must be kept clear of plant, equipment, materials, debris and rubbish at all times.

Hoardings must meet the relevant Australian standard.

5.10.4 Maintenance and repair

The holder of a permit must, during the period of the authorisation, maintain the structures erected over the footpath and keep them in good safe and proper repair and condition.

The holder of a permit must erect warning signs and install appropriate warning devices as warranted by the structures.

The CWT may at any time inspect the structures and the holder of the permit must comply with all reasonable requirements of the CWT in relation to maintenance and repair.

If the holder of a permit does not adequately repair and maintain the structures, the CWT may carry out any such repair and maintenance and recover its costs from the permit holder for doing so.

5.10.5 Damage to the Footpath

The holder of a permit must take all reasonable precautions to avoid damage to the road or to any Council owned property located within or adjacent to the road.

The permit holder must immediately notify the Council of damage that occurs to the road or any Council owned property located within or adjacent to the road and will be held accountable for the cost of reinstatement;

When damage is caused to the footpath and reinstatement work is necessary, Council will carry out the reinstatement work at the permit holder's expense.

5.11 Temporary Placement of a Container on a Public Road

5.11.1 Entitlement

This permit entitles the permit holder to temporarily place a container on a public road or footpath.

5.11.2 Container Location

The holder of a permit must ensure that the container is placed:

- As close as practicable and parallel to the kerb;
- At least ten metres from any road intersection or junction;
- At least two metres from a crossover or property entrance;
- So that the footpath is not obstructed and a minimum of at least 1.8 metres of footpath is kept clear for pedestrians at all times;
- Outside of any prohibited or restricted parking zones or area;
- Only on a road where the speed limit is less than 80 km/hr;
- In a position so as not to block access to utility service manholes or devices that require servicing such as traffic signal boxes, telephone boxes, post boxes, fire hydrants and plugs.

Approval for the temporary placement of containers will not be granted on a street if there is less than three metres clearance between the object and the centre line of the road or to the opposite kerb line of the road.

Additional conditions, specific to the placement site, may also be imposed for safety or access requirements.

5.11.3 Visibility of container

A flashing light must be placed each end of the container on the road side and be operated between sunset and sunrise, or yellow retro-reflective tape must be placed on the corners of containers as a safety measure for motorists, pedestrians and cyclists. Damaged tape must be replaced to ensure that adequate visibility is maintained.

Orange flag bunting, plastic traffic safety cones or barrier mesh must be placed around containers during daylight hours.

5.11.4 Cleanliness and Maintenance

The holder of a permit must ensure the road is left in a clean and tidy condition at the end of each day and at the end of the period of the authorisation.

When the CWT has to undertake cleaning or tidying of the road, the authorisation holder will be liable to reimburse the CWT for all costs incurred by the CWT in the cleaning or tidying of the road.

The containers must be kept in a safe condition, during the period of the authorisation.

5.11.5 Compliance with Directions

The holder of a permit must:

- Comply with all relevant requirements of government departments and statutory authorities along with any direction of the CWT.
- Ensure that containers do not interfere with or cause damage to or affect in any way any wire, post, cable, pipe or other item which is the property of the SA Power Networks, Telstra, SA Water and/or United Water, Boral Ltd, or other federal, state or local government authority or other infrastructure owner.
- Accept total responsibility to make good any damage that occurs to public infrastructure.

5.11.6 Damage to the Road

The holder of a permit will take all reasonable precautions to avoid damage to the road or to any Council owned property located within or adjacent to the road.

The permit holder must immediately notify the CWT of damage that does occur to the road or to any Council owned property located within or adjacent to the road;

Any damage, whether unintentionally or negligently resulting from the holding of a permit will be recovered by the CWT under the provisions of section 233 of the Act.

If damage is caused to the road or footpath and reinstatement work is necessary, the CWT will carry out the reinstatement work at the permit holder's expense.

The permit holder will be responsible for reimbursing the CWT for all reasonable costs incurred to repair or rectify any damage caused to the road.

7.3 Review of the Council Policy - Customer Complaints

Brief

The *Council Policy - Customer Complaints* has been reviewed to include a minor amendment and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. It supports the presentation of the draft *Council Policy - Customer Complaints*.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to the *Council Policy - Customer Complaints*.

Introduction

The *Council Policy - Customer Complaints* has been amended as a result of the introduction of the *Local Government (General) (Employee Code of Conduct) Variation Regulations 2018* (the Regulations) and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee (Committee) for consideration and recommendation to Council.

Discussion

Section 270 of the *Local Government Act 1999* requires Council to develop and maintain policies to deal with:

- any reasonable request for the provision of a service or for the improvement of a service
- complaints about the actions of the Council, employees of the council, or other persons acting on behalf of the Council.

The *Council Policy - Customer Complaints* (the Policy) details the principles and processes for managing complaints including their registration, investigation, resolution and reporting.

The Policy has undergone a review as result of the introduction of the *Local Government (General) (Employee Code of Conduct) Variation Regulations 2018* (the Regulations). The Regulations introduce a new Code of Conduct for employees which will come into effect in 2 April 2018.

The Regulations require that Council prepare and maintain a policy relating to complaints about breaches of the Code of Conduct by employees (including the Chief Executive Officer).

While clause 6.9 of the current Policy (**Attachment 1**) details how complaints about the conduct and behaviour of employees will be managed it was silent on how to lodge a complaint about the conduct of the Chief Executive Officer.

The Policy has been amended (**Attachment 2**), with track changes included for ease of reference, to include the following at Clause 9.6.2:

6.9 Complaints about Employees

- 6.9.1 *If a complaint relates to the conduct or behaviour of an individual employee the complaint will be assessed by the relevant Manager and dealt with in accordance with the [Code of Conduct for Council Employees](#) and/or the [Managing Performance, Misconduct and Inappropriate Behaviour Policy](#).*

6.9.2 *If the complaint relates to the conduct or behaviour of the Chief Executive Officer the complaint must be addressed to the Mayor, except in circumstances where it would be inappropriate to do so (for example, the matter to which the complaints relates to must be kept confidential under an Act or law).*

Other minor amendments include:

- The Definitions have been amended to include definitions for the Independent Commissioner Against Corruption (ICAC) and the Office of the Public Integrity (OPI).
- Clause 6.11 'Complaints of a Serious Nature' has been amended to include reporting requirements under the *Independent Commissioner Against Corruption Act 2012*.
- Clause 6.13 has been amended to include reference to both the ICAC and the Ombudsman.

Conclusion

As this is a statutory policy, Council is required to consider and adopt the Policy rather than on considering adoption on the recommendation of the Corporate Planning, Policy and Performance Prescribed General Committee. Consequently the *Council Policy - Customer Complaints* will be presented to the 20 March 2018 meeting of Council. Feedback from the Committee will presented to Council at this time.

Attachments

1. **Council Policy - Customer Complaints**
2. **Draft Council Policy - Customer Complaints**

CITY OF WEST TORRENS



Council Policy: Customer Complaints

Classification:	Council Policy
First Issued:	3 April 2012
Date of Review:	3 July 2012, 2016
Next Review Date:	2021
Version Number:	3
DW Doc set ID:	1780634
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 (SA) • Freedom of Information Act 1991 (SA) • Government Business Enterprises (Competition) Act 1996 (SA) • Ombudsman Act 1972 (SA) • Whistleblowers Protection Act 1993 (SA)
Related Policies, Guidelines or Corporate Documents:	<ul style="list-style-type: none"> • Whistleblowers Policy • Fraud and Corruption Prevention, Control Reporting and Investigation Policy • Code of Conduct for Council (Elected) Members • Code of Conduct for Council Employees • Internal Review of Council Decisions Policy • Managing Performance, Misconduct and Inappropriate Behaviour Policy • SA Ombudsman's 'Managing Unreasonable Complainant Conduct Practice Manual'
Associated Forms:	
Note:	
Responsible Manager:	General Manager Business and Community Services
Confirmed by General Manager:	Date 25 February 2016
Endorsed by Council:	Date 15 March 2016

Doc Set ID -

Page 1 of 10

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City of West Torrens Council Policy - Customer Complaints

Table of Contents

1. Preamble	3
2. Purpose	3
3. Scope.....	3
4. Definitions	3
5. Principles	5
6. Policy Statement.....	5
7. Complaint Handling Model.....	7

City of West Torrens Council Policy - Customer Complaints

COUNCIL POLICY - Customer Complaints

1. Preamble

- 1.1 Council is committed to listening and responding to people with complaints.
- 1.2 This policy is developed in accordance with Section 270 of the *Local Government Act 1999* (the Act).

2. Purpose

- 2.1 The purpose of this policy is to:
- 2.1.1 clarify the definition of a complaint.
 - 2.1.2 detail the principles and processes to manage complaints received in relation to the services provided including their registration, investigation, resolution and reporting.
 - 2.1.3 ensure that the process for managing a complaint is fair, effective, transparent, consistent and time efficient.

3. Scope

- 3.1 This policy provides the principles and processes for managing a complaint made by an affected person regardless of which department of the City of West Torrens (CWT) it relates to.
- 3.2 The following will not be regarded as a complaint under this policy:
- A request for service (unless it is a second request when the service requested has not been completed within the identified timeframe)
 - A request for information (unless it is a second request for identical information)
 - A request for a waiver or review of a penalty infringement notice, unless it is about the conduct of the employee issuing the notice
 - An objection to a development application
 - A request for a review of a Council or Council officer's decision.

4. Definitions

- 4.1 A **complaint** is any expression of dissatisfaction, in relation to:
- no action taken in response to a request for service or information
 - the type or level of response after a request for service or information was made
 - the quality, standard or timeliness of a service provided
 - the behaviour or actions of an Elected Member or an employee
- when a response or resolution is explicitly or implicitly sought.
- 4.2 A **complainant** is any person who makes a complaint about a matter that has directly affected them by any action or inaction by CWT that gives rise to a complaint in accordance with 4.1.

Doc Set ID - 1780634

Page 3 of 10

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City of West Torrens Council Policy - Customer Complaints

- 4.3 A **customer** is any person or entity that has dealings with CWT. These include, but are not are limited to:
- Residents, business owners and their staff, facility users and ratepayers of the City of West Torrens
 - Elected Members
 - City of West Torrens' employees
 - Representatives from all agencies and community groups within and outside of the CWT
 - Developers.
- 4.4 **Elected Member/s** is the term used to define all members of Council, including the Mayor.
- 4.5 An **employee** is any individual who is employed by CWT and includes agency staff, contractors, volunteers and work experience students.
- 4.6 A **frivolous or trivial complaint** is a complaint that is considered by the relevant Manager to be minor, without merit or lacking substance or credibility.
- 4.7 A **complaint review** is a review of the complaint by the relevant Manager or an officer designated by the Manager within the responsible area to undertake a review of the complaint.
- 4.8 An **internal review** is a review of a decision made by Council, Council officers and other people acting on behalf of Council (a Council decision) in accordance with s270 of the Act. The request must arise from a grievance with a Council decision on access to a service, the way in which a service is delivered, or the application of regulatory powers.
- 4.9 For the purposes of this policy, **Manager** refers to a member of the Management Team.
- 4.10 A **personal complaint** is any complaint by an individual against another individual that includes personal information about either party. This includes a complaint about the conduct of an Elected Member or an employee.
- 4.11 **Personal information** is any information or opinion that identifies a person. This could include:
- written records about a person
 - a photograph or image of a person
- 4.12 A **request for information** is when a customer seeks information e.g:
- the status of a request for service
 - the status of a planning application
 - 'how to' requests
 - content of Council policies etc.
- 4.13 A **request for service** is a request from a customer seeking action on a particular matter or for the CWT to provide a particular service, e.g:
- pot hole repairs
 - waste collection
 - installation of speed humps
 - footpath repairs
 - reports of stray dogs, etc.

- 4.14 The **investigating officer** is the employee assigned to investigate and resolve a complaint.
- 4.15 A **vexatious complaint** is any complaint:
- from a complainant who has consistently, over a period of time, complained about a minor matter or the same matter which has previously been dealt with and no new information has been provided by the complainant; and/or
 - which the Manager, considers to be mischievous, without sufficient grounds or serving only to cause annoyance; and/or
 - when the resources required to address such complaints would be an unreasonable diversion of public resources.

5. Principles

5.1 Commitment

- 5.1.1 CWT is committed to the provision of quality customer service which includes the efficient and fair resolution of complaints.
- 5.1.2 CWT commits to:
- treating all customers with respect and courtesy
 - responding to customer enquiries promptly, efficiently and impartially.
 - acting with integrity and honesty when dealing with customers
 - providing relevant and timely feedback to customers including clear reasons for decisions.

6. Policy Statement

- 6.1 A complainant must have been directly affected by any action or inaction by CWT that gives rise to a complaint.
- 6.2 Complaints will be dealt with expediently, courteously and in accordance with this Policy.
- 6.3 All complaints will be considered on their merits, the principles of natural justice will be observed and complainants will not suffer any reprisal from CWT for making a complaint.
- 6.4 All parties will have the opportunity to express their point of view, provide relevant information and respond to issues raised.
- 6.5 Where possible the CWT will aim to address a complaint at the first point of contact.
- 6.6 Complainants will be encouraged to participate cooperatively in the review process. However, this will not negate the complainant's right to seek external review through the State Ombudsman, other legal processes or the Courts at any time during the review process.
- 6.7 If the Ombudsman, in accordance with the *Ombudsman Act 1972*, refers a complainant or complaint to the CWT, the complaint will be investigated by CWT in accordance with this Policy unless otherwise determined by the CEO.

6.8 Complaints about Elected Members

As elected community representatives, complaints about Elected Members are treated seriously. In accordance with the requirements of the Act, complaints in relation to Elected Members will be considered in accordance with the [Code of Conduct for Council \(Elected\) Members](#).

6.9 Complaints about Employees

If a complaint relates to the conduct or behaviour of an individual employee the complaint will be assessed by the relevant Manager and dealt with in accordance with the [Code of Conduct for Council Employees](#) and/or the [Managing Performance, Misconduct and Inappropriate Behaviour Policy](#).

6.10 Anonymous Complaints

Anonymous complaints relating to allegations of maladministration, corruption or illegal activity occurring in the organisation must be made according to the process outlined in CWT's [Whistleblowers Policy](#).

6.11 Complaints of a Serious Nature

Any formal complaint alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest will be dealt with in accordance with the CWT's [Whistleblowers Policy](#) and Council's [Fraud and Corruption Prevention, Control Reporting and Investigation Policy](#).

6.12 Complaints Constituting a Breach of the Law

If the details of a complaint indicate that a crime may have been committed, the complaint will be immediately reported to the relevant law enforcement agency.

6.13 Privacy and Confidentiality

6.13.1 The complainant's personal information will be used by the investigating officer when investigating and handling the complaint.

6.13.2 If the complaint is referred to the Ombudsman, the CWT will share any relevant information relating to the complaint with the Ombudsman in accordance with the *Ombudsman Act 1972*.

6.13.3 Information contained within complaints may be accessible under the *Freedom of Information Act 1991*.

6.13.4 A complainant may apply directly to the CWT to suppress their personal details by completing and submitting an Application to Suppress Personal Details [form](#). Application forms are also available from Council's Civic Centre and the Hamra Centre Library.

6.13.4a The CEO will assess the application and may suppress the complainant's name or address details if the CEO is satisfied that the complainant's personal safety or that of any other person is at risk. Acceptance of the application is at the discretion of the CEO.

- 6.13.5 Complaints alleging misuse of personal information will be acknowledged in writing within three (3) business days.

6.14 Data Collection

Statistical information may be used to identify areas/services/procedures that require review or that may need additional resources to provide the required level of service for customers.

6.15 Reporting

A summary of complaints received, including outcomes, will be included within the City of West Torrens' Annual report.

7. Complaint Handling Model

7.1 Lodging a Complaint

- 7.1.1 A complaint may be made:
- in person at the Civic Centre
 - by telephone on (08) 8416 6333
 - by facsimile on (08) 8443 5709
 - by email to csu@wtcc.sa.gov.au
 - online at <http://www.westtorrens.sa.gov.au> (hyperlink to form); or
 - in writing to:

The Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033

- 7.1.2 Complaints in writing are preferred to ensure that the complaint is clearly defined for both the complainant and CWT.
- 7.1.3 Verbal complaints may be summarised and provided, in writing, to the complainant for verification prior to the commencement of the assessment of the complaint.
- 7.1.4 Assistance in lodging complaints is available on request. This includes assisting customers with language and communication difficulties.
- 7.1.5 Information about the complaints process is available on CWT's website and on request.
- 7.1.6 If the complaint is in relation to a decision of Council, its employees or someone acting on behalf of Council then the complainant should lodge a formal request for an 'Internal Review of a Council Decision' in accordance with Council's [Internal Review of Council Decisions Policy](#).

7.2 Timeframes and progress notification

- 7.2.1 Complaints, other than in relation to misuse of information, will be acknowledged in writing within 5 business days of receipt and will include advice about the expected timeframe for investigating the matter.
- 7.2.2 In most cases complaints will be investigated within 10 business days.

7.2.3 The complainant will be kept informed about the progress of the investigation.

7.2.4 The complainant will be advised, in writing, of the outcome of the investigation as soon as possible after a determination is made.

7.3 Complaints that will not be investigated

In general, every complaint will be investigated, unless it falls into one of the following categories:

- A vexatious complaint.
- A frivolous or trivial complaint.
- It is considered by the relevant Manager to lack substance or credibility and therefore investigating the complaint is deemed unnecessary, unjustifiable or an inappropriate use of resources.
- It is made using rude or abusive language or accompanied by threatening, intimidating or rude behaviour.
- The complaint is made anonymously and the relevant Manager determines that there is insufficient information to investigate it.
- When the complainant is able to pursue the complaint through an alternative review process.

If a complaint is deemed to fall into one of these categories the complainant will be advised accordingly unless the complaint is anonymous.

7.4 Unreasonable Complainant's Conduct

7.4.1 All complaints received by Council will be treated seriously and complainants will be treated courteously.

7.4.2 Occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and the organisation aims to manage these situations in a fair and equitable manner.

7.4.3 If a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.

7.4.3.1 The relevant departmental manager will issue this warning in writing if the home or email address of the complainant is known, otherwise it will be made verbally and a record of the discussion will be made.

7.4.4 Any decision to suspend action on a complaint will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant.

7.5 Initial Assessment of a Complaint

- 7.5.1 An initial assessment of the complaint will include its severity, any safety implications and the need for immediate action.
- 7.5.2 If the complaint is not able to be resolved at the first point of contact it will be forwarded to the relevant Manager for a complaint review.
- 7.5.3 If the complainant remains dissatisfied after the complaint review the complainant may lodge a formal request for an [Internal Review of a Council Decision](#).

7.6 Opportunity to Provide Additional Information

- 7.6.1 After receiving the complaint, the investigating officer may invite the complainant to provide further information to assist in understanding:
 - a. the complainant's concerns, and/or
 - b. the issues to be investigated, and/or
 - c. the outcome or remedy sought by the complainant.
- 7.6.2 Complainants are welcome to supply information relevant to the initial complaint at any time during the review process. However, if the additional information is determined by the investigating officer to be of a different nature a secondary review may commence.
- 7.6.3 Complainants will be invited to comment on any additional information obtained by the investigating officer during the course of an investigation.

7.7 Complaint Remedies

When complaints are found to be justified CWT will, where practical, remedy the situation in a manner which is consistent and fair for both the complainant and CWT.

7.8 Dispute Resolution

- 7.8.1 The CWT may use alternate dispute resolution methods e.g. mediation, conciliation or neutral evaluation to resolve a complaint in circumstances where the CEO or their delegate deems such a course of action appropriate and the complainant is amenable to that process.
- 7.8.2 Any mediation, conciliation or neutral evaluation will be undertaken in accordance with s271 of the Act and the costs and expenses shared equally between the CWT and the complainant.
- 7.8.3 If the complaint cannot be resolved the complainant may refer the matter to the Ombudsman, or seek a legal remedy.

7.9 Withdrawal of Complaints

A complainant may withdraw their complaint at any time during the investigation period.

City of West Torrens Council Policy - Customer Complaints

7.10 Discontinuation of an Investigation into a Complaint

An investigation into a complaint may be discontinued by the relevant Manager if the complainant fails to provide sufficient information about the complaint or in some way inhibits the investigation.

If a complaint is discontinued then the complainant will be advised in writing of the reasons for the discontinuation of the investigation.

7.11 Completion of an Investigation into a Complaint

Complainants will be advised in writing of the outcome of the investigation as soon as is practical once the investigation is finalised.

CITY OF WEST TORRENS



Council Policy: Customer Complaints

Classification:	Council Policy
First Issued:	3 April 2012
Date of Review:	3 July 2012, 2016, 2 March 2018
Next Review Date:	2021
Version Number:	4
Objective ID	A8109
Applicable Legislation:	<ul style="list-style-type: none"> • Local Government Act 1999 (SA) • Freedom of Information Act 1991 (SA) • Government Business Enterprises (Competition) Act 1996 (SA) • Independent Commissioner Against Corruption Act 2012 • Ombudsman Act 1972 (SA) • Whistleblowers Protection Act 1993 (SA)
Related Policies, Guidelines or Corporate Documents:	<ul style="list-style-type: none"> • Whistleblowers Policy • Fraud and Corruption Prevention, Control Reporting and Investigation Policy • Code of Conduct for Council (Elected) Members • Code of Conduct for Council Employees • Internal Review of Council Decisions Policy • Managing Performance, Misconduct and Inappropriate Behaviour Policy • SA Ombudsman's 'Managing Unreasonable Complainant Conduct Practice Manual'
Associated Forms:	
Note:	
Responsible Manager:	General Manager Business and Community Services
Confirmed by General Manager:	Date
Confirmed by Executive	Date
Endorsed by Council:	Date 15 March 2016

City of West Torrens Council Policy - Customer Complaints

Table of Contents

1. Preamble	3
2. Purpose	3
3. Scope	3
4. Definitions	3
5. Principles	5
6. Policy Statement	5
7. Complaint Handling Model.....	7

Objective ID - A8109

Page 2 of 10

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City of West Torrens Council Policy - Customer Complaints

COUNCIL POLICY - Customer Complaints

1. Preamble

- 1.1 Council is committed to listening and responding to people with complaints.
- 1.2 This policy is developed in accordance with Section 270 of the *Local Government Act 1999* (the Act).

2. Purpose

- 2.1 The purpose of this policy is to:
 - 2.1.1 clarify the definition of a complaint.
 - 2.1.2 detail the principles and processes to manage complaints received in relation to the services provided including their registration, investigation, resolution and reporting.
 - 2.1.3 ensure that the process for managing a complaint is fair, effective, transparent, consistent and time efficient.

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 - An objection to a development application
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4. Definitions

- 4.1 A **complaint** is any expression of dissatisfaction, in relation to:
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 - the quality, standard or timeliness of a service provided
 - the behaviour or actions of an Elected Member or an employeewhen a response or resolution is explicitly or implicitly sought.
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Page 3 of 10

City of West Torrens Council Policy - Customer Complaints

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 - Elected Members
 - City of West Torrens' employees
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- 4.6 A **frivolous or trivial complaint** is a complaint that is considered by the relevant Manager to be minor, without merit or lacking substance or credibility.
- 4.7 A **complaint review** is a review of the complaint by the relevant Manager or an officer designated by the Manager within the responsible area to undertake a review of the complaint.
- 4.8 **Independent Commissioner Against Corruption (ICAC)** means the person holding or acting in the office of the Independent Commissioner Against Corruption.
- 4.9 An **internal review** is a review of a decision made by Council, Council officers and other people acting on behalf of Council (a Council decision) in accordance with s270 of the Act. The request must arise from a grievance with a Council decision on access to a service, the way in which a service is delivered, or the application of regulatory powers.
- 4.10 For the purposes of this policy, **Manager** refers to a member of the Management Team.
- 4.11 **Office of the Public Integrity (OPI)** means the entity that it is the point of contact for any person wishing to make a complaint or report under the [Independent Commissioner Against Corruption Act 2012](#).
- 4.12 A **personal complaint** is any complaint by an individual against another individual that includes personal information about either party. This includes a complaint about the conduct of an Elected Member or an employee.
- 4.13 **Personal information** is any information or opinion that identifies a person. This could include:
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 - a photograph or image of a person
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- the status of a request for service
 - the status of a planning application
 - 'how to' requests
 - content of Council policies etc.
- 4.15 A **request for service** is a request from a customer seeking action on a particular matter or for the CWT to provide a particular service, e.g:
- pot hole repairs

Commented [VD1]: Definition from ICAC Act 2012

Commented [VD2]: Definition from ICAC website

Objective ID - A8109

Page 4 of 10

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City of West Torrens Council Policy - Customer Complaints

- waste collection
- installation of speed humps
- footpath repairs
- reports of stray dogs, etc.

4.16 The **investigating officer** is the employee assigned to investigate and resolve a complaint.

4.17 A **vexatious complaint** is any complaint:

- from a complainant who has consistently, over a period of time, complained about a minor matter or the same matter which has previously been dealt with and no new information has been provided by the complainant; and/or
- which the Manager, considers to be mischievous, without sufficient grounds or serving only to cause annoyance; and/or
- when the resources required to address such complaints would be an unreasonable diversion of public resources.

5. Principles

5.1 Commitment

5.1.1 CWT is committed to the provision of quality customer service which includes the efficient and fair resolution of complaints.

5.1.2 CWT commits to:

- treating all customers with respect and courtesy
- responding to customer enquiries promptly, efficiently and impartially.
- acting with integrity and honesty when dealing with customers
- providing relevant and timely feedback to customers including clear reasons for decisions.

6. Policy Statement

- 6.1 A complainant must have been directly affected by any action or inaction by CWT that gives rise to a complaint.
- 6.2 Complaints will be dealt with expediently, courteously and in accordance with this Policy.
- 6.3 All complaints will be considered on their merits, the principles of natural justice will be observed and complainants will not suffer any reprisal from CWT for making a complaint.
- 6.4 All parties will have the opportunity to express their point of view, provide relevant information and respond to issues raised.
- 6.5 Where possible the CWT will aim to address a complaint at the first point of contact.
- 6.6 Complainants will be encouraged to participate cooperatively in the review process. However, this will not negate the complainant's right to seek external review through the State Ombudsman, other legal processes or the Courts at any time during the review process.

Objective ID - A8109

Page 5 of 10

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City of West Torrens Council Policy - Customer Complaints

- 6.7 If the Ombudsman, in accordance with the *Ombudsman Act 1972*, refers a complainant or complaint to the CWT, the complaint will be investigated by CWT in accordance with this Policy unless otherwise determined by the CEO.

6.8 Complaints about Elected Members

- 6.8.1 As elected community representatives, complaints about Elected Members are treated seriously. In accordance with the requirements of the Act, complaints in relation to Elected Members will be considered in accordance with the [Code of Conduct for Council \(Elected\) Members](#).

6.9 Complaints about Employees

- 6.9.1 If a complaint relates to the conduct or behaviour of an individual employee the complaint will be assessed by the relevant Manager and dealt with in accordance with the [Code of Conduct for Council Employees](#) and/or the [Managing Performance, Misconduct and Inappropriate Behaviour Policy](#).

[6.9.2 If the complaint relates to the conduct or behaviour of the Chief Executive Officer the complaint must be addressed to the Mayor, except in circumstances where it would be inappropriate to do so \(for example, the matter to which the complaints relates to must be kept confidential under an Act or law\).](#)

6.10 Anonymous Complaints

Anonymous complaints relating to allegations of maladministration, corruption or illegal activity occurring in the organisation must be made according to the process outlined in CWT's [Whistleblowers Policy](#).

6.11 Complaints of a Serious Nature

[6.11.1 Any formal complaint alleging maladministration, serious and substantial waste of public money, corrupt conduct or pecuniary interest is required to be reported to the Office of Public Integrity in accordance with the Independent Commissioner Against Corruption Act 2012.](#)

[6.11.2 All complaints of a serious nature reported to the CWT will be dealt with in accordance with the CWT's \[Whistleblowers Policy\]\(#\) and Council's \[Fraud and Corruption Prevention, Control Reporting and Investigation Policy\]\(#\).](#)

6.12 Complaints Constituting a Breach of the Law

If the details of a complaint indicate that a crime may have been committed, the complaint will be immediately reported to the relevant law enforcement agency.

6.13 Privacy and Confidentiality

- 6.13.1 The complainant's personal information will be used by the investigating officer when investigating and handling the complaint.

- 6.13.2 If the complaint is referred to the Ombudsman [and/or the Independent Commissioner Against Corruption \(ICAC\)](#), the CWT will share any relevant information relating to the complaint with the Ombudsman [and/or ICAC](#) in accordance with [the Ombudsman Act 1972 legislation](#).

Objective ID - A8109

Page 6 of 10

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City of West Torrens Council Policy - Customer Complaints

- 6.13.3 Information contained within complaints may be accessible under the *Freedom of Information Act 1991*.
- 6.13.4 A complainant may apply directly to the CWT to suppress their personal details by completing and submitting an Application to Suppress Personal Details [form](#). Application forms are also available from Council's Civic Centre and the Hamra Centre Library.
- 6.13.4a The CEO will assess the application and may suppress the complainant's name or address details if the CEO is satisfied that the complainant's personal safety or that of any other person is at risk. Acceptance of the application is at the discretion of the CEO.
- 6.13.5 Complaints alleging misuse of personal information will be acknowledged in writing within three (3) business days.

6.14 Data Collection

Statistical information may be used to identify areas/services/procedures that require review or that may need additional resources to provide the required level of service for customers.

6.15 Reporting

A summary of complaints received, including outcomes, will be included within the City of West Torrens' Annual report.

7. Complaint Handling Model

7.1 Lodging a Complaint

- 7.1.1 A complaint may be made:
- in person at the Civic Centre
 - by telephone on (08) 8416 6333
 - by facsimile on (08) 8443 5709
 - by email to csu@wtcc.sa.gov.au
 - online at <http://www.westtorrens.sa.gov.au> (hyperlink to form); or
 - in writing to:

The Chief Executive Officer
City of West Torrens
165 Sir Donald Bradman Drive
HILTON SA 5033.

- 7.1.2 If the complaint is regarding the conduct or behaviour of the Chief Executive Officer the complaint should be addressed to:

[The Mayor](#)
[City of West Torrens](#)
[165 Sir Donald Bradman Drive](#)
[HILTON SA 5033.](#)

- 7.1.3 Complaints in writing are preferred to ensure that the complaint is clearly defined for both the complainant and CWT.

Objective ID - A8109

Page 7 of 10

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City of West Torrens Council Policy - Customer Complaints

- 7.1.4 Verbal complaints may be summarised and provided, in writing, to the complainant for verification prior to the commencement of the assessment of the complaint.
- 7.1.5 Assistance in lodging complaints is available on request. This includes assisting customers with language and communication difficulties.
- 7.1.6 Information about the complaints process is available on CWT's website and on request.
- 7.1.7 If the complaint is in relation to a decision of Council, its employees or someone acting on behalf of Council then the complainant should lodge a formal request for an 'Internal Review of a Council Decision' in accordance with Council's [Internal Review of Council Decisions Policy](#).

7.2 Timeframes and progress notification

- 7.2.1 Complaints, other than in relation to misuse of information, will be acknowledged in writing within 5 business days of receipt and will include advice about the expected timeframe for investigating the matter.
- 7.2.2 In most cases complaints will be investigated within 10 business days.
- 7.2.3 The complainant will be kept informed about the progress of the investigation.
- 7.2.4 The complainant will be advised, in writing, of the outcome of the investigation as soon as possible after a determination is made.

7.3 Complaints that will not be investigated

In general, every complaint will be investigated, unless it falls into one of the following categories:

- A vexatious complaint.
- A frivolous or trivial complaint.
- It is considered by the relevant Manager to lack substance or credibility and therefore investigating the complaint is deemed unnecessary, unjustifiable or an inappropriate use of resources.
- It is made using rude or abusive language or accompanied by threatening, intimidating or rude behaviour.
- The complaint is made anonymously and the relevant Manager determines that there is insufficient information to investigate it.
- When the complainant is able to pursue the complaint through an alternative review process.

If a complaint is deemed to fall into one of these categories the complainant will be advised accordingly unless the complaint is anonymous.

7.4 Unreasonable Complainant's Conduct

- 7.4.1 All complaints received by Council will be treated seriously and complainants will be treated courteously.
- 7.4.2 Occasionally the conduct of a complainant can be unreasonable. This may take the form of unreasonable persistence, unreasonable demands, lack of cooperation, argumentative or threatening behaviour. What can be termed 'unreasonable' will vary depending on a number of factors and the

Objective ID - A8109

Page 8 of 10

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City of West Torrens Council Policy - Customer Complaints

organisation aims to manage these situations in a fair and equitable manner.

- 7.4.3 If a complainant's behaviour consumes an unwarranted amount of Council resources or impedes the investigation of their complaint, a decision may be made to apply restrictions on contact with the person. Before making any decision to restrict contact, the complainant will be warned that, if the specified behaviour(s) or actions continue, restrictions may be applied.

7.4.3.1 The relevant departmental manager will issue this warning in writing if the home or email address of the complainant is known, otherwise it will be made verbally and a record of the discussion will be made.

- 7.4.4 Any decision to suspend action on a complaint will be made by the Chief Executive Officer or his/her delegate and communicated in writing to the complainant.

7.5 Initial Assessment of a Complaint

- 7.5.1 An initial assessment of the complaint will include its severity, any safety implications and the need for immediate action.
- 7.5.2 If the complaint is not able to be resolved at the first point of contact it will be forwarded to the relevant Manager for a complaint review.
- 7.5.3 If the complainant remains dissatisfied after the complaint review the complainant may lodge a formal request for an [Internal Review of a Council Decision](#).

7.6 Opportunity to Provide Additional Information

- 7.6.1 After receiving the complaint, the investigating officer may invite the complainant to provide further information to assist in understanding:
- a. the complainant's concerns, and/or
 - b. the issues to be investigated, and/or
 - c. the outcome or remedy sought by the complainant.
- 7.6.2 Complainants are welcome to supply information relevant to the initial complaint at any time during the review process. However, if the additional information is determined by the investigating officer to be of a different nature a secondary review may commence.
- 7.6.3 Complainants will be invited to comment on any additional information obtained by the investigating officer during the course of an investigation.

7.7 Complaint Remedies

When complaints are found to be justified CWT will, where practical, remedy the situation in a manner which is consistent and fair for both the complainant and CWT.

7.8 Dispute Resolution

- 7.8.1 The CWT may use alternate dispute resolution methods e.g. mediation, conciliation or neutral evaluation to resolve a complaint in circumstances

Objective ID - A8109

Page 9 of 10

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City of West Torrens Council Policy - Customer Complaints

where the CEO or their delegate deems such a course of action appropriate and the complainant is amenable to that process.

7.8.2 Any mediation, conciliation or neutral evaluation will be undertaken in accordance with s271 of the Act and the costs and expenses shared equally between the CWT and the complainant.

7.8.3 If the complaint cannot be resolved the complainant may refer the matter to the Ombudsman, or seek a legal remedy.

7.9 Withdrawal of Complaints

A complainant may withdraw their complaint at any time during the investigation period.

7.10 Discontinuation of an Investigation into a Complaint

An investigation into a complaint may be discontinued by the relevant Manager if the complainant fails to provide sufficient information about the complaint or in some way inhibits the investigation.

If a complaint is discontinued then the complainant will be advised in writing of the reasons for the discontinuation of the investigation.

7.11 Completion of an Investigation into a Complaint

Complainants will be advised in writing of the outcome of the investigation as soon as is practical once the investigation is finalised.

Objective ID - A8109

Page 10 of 10

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7.4 Commonwealth Home Support Program Policies

Brief

The four Commonwealth Home Support Program policies have been reviewed and are presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. the draft *Commonwealth Home Support Program - Advocacy Policy* be approved.
2. the draft *Commonwealth Home Support Program - Fees and Charges Policy* be approved.
3. the draft *Commonwealth Home Support Program - Quality Assurance Policy* be approved.
4. the draft *Commonwealth Home Support Program - Care Recipient Does Not Respond to a Scheduled Visit Policy* be approved.
5. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to the four Commonwealth Home Support Program policies.

Introduction

Four Commonwealth Home Support Program policies have been reviewed and are presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

The Commonwealth Home Support Programme (CHSP) is an entry level home help program for older people who need some help with daily tasks to live independently at home. The Australian Government subsidises a range of aged care services and CHSP is guided by Service Agreements with the City of West Torrens who coordinate CHSP services in the Council area.

Discussion

In order to comply with funding criteria, the City of West Torrens' CHSP must have certain policies and documents. These policies have traditionally been considered Administrative policies and as a result have not required consideration by the Corporate Planning, Policy and Performance Prescribed General Committee (Committee) or Council. However, during the most recent review of these policies it was determined that there was substantial community interest in the administration of CHSP and as a result, these policies have been reviewed as Council policies.

The four (4) policies are:

- Commonwealth Home Support Program - Advocacy Policy (**Attachment 1**).

This policy ensures that a process is in place for advising Care Recipients of their advocacy rights.

- Commonwealth Home Support Program - Fees and Charges Policy (**Attachment 2**)

This policy establishes a clear and consistent process for fees and charges associated with CHSP services.

- Commonwealth Home Support Program - Quality Assurance (**Attachment 3**)

This policy ensures CHSP is driven by continuous improvement through leadership, monitoring, consultation, and evaluation.

- Commonwealth Home Support Program - Care Recipient Does Not Respond to a Scheduled Visit Policy (**Attachment 4**)

This policy provides a clear process to follow when a Care Recipient is not responding in person or on the phone and has missed a scheduled visit.

Each policy has been developed to ensure it is consistent with current practice, legislation or government policy.

Conclusion

Four Commonwealth Home Support Program policies have been reviewed and are presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

Attachments

1. **Commonwealth Home Support Program - Advocacy Policy**
2. **Commonwealth Home Support Program - Fees and Charges Policy**
3. **Commonwealth Home Support Program - Quality Assurance Policy**
4. **Commonwealth Home Support Program - Care Recipient Does Not Respond to a Scheduled Visit Policy**

CITY OF WEST TORRENS



Council Policy: Commonwealth Home Support Program (CHSP) - Advocacy

Classification:	Council Policy
First Issued:	28 May 2013
Dates of Review:	2018
Version Number:	2
Objective ID:	A8234
Next Review Due:	2023
Applicable Legislation:	Aged Care Act 1997 (Cth) <i>Home and Community Care Act 1985 (Cth)</i> <i>Aged Care Principles</i> <i>Australian Aged Care Quality Agency Act 2013 (Cth)</i> <i>South Australian Commonwealth Home Support Program (CHSP) Service Principles</i> <i>Charter of Care Recipients Rights and Responsibilities for Home Care</i> <i>Quality Agency Principles 2013</i> <i>Quality Agency Reporting Principles 2013</i> Disability Services Act 1993 (SA) Disability Discrimination Act 1992 (Cth) Sex Discrimination Act 1984 (Cth) Racial Discrimination Act 1995 (Cth) Racial Vilification Act 1996 (SA) Age Discrimination Act 2004 (Cth)
Related Policies or Corporate Documents:	Council Fees and Charges Schedule Commonwealth Home Support Program (CHSP) Quality Assurance Policy Commonwealth Home Support Program (CHSP) Care Recipient Does Not Respond to a Scheduled Visit Policy Customer Complaints Policy

City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Advocacy

Associated Forms:	Care Recipient Assessment/ Reassessment Form City of West Torrens Care Recipient Information Booklet CHSP Advocacy Fact Sheet		
Note:			
Responsible Manager:	Manager Community Services		
Confirmed by General Manager:	General Manager Business and Community Services	Date	21 December 2017
Approved by Executive:		Date	20 February 2018
Endorsed by Council		Date	

Draft

Objective ID - A8234

Page 2 of 5

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Advocacy

Table of Contents

1. Preamble	4
2. Purpose	4
3. Scope	4
4. Definitions.....	4
5. Policy Statement.....	5
6. Procedure	5

Draft

Objective ID - A8234

Page 3 of 5

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Advocacy

COUNCIL POLICY - Commonwealth Home Support Program (CHSP) - Advocacy

1. Preamble

- 1.1 This Policy relates to the Commonwealth Home Support Program (CHSP) program as outlined in the Service Agreements between the Commonwealth and the City of West Torrens (CWT).
- 1.2 The CWT and the CHSP Program is committed to providing quality service provision and considers that informed involvement by Care Recipients and/or their carers, advocates or guardians in planning their care is essential in achieving optimal outcomes.
- 1.3 In addition, the respective Service Agreements between the Commonwealth and CWT, stipulates that as a CHSP funded agency, the CWT is required to establish policies and procedures to ensure that services are delivered in accordance with the CHSP Common Standards.

2. Purpose

- 2.1 This Policy aims to ensure that all current and potential Care Recipients:
 - Are encouraged to use an advocate of their choice to represent their interest at any time.
 - Are provided with information about advocacy, the role of an advocate and how to nominate an advocate, in an appropriate format at initial contact, assessment and reassessment or any other time that the Care Recipient requests information about advocacy.

3. Scope

- 3.1 This policy applies to CWT CHSP services for current and potential Care Recipients.

4. Definitions

- 4.1 **CWT CHSP Program Staff** includes the CWT CHSP Services Coordinator, CHSP services officers, CSHP Administration Officer, CSHP Maintenance Officers, Home Support Workers, contractors, agency staff and volunteers.
- 4.2 **Care Recipient** refers to a recipient of a CWT CHSP service.
- 4.3 **Program** describes the group of services that support older people to stay at home and maintain their independence.
- 4.4 **Service** describes the specific support that assists people in the home or community to maintain their independence.
- 4.5 **Advocate** describes a person or agency who acts or intercedes on behalf of another, whether they are related to them or not. Advocates may be a relative, friend, neighbour or a person from an advocacy service.

Objective ID - A8234

Page 4 of 5

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Advocacy

4.6 **Advocacy Services** are independent, confidential services provided free of charge in each state and territory which can assist in exercising Care Recipient rights by representing and providing information, advice and support to Care Recipients, and their carer and/or guardian.

4.7 **Guardian** includes a person who is legally entrusted to manage somebody else's affairs on their behalf.

5. Policy Statement

5.1 Care Recipients have the right to use an advocate of their choice to represent their interests at any time whilst receiving CHSP services.

5.2 The CWT CHSP program will assist a Care Recipient appoint an advocate of their choice if requested to do so.

5.3 The CWT CHSP Program will ensure that if a carer and Care Recipient are in conflict and after consultation by Program staff no resolution is apparent, then with their permission, Care Recipient will be referred to the advocacy or mediation service/s of their choice for consideration and resolution.

6. Procedure

6.1 Potential Care Recipients will be advised of their right to have an advocate at the initial contact and at each reassessment.

6.2 A copy of the CWT CHSP Care Recipient Information Booklet, which includes information about advocacy and the services available, will be provided to all Care Recipients.

6.3 Information about the Care Recipient's advocate and their advocate's contact details will be recorded on the Assessment Form in the Service Management System (SMS) database.

CITY OF WEST TORRENS



Council Policy: Commonwealth Home Support Program (CHSP) Fees and Charges

Classification:	Council Policy
First Issued:	17 August 2007
Dates of Review:	2012, 2018
Version Number:	3
Objective ID:	A6035
Next Review Due:	2023
Applicable Legislation:	Local Government Act 1999 (SA) Aged Care Act 1997 (Cth) Home and Community Care Act 1985 (Cth) Aged Care Principles Commonwealth Home Support Program Common Standards South Australian Commonwealth Home Support Program (CHSP) Service Principles Disability Services Act 1993 (SA)
Related Policies or Corporate Documents:	Council Fees and Charges Schedule Commonwealth Home Support Program (CHSP) Quality Assurance Policy Commonwealth Home Support Program (CHSP) Advocacy Policy Commonwealth Home Support Program (CHSP) Care Recipient Does Not Respond to a Scheduled Visit Policy Internal Review of a Council Decision Policy

City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Fees and Charges

Associated Forms:	Care Recipient Assessment/ Reassessment Form Fee Review Request Form City of West Torrens CHSP Care Recipient Information Booklet Fee Review Approved / Not Approved Letter Care Recipient Fees and Charges Schedule		
Note:			
Responsible Manager:	Manager Community Services		
Confirmed by General Manager:	General Manager Business and Community Services	Date	21 December 2017
Approved by Executive:		Date	20 February 2018
Endorsed by Council		Date	

Draft

City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Fees and Charges

Table of Contents

1. Preamble	4
2. Purpose	4
3. Scope	4
4. Definitions.....	5
5. Policy Statement.....	5

Draft

Objective ID - A6035

Page 3 of 6

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Fees and Charges

COUNCIL POLICY - Commonwealth Home Support Program (CHSP) - Fees and Charges

1. Preamble

- 1.1 This Policy relates to the Commonwealth Home Support Program (CHSP) programs as outlined in the Service Agreements between the Commonwealth and the City of West Torrens (CWT).
- 1.2 The CWT and the CHSP Program is committed to providing quality service provision and considers that informed involvement by Care Recipients in planning their care is essential in achieving optimal outcomes.
- 1.3 In addition, the respective Service Agreements between the Commonwealth and CWT, stipulates that as a CHSP funded agency, the CWT is required to establish policies and procedures to ensure that services are delivered in accordance with the CHSP Common Standards.
- 1.4 The CWT Fees and Charges are set annually by Council, based on the applicable Guidelines, and include the fee rate for the provision of CHSP funded services.

2. Purpose

2.1 This Policy aims to ensure that:

- 2.1.1 Fees will not exceed the actual cost of service provision.
- 2.1.2 Fees should be less than the fees applicable for an equivalent commercial service.
- 2.1.3 Fees should not be charged in respect of services such as information and advocacy.
- 2.1.4 The CWT and the CHSP Program is made aware of any regulatory and/or legislative changes as well as any policy changes with which they need to comply

3. Scope

- 3.1 This policy covers CWT management of a system to:
 - 3.1.1 Determine CHSP fees and charges.
 - 3.1.2 Review CHSP fees and charges on an annual basis in line with Council's Fees and Charges document pursuant to Section 188 of the *Local Government Act 1999* (SA).
 - 3.1.3 Determine a CHSP fee reduction/waiver process.

Objective ID - A6035

Page 4 of 6

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Fees and Charges

4. Definitions

- 4.1 **CWT CHSP Program Staff** includes the CWT CHSP Program Coordinator, CHSP services officers, CSHP Administration Officer, CSHP Maintenance Officers, Home Support Workers, contractors, agency staff and volunteers.
- 4.2 **Care Recipient** refers to a recipient of a CWT CHSP service.
- 4.3 **Program** describes the group of services that support older people to stay at home and maintain their independence.
- 4.4 **Service** describes the specific support that assists people in the home or community to maintain their independence.
- 4.5 **Special needs** include the additional assistance required to support a person due to their medical, mental, or psychological need, age, gender, marital status, sexual preference, disability, financial circumstances, cultural or indigenous background or beliefs.
- 4.6 **Guardian** includes the person who is legally entrusted to manage somebody else's affairs on their behalf.
- 4.7 **Advocate** describes a person or agency who acts or intercedes on behalf of another, whether they are related to them or not. Advocates may be a relative, friend, neighbour or a person from an advocacy service.
- 4.8 **Carers** are the people who have the principal responsibility of caring for someone with special needs.

5. Policy Statement

- 5.1 All Care Recipients are required to pay contribution towards services provided by the CWT CHSP program. Fees payable will be calculated in accordance with a scale of fees appropriate to their level of income, the services they use, and any changes in circumstances.
- 5.2 Assessment of a fee reduction or waiver should be as unobtrusive as possible, with all information obtained during the process to be treated confidentially.
- 5.3 Inability to pay will not be used as the basis for refusing to provide a service to someone who has been assessed as requiring that service.
- 5.4 Care Recipients have the right of appeal against a given fee or charge determination pursuant to Council's *Internal Review of a Council Decision Policy*.
- 5.5 All printed materials and information on the CWT website will be updated to reflect any changes to fees or charges.

5.6 Calculating Fees

- 5.6.1 All services with hourly rates will be charged in 30 minute increments.
- 5.6.2 If a service exceeds 1 hour, the additional time will also be charged in increments of 30 minutes or part thereof.
- 5.6.3 For all services, the CHSP Services Coordinator may negotiate the fees payable according to the Care Recipient's capacity to pay. The Care

Objective ID - A6035

Page 5 of 6

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Fees and Charges

Recipient and/or carer/advocate or guardian will be informed in writing of the relevant fee level at the initial point of contact.

5.7 Request for a Fee Review

- 5.7.1 If a Care Recipient and/or carer/advocate or guardian indicates that the Care Recipient may have difficulty in meeting the full fee amount, they will be advised that they can apply for the fee to be reviewed.
- 5.7.2 The Care Recipient and/or carer/advocate or guardian must complete a Fee Review Request form.
- 5.7.3 Completed forms must be submitted to the CHSP Services Coordinator.
- 5.7.4 The CHSP Services Coordinator will review the information provided and make a recommendation to the Chief Executive Officer (CEO) or General Manager Business and Community Service about the level of fees to be charged who will make a determination on the fees payable (if any).
- 5.7.5 All Care Recipients and/or carers/advocates or guardians will be advised of the outcome of their fee review request in writing and , if their request has been denied, provided with a copy of Council's *Internal Review of a Council Decision Policy* which provides their rights to appeal the determination.

5.8 Changes to Fees

- 5.8.1 When there are changes in the rate of fees, all existing Care Recipients will be notified of the change in writing three months prior to the implementation.
- 5.8.2 All service information brochures and Council's website will be updated to reflect the changes in fees and charges.

5.9 Collection of Fees and Charges

- 5.9.1 On acceptance of CWT CHSP service/s, the CHSP Services Coordinator will inform the Care Recipient and/or carer/advocate or guardian of the fees to be charged.
- 5.9.2 Fees may be paid in cash, cheque, or any other arrangement that is agreed to by the CHSP Services Coordinator.

CITY OF WEST TORRENS



Council Policy: Commonwealth Home Support Program (CHSP) Quality Assurance

Classification:	Administration Policy
First Issued:	3 September 2013
Dates of Review:	2018
Version Number:	2
Objective ID:	A8272
Next Review Due:	2023
Applicable Legislation:	Local Government Act 1999 (SA) Aged Care Act 1997 (Cth) <i>Home and Community Care Act 1985 (Cth)</i> <i>Aged Care Principles</i> <i>South Australian Commonwealth Home Support Program (CHSP) Service Principles</i> <i>Charter of Care Recipients Rights and Responsibilities for Home Care</i> <i>Quality Agency Principles 2013</i> <i>Quality Agency Reporting Principles 2013</i>
Related Policies or Corporate Documents:	Council Fees and Charges Schedule Commonwealth Home Support Program (CHSP) Advocacy Policy Commonwealth Home Support Program (CHSP) Care Recipient Does Not Respond to a Scheduled Visit Policy Customer Complaints Policy

Associated Forms:			
Note:			
Responsible Manager:	Manager Community Services		
Confirmed by General Manager:	General Manager Business and Community Services	Date	21 December 2017
Approved by Executive:		Date	20 February 2018
Endorsed by Council		Date	

Page 2 of 5

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Quality Assurance

Table of Contents

1. Preamble	4
2. Purpose	4
3. Scope	4
4. Definitions.....	4
5. Policy Statement.....	4

Draft

Objective ID - A8272

Page 3 of 5

The electronic version on the Intranet is the controlled version of this document.
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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Quality Assurance

COUNCIL POLICY - Commonwealth Home Support Program (CHSP) - Quality Assurance

1. Preamble

- 1.1 This Policy relates to the Commonwealth Home Support Program (CHSP) programs as outlined in the Service Agreements between the Commonwealth and the City of West Torrens (CWT).
- 1.2 The CWT and the CHSP Program is committed to providing quality service provision and considers that informed involvement by Care Recipients in planning their care is essential in achieving optimal outcomes.
- 1.3 In addition, the respective Service Agreements between the Commonwealth and CWT, stipulates that as a CHSP funded agency, the CWT is required to establish policies and procedures to ensure that services are delivered in accordance with the CHSP Common Standards.

2. Purpose

- 2.1 This Policy aims to ensure that the CWT CHSP Program will:
 - Strive to improve outcomes for Care Recipients through leadership, monitoring, consultation, and evaluation.
 - Maintain, reviews, and update the CWT CHSP Program Quality Improvement Plan.
 - Meet the requirements of the relevant legislation, regulations, statements, principles, guidelines, and charters.

3. Scope

- 3.1 This policy applies to all CWT CHSP Program services for current Care Recipients.

4. Definitions

- 4.1 **CWT CHSP Program Staff** includes the CWT CHSP Program Coordinator, CHSP services officers, CSHP Administration Officer, CSHP Maintenance Officers, Home Support Workers,, contractors, agency staff and volunteers.
- 4.2 **Care Recipient** refers to a recipient of a CWT CHSP service.
- 4.3 **Program** describes the group of services that support older people to stay at home and maintain their independence.
- 4.4 **Service** describes the specific support that assists people in the home or community to maintain their independence.

5. Policy Statement

- 5.1 The CWT CHSP Program is committed to the continuous improvement of all aspects of service delivery and management through reviews of ongoing services.

Objective ID - A8272

Page 4 of 5

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Quality Assurance

- 5.2 Care Recipients will be consulted regarding future service planning whenever possible.
- 5.3 Opportunities for service improvement identified by Care Recipients, staff, volunteers or the wider community will be maintained in a register, together with the proposed response (e.g. note, implement, no further action), by the CHSP Services Coordinator.
- 5.4 Checks of various aspects of the CHSP Program may be conducted. Actions identified from these checks will be addressed by the CHSP Services Coordinator.
- 5.5 *Continuous Quality Improvement* will be included as a standard agenda item in all CWT CHSP Program meetings. All *Continuous Quality Improvements* identified at the CWT CHSP Program meetings will be minuted and implemented when relevant/ appropriate.
- 5.6 CHSP Program Policies will be reviewed every five years or sooner if strategies for service improvement require amendments to the Policy.
- 5.7 Hazard / Incident Reports will be analysed for possible opportunities to improve service delivery by the CHSP Services Coordinator.
- 5.8 The CHSP Quality Improvement Plan, Service Improvement Register and Hazard/Incident report analyses will be monitored, reviewed and addressed quarterly by the Manager Community Services in consultation with the Team Leader Community Development and CHSP Services Coordinator.
- 5.9 The quality review process will be carried out in accordance with the service agreements and guidelines.

CITY OF WEST TORRENS



Council Policy: Commonwealth Home Support Program (CHSP) - Care Recipient Does Not Respond to a Scheduled Visit

Classification:	Council Policy
First Issued:	14 May 2013
Dates of Review:	2018
Version Number:	2
Objective ID:	A8203
Next Review Due:	2023
Applicable Legislation:	Aged Care Act 1997 (Cth) <i>Home and Community Care Act 1985 (Cth)</i> <i>Aged Care Principles</i> <i>South Australian Commonwealth Home Support Program (CHSP) Service Principles</i> Disability Services Act 1993 (SA) Disability Discrimination Act 1992 (Cth)
Related Policies or Corporate Documents:	Council Fees and Charges Schedule Commonwealth Home Support Program (CHSP) Quality Assurance Policy Commonwealth Home Support Program (CHSP) Advocacy Policy Commonwealth Home Support Program (CHSP) Advocacy Policy Customer Complaints Policy

Associated Forms:			
Note:			
Responsible Manager:	Manager Community Services		
Confirmed by General Manager:	General Manager Business and Community Services	Date	21 December 2017
Approved by Executive:		Date	20 February 2018
Endorsed by Council		Date	

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Care Recipient Does Not Respond to a Scheduled Visit

Table of Contents

1. Preamble	4
2. Purpose	4
3. Scope	4
4. Definitions.....	4
5. Policy Statement.....	5
6. Procedure	5

Draft

City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Care Recipient Does Not Respond to a Scheduled Visit

COUNCIL POLICY - Commonwealth Home Support Program (CHSP) - Care Recipient Does Not Respond to a Scheduled Visit

1. Preamble

- 1.1 This Policy relates to the Commonwealth Home Support Program (CHSP) programs as outlined in the Service Agreements between the Commonwealth and the City of West Torrens (CWT).
- 1.2 The CWT and the CHSP Program is committed to providing quality service provision and considers that informed involvement by Care Recipients in planning their care is essential in achieving optimal outcomes.
- 1.3 In addition, the respective Service Agreements between the Commonwealth and CWT, stipulates that as a CHSP funded agency, the CWT is required to establish policies and procedures to ensure that services are delivered in accordance with the CHSP Common Standards.

2. Purpose

- 2.1 This Policy aims to ensure that the CWT CHSP Program:
 - Has defined procedures in place for when a Care Recipient does not respond to a scheduled visit.
 - Meets the requirements of the relevant legislation, regulations, statements, principles, guidelines and charters.

3. Scope

- 3.1 This Policy applies to all situations when a Care Recipient has not responded to a visit which has been scheduled by a CWT CHSP Program Staff member.

4. Definitions

- 4.1 **CWT CHSP Program Staff** includes the CWT CHSP Program Coordinator, CHSP services officers, CSHP Administration Officer, CSHP Maintenance Officers, Home Support Workers,, contractors, agency staff and volunteers.
- 4.2 **Care Recipient** refers to a recipient of a CWT CHSP service.
- 4.3 **Program** describes the group of services that support older people to stay at home and maintain their independence.
- 4.4 **Service** describes the specific support that assists people in the home or community to maintain their independence.
- 4.5 **Guardian** includes the person who is legally entrusted to manage somebody else's affairs on their behalf.
- 4.6 **Advocate** describes a person or agency who acts or intercedes on behalf of another, whether they are related to them or not. Advocates may be a relative, friend, neighbour or a person from an advocacy service.

Objective ID - A8203

Page 4 of 5

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City of West Torrens Council Policy - Commonwealth Home Support Program (CHSP) - Care Recipient Does Not Respond to a Scheduled Visit

- 4.7 **Carers** are the people who have the principal responsibility of caring for someone with special needs.
- 4.8 **Agreed Response** – Action to be taken by the CWT CHSP Program in the event that the Care Recipient does not respond to a scheduled visit.

5. Policy Statement

- 5.1 The response when a Care Recipient does not respond to a scheduled visit will be agreed during the initial contact with CHSP program staff.
- 5.2 If other agencies are providing services to a Care Recipient, and CWT CHSP Program has been advised, they will work with other providers to negotiate the agreed response described in 5.1.
- 5.3 The right of the Care Recipient to refuse an agreed response will be respected.

6. Procedure

- 6.1 The individualised agreed response must be detailed in the Care Recipient's case notes and assessment form.
- 6.2 The CHSP Services Coordinator may request South Australian Police (SAPOL) to conduct a welfare check if they have concern for a Care Recipient who has refused an agreed response.
- 6.3 If there is no response to a scheduled visit and the CWT CHSP Program staff observe someone who appears to be in distress or unresponsive to calls (e.g. door knocking or telephoning), they will exercise their duty of care by alerting emergency services and then contacting the CHSP Services Coordinator.
 - 6.3.1 The CHSP Services Coordinator will contact the emergency contact person, next of kin or advocate as recorded in the Care Recipient's assessment form.
- 6.4 If the Care Recipient has not responded and is not visible to CWT CHSP Program staff, the CWT CHSP Program staff member must telephone the Care Recipient.
 - 6.4.1 If the Care Recipient or carer answers, no further action is to be taken, unless indicated by the nature of the conversation.
 - 6.4.2 If the Care Recipient or carer does not answer the telephone, the CWT CHSP Program staff member must contact the CHSP Services Coordinator to see if the Care Recipient has advised that they will not be at home.
 - 6.4.3 If the Care Recipient or carer has not advised that they will not be home, the CHSP Services Coordinator will implement the agreed response for the Care Recipient.

7.5 Code of Practice - Procedures at Meetings Review

Brief

The *Code of Practice - Procedures at Meetings* has been reviewed to include a minor amendment and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

RECOMMENDATION

The Committee recommends to Council that:

1. It supports the presentation of the draft *Code of Practice - Procedures at Meetings*.
2. The Chief Executive Officer be authorised to make amendments of a formatting and/or minor technical nature to the Code of Practice - Procedures at Meetings.

Introduction

The *Code of Practice - Procedures at Meetings* has been reviewed to include a minor amendment and is presented to the Corporate Planning, Policy and Performance Prescribed General Committee for consideration and recommendation to Council.

Discussion

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) stipulate the statutory procedures to be followed during the operation of Council and Council Committee meetings. In addition to these statutory procedures and in accordance with these Regulations, Council has adopted a *Code of Practice – Procedures at Meetings* (the Code) for its own meetings, including Council Committee meetings, that varies certain of these provisions where they are capable of variation or where the Regulations are silent.

The Code has been reviewed to include a minor amendment to the provisions regarding Petitions (Clause 8.)

Currently, the Code provides that only the first page of a petition will be provided in an Agenda report. When the report on the petition is subsequently considered by Council the entire petition will be attached to the Agenda report. This has resulted in occasions where Council is never presented with the full petition. The amendment seeks to provide clarification on the circumstances where a full version of a petition is required to be presented as part of an Agenda report. Additional provisions have been included and track changes highlight where amendments are proposed.

It is proposed that additional clauses are included to provide:

- When a petition is placed on the Council Agenda but the petition is not to be actioned, no debate on, or in relation to, the petition will take place and the only motion that may be moved is that the petition be noted.
- On receipt of the petition which is to be noted only, the entire petition will be attached to the Agenda report.

In addition, a new provision prohibiting the filming and recording of Council and Committee meetings without the prior permission of the Chief Executive Officer has been included at Clause 29(6).

Conclusion

As this is a statutory code, Council is required to consider and adopt the Code itself rather than through the recommendation of the Corporate Policy, Planning and Performance General Committee. Consequently, the Code will be presented to the 20 March 2018 meeting of Council and will include any feedback from this Committee.

Attachments**1. Draft Code of Practice - Procedures at Meetings**

CITY OF WEST TORRENS



Statutory Code: Code of Practice - Procedures at Meetings

Classification:	Statutory Code
First Issued:	19 April 2005
Dates of Review:	2006, 2007, 2008, 2008, 2011, 2013, 2015, 2017, <u>2018</u>
Commencement	8 December 2015
Version Number:	<u>109</u>
Objective ID:	A7837
Applicable Legislation:	<ul style="list-style-type: none"> Local Government (Procedures at Meetings) Regulations 2013 (SA) Mandatory Code of Conduct for Council Members
Related Policies or Corporate Documents:	<ul style="list-style-type: none"> Elections Period Caretaker Policy Code of Practice - Access to Meetings and Documents
Associated Forms:	
Note:	
Responsible Manager:	General Manager Business and Community Services
Confirmed by General Manager:	Date
Approved by Executive:	Date <u>2 May 2017</u>
Endorsed by Council:	Date <u>16 May 2017</u>

Objective ID A7837

Page 1 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

Table of Contents

INTRODUCTION.....	3
1. Interpretation (Regulation 3)	4
2. Guiding Principles (Regulation 4).....	5
PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES	5
DIVISION 1 - PRELIMINARY	5
3. Application of Part (Regulation 5)	5
4. Discretionary Procedures (Regulation 6)	5
DIVISION 2 PRESCRIBED PROCEDURES	6
5. Commencement of Meetings and Quorums (Regulation 7)	6
6. Minutes (Regulation 8).....	7
7. Questions (Regulation 9)	8
8. Petitions (Regulation 10).....	9
9. Deputations (Regulation 11)	10
10. Motions (Regulation 12).....	11
11. Amendments to Motions (Regulation 13).....	15
12. Variations etc. (Regulation 14).....	16
13. Addresses by Members etc.(Regulation 15).....	16
14. Voting (Regulation 16)	17
15. Divisions (Regulation 17)	17
16. Tabling of Information (Regulation 18).....	18
17. Adjourned Business (Regulation 19).....	18
18. Short-term Suspension of Proceedings (Regulation 20).....	19
19. Chief executive officer may submit report recommending revocation or amendment of council decision (Regulation 21)	19
PART 3 - MEETINGS OF OTHER COMMITTEES	20
20. Application of Part (Regulation 22)	20
21. Notice of Meetings for Members (Regulation 23).....	20
22. Public Notice of Committee Meetings (Regulation 24).....	20
23. Minutes (Regulation 25).....	20
PART 4 - MISCELLANEOUS.....	21
24. Quorum for Committees (Regulation 26)	21
25. Voting at Committee Meetings (Regulation 27).....	21
26. Points of Order (Regulation 28)	21
27. Interruption of Meetings by Members (Regulation 29)	22
28. Interruption of Meetings by Others (Regulation 30)	23
29. Other Matters (City of West Torrens Provision)	23

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

Code of Practice - Procedures at Meetings

INTRODUCTION

The City of West Torrens is committed to the principle of honest, open and accountable government and encourages community participation in the business of Council.

The *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) stipulate the statutory procedures to be undertaken during the operation of Council and Council Committee meetings. Under these Regulations, Council may adopt a Code of Practice for its Council and Council Committee meetings that varies certain of these provisions if they are capable of variation.

Further, Sections 86(8) and 89(1) of the *Local Government Act 1999* (the Act) provides that if a procedure(s) is not prescribed by Regulation, Council or a Council Committee when delegated to do so can determine its own procedure(s) so long as it is not inconsistent with the Act or Regulations.

The variations to prescribed meeting procedures that have been adopted by Council have been inserted (in a shaded text box) in this Code of Practice to enable them to be read in conjunction with the formal requirements of the Regulations.

The combined document is regarded as the City of West Torrens' Code of Practice for Procedures at Meetings (Code of Practice).

Those 'sub-regulations' contained in the Regulations are identified throughout the Code of Practice in accordance with the exact numeric value ascribed to them in the Regulations. City of West Torrens procedures are described as 'clause(s)'.

This Code of Practice provides guidelines for Elected and Independent Members relating to procedures at Council and Council Committee meetings. It is also available to the public to assist their understanding of the procedures associated with the operation of both Council and Council Committee meetings. As recommended by legislation, this Code of Practice is reviewed annually.

The Council may, at any time, by resolution supported by at least 2/3 (two-thirds) of the Members entitled to vote on the resolution, alter or substitute or revoke this Code of Practice.

Objective ID - A7837

Page 3 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

1. Interpretation (Regulation 3)

"Act" means the *Local Government Act 1999*;

"clear days" see sub-regulation (2) and (3);

"deputation" means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

"formal motion" means a motion -

- (a) that the meeting proceed to the next business, or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹ ;

"Guiding Principles" see regulation 4;

"member" means a member of the council or council committee (as the case may be);

"point of order" means a point raised to draw attention to an alleged breach of the Act or these regulations in relation to the proceedings of a meeting;

"presiding member" means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting;

"written notice" includes a notice given in a manner or form determined by the council.

- (1) In the calculation of **"clear days"** in relation to the giving of notice before a meeting -
 - (a) the day on which the notice is given, and the day on which the meeting occurs, will not be taken into account; and
 - (b) Saturdays, Sundays and public holidays will be taken into account.
- (2) For the purposes of the calculation of clear days under subregulation (2), if a notice is given after 5 p.m. on a day, the notice will be taken to have been given on the next day.
- (3) For the purposes of these regulations, a vote on whether *leave of the meeting* is granted may be conducted by a show of hands (but nothing in this sub regulation prevents a division from being called in relation to the vote).

¹ See regulation 12 for specific provisions about formal motions

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

2. Guiding Principles (Regulation 4)

The following principles (the “**Guiding Principles**”) should be applied with respect to the procedures to be observed at a meeting of a council or a 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.

PART 2 - MEETINGS OF COUNCILS AND KEY COMMITTEES

DIVISION 1 - PRELIMINARY

3. Application of Part (Regulation 5)

The provisions of this Part apply to or in relation to -

- (a) the meetings of a council; and
- (b) the meetings of a council committee performing regulatory activities; and
- (c) the meetings of any other council committee if the council has, by resolution, determined that this Part should apply to that committee.

4. Discretionary Procedures (Regulation 6)

- (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 2/3 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 2/3 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.
- (5) A person is entitled to inspect (without charge) the code of practice of a council under this regulation at the principal office of the council during ordinary office hours.
- (6) A person is entitled, on payment of a fee fixed by the council, to a copy of the code of practice.
- (7) Regulation 12(4) does not apply to a motion under subregulation (3).

Objective ID - A7837

Page 5 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (8) This regulation does not limit or derogate from the operation of regulation 20².

DIVISION 2 PRESCRIBED PROCEDURES

5. Commencement of Meetings and Quorums (Regulation 7)

- (1) A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- (2) If the number of apologies received by the chief executive officer indicates that a quorum will not be present at a meeting, the chief executive officer may adjourn the meeting to a specified day and time.
- (3) If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the chief executive officer, will adjourn the meeting to a specified day and time.
- (4) If a meeting is adjourned for want of a quorum, the chief executive officer will record in the minute book the reason for the adjournment, the names of the members present, and the date and time to which the meeting is adjourned.
- (5) If a meeting is adjourned to another day, the chief executive officer must:
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

City of West Torrens Provisions:

- (6) Prior to the commencement of business at a Council or Committee meeting, a senior officer will read the Fire Evacuation Statement.
- (7) Prior to the commencement of business at a Council or Committee meeting the presiding member will draw the attention of members to the Disclosure Statement relating to *Sections 73 and 74 of the Local Government Act 1999* and seek any disclosures by elected members. Any disclosure of interest will be recorded in the Minutes.
- (8) The presiding member may alter the order of business listed in the agenda with the leave of the Council or Committee, e.g. if the majority of the gallery is interested in a particular item.
- (9) When there are people in the public gallery:

² Furthermore, if a matter is not dealt with by the Act or these regulations (including under a code of practice under this regulation), then the relevant procedure will be:

- (a) as determined by the council; or
- (b) in the case of a council committee where a determination has not been made by the council, as determined by the committee.

(See sections 86(8) and 89(1) of the Act.)

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (a) Council staff will determine (when possible) their reason for attending and identify any relevant report(s) on the agenda.
- (b) The relevant information will be provided to the presiding member as soon as is practicable, prior to the beginning of the Council meeting if possible.
- (c) After the item 'Elected Member Reports' in the Council agenda, and prior to the adjournment into Standing Committees, the presiding member will seek the leave of the meeting to bring forward the reports that are of specific interest to persons in the Public Gallery.
- (d) The Council will not adjourn into Committee(s) but instead consider the report and the presiding member will remain in the Chair while the matters are discussed.
- (e) The presiding member will direct a brief statement to the Gallery advising of Council's intention to consider the relevant item(s) and, after the Council has determined a direction, to advise the Gallery of the outcome(s).

6. Minutes (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, at 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.
- (4) The minutes of proceedings of a meeting must include -
 - (a) the names of the members present at the meeting; and
 - (b) in relation to each member present -
 - (i) the time at which the person entered or left the meeting; and
 - (ii) unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any variation, alteration or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

Objective ID - A7837

Page 7 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation.

City of West Torrens Provisions:

- (5) Minutes will be forwarded by either hard or soft copy to Members, as requested, and placed on Council's website and extranet.
- (6) The minutes of Council and Council Committee meetings will not include voting patterns other than divisions.
- (7) With regard to Council Committees, a motion to the effect that the Committee meeting recommendations be adopted, will be sufficient, if carried, to endorse the recommendations of the Council Standing or General Committees as Council resolutions.

7. Questions (Regulation 9)

- (1) A member may ask a question on notice by giving the chief executive officer written notice of the question at least 5 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 sub-regulation (9.1):
 - (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.
- (3) A member may ask a question without notice at a meeting.

City of West Torrens Provisions:

- (3.1) With regard to sub-regulation (9.3) a maximum of two clarification questions may be asked by a member unless the presiding member grants leave for a member to ask more.
- (3.2) A member may ask a question prior to the moving of a motion or during debate on a motion (or an amendment) for clarification purposes only, without losing their right to speak to the motion (or amendment).

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (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.

City of West Torrens Provisions:

- (5.1) With regard to sub-regulation (9.5) a question without notice and the reply will only be entered in the minutes when the members present at the meeting resolve that an entry should be made at the time the question is addressed.

- (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.

8. Petitions (Regulation 10)

- (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;
 - (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 sub-regulation (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) Sub-regulation (2) may be varied at the discretion of the council pursuant to regulation 6.

City of West Torrens Provisions:

- (4) The original of each page of the petition must be presented by the head petitioner to Council's Administration and identify the name and contact details of the head petitioner.
- (5) Each page of the petition presented to the Council must restate the whole of the request or submission of the petitioners.
- (6) The name and address of each person who signed or endorsed the petition must be clear and legible.
- (7) Electronically submitted petitions will be only be accepted if they meet the requirements detailed in regulation (10) and/or clauses 8.4 to 8.6 of this Code of Practice.

Objective ID - A7837

Page 9 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (8) If the petition does not comply with regulation (10) and/or clauses 8.4 to 8.6 of this Code of Practice, the petition will not be accepted or presented to Council for its consideration.
- (9) If a page of a petition does not comply with regulation (10) and/or clauses 8.4 to 8.6 of this Code of Practice, the signatures on that page will not be taken into account by the Council when considering the petition.
- (10) When a petition is placed on the Council Agenda in accordance with regulation (10.2), no debate on or in relation to the petition will take place and the only motion that may be moved is:
 - (a) That the petition be received and referred to a Council Committee or officer for consideration and a report back to Council.
- (11) On receipt of the petition, in accordance with (10.2), a summary of the first page only will be provided to Council as an attachment to an initial report which sets out the request or submission of the petitioners. When the report on the petition is subsequently considered by Council the entire petition will be attached to the Agenda report except any page or pages not complying with sub-regulation (5).
- (12) When a petition is placed on the Council Agenda in accordance with regulation (10.2) but the petition is not to be actioned, no debate on or in relation to the petition will take place and the only motion that may be moved is:
- ~~(b)~~(a) That the petition be noted.
- (13) On receipt of the petition pursuant to clause 10(12), the entire petition will be attached to the Agenda report except any page or pages not complying with sub-regulation (5)

9. Deputations (Regulation 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 sub-regulation (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.

Objective ID - A7837

Page 10 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

City of West Torrens Provisions:

- (8) Deputations will only be heard at a full Council meeting.
- (9) A request for a deputation must be received by 5pm on the Wednesday prior to the Council meeting at which they wish to appear.
- (10) Deputations received after 5pm on the Wednesday prior to the Council meeting will be presented to the Council meeting for it to determine whether to accept the deputation or not.
- (11) If the presiding member declines a request for a deputation then a report, which may be in the form of a late report if the request was received after the agenda has been produced, will be presented to Council indicating that the presiding member has declined the request.
- (12) Any person(s) wishing to appear as a deputation, and claiming to represent an organisation and/or body, must, prior to the Council or Council Committee meeting at which they wish to appear, advise the Chief Executive Officer in writing of the date of formation and/or incorporation of their organisation and/or body, and provide a copy of the constitution and rules of the organisation and/or body, and a list of members.
- (13) If an association, organisation or body is generally known, the requirements of clause (12) above will not be required.
- (14) A deputation, which must not exceed three people, will not exceed 5 minutes in total, not including questions from Members, except with the leave of the presiding member.
- (15) The name(s) of the representor(s) and subject matter will be recorded in the minutes of a Council or Council Committee meeting but the details of the content of the deputation will not be included.

10. Motions (Regulation 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 5 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 sub-regulation (3) is lost, a motion to the same effect cannot be brought:
 - (a) until after the expiration of 12 months; or
 - (b) until after the next general election,
 whichever is the sooner.

City of West Torrens Provisions:

- (5) If a Member, who has given notice of a motion in accordance with sub-regulation (2), is absent from the meeting at which the motion is to be

Objective ID - A7837

Page 11 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

considered, the motion will lapse unless written authority has been provided by the Member for the notice of motion to be presented by another Member.

- (6) When placing a motion with notice in a Council or Council Committee Agenda, the CEO may take the opportunity to provide written comments to assist Council to make informed decisions.
- (7) A member must seek and obtain the leave of the meeting to withdraw a motion with notice given in accordance with regulation 12.
- (8) A member must seek and obtain the leave of the meeting to alter the wording of a motion with notice given in accordance with regulation (12).

- (5) Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.

City of West Torrens Provisions:

- (5.1) If possible, Members are encouraged to provide any motions without notice in writing to the CEO's office by 6pm on the day of the meeting to expedite the minute taking process.
- (5.2) A motion without notice will not, having regard to the Guiding Principles, be accepted for debate at the Council or Council Committee meeting at which it is brought forward unless:
 - (a) the presiding member determines that the matter is one of urgency; or
 - (b) in the opinion of the presiding member, the motion relates to an issue that does not require substantive information in order to make an informed decision on the motion.

- (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.
- (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).

City of West Torrens Provisions:

- (7.1) If a motion without notice is not accepted for debate, in accordance with clause (7) above, it will be deferred until the next Council or Council Committee meeting (as the case may be) when it will be treated as a motion with notice in accordance with regulation (12.1 and 12.2).
- (7.2) If a motion without notice is accepted for debate at a Council meeting, the Mayor will provide the CEO with an opportunity to comment on the proposed motion to assist Council to make an informed decision.
- (7.3) If a motion without notice is accepted for debate at a Council Committee meeting, the presiding member will provide the relevant general manager with an opportunity to comment on the proposed motion to assist the Committee to make an informed decision.

Objective ID - A7837

Page 12 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

-
- (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.

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

City of West Torrens Provisions:

- (9.1) Notwithstanding regulation (12.9), the presiding member may seek a seconder to a motion before allowing the mover of the motion to speak in support of the motion.

- (10) A member may only speak once to a motion except:

- (a) to provide an explanation in regard to a 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.

City of West Torrens Provisions:

- (11.1) Notwithstanding sub-regulation (11), a member who has already spoken to a motion before the presiding member, may move or second an amendment provided that the member is neither the mover nor seconder of the original motion.
- (11.2) Notwithstanding sub-regulation (12.11), a member who has already spoken to a motion or amendment before the presiding member, may move or second a second amendment provided that the member is neither the mover nor seconder of the original motion nor the amendment.
- (11.3) A member who has spoken to a motion may speak to both an amendment and a second amendment, for no more than five minutes respectively, other than the member who have moved or seconded the original motion.

- (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 sub-regulation (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 debate is terminated and the question put to the vote by the presiding member without further debate; or

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (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 the 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 (i.e. a motion to the same effect) cannot be put until at least 1 member has spoken on the question.
- (18) A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- (19) Any question that lies on the table as a result of a successful formal motion under sub-regulation (14)(c) lapses at the next general election. .
- (20) The chief executive officer must report on each question that lapses under subregulation (19) to the council at the first ordinary meeting of the council after the general election.
- (21) Sub-regulations (9), (10) and (11) may be varied at the discretion of the council pursuant to regulation 6.

City of West Torrens Provisions:

- (22) A member wishing to move a motion that is different from that recommended in the agenda is required to make available a written copy of their motion to assist the presiding member in the conduct of the meeting and the accurate recording of the minutes of the meeting.

11. Amendments to Motions (Regulation 13)

- (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.

City of West Torrens Provisions:

- (1.1) Notwithstanding sub-regulation (11.1), a member who has already spoken to a motion before the presiding member, may move or second an amendment provided that the member is neither the mover nor seconder of the original motion.

Objective ID - A7837

Page 15 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (1.2) Notwithstanding sub-regulation (12.11), a member who has already spoken to a motion or amendment before the presiding member, may move or second a second amendment provided that the member is neither the mover nor seconder of the original motion nor the amendment.
- (1.3) A member who has spoken to a motion may speak to an amendment and a second amendment, for no more than five minutes, other than the members who have moved the original motion.

- (2) An amendment will lapse if it is not seconded at the appropriate time.

City of West Torrens Provisions:

- (2.1) A member moving or seconding an amendment will speak to the amendment at the time of moving or seconding the amendment.
- (2.2) Notwithstanding clause (2.1), the presiding member may seek a seconder to an amendment before allowing the mover of the amendment to speak in support of the amendment.
- (2.3) If the amendment is not seconded then the amendment will lapse.
- (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.
- (5) If an amendment is carried, only 1 further amendment may be moved to the original motion.
- (6) Sub-regulations (1), (3), (4) and (5) may be varied at the discretion of the council pursuant to regulation 6.

12. Variations etc. (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.

13. Addresses by Members etc.(Regulation 15)

- (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.

Objective ID - A7837

Page 16 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (5) The contribution of a member must be relevant to the subject matter of the debate.
- (6) Sub-regulations (1) and (2) may be varied at the discretion of the council pursuant to regulation 6.

City of West Torrens Provisions:

- (7) A member or officer at a Council meeting must stand when speaking to a matter being considered at the meeting unless:
 - (a) that person is prevented from doing so by a physical disability; or
 - (b) the presiding member determines otherwise.
- (8) A member or officer at a Council Committee meeting may remain seated when speaking to a matter being considered at a Council Committee meeting.
- (9) If two or more members at a Council meeting rise to speak to a matter at the same time, or two or more members at a Council Committee meeting indicate at the same time they wish to speak to a matter being considered at the meeting, the presiding member will decide which member will be heard first.
- (10) A member must, at all times during a meeting, address and refer to another Member or an officer or employee by the member's, officer's or employee's official title or designation.
- (11) A member speaking at a meeting must not make a personal reflection on, or impute an improper motive to, another member or officer.

14. Voting (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 as 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) Sub-regulation (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 purposes of section 89 of the Act.

15. Divisions (Regulation 17)

- (1) A division will be taken at the request of a member.

Objective ID - A7837

Page 17 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (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 members voting in the affirmative will, until the vote is recorded, stand in their places; and
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats; and
 - (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 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) Sub-regulation (3) may be varied at the discretion of the council pursuant to regulation 6.

16. Tabling of Information (Regulation 18)

- (1) A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- (2) The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

17. Adjourned Business (Regulation 19)

- (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 provision of this regulation may be varied at the discretion of the council pursuant to regulation 6.

City of West Torrens Provisions:

- (5) Council and Council Committee meetings will conclude at or before 10.30pm unless the meeting formally resolves on each specific occasion to continue beyond that time. When a meeting is likely to continue beyond 10.30pm a motion is to be put to the meeting whether to continue or adjourn to another date and time.

NOTE: whenever a meeting is set to conclude before all agenda business has been completed, it must occur by way of a formal motion.

18. Short-term Suspension of Proceedings (Regulation 20)

- (1) If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least 2/3 of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- (2) The Guiding Principles must be taken into account when considering whether to act under sub-regulation (1).
- (3) If a suspension occurs under sub-regulation (1):
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension:
 - (i) the provisions of the Act must continue to be observed³, and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if:
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least 2/3 of the members present at the meeting resolve that the period should be brought to an end.

19. Chief executive officer may submit report recommending revocation or amendment of council decision (Regulation 21)

- (1) The chief executive officer may submit a report to council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- (2) The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is considered.

³ See particularly Part 4 of Chapter 5, and Chapter 6, of the Act.

- (3) The provisions of this regulation may be varied at the discretion of the council pursuant to regulation 6.

PART 3 - MEETINGS OF OTHER COMMITTEES

20. Application of Part (Regulation 22)

The provisions of this Part apply to or in relation to the meetings of any council committee that is not subject to the operation of Part 2.

21. Notice of Meetings for Members (Regulation 23)

Pursuant to section 87(15) of the Act, section 87 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (4) and (7) to (10) of that section provided as follows:

- (a) that notice of a meeting of the committee may be given in a form determined by the committee after taking into account the nature and purpose of the committee; and
- (b) that notice need not be given for each meeting separately; and
- (c) that if ordinary meetings of the committee have a set agenda then notice of such a meeting need not contain, or be accompanied by, the agenda for the meeting; and
- (d) that it is not necessary for the chief executive officer to ensure that each member of the committee at the time that notice of a meeting is given is supplied with a copy of any documents or reports that are to be considered at the meeting.

22. Public Notice of Committee Meetings (Regulation 24)

Pursuant to section 88(7) of the Act, section 88 is modified in its application in relation to the meetings of a committee to which this Part applies as if subsections (2), (3) and (4) provided as follows:

- (a) that public notice need not be given for each meeting separately; and
- (b) that public notice may be given by displaying a notice and agenda in a place or places determined by the chief executive officer after taking into account the nature and purpose of the committee.

23. Minutes (Regulation 25)

- (1) The minutes of the proceedings of a meeting must include:
 - (a) the names of the members present at the meeting; and
 - (b) each motion carried at the meeting; and
 - (c) any disclosure of interest made by a member a; and
 - (d) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
 - (e) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section.

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

City of West Torrens Provisions:

- (1.1) The minutes of the Council proceedings must also include:
- (a) the name and title of each member of the management team present.
 - (b) the name and title of each member of the executive management team who is an apology.
- (1.2) The minutes of Committee meeting proceedings must include:
- (a) the name and title of each member of the management team present.
 - (b) the name and title of each member of the executive management team who is an apology.

- (2.2) The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

PART 4 - MISCELLANEOUS**24. Quorum for Committees (Regulation 26)**

- (1) The **prescribed number** of members of a council committee constitutes a quorum of the committee and no business can be transacted at a meeting unless a quorum is present.
- (2) For the purposes of this regulation, the **prescribed number** of members of a council committee is:
 - (a) unless paragraph (b) applies, a number ascertained by dividing the total number of members of the committee by 2, ignoring any fraction resulting from the division, and adding 1; or
 - (b) a number determined by the Council.

Note:
See also section 41(6) of the Act.

25. Voting at Committee Meetings (Regulation 27)

- (1) Subject to the Act and these regulations, a question arising for decision at a meeting of a council committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- (2) **Each member of a council who is a member of a council committee and who is** present at a meeting of the committee must, subject to a provision of the Act to the contrary, vote on a question arising for decision at that meeting.
- (3) The presiding member of a council committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.

26. Points of Order (Regulation 28)

- (1) The presiding member may call to order a member who is in breach of the Act or these regulations.

Objective ID - A7837

Page 21 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

- (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 sub-regulation (5) is put.
- (7) A resolution under sub-regulation (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.

27. Interruption of Meetings by Members (Regulation 29)

- (1) A member of a council or council committee must not, while at a meeting:
 - (a) behave in an improper or disorderly manner; or
 - (b) cause an interruption or interrupt another member who is speaking.
- (2) Sub-regulation (1)(b) does not apply to a member who is:
 - (a) objecting to words used by a member who is speaking; or
 - (b) calling attention to a point of order; or
 - (c) calling attention to want of a quorum.
- (3) If the presiding member considers that a member may have acted in contravention of subregulation (1), the member must be allowed to make a personal explanation.
- (4) Subject to complying with subregulation (3), the relevant member must leave the meeting while the matter is considered by the meeting.
- (5) If the remaining members resolve that a contravention of sub-regulation (1) has occurred, those members may, by resolution:
 - (a) censure the member; or
 - (b) suspend the member for a part, or for the remainder, of the meeting.
- (6) A member who:
 - (a) refuses to leave a meeting in contravention of sub-regulation (4); or
 - (b) enters a meeting in contravention of a suspension under sub-regulation (5), is guilty of an offence.

Maximum penalty: \$1250.

City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

28. Interruption of Meetings by Others (Regulation 30)

- (1) A member of the public who is present at a meeting of a council or council committee must not:
 - (a) behave in a disorderly manner; or
 - (b) cause an interruption.Maximum penalty: \$500.

City of West Torrens Provisions:

- (2) A member of the public who interrupts the orderly conduct of a meeting must, on being requested to do so by the presiding member, immediately leave the place where the meeting is being held.
- (3) If a person(s) does not leave the place where the meeting is held at the request of the presiding member, a senior officer of Council will contact SAPOL requesting their immediate attendance to remove that person(s).

29. Other Matters (City of West Torrens Provision)

(1) Mayor's Report

- (1.1) The Mayor's report must only contain information relating to the official duties of the Mayor since his/her last report.
- (1.2) The Mayor's report will be included in the agenda, but not the minutes, of a Council meeting and any issues raised by the report can be made the subject of a separate motion.

(2) Elected Members Reports

- (2.1) Each Council meeting will provide the opportunity for elected members to provide written reports for inclusion in the minutes of the meeting on their attendance at meetings and conferences on behalf of, and/or endorsed by, Council. .
- (2.2) Reports should be provided to the CEO's office by midday on the day of the Council meeting to enable them to be collated in readiness for inclusion in the minutes of the meeting
- (2.3) Members may speak to their written reports at the meeting on a 'by exception' basis.
- (2.4) Elected members may provide brief verbal reports or updates on matters not suited to being dealt with as a question or a motion, but only with the prior agreement of the presiding member.

(3) Tabling of Information by Elected Members

- (3.1) Written information tabled by elected members at a Council meeting will be placed in the elected members' bookshelf and not included in the Council minutes.

Objective ID - A7837

Page 23 of 24

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City of West Torrens Statutory Code - Code of Practice - Procedures at Meetings

(3.2) If Elected Members wish for the information to be considered by Council then a motion with or without notice needs to be raised under the relevant section of the agenda for a report to be brought back to the next or subsequent meeting of Council.

(4) Conduct of Members

The prescribed Code of Conduct for Council Members must be adhered to at all meetings.

(5) Nominations

Pursuant to sections 73 and 74 of the Act Elected Members wishing to be nominated to a board or committee, who would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter, or to attend a conference or seminar, must:

- (a) register their interest in nominating with the Chief Executive Officer prior to the commencement of the meeting at which the nominations will be considered.
- (b) inform the meeting at which their nomination is to be presented of the Elected Member's material conflict of interest.
- (c) leave the meeting while the matter is being considered and voted on unless an approval to remain in the room, has been granted by the Minister in accordance with section 74(3) of the Act and the approval has been provided to the Chief Executive Officer.
- (d) At the commencement of the business item to consider nominations, the Chief Executive Officer will advise the Council of the nominations received.

(6) Filming Council and Committee Meetings

Council and Committee meetings may not filmed, or recorded in any manner, without the prior written permission of the Chief Executive Officer.

7.6 Afterhours Parking in the City of West Torrens

Brief

Action taken in response to a Committee decision on after hours parking is provided in this report.

RECOMMENDATION

The Committee recommends to Council that the report be received.

Introduction

At the meeting of Corporate Planning, Policy and Performance Committee on 14 November 2017, Cr Demetriou gave notice of his intention to move the following motion:

That the Administration review the afterhours parking in the City of West Torrens and also in regards to community functions, memorial and church services and report back to Council the findings and recommendations.

The Committee resolved:

That the item be received and referred for further discussions with Cr Demetriou and other stakeholders and a report be brought back to the Corporate Planning, Policy and Performance Committee.

Discussion

Further discussions with Cr Demetriou and other stakeholders took place in an informal gathering on 6 December 2017. From that meeting the CEO committed to:

1. Arrangements be introduced for Council to be notified of special events in order for parking enforcement to be considered;
2. Regulatory Services push toward the issue of more warnings rather than expiating;
3. Information on parking rules at schools be circulated to Elected Members;
4. Signage near schools be reviewed by City Assets.

These matters have been or are being progressed.

Conclusion

Action taken in response to a Committee decision on after hours parking is provided in this report.

Attachments

Nil

7.7 Annual Service Plans 2nd Quarter 2017/18 Progress Update

Brief

This report presents the 2nd quarter review of the 2017/18 Annual Service Plans and progress in the delivery of Council's Community Plan.

RECOMMENDATION(S)

The Committee recommends to Council that:

1. The Annual Service Plans 2nd Quarter Progress Report 2017/18 be received,
2. The completion dates for the nominated actions from the Strategy & Business and Information Services 2017/18 Service Plans be revised as detailed in the report, and
3. The nominated action from the Strategy & Business 2017/18 Service Plan to '*review and update Council's Open Space and Public Places Plan*' be deferred to the 2018/19 Service Plan.

Introduction

The *Annual Service Plans 2nd Quarter Progress Report 2017/18 (Attachment 1)* provide an update on the delivery of the actions that implement the *Community Plan Aspirations* as outlined in Figure 1.

Figure 1 Community Plan Aspirations




Below is an explanation of the reporting format:


Pie Charts

The pie charts graphically illustrate how Council as a whole, and each individual department, is progressing with the delivery of Annual Service Plan actions.

Action Status

The status of the actions presented in the Quarterly Report may be listed as monitor or off-track. Please note, on-track and completed actions are not presented in the Report.

Monitor means the action has not progressed to where the relevant department manager was expecting, but it is within 70-90% of the quarterly target. When the status of an action is monitor, the attached quarterly report shows a yellow traffic light () in the right hand column.

Off-track means the action has not progressed to where the relevant department manager was expecting and is less than 70% of the quarterly target. When the status of an action is off-track, the attached quarterly report shows a red traffic light () in the right hand column.

An explanation of why a particular action has off-track or monitor status is contained below and within the *Annual Service Plans 2nd Quarter Progress Report*.

Discussion

The performance of the organisation, as a whole, is as follows:

- 88.6% On-track/Completed,
- 6.0% Monitor; and
- 5.4% Off-track.

Note that figures may be greater or less than 100% due to rounding effects.

In the second quarter six (6) actions were completed, some ahead of schedule. These related to:

1. Implement, review and update the online grants management system;
2. Activate the Plympton Community Centre for hire;
3. Draft and adopt the Annual Report;
4. Produce the End of Year statutory accounts and ensure a seamless transition via the external audit, Council and Audit Committee processes;
5. Help expand the use of Conquest for asset management; and
6. Streamline the process for handling Elected Member requests for service.

Nine (9) actions have been reported as 'off track', which represents 5.4% of the total number of actions. These relate to:

1. Undertake environmental sustainability monitoring and reporting, including Council's Carbon Footprint and Annual Water Consumption Reports;
2. Review and update the City of West Torrens Open Spaces and Public Places Plan;
3. Coordinate preparation of a City of West Torrens Economic Development Strategy;
4. Undertake the Community Needs Analysis;
5. Convert the Council's website to be 'responsive design';
6. Employee Performance Development Programs (Financial Services department);

7. Employee Performance Development Programs (People and Culture department);
8. Develop a laneways strategy; and
9. Undertake Disability Discrimination Act (DDA) works and fire compliance upgrades at Reedbeds Community Centre.

As a result of a number of position vacancies in the Strategy team, the following projects have not been progressed and are hence off-track;

- Carbon Footprint report, Water Management Action Plan and associated monitoring and reporting;
- Review and update of Council's Opens Spaces and Public Places Plan; and
- Preparation of Council's Economic Development Strategy;

It is anticipated that the projects will be able to be progressed again, once the various vacancies in the Strategy team are filled.

Following a review of the best strategy to deliver the Community Needs Analysis project, in the context of the above-mentioned Strategy team position vacancies, it was decided to outsource the project to a consultant. The project brief has been developed to enable procurement of services, however the project will not commence until the last quarter.

The project to convert Council's website to be 'responsive design', although in progress, is off track due to the emergence of potentially more suitable technology. The IT department continues to investigate new functionality offered by the web content management system provider.

The employee Performance Development Programs for the Financial Services and People and Culture departments are currently behind schedule due to recent employee departures and transition to a new manager. It is anticipated however that these will be back on track by the third quarter.

Development of a laneways strategy has been progressed, however as Council's policy for attainment of land for road purposes needs to be aligned with the Planning and Design Code and Design Standards, which are yet to be released by State Government, this project is now off track.

Progression of Disability Discrimination Act (DDA) works and fire compliance upgrades at the Reedbeds Community Centre (Centre) has been delayed due to Council further investigating options to ensure that the upgrade results in optimal functionality for key high-dependency users of the facility.

Ten (10) actions have been reported as needing to be 'monitored'. This represents 6.0% per cent of the total number of actions and are as follows:

1. Undertake land use planning and research to guide the development of spatial planning and land use policy that responds to local context and meets the priorities of the PDI Act;
2. Develop a delegations management system;
3. Assist the customer service improvements via Pathway and the new Contact Centre business system;
4. Replace end-of-life IT assets including desktop and tablet computers, multi-function devices and ICT infrastructure equipment;
5. Replace the use of network drives with Objective ECM functionality;
6. Complete the Stormwater Catchment Management Plan;
7. Provide and maintain development assessment services;
8. Continuously improve development assessment processes;

9. Coordinate the transition of the City Operations department from the Marion Rd location to the Morphet Rd location; and
10. Corporate Records Management (City Operations).

Due to various factors including key staff vacancies/time constraints of staff, implementation of new systems/measures, and awaiting external funding, the above actions are now slightly off track. Many of these actions are anticipated to be back on track in the next quarter and/or once vacancies are filled.

Requests for approval to change timeframes

Due to the factors listed above, six (6) projects have been unable to meet their scheduled completion dates. It is therefore proposed that the completion dates be revised for these actions as below:

- Undertake the Community Needs Analysis - revise completion date from 31/12/2017 to 30/06/2018;
- Develop a delegations management system - revise completion date from 31/12/2017 to 31/03/2018;
- Assist the customer service improvements via Pathway and the new Contact Centre business system - revise completion date from 31/11/2017 to 30/06/2018;
- Replace end-of-life IT assets - revise completion date from 31/12/2017 to 31/03/2018;
- Replace the use of network drives with Objective ECM functionality - revise completion date from 31/12/2017 to 30/06/2018; and
- Convert the Council's website to be 'responsive design' - revise completion date from 30/11/2017 to 30/06/2018.

Approval is also requested to defer the action '*Review and update Council's Open Spaces and Public Places Plan*' from the Strategy & Business 2017/18 Service Plan to the 2018/19 Service Plan.

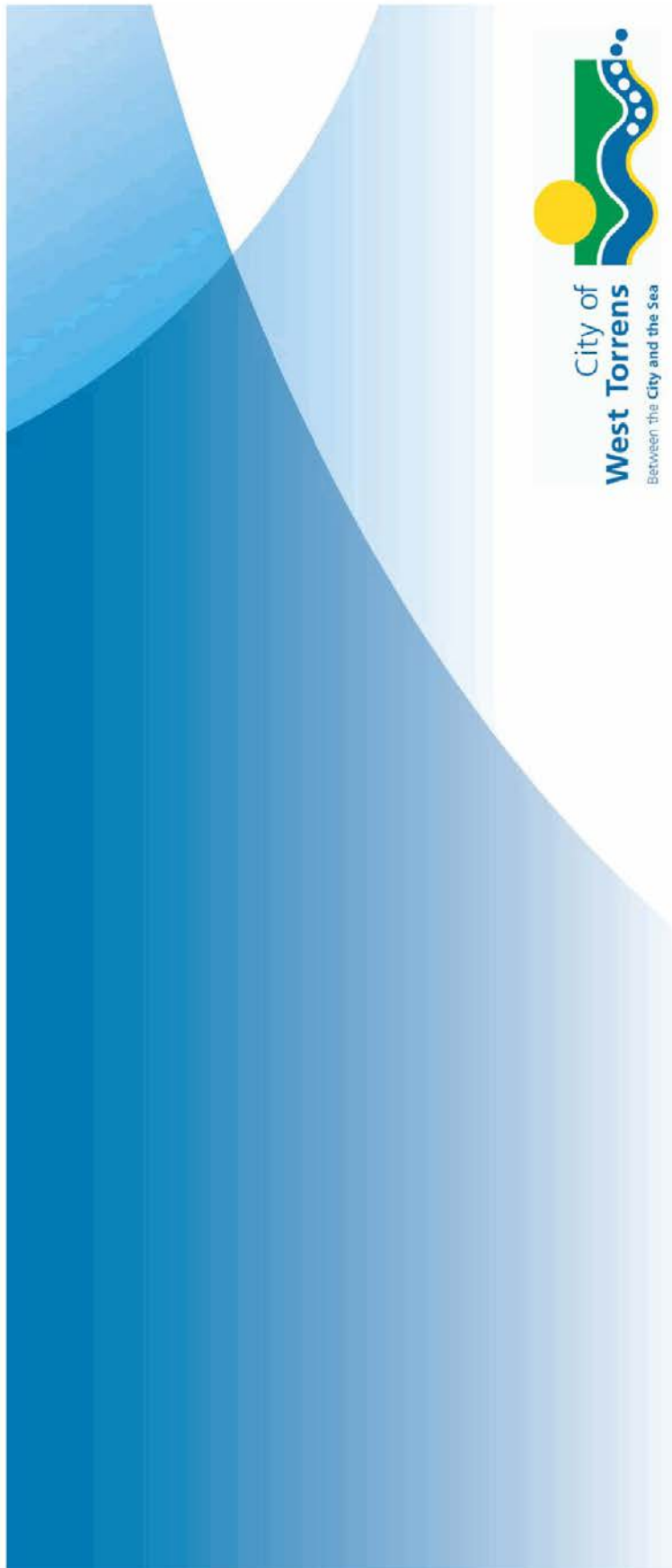
Conclusion

The Annual Service Plans 2nd Quarter Progress Report 2017/18 outlines Council's progress in implementing its Community Plan.

Nine actions have been reported as off track and ten actions have been reported as requiring monitoring, with consequent proposals to revise the completion dates for six actions and defer one action to the 2018/19 financial year.

Attachments

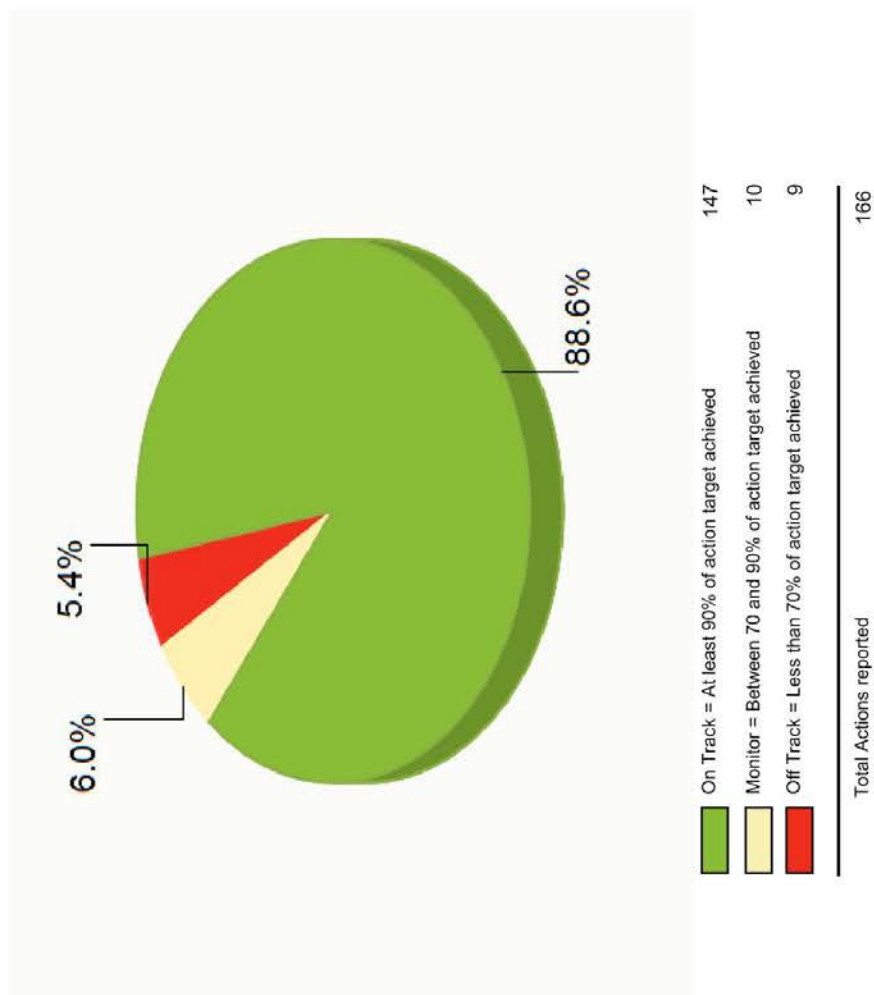
1. **Annual Service Plans 2nd Quarter Progress Report 2017/18**



Annual Service Plans 2nd Quarter Progress Report 2017/18

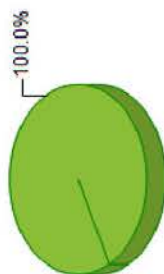
October - December 2017

City of West Torrens

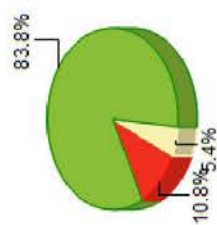


Business and Community Services Division

Community Services

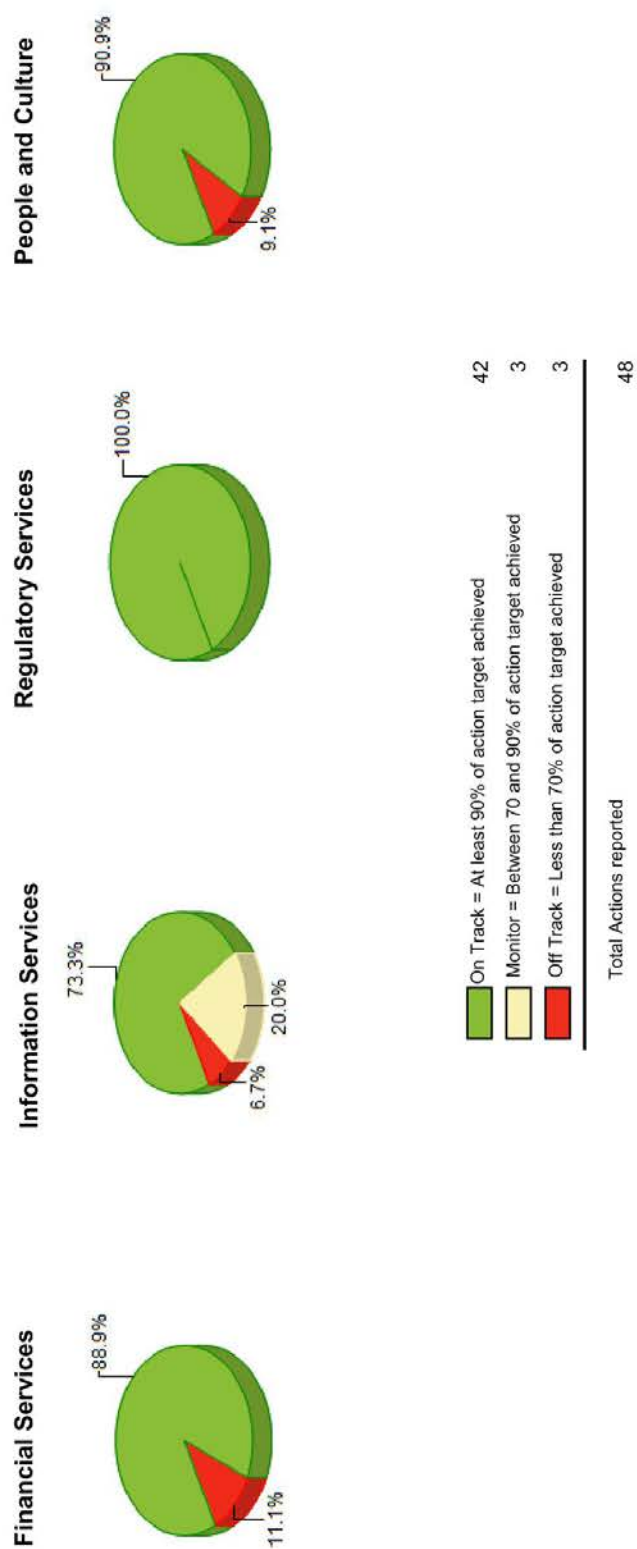


Strategy and Business



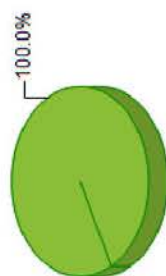
On Track = At least 90% of action target achieved	43
Monitor = Between 70 and 90% of action target achieved	2
Off Track = Less than 70% of action target achieved	4
Total Actions reported	49

Corporate and Regulatory Services Division



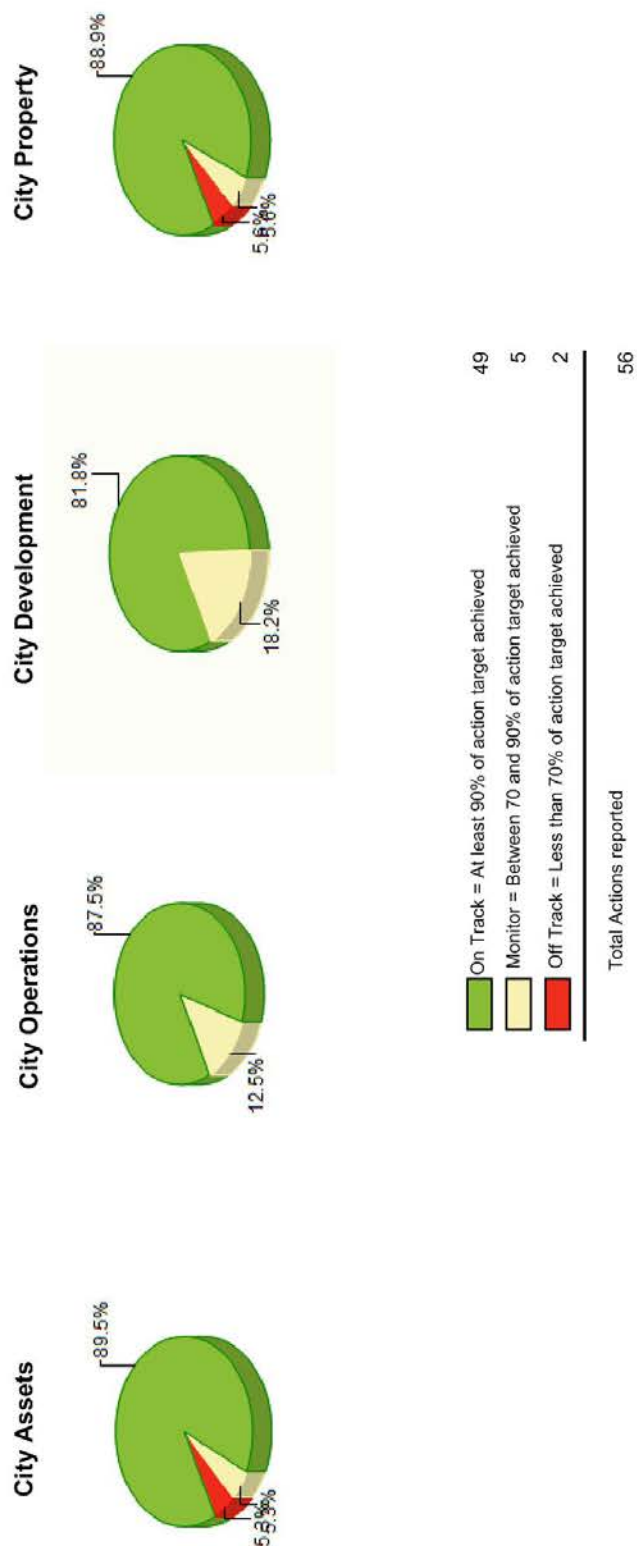
Office of the Mayor and CEO

Office of the Mayor and CEO



On Track = At least 90% of action target achieved	13
Monitor = Between 70 and 90% of action target achieved	-
Off Track = Less than 70% of action target achieved	-
Total Actions reported	13

Urban Services Division




ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Business and Community Services Division

Aspiration: 4 Reduction of our Ecological Footprint

Long Term Strategy: 4.3 Prepare for and respond to the challenges of a changing climate.

Short Term Strategy: 4.3.3 Work collaboratively with our partners, community and businesses to plan for, and adapt to, the impacts of a changing climate.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
4.3.3.3 Undertake environmental sustainability monitoring and reporting, including Council's Carbon Footprint and Annual Water Consumption Reports.	In Progress	15%	50%	30/06/2018	Due to the vacancy of the Environment Sustainability Officer position, the Strategy team are currently under-resourced in this area. As a result, the Carbon Footprint Report, Water Management Action Plan and associated monitoring and reporting are off track.	Environment Sustainability Officer	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 6 A Well-Designed Built Environment

Long Term Strategy: 6.2 Facilitate retail, commercial and industrial activity that is compatible with neighbouring land uses.


Short Term Strategy: 6.2.2 Enable a range of developments by providing and advocating for quality infrastructure an appropriately zoned land.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
6.2.2.1 Undertake land use planning and research to guide the development of spatial planning and land use policy that responds to local context and meets the priorities of the PDI Act.	In Progress	50%	60%	30/06/2018	<p>The relevant consultant has completed a draft of the Employment Lands Analysis project. The relevant consultant has submitted a draft of the Open Space for Higher Density Structure Plan.</p> <p>The Heritage section 29 amendment to the Development Plan is finalised and awaiting consolidation.</p> <p>Policy and advocacy research on planning for Airport noise has progressed, both internally and through partnership with the Adelaide Airport Consultative Committee Planners Forum.</p> <p>A full administrative review of City of West Torrens Development Plan has been completed to fulfil the requirements of the collaborative work program and feed into the conversion to the Planning and Design Code.</p> <p>The Glandore Character Preservation Policy DPA Statement of Intent to undertake a development plan amendment has been lodged with the Minister.</p> <p>This action is however slightly off track due to the internal secondment of the PDI Project Lead to another position. It is anticipated that the project will be back on track once recruitment for vacant positions within the Strategy team is completed.</p>	Team Leader Strategy	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 7 An Appealing and Valued Open Space Network

Long Term Strategy: 7.1 Develop a network of open spaces across the City, based on a balance of environmental, social and economic factors.
 Short Term Strategy: 7.1.1 Identify opportunities to enhance equitable access to open space to achieve active, vibrant and connected communities.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
7.1.1.1 Review and update the City of West Torrens Open Spaces and Public Places Plan.	In Progress	10%	25%	30/06/2018	<p>The project proposal for the Open Space and Public Places Plan Review project has been prepared. This includes an overview of the project, scope of work and key tasks.</p> <p>It is noted that actions aimed at greening and cooling the City (including open spaces) are currently being developed, which will provide useful input into the next Open Space Plan.</p> <p>Due to lack of resources in the Strategy team associated with staff changes, and to incorporate findings of the upcoming "Open Space Structure Planning for Higher Density" (draft Dec 2017), it is requested that this action be deferred to the 2018/19 Strategy and Business Annual Service Plan.</p> <p>There are no budget implications as there was no budget allocated in 2017/18 for this project. A budget bid has been submitted for this project for 2018/19 financial year.</p>	Environment Sustainability Planner	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 9 A Thriving Business Environment

Long Term Strategy: 9.1 Encourage economic growth and productivity.


Short Term Strategy: 9.1.1 Develop partnership arrangements and networking opportunities with economic development agencies and key business sectors in the City.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
9.1.1.1 Coordinate preparation of a City of West Torrens Economic Development Strategy.	In Progress	5%	25%	30/06/2018	Resourcing constraints, staff turnover, shifting organisational priorities and a focus on more regionalised economic development activities have inhibited the progress of this project.	Team Leader Strategy	

Aspiration: 12 Proactive Asset Management

Long Term Strategy: 12.1 Ensure assets are utilised and maintained at their optimum.

Short Term Strategy: 12.1.1 Plan, develop and manage Council's assets with consideration to community and business needs and economic, social and environmental values.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
12.1.1.11 Undertake the Community Needs Analysis.	In Progress	10%	100%	31/12/2017	Following a review of the best strategy for delivery of this project, in the context of staff resourcing constraints, it was decided to outsource the project to a consultant. A project brief was developed to enable procurement of services, with the project scheduled to commence in the last quarter. It is therefore requested that the completion date for this action be extended to the 30 June 2018, with the intent to carry-over and finalise the project in 2018/19 financial year.	Community Planner	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 14 Leading governance and technology.

Long Term Strategy: 14.1 Adopt leading governance and information technology systems and practices.

Short Term Strategy: 14.1.7 Promote innovation and continuous improvement of Council's operations and activities, while strengthening relationships between Council departments.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
14.1.7.16 Develop a delegations management system which will provide accurate and timely information to ensure all required delegations are in place.	In Progress	75%	100%	31/12/2017	Completion of this action is slightly off track due to some delays in the implementation of the new delegations system. It is anticipated that this action will be completed in the third quarter. It is therefore requested that the completion date for this action be extended to 31 March 2018.	Senior Corporate Governance Officer	 YELLOW



ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Corporate and Regulatory Services Division



Aspiration 14 Leading governance and technology

Long Term Strategy 14.1 Adopt leading governance and information technology systems and practices.



Short Term Strategy 14.1.5 Advocate and support information technology initiatives that optimise the delivery of services to the community.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
14.1.5.3 Assist the customer service improvements via Pathway and the new Contact Centre business system.	In Progress	85%	100%	30/11/2017	The Lean Customer Service and City Works Mobility projects have been provided technology and business process solutions as required. However, further progression of this project is dependent on time constraints of the relevant departments. It is therefore requested that the completion date for this action be extended to 30 June 2018.	Manager Information Services	
14.1.5.7 Replace end of life IT assets including desktop and tablet computers, Multi-Function Devices and ICT infrastructure equipment.	In Progress	85%	100%	30/12/2017	The delivery of equipment was impacted by miscommunication between the supplier and manufacturer. The delivery was changed from ship to air at no cost to us. All PC, monitor and laptop equipment has now been provided and installed. The Multi-Function Device for the new Depot will be procured when more staff move into the office, which is anticipated to be around March 2018. It is therefore requested that the completion date for this action be extended to 31 March 2018.	Manager Information Services	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
14.1.5.8 Replace the use of network drives with Objective ECM functionality where the Executive approve to do so.	In Progress	70%	100%	31/12/2017	The senior Information Management personnel have assisted in the tailoring of the Objective ECM classification to business requirements and moving network drive information off network files and into Objective ECM. However, further progression of this project is dependent on time constraints of the relevant departments. It is therefore requested that the completion date for this action be extended to 30 June 2018.	Manager Information Services	
14.1.5.10 Convert the Council's website to be "responsive design", that is, adjust to the size of the device being used.	In Progress	47%	100%	30/11/2017	This project is off track due the emergence of potentially more suitable technology. It is therefore requested that the completion date for this action be extended to 30 June 2018.	Manager Information Services	

Short Term Strategy: 14.1.6 Cultivate a workforce culture where people feel safe, valued and encouraged to reach their full potential.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
14.1.6.11 Corporate - Performance Development Program: A performance development program or plan has been developed and actioned for all employees within the department/team.	Not Started	0%	50%	30/06/2018	PDPs have not been completed as yet, due to staff resources. It is anticipated these will be completed in the third quarter.	Manager Financial Services	
14.1.6.13 Corporate - Performance Development Program: A performance development program or plan has been developed and actioned for all employees within the department/team	Not Started	0%	50%	30/06/2018	Due to the People and Culture department being in a period of transition with the appointment of a new manager, completion of the Performance Development Plans has been delayed. It is anticipated that the PDPs will be back on track in the next quarter.	Manager People and Culture	


ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Urban Services Division

Aspiration: 4 Reduction of our Ecological Footprint

Long Term Strategy: 4.2 Progress towards a water-sensitive city.

Short Term Strategy: 4.2.1 Implement water-sensitive urban design, incorporating stormwater management plans, which takes an integrated urban water cycle approach.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
4.2.1.1 Complete the Stormwater Catchment Management Plan.	In Progress	35%	50%	30/06/2018	Grant funding from the NRM Board has been confirmed and Stage 1 of the project is progressing. Initial discussions occurred with the Stormwater Management Authority (SMA), however progression of the project has been slightly delayed pending confirmation from the Authority on funding opportunities.	Coordinator Engineering Services	 YELLOW

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 6 A Well-Designed Built Environment

Long Term Strategy: 6.1 Facilitate development that meets the needs of the community.

Short Term Strategy: 6.1.1 Support a range of housing types and densities across the City, while conserving areas of character and heritage value.


ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
6.1.1.1 Provide and maintain development assessment services in accordance with the requirement of the Development Act 1993 and Development Regulations 2008.	In Progress	40%	50%	30/06/2018	<p>Executive and Administrative support is provided to the Council Assessment Panel. Residential, industrial & commercial development proposals are being assessed in accordance with the Development Act, Development Plan & National Construction Code (Building Code of Australia).</p> <p>As a result of a number of vacancies within the City Development department, including the recent resignation of the manager, the number of active development assessment applications awaiting assessment has increased this quarter.</p> <p>A number of positions in the department are currently expected to be filled by January 2018. In the meantime temporary contract staff have been engaged.</p>	Manager City Development	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 8 Accessible and Reliable Transport Options

Long Term Strategy: 8.1 Facilitate the healthy, safe and effective movement of people through the City.

Short Term Strategy: 8.1.1 Review and implement improved traffic management approaches to address traffic flows, speeds and local traffic issues.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
8.1.1.5 Develop a laneways strategy to guide the typical cross sections, space and infrastructure requirements for laneways across the City.	In Progress	20%	50%	30/06/2018	<p>The typical cross-sections design has been developed.</p> <p>Council's policy for attaining land for road purposes needs to be aligned with the Planning and Design Code and Design Standards, which are yet to be released by the State Government as part of the PDI Act. Consequently, the project the project is off track.</p>	Traffic Engineer	

ACTIONS WITH OFF-TRACK OR MONITOR STATUS


Aspiration: 12 Proactive Asset Management

Long Term Strategy: 12.1 Ensure assets are utilised and maintained at their optimum.

Short Term Strategy: 12.1.1 Plan, develop and manage Council's assets with consideration to community and business needs and economic, social and environmental values.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
12.1.1.4 Undertake Disability Discrimination Act (DDA) works and fire compliance upgrades at Reedbeds Community Centre.	In Progress	10%	50%	30/06/2018	This project is currently off track, as further investigation of options is required to ensure that the upgrade results in optimal functionality for key high-dependency users of the facility.	Manager City Property	


ACTIONS WITH OFF-TRACK OR MONITOR STATUS

12.1.1.13 Coordinate the transition of the City Operations department from the Marion Rd location to the Morphett Rd location, including management of the new property.	In Progress	25%	30%	30/06/2018	A number of tasks have been undertaken to date in preparation of the transition from Marion Road to the new Morphett Road location. Installation and commissioning of the dedicated optic fibre network cable for ICT and telephony for the connection from the Civic Centre to the site was completed at the end of November 2017.	Manager City Property	
					<p>Compliance testing and maintenance has commenced in all areas of the site, including fire compliance, lift servicing, air-conditioning and building maintenance. Additional repairs were required on some of the building elements for occupancy of the building.</p> <p>This action is however slightly off track due to the required implementation of WHS measures. It is anticipated that the action will be back on track in the third quarter.</p> <p>A delivery framework is being implemented and provides for a structured approach to the move using different staff reference groups for the implementation, delivery and relocation of the staff to the new depot.</p> <p>Monthly updates are provided to Council via the Urban Services Prescribed Standing Committee.</p>		


ACTIONS WITH OFF-TRACK OR MONITOR STATUS

Aspiration: 14 Leading governance and technology.

Long Term Strategy: 14.1 Adopt leading governance and information technology systems and practices.
Short Term Strategy: 14.1.2 Ensure that Council decisions and activities are transparent and accountable.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
14.1.2.13 Corporate - Records Management: Maintain official records in the approved business application so they can be managed and maintained based on business requirements.	In Progress	40%	50%	30/06/2018	This action is slightly off track due the requirement for additional training of Work Group Leaders and Coordinators in the use of Objective. Commencement of training has been implemented and it is anticipated this action will be on track in the next quarter.	Manager City Operations	

Short Term Strategy: 14.1.7 Promote innovation and continuous improvement of Council's operations and activities, while strengthening relationships between Council departments.

ACTION	STATUS	% COMP.	TARGET	COMP. DATE	EXEC. COMMENTS	RESP. OFFICER	PROGRESS INDICATOR
14.1.7.2 Continuously improve development assessment processes, including the review of Standard Operating Procedures and the provision of EPA information with development approvals.	In Progress	40%	50%	30/06/2018	Major project of review of the development assessment process in association with preparation for the Planning Development & Infrastructure Act 2016 is currently on hold pending recruitment of current vacancies and clearance of existing Development Application backlogs. Minor improvements to operating procedures occur almost daily. A link to the EPA handbook goes out with every development approval notification form.	Manager City Development	

7.8 Progress on Implementing Council Decisions

Brief

This report provides an update on completed and outstanding Council and Committee resolution actions.

RECOMMENDATION(S)

The Committee recommends to Council that the report be received.

Introduction

At the meeting of the former Policy, Planning and Performance Committee on 23 August 2011 a request was made for a report to be provided at each meeting of the Committee of outstanding actions relating to resolutions of Council and Committees.

Furthermore, at the 29 August 2016 meeting of the Committee, the Chief Executive Officer agreed to incorporate completed actions into the attached 'Progress on Implementing Council Decisions Report'. Actions that have been completed since the preceding meeting of the Committee will be included on the report.

Discussion

A copy of the completed actions since 14 November 2017, and outstanding resolution actions to 20 February 2018 is provided for Members' information (**Attachment 1**). Updates/comments are to 6 March 2018.

Conclusion

The Progress on Implementing Council Decisions Report provides an update on completed and outstanding Council and Committee resolution actions for Members' information.

Attachments

1. Meeting Action Report

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
1	20/02/2018	Council	15.3 Category 1 and 2 Developments	Demetriou / Haese that the Mayor write to Chairman of the Planning Commission, Tim Anderson QC, to take into consideration Council's request for reviewing categorisation and notification to our residents of development assessments in our City.	Terry Buss	Draft letter being reviewed	In progress
2	20/02/2018	Council	15.1 Urban Tree Fund	Woodward / O'Rielley that under Section 50B of the Development Act (1993) West Torrens Council seek approval from the Minister for Planning to establish an Urban Tree Fund to maintain or plant trees, or to purchase land with the purpose to sustain and increase the level of tree cover in West Torrens. The Urban Tree Fund would also provide support for private land owners to maintain significant trees. The income for the fund to include contributions from Development Approvals for replacement trees and other sources that Council deems appropriate.	Pauline Koritsa	Draft letter to the Minister developed, waiting on CEO review.	In progress
3	06/02/2018	Urban Services Prescribed Standing Committee	10.1 Rex Jones Reserve - Request to Install Barrier Fence	Farnden / Haese that: 1. The administration install a barrier fence/screen on the northern border of Rex Jones reserve, considering the petition of 54 residents that was received by Council, showing 85% of cars are travelling at a speed of over 50km/h. 2. Funding for the barrier fence/screen be referred to the next budget review.	Angelo Catinari	19/02/2018 - Currently seeking a quote for the works. Funds to be included in next budget review.	In progress
4	06/02/2018	Urban Services Prescribed Standing Committee	11.2 2017/2018 State Black Spot Program - T-junction of Morphett Road and Stonehouse Avenue, Camden Park	Demetriou / Hill that: 1. The funding arrangement for installation of a roundabout at the junction of Stonehouse Avenue and Morphett Road, Camden Park be agreed to and that the Mayor and the Chief Executive Officer be authorised to sign and seal the funding deed to secure this funding. 2. Council's contribution of \$146,666 (GST inclusive) be included in the December 2017 Budget Review.	Angelo Catinari	12/02/2018 - Funding Deed signed and sealed by Council. 14/02/2018 - Funding Deed forwarded to DPTI for execution.	In progress
5	06/02/2018	Council	15.2 Waste Bin System Concept for Disposable Coffee Cups	McKay / Demetriou that the Waste Working Party Group research a unique waste bin system concept to exclusively receive paper disposable coffee cups and so called compostable coffee cups and other paper liquid holding cups to be placed in high use areas such as cafés, strips and shopping centres. And research the options to have the collected disposable cups transported to a recycling facility in Ballarat that has a successful method of recycling the cups and salvaging the long fibre paper content for recycling.	Bill Ross	Under consideration by the waste WP.	In progress
6	06/02/2018	Council	15.3 Coffee Cup Incentives for Coffee Shop/Café	McKay / Mangos that the waste working party in conjunction with the administration report on the feasibility of the once off \$500.00 incentive to any Coffee Shop / Café; that provides a minimum discount of \$0.50c per cup if they implement "Bring Your Own Cup" and sign up to the Australia Wide Web Site "Responsible Cafes"; and display a poster declaring the offer. The \$500.00 incentive payment is paid at the 12 month anniversary of implementation.	Bill Ross	Under consideration by the Waste WP.	In progress
7	06/02/2018	Council	16.1 Recyclable Cups	Mangos / Palmer that Council consider the procurement of 1,000 recyclable cups with Council's logo placed upon them, with the cups to be given to 'coffee shops', and in turn customers, in order to reduce waste to landfill and promote recycling. Referral to the Waste Working Party to occur.	Bill Ross	Under consideration by the Waste WP.	In progress
8	16/01/2018	Urban Services Prescribed Standing Committee	10.1 Installation of a temporary gate at Lockleys Oval	Haese / Palmer that Council consider, in consultation with local stakeholders, the installation of a temporary gate at the current northern entrance of Lockleys Oval which is to be locked overnight.	Angelo Catinari	19/02/2018 - Temporary gate installed as of 19/02/2018. Arrangements still to be made with the lessees regarding opening and closing of the gate.	In progress
9	16/01/2018	Urban Services Prescribed Standing Committee	11.2 Allchurch Avenue, North Plympton - Traffic Assessment	Mangos / Demetriou that: 1. Based on the traffic assessment with current traffic data, installation of traffic control devices, such as slow points on Allchurch Avenue are not warranted at this time. However, as a road safety initiative, Council will install children crossing signs on Allchurch Avenue adjacent to Rex Jones Reserve. 2. The head petitioner be advised of Council's resolution accordingly.	Angelo Catinari	01/03/2018 - Children crossing signs scheduled to be installed in March 2018.	In progress
10	16/01/2018	Urban Services Prescribed Standing Committee	11.4 Review of Parking Arrangements in Mallen Street and Burt Avenue Hilton	O'Rielley / Vlahos that the item be deferred to enable consultation with the affected residents.	Angelo Catinari	05/03/2018 - Letter to residents being drafted for distribution in week ending 09/03/2018.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
11	12/12/2017	Council	15.3 Increasing Green Space in City of West Torrens	Woodward / Farnden that Council, with an objective to increase green space within its urban environment: 1. Undertake an audit, including use and review of existing plans, of all parks and green spaces within the City as part of the 2018/19 budget and annual business plan; 2. Use audit data to assess what investment and targets will be required during the next 10 years to sustain, improve and increase green space and reduce urban heat intensity; 3. Use audit data to prioritise parks and green space for allocation of future funds; 4. Collaborate with the inner-rim councils of Adelaide to lobby the State Government for better access to open space contribution funds given the inner-rim councils are more adversely affected by the loss of green space due to urban infill development; 5. Collaborate with the inner-rim councils of Adelaide to lobby the State Government for a contribution from property developers to directly contribute financially to Councils to offset the loss of green infrastructure resulting from urban infill development; 6. Identify various options where increased financial contribution from State Government and Developers to Councils can be used to increase green space, including options to acquire new green space and to incentivise residential and commercial ratepayers to increase green space. 7. Identify areas owned by State Government and Commonwealth government in the City of West Torrens, where increased green space is achievable, and actively lobby for the achievable increase. 8. Explore options where more green space and reduced heat intensity can be provided as part of the design principles for urban infill development.	Pauline Koritsa	Action required indicates that action is to be undertaken 'as part of the 2018/19 budget and annual business plan'. While the bulk of this work will be carried out next financial year some progress is being made prior to the end of financial year, and as a result of subsequent Council resolutions that further the objects of this 9-point plan. An interdepartmental forum on a collective approach to acquiring open space has been scheduled for 7/03/18 to draw on knowledge from across the Council. Furthermore the next Inner Metro Planners meeting is scheduled for 8/03/18 and relevant issues will be canvassed with other inner metropolitan Councils at that forum.	In progress
12	12/12/2017	Urban Services Prescribed Standing Committee	11.4 Update - Weaver Avenue Road Closure Process	Vlahos / O'Rielly that: 1. Council commence the process to declare those segments of road identified in Attachment 1 to this report (i.e. Allotments 92, 93 and 95 within Deposited Plan 2633) as open/public roads. 2. A further update report be provided to the Council following the public consultation process. 3. The Mayor and/or Chief Executive Officer be authorised to sign and/or seal any documentation in regard to this matter.	Angelo Catinari	23/02/18 - The consultants engaged to assist with/facilitate the process have provided the preliminary plan which will now allow the proposed opening to be advertised in the Gazette and local paper. The public notice will be lodged for publication in March.	In progress
13	12/12/2017	Finance and Regulatory Prescribed Standing Committee	11.2 Household Hazardous Waste Facility	Mangos / McKay that: 1. The establishment of a household hazardous waste collection facility at the North Plympton Waste Transfer Station be endorsed in principle. 2. The Chief Executive Officer be authorised to progress the initiative in conjunction with Green Industries SA and Solo Resource Recovery.	Bill Ross	The agreement with Greening Industries SA, Solo Resource Recovery and City of West Torrens was signed in December. Official launch of the project which will be has been undertaken by the Minister. Greening Industries currently calling for design concepts for the 3 sites selected..	In progress
14	12/12/2017	Finance and Regulatory Prescribed Standing Committee	11.4 Warnings Issued by Parking Inspectors	Woodward / Farnden that: 1. The report be received; and 2. The Administration provide a quarterly update on the number of waived fines and warnings issued by category.	Bill Ross	A report will be present quarterly in the Regulatory Services Activity Report - next in April Council Meeting	In progress
15	12/12/2017	Strategy and Community Prescribed Standing Committee	11.2 Aircraft Noise Policy Position	Mayor Trainer / Woodward that: 1. The item be deferred. 2. As City of West Torrens residents are particularly affected by this aircraft noise policy position, Council writes to the Minister to advise that Council intends to undertake essential consultation with affected residents and request that no decisions be made with regard to the Aircraft Noise land use planning policy until such time as Council has completed that consultation and determined its position with regard to the management of aircraft noise.	Pauline Koritsa	Letter advising Council's intention to undertake consultation on Aircraft noise has been sent to the Minister- and a response has been received. Councillors have been sent details of a proposed approach to the 'essential consultation'- for their comment and approval.	In progress
16	14/11/2017	Corporate Planning Policy and Performance Prescribed Committee	9.1 Afterhours Parking in the City of West Torrens	McKay / Palmer that the item be received and referred for further discussions with Cr Demetriou and other stakeholders and a report be brought back to the Corporate Planning, Policy and Performance Committee. MOTION That the Administration review the afterhours parking in the City of West Torrens and also in regards to community functions, memorial and church services and report back to Council the findings and recommendations.	Bill Ross	Report referred to CPPP on 13 March 2018.	In progress
17	07/11/2017	Council	15.1 Request for State Funding West Beach Road Upgrade	Mangos / Palmer that Council seek the support of the City of Charles Sturt and Adelaide Shores to jointly approach the Minister for Transport requesting the State Government to match funding provided by the Commonwealth Government for the upgrade of West Beach Road as funding for the upgrade is currently only being provided by Commonwealth and Local governments.	Terry Buss	Administration together with City of Charles Sturt and Adelaide Shores have been liaising with DPTI to seek appropriate funding opportunities that are available. Currently awaiting advice on suitable funding programs.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
18	07/11/2017	Urban Services Prescribed Standing Committee	11.1 Packard/Allchurch Road Closures Update	Farnden / Hill that: 1. The submissions which have been received during (and after) the public consultation period from APA Group, Electranet and SA Power Networks relating to the proposed closure(s) of the road be noted. 2. In accordance with the Roads (Opening and Closing) Act 1991 that, having regard to all submissions received during the public consultation period, Council resolves to proceed with the proposed closure of the road shown as Allotments A, B, C, D, E, F, G, H, I, J, K, L and M in Preliminary Plan 17/0043. 3. The allotments which are proposed to be created under the road closure process (namely those allotments described as Allotments A, B, C, D, E, F, G, H, I, J, K, L and M in Preliminary Plan 17/0043) be excluded from the classification of Community Land. 4. The Mayor and Chief Executive Officer be authorised to sign the Final Plan and Road Process Order and any other documentation which may need to be executed under the Common Seal of Council.	Angelo Catinari	23/02/18 - The process is continuing (updated survey plans and preparation of Road Process Orders).	In progress
19	07/11/2017	Urban Services Prescribed Standing Committee	11.2 Request for Floodlighting - Novar Gardens Bowling Club	Mangos / Haese that: 1. Council provide its consent, as landlord, to the Novar Gardens Bowling Club to erect four (4) light poles to a height of 6.2 metres subject to the following conditions being satisfied and/or agreed: a) The Lessee seeking and receiving appropriate development approval; b) The Lessee meeting all costs associated with the supply and installation of the floodlighting infrastructure; c) Prior to any works occurring, the Lessee providing plan(s) to Council indicating where any underground infrastructure is proposed to be located and, following the completion of any works, final plans indicating where any underground infrastructure has been laid, and copies of any Certificate(s) of Compliance; d) The Lessee being responsible for rectifying any defects or issues that arise as a result of the installation or existence of the floodlighting infrastructure; e) The Lessee providing and maintaining a secure cabinet (or similar) which restricts access to, and allows operation of the floodlighting controls by, approved personnel only; f) The Lessee being responsible for meeting all operational and maintenance costs associated with the use of the floodlighting infrastructure; g) The floodlighting being operated and extinguished by no later than 10.00pm on any day, except Good Friday and Christmas Day; h) The Lessee being required to insure, or alternatively reimburse the cost of any premium of insurance paid by Council in relation to, the lighting infrastructure;	Angelo Catinari	19/02/18 - Development Approval has been provided to the club to erect the 4 lighting poles (28/12/17).	In progress
20	07/11/2017	Urban Services Prescribed Standing Committee	11.3 Request for sub-licence - PHOS Netball Club, Glenlea Tennis Club	Mangos / Palmer that the PHOS Netball Club be advised that Council consents to its request to enter into a (sub) licence agreement with the Glenlea Tennis Club of the premises the Netball Club holds under licence from Council at Golflands Reserve until 28 February 2018.	Angelo Catinari	19/02/2018 - Clubs have been notified in writing.	In progress
21	07/11/2017	Urban Services Prescribed Standing Committee	11.4 West Beach Skate Park and Patawalonga Creek Land Custodianship	Palmer / Haese that the Department of Environment, Water and Natural Resources (DEWNR) be advised that: 1. Council consents to relinquishing its custodianship over Allotment 18 in Deposited Plan 48522 (as comprised in Crown Record Volume 5523 Folio 946). 2. Council does not consent to the transfer of custodianship of the allotments described as Section 1572 Hundred of Noarlunga as comprised in Crown Record Volume 5316 Folio 916 and Section 677 Hundred of Adelaide as comprised in Crown Record Volume 5316 Folio 917 to it from the City of Holdfast Bay. 3. Council contends that custodianship of that portion of Section 1514 Hundred of Noarlunga as comprised in Crown Record Volume 5757 Folio 791 which lies within the Patawalonga Lake water body should vest with DEWNR or similar body and not Council.	Angelo Catinari	19/02/2018 - Representatives of the Administration met with staff from Adelaide Shores and DEWNR in December 2017. The DEWNR representative indicated that the process would take approximately 3-6 months to complete but did not anticipate any issues. At this time no further advice has been received from DEWNR.	In progress
22	24/10/2017	Civic Committee	7.1 Community Grants August - September 2017	Mayor Trainer / Haese that: 1. All community grant applications contained within this report be approved with the exception of the grant request from Plympton International College. 2. A partnership agreement with the Cooperating Churches of West Adelaide Inc be negotiated for the Back to Bethlehem and Christmas Carols Festivals.	Pauline Koritsa	Letters re successful application and requesting invoices sent to grant applicants on 16/11/2017.	In progress
23	24/10/2017	Civic Committee	8.1 Green Initiatives Rebate Proposal	McKay / Woodward that: 1. It approves the introduction of solar panel rebates and energy efficiency rebates for households, on a 12 month trial basis, to be operated under an overarching Green Initiatives Rebate Program (which would also include the Rainwater Tank Rebate Program). 2. The allocation of \$28,000 from the Community Grants budget to the Green Initiative Rebate Program for the 2017/18 financial year. 3. A review be undertaken at the completion of the trial period, the outcomes of which to be reported to the Committee.	Pauline Koritsa	At the meeting of the Civic Committee on 24 October 2017, it was agreed that a report be brought back to the Committee proposing a program for the provision of solar rebates to community groups within West Torrens. Administration is preparing the report for the Civic Committee meeting on 24th April 2018.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
24	17/10/2017	Council	14.2 River Torrens Linear Park Survey and Path Reopening (QWN)	McKay/ Mangos that questions from Cr McKay and the answers provided relating to the River Torrens Linear Park survey and path reopening be recorded in the Minutes. 1. Can the Administration communicate with NRM asking what action has been taken in relation to the survey of the properties along the River Torrens. 2. Can SA Water be contacted and asked to respond to Council as to when section of Linear Park between Hardys Road and the Brickworks Market will be reopened as residents have been unable to access the path for over 12 months. Answer The Administration committed to communicate with the NRM and SA Water in regard to the questions raised by Cr McKay.	Angelo Catinari	06/11/2017 - We have attempted to contact SA Water relating to the path access along the River Torrens Linear Park between Hardys Road and the Brickworks Market but there has been no official response as yet. 06/11/2017 - The Administration has written to the NRM relating to the survey of properties along the River Torrens Linear Park. 06/02/2018 - Letter sent to SA Water requesting an update on the status of the repairs. 16/02/2018 - Reply received from SA Water advising that they are continuing to progress the repairs.	In progress
25	03/10/2017	Urban Services Prescribed Standing Committee	11.2 Preservation of the Windsor Theatre Movie Posters	McKay / Rypp that: 1. It supports the preservation of the Windsor Theatre movie posters. 2. It authorises Administration to select the most appropriate method of preserving the posters. 3. It authorises Administration to contact the West Torrens Historical Society, the State Library and the National Film and Sound Archives to determine their interest in the posters.	Angelo Catinari	06/11/2017 - Investigations have commenced. 19/02/2018 - Met with consultants within the last two weeks seeking a fee offer to provide options for the preservation of the movie posters.	In progress
26	19/09/2017	Council	15.1 Feasibility Study for Solar / Battery Technology at the New Council Depot	Woodward / Nitschke that Council conduct a feasibility study into the installation of solar / battery and other sustainability solutions at the new Council Depot at Morphett Rd, North Plympton.	Angelo Catinari	06/11/2017 - Consultants have been engaged to commission a report to be considered by Council. 19/02/2018 - Draft report has been finalised and will be provided with the next Works Depot Progress Report.	In progress
27	05/09/2017	Urban Services Prescribed Standing Committee	11.1 Admella Street Upgrade Concept	Nitschke / O'Rielly that: 1. The project and concept design developed for the upgrade of Admella Street and associated public space be endorsed. 2. The project is advanced within the current financial year through the allocation of funds for the development of detailed design and documentation of the project works. These funds to come from within existing City Assets operational budget. 3. A further report be presented to a future Council meeting once the detail design is completed.	Angelo Catinari	16/02/2018 - Currently undertaking detailed design.	In progress
28	22/08/2017	Civic Committee	7.6 City of West Torrens Tidy Streets Competition	Woodward / Nitschke that: 1. The guidelines for the annual City of West Torrens Tidy Streets Competition, as contained in this report, be approved with the following amendments to the proposed judging criteria score rating as follows: Criteria Score Weighting Appearance 50% Sustainability 20% Connection 20% Proposed project with prize money 10% 2. \$5,600 be approved for the competition launch and promotional costs. 3. The Administration seeks co-sponsorship of the Tidy Streets Competition from local hardware/gardening businesses in West Torrens.	Pauline Koritsa	Guidelines have been amended, funds have been added to budget, Tidy Streets competition has been allocated to a Community Development Officer who is currently working on co-sponsorship opportunities	In progress
29	01/08/2017	Urban Services Prescribed Standing Committee	11.1 Thebarton Theatre - Request for Masterplan	O'Rielly / Haese that the Administration be authorised: 1. To work with Weslo Holdings to seek out and secure external funding opportunities that may be available to assist with the historical restoration and upgrade of Thebarton Theatre. 2. To enter into negotiations with Weslo Holdings regarding a new or extended lease term for Thebarton Theatre and report back to Council on the outcome of those negotiations including the exclusion of property at 164 South Road from the lease. 3. To liaise with Weslo Holdings to ensure that the 90th anniversary of the Thebarton Theatre opening on 11 June 2018 is appropriately acknowledged and celebrated.	Angelo Catinari	17/08/2017 - Staff met with Weslo consultants to discuss the Plan. 29/08/2017 - A fee offer has been sought for the development of a Concept Plan. 06/11/2017 - Staff and Weslo continuing to develop a Concept Plan with the assistance of the Heritage Architect. Staff have met with Norman Waterhouse Lawyers to discuss options for the new lease. Discussions are continuing. 19/02/2018 - A further update report on the progress of the Weslo business case for grant funding and seeking guidance in regard to the lease will be provided to Elected Members at the Urban Services Standing Committee meeting on 6 March 2017.	In progress
30	01/08/2017	Urban Services Prescribed Standing Committee	11.2 Acquisition of portion of Elm Avenue, Mile End	O'Rielly / Vlahos that the Chief Executive Officer be authorised to negotiate with Tetzlin Pty Ltd on the possible purchase of approximately 73 square metres of land from the Certificate of Title Volume 5536 Folio 240 subject to all the necessary legal approvals being satisfied.	Angelo Catinari	31/08/2017 - Letter of offer was sent to Tetzlin Pty Ltd. 28/10/2017 - Further offer sent to Tetzlin Pty Ltd on 27 October 2017. 15/12/2017 - Deed of Acquisition, Declaration and Release executed. 01/02/2018 - Awaiting offer from JLL for LTO process.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
31	06/06/2017	Council	16.1 Brickworks - Request for Masterplan	Woodward / Farnden that in regard to the Brickworks surplus land, the Chief Executive Officer: 1. Arrange to hold a workshop for Elected Members and senior staff to establish an overall vision for the higher and best use of surplus land at the former Brickworks Markets site at Torrensville. 2. Following the outcomes of 1 above, develop a project brief to go to the market seeking fee proposals from interested parties to develop a Masterplan for potential development options of the surplus land at the former Brickworks Markets site at Torrensville, including the heritage listed Hoffman Kiln. 3. The project brief is to allow for appropriate community consultation to be undertaken and also allow for appropriate delivery and funding mechanism options to be explored during development of the Masterplan. 4. As part of the next budget review process, recommend to Council an appropriate budget amount to undertake development of the Masterplan.	Terry Buss	28/6/17 - Workshop arranged for Tuesday 29 August, 6pm-9pm for EMs and relevant staff. 12/9/17 - Workshop arranged for 29 August cancelled by CEO in consultation with EMs. Workshop will be rescheduled to a suitable date in the near future. Given the current state of the frontage of the site due to the Torrens to Torrens Project, it is not appropriate to present the site to the market. Indications are that the site may be vacated by DPTI contractors in the first quarter of 2018, and given we are pushing toward the Festive Season, there is no urgency to undertake the workshop in the remainder of 2017 and a date in early 2018 to hold the workshop will be looked at by the CEO.	In progress
32	23/05/2017	Community Facilities Prescribed General Committee	8.5 Kings Reserve - Draft Precinct Masterplan	Nitschke / Woodward that: 1. The draft Precinct Masterplan for Kings Reserve, Torrensville be endorsed. 2. Authorisation be provided to the Administration to develop a consultation plan and undertake consultation with the current lease / licensee stakeholders and the community. 3. A further report provided to a future date of the Community Facilities Committee meeting following consultation with the current lease / licensee stakeholders and the community.	Angelo Catinari	06/11/2017 - Community consultation has concluded. A family consultation day was held on Saturday 26 August 2017 and was successful with over 60 people attending. The feedback has been collated and a final report will be provided to the Community Facilities Committee in November 2017. 19/02/2018 - Masterplan was not approved at the November meeting. Feedback was received from Elected Members requesting further changes to the Masterplan which is scheduled to be provided at the Community Facilities Committee on 27 March 2018.	In progress
33	18/04/2017	Council	17.1 WestLINK Tram Network	Mangos / Woodward that the City of West Torrens write to the Minister for Transport and Infrastructure, the Hon Stephen Mulligan, MP, to advise that it supports the expansion of the tram network in Adelaide. Further, the Minister be advised that the Council has some concerns regarding the two routes in the Multi Criteria Analysis Detailed Report for the WestLINK tram, and requests the Minister: • To establish a joint working group with Council representation to determine the most appropriate WestLINK route. The joint working group also oversee further community consultation and engagement. • Include Richmond Road via James Congdon Drive within the scope of the current evaluation process.	Terry Buss	Letter sent to Minister Mullighan 1/5/17 as per Council resolution.	In progress
34	04/04/2017	Urban Services Prescribed Standing Committee	11.4 Falcon Reserve and Frank Norton Reserve - Installation of Fence	Vlahos / O'Rielly that: 1. No further action is to be taken by the Administration in regard to installation of a full barrier safety fence at Falcon Reserve and Frank Norton Reserve. 2. A partial barrier structure solution is to be installed to address the concerns of the petition while not comprising the design and landscape elements of Falcon Reserve. 3. The head petitioner (of the Falcon Reserve petition) be advised accordingly. 4. A partial barrier be installed near the playground area at Frank Norton Reserve.	Angelo Catinari	Head Petitioner advised of Council's Decision via letter sent on 12 May 2017. A partial barrier fence was installed near the playground area at Frank Norton Reserve on 26 May 2017. 06/11/2017 - The concept plan for Falcon Reserve has been finalised and a quote submitted to undertake the work which will be scheduled within the coming months. 19/02/2018 - Works for Falcon Reserve still to be scheduled for completion prior to 30 June 2018.	In progress
35	28/03/2017	Community Facilities Prescribed General Committee	8.9 Thebarton Community Centre - Update of Works Plan	Nitschke / Demetriou that: 1. The detailed design and technical specification suitable for building construction and delivery of the building improvements, utilising the remaining Thebarton Community Centre project funds in the current budget for 2016/2017 proceed to be developed. 2. A further report to be brought back to this Committee for consideration once the detailed design works have been completed.	Angelo Catinari	Consultants engaged and project underway. Once design is complete, an update report will be presented to the Community Facilities Committee meeting in November 2017. 19/02/2018 - Detailed design of the upgrade of the Community Centre is progressing. A further update will be provided at the Community Facilities Committee meeting on 27 March 2018.	In progress
36	28/03/2017	Community Facilities Prescribed General Committee	8.12 Hilton RSL - Condition Assessment and Future Works Plan	Vlahos / Demetriou that: 1. The Future Options Study report proceed to be developed and a further report detailing a recommendation be provided back to the Community Facilities General Committee. 2. The budget funding required to deliver the scope of works for Works Phase 1 be referred to the 2017 / 2018 budget process.	Angelo Catinari	The Future Options Study report will be presented to a future Community Facilities Committee. Funds have not been provided for any capital works at the Hilton RSL in the 2017 / 2018 budget. 06/11/2017 - At the last Community Facilities Committee meeting on 26 September 2017 RSL Hilton representatives gave a presentation to the meeting regarding requirements to relocate to the new community hall section of 173 Sir Donald Bradman Drive. Negotiations are continuing with the RSL Hilton. No further works have progressed with the existing RSL Hilton building until these negotiations conclude. 19/02/2018 - Negotiations are continuing with senior representatives of the RSL.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
37	21/03/2017	Strategy and Community Prescribed Standing Committee	11.2 Aircraft Noise Management in the West Torrens Development Plan	Polito / Hill that: 1. Given the Minister for Planning's preference for aircraft noise management to be addressed through the Planning and Design Code, the Administration writes to the Minister for Planning advising that the Council seeks to contribute to the development of aircraft noise management provisions and other airport planning matters in the Planning and Design Code. 2. The Administration undertakes research on land use policy options for the management of aircraft noise in existing urban areas and report back to the Council.	Pauline Koritsa	The Administration wrote to the Minister for Planning 4 April 2017 advising that the Council seeks to contribute to the development of aircraft noise management provisions and other airport planning matters in the Planning and Design Code. Report presented to the 12 December Strategy and Community Committee meeting proposing an approach to aircraft noise be presented to DPTI. The Committee requested community consultation be undertaken with affected residents prior to finalising Council's position.. Council report with a position on the management of aircraft noise to be submitted to the December Strategy and Community meeting. Community consultation proposed approach with Elected Members for comment until 12 March.	In progress
38	07/02/2017	Urban Services Prescribed Standing Committee	11.3 Reid Street Permit Update	Nitschke / Palmer that: 1. A permit for a term of 5 years commencing on 30 November 2016 at an initial permit fee of \$20,900 pa plus GST be granted to Thebarton Management Pty Ltd for use of that portion of Reid Street Thebarton as delineated in Attachment 1 of the report. 2. The permit fee escalate by Adelaide All Groups Consumer Price Index (CPI) (or similar index should that index be discontinued) on each anniversary of the commencement date. 3. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation giving effect to the grant of permit.	Angelo Catinari	07/03/2017 - Letter sent to permit holder advising of Council's decision from its meeting held on 7 February 2017 along with the permit documentation for signing. 04/09/2017 - Legal advice currently being sought. Mid Sept - Onsite meeting with permit holder's property adviser - adviser to check/clarify requirements with property owner and advise CWT. 30/10/2017 - Reminder email sent 30/10/2017 as still awaiting response. 02/03/2018 - Request for legal advice raised to establish actions to be taken to honour lease or order to remove infrastructure from public road.	In progress
39	17/01/2017	Urban Services Prescribed Standing Committee	11.1 Potential Road Closures - Craig Street, Richmond, and Tyson Street, Ashford	Vlahos / Mangos that: 1. The report be noted. 2. Council Administration be authorised to commence the process of closure of the identified portion of road (extension of Weaver Avenue) on the northern side of Craig Street, Richmond (as per Attachment 3). 3. Further reports be provided to the Council as, and when, appropriate milestones are reached and/or when any additional authorisation(s) may be required as part of the road closure process and sale of the extension of Weaver Avenue that is north of Craig Street.	Angelo Catinari	30/01/2017 - Letter sent to owners of adjoining properties advising of Council's resolution and seeking an indication from them as to whether they have any interest in purchasing the land. 06/03/2017 - Engaged consultant to commence road closing process. Preliminary plans lodged with the Surveyor-General. 04/09/2017 - Awaiting updates from consultants. 07/11/2017 - Road closure plans currently being prepared. 23/02/2018 - The process is continuing (updated survey plans and preparation of Road Process Orders).	In progress
40	17/01/2017	Urban Services Prescribed Standing Committee	11.2 Proposed Footpath Installation - Horsley Street, Lockleys and Neptune Crescent, West Beach	McKay / Rypp that: 1. The scheduled footpath construction works on the eastern side of Horsley Street, Lockleys, as approved within the 2016/17 budget, be deferred to allow for wider consultation with local residents in neighbouring streets. 2. The Administration proceeds with the scheduled footpath construction works on the western and southern side of Neptune Crescent, West Beach, as approved within the 2016/17 budget. 3. The Administration advises the residents of Horsley Street and Neptune Crescent of Council's decision.	Angelo Catinari	Footpath installation on Neptune Crescent - Refer to subsequent resolution of Council on 16 May 2017 (Item 9.1). Footpath installation on Horsley Street - Undertaking public consultation in a wider scope. 07/11/2017 - Letter to local residents in neighbouring streets for wider consultation scheduled for distribution in December 2017. 24/11/2017 - Survey distributed to local residents regarding Lockleys footpath network installation. 01/02/2018 - Site meeting with Elected Members to be scheduled in second half of February. 28/02/2018 - A report will be presented to Council at its meeting on 6 March 2018 on this matter.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
41	17/01/2017	Urban Services Prescribed Standing Committee	11.3 Cummins House Lease	Demetriou / Hill that: 1. Approval be sought from the Department of Planning Transport and Infrastructure (DPTI) for the grant of a short term extension of the current lease of Cummins House, on similar terms and conditions as the existing lease agreement, until 31 December 2018, or until such time as a final agreed position has been negotiated and determined by the parties 2. The Mayor and Chief Executive Officer be authorised to sign and seal such short term agreement. 3. The Administration be authorised to enter into formal negotiations with representatives from the the Department of Planning Transport and Infrastructure for the acquisition by Council of the Cummins House property. 4. A further report(s) be provided to Council should formal Council input be required throughout, or alternatively at the conclusion of, the negotiation process.	Angelo Catinari	27/01/2017 - Letter sent to DPTI advising of Councils' resolution and seeking appointment to commence negotiations. 30/01/2017 - Email sent to Cummins Society reps and caretakers providing link to report and minutes address newspaper article. 07/03/2017 - Awaiting letter of response from DPTI. 16/03/2017 - It is received the letter in response from DPTI, regarding its consent to an extension of the current lease until 31/12/2018. 28/03/2017 - A new letter is sent to DPTI with concerns raised by the Council. 26/04/2017 - Further emails sent seeking for updates from DPTI. 22/06/2017 - Receipt of reply from DPTI that extension of contract till Dec 2018 is confirmed. Negotiation ongoing regarding a longer term lease or acquisition of Cummins House by the Council. 02/08/2017 - Notification received from DPTI that Minister of Transport declared Cummins House as surplus, enabling DPTI to undertake PC114 Process. 04/09/2017 - Council Administration to schedule meetings and determine next steps. 20/10/2017 - Extended agreement (required CEO signature only) executed	In progress
42	17/01/2017	Urban Services Prescribed Standing Committee	11.4 Private Parking Area Agreement - Charter Hall	Nitschke / Mangos that: 1. The Mayor and Chief Executive Officer be authorised to sign and seal any documentation to enter into an agreement with Charter Hall Limited under the Private Parking Areas Act to police the private parking area at 38 South Road Torrensville. 2. No timed parking restrictions be included in the agreement.	Angelo Catinari	07/03/2017 - Private parking agreement forwarded to Charter Hall for execution. 16/02/2018 - Currently awaiting signed documentation.	In progress
43	13/12/2016	Urban Services Prescribed Standing Committee	11.1 Request for Sign/Monument - Beare Avenue Reserve, Netley	Tsiaparis / Mangos that: 1. The applicant, the Kangaroo Island Pioneers Association (KIPA), be advised that Council provides its consent for the placement of interpretive signage, at Council's expense, featuring the wording provided within the applicant's submission (as per Attachment 3) on Beare Avenue Reserve, Netley. 2. Council's Administration proceed to develop a stylised historic sign.	Angelo Catinari	The Administration have advised the applicant via email of Council's resolution. Council Officers' will now proceed with developing a sign. Meeting scheduled with manufacturer for early March 2017 for the development of a pedestal sign. 27/06/2017 - Sign design 90% developed. 06/11/2017 - Design completed and the sign is currently being built for installation. 28/02/2018 - Awaiting quote for installation of the sign/monument.	In progress
44	13/12/2016	Urban Services Prescribed Standing Committee	11.7 Verran Avenue, Bennett Street and Ruddock Avenue Petition	Vlahos / O'Rielly that: 1. Traffic management issues raised by the petitioners be deferred to the Richmond/Mile End Local Area Traffic Management program. 2. Alteration of parking controls and installation of new street lighting in Ruddock Avenue be endorsed subject to consultation with directly affected residents.	Angelo Catinari	21/12/2016 - Draft consultation material being developed. 07/03/2017 - Parking controls completed. Awaiting street lighting upgrade. 04/09/2017 - Following up with SAPN regarding street lighting upgrade. 07/11/2017 - Lighting design being undertaken. 23/11/2017 - Acceptance of lighting design by Council sent to SAPN. 20/02/2018 - Awaiting confirmation from SAPN regarding receipt of the purchase order number for the lighting upgrade. 05/03/2018 - Purchase Order confirmed. Design will be completed in two weeks.	In progress
45	20/09/2016	Strategy and Community Prescribed Standing Committee	11.2 Carparking Fund Legal Advice	Palmer / McKay that, as a result of the assenting of the Planning, Development and Infrastructure Act 2016, the establishment of a car parking fund and an associated Car Parking Contribution Fund policy be deferred until such time as the transitional legislation that will apply to an 'off-setting contribution scheme' is known.	Pauline Koritsa	3/11/2016 - Updated advice has been recieved from KelladyJones on 4 October 2016 advising that the transitional legislation outlines that an existing car parking fund will automatically become an off-setting scheme under section 197 of the PDI Act on the date of its commencement. Investigations on location and nature of a car parking fund/off setting scheme will be commenced. Staff are monitoring the transitional implementation of sections fo the PDI Act 2016. Section 197 has not yet ben activated.	In progress

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
46	19/04/2016	Council	15.1 Capital Budget for Community Facilities	Woodward / Dua that: 1. The \$6 million set aside in the 2015/16 capital budget for the Camden Oval precinct development pursuant to a resolution of the Community Facilities General Committee on 22 September 2015, and subsequently endorsed by Council on 6 October 2015, be reduced to \$5.5 million; 2. \$1 million be allocated to the redevelopment of Weigall Oval Stage 1 from the unspent 2015/16 capital budget for community facilities, currently \$6.568 million; and 3. \$500,000 be added to the budget for the Camden Oval precinct development from the proceeds of future asset sales when these sales occur.	Bill Ross	The changes in items 1 and 2 were picked up in the March budget review which was being presented to Council on 17 May 2016 - completed. Item 3 is on hold until an asset sale occurs - in progress.	In progress
47	22/09/2015	Community Facilities Prescribed General Committee	9.1 Honour Boards	Noting that the matter was not urgent, Cr McKay asked if the number of honour boards under Council's care and control could be advised, together with their dimensions and total surface area? The Administration undertook to investigate and report back to a future meeting.	Pauline Koritsa	Consulted with Cr McKay to clarify focus is on War Memorial honour boards. Scoped out task with Dean Ottanelli. Workers being deployed to locate, identify, measure and photograph boards in preparation for report back	In progress
48	25/08/2015	Civic Committee	7.2 Thebarton Community Centre - Signage and Public Artworks	Demetriou / Trainer that the Administration undertake additional research into public art installations at Thebarton Community Centre and environs that reflect the history of the area including early migration, settlement and industry, and report back on possible options at a future meeting of this Committee.	Pauline Koritsa	Investigations underway concerning art installations of this nature undertaken by other councils and cultural agencies. Consultation with City Works concerning possible location options being developed. EOI and project description documents completed. This has now been incorporated in to wider design brief for the upgrade and refurbishment of Thebarton Community Centre proposals. Recommend deferral to 2016/17 financial year. Upgrades for TCC currently being considered with a view to developing a plan for 2016/17. This includes signage. Request for quote being prepared for artwork	In progress
49	20/02/2018	Finance and Regulatory Prescribed Standing Committee	11.6 Budget Review - December 2017	Demetriou / Haese that the budget review changes for December 2017 be adopted pursuant to Regulation 9 of the Local Government (Financial Management) Regulations 2011.	Bill Ross	FinanceOne & BIS updated with December budget review changes adopted by Council	Completed
50	06/02/2018	Council	17.1 Fees and Charges 2018-19	Farnden / Mangos that the fees and charges as detailed in Attachment 1 of the report be adopted pursuant to Section 188 of the Local Government Act 1999, subject to: 1. All non business proposed parking permits fees on Page 7 of Attachment 1 - Fees and Charges 2018/19 being reduced to \$30 (one year) and \$50 (two year). 2. Visitor Parking Permits remain at \$15.00. 3. Proposed inspection fees for large and small businesses on page 10 of Attachment 1 - Fees and Charges 2018/19 to remain \$85.50 for small business and \$214 for large businesses	Bill Ross	Amendments made and request for it to be uploaded to website complete.	Completed
51	06/02/2018	Council	17.2 2016/7 Joy Baluch Award for Women in Local Government	McKay / Rypp that Cr Haese be nominated for the 2016/17 Joy Baluch Award for Women in Local Government.	Pauline Koritsa	Nomination lodged with LGA on 1 March 2017	Completed
52	06/02/2018	Council	17.3 Nominations to the Board of the Waste Management Association of Australia	Demetriou / Woodward that Cr McKay be nominated as a Director to the Board of the Waste Management Association of Australia.	Pauline Koritsa	On 19 February 2018 Cr McKay advised the Administration that he wishes to withdraw his nomination. Subsequently the nomination was not sent to the LGA.	Completed
53	06/02/2018	Urban Services Prescribed Standing Committee	11.1 Operation Moving Traffic Plan	Nitschke / O'Rielly that: 1. The information contained in the Draft Moving Traffic Plan (MTP) document from Department of Planning, Transport and Infrastructure (DPTI) in October 2017 be received. 2. The Administration write to DPTI to express its disappointment that, contrary to the previous agreement between DPTI and Council, physical change of the speed limit on Henley Beach Road (from 60km/hr to 50km/hr) was implemented prior to appropriate community consultation being undertaken to determine that there was appropriate support for this speed limit change. 3. The Administration also seek written confirmation from DPTI ensuring that Council be briefed on the outcome of the DPTI Signal Operation review, prior to any of the signal changes being implemented. 4. The Administration continue to work collaboratively with DPTI to: i) advance the proposal for extended clearways in Sir Donald Bradman Drive, between Airport Road and South Road; ii) identify new study areas within West Torrens for the next phase of MTP development; iii) ensure that appropriate consultation is undertaken with the affected stakeholders during the appropriate stages of development of the MTP and prior to implementation of any works.	Angelo Catinari	28/02/2018 - Letter sent to DPTI addressing all items in Council Meeting Resolution.	Completed
54	16/01/2018	Council	9.3 Item 17.1 Request for Sponsorship - 2018 Special Olympics Brought Forward for Consideration at this Point in the Meeting	Mangos / Demetriou that Council sponsors the 2018 Special Olympics National Games with a sum of \$15,000 to become an "Official Sport Sponsor" of a sporting event held within the City of West Torrens in April 2018.	Terry Buss	6 March 2018 - Signed agreement sent to Special Olympics	Completed

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
55	16/01/2018	Council	9.4 Item 17.2 Ofo - Bike Sharing Brought Forward for Consideration at this Point in the Meeting	Woodward / McKay that: 1. The Administration negotiates a Memorandum of Understanding Agreement with dockless bikeshare operator Ofo for a trial period of 12 months. 2. The Administration issues a Permit to Conduct Activities on Local Government Land for 12 months in accordance with an arranged permit fee at the applicant's expense. 3. A further report be presented to Council should an extension to the 12 month trial be pursued.	Terry Buss	Memorandum of Understanding Agreement completed and permit issued.	Completed
56	16/01/2018	Council	17.3 City of West Torrens Art Prize 2018	Tsiaparis / Palmer that: 1. It approves the framework, as detailed in this report, for the administration of the 2018 City of West Torrens Art Prize. 2. It approves the 'General Competition and Award Terms and Conditions and Entry Rules' and the 'City of West Torrens Art Prize Special Terms and Conditions of Entry' (Attachments 2 and 3 of the Agenda report). 3. The Theme of the 2018 Art Prize be 'Past, Present, Future in West Torrens'. 4. It nominates Cr/s Nitschke and Woodward to participate in the shortlisting panel. 5. It approves Gavin Blake, director and owner of the Centre for Creative Photography and Bev Bills, director of Royal SA Society of Arts to judge the finalists of the 2018 City of West Torrens Art Prize.	Pauline Koritsa	The Art Prize has been advertised with the approved Terms and Conditions and the approved theme, the approved judges have both been approached and have accepted, Cr/s Nitschke and Cr Woodward have been set up on the Art Prize online system as shortlisting judges.	Completed
57	16/01/2018	Urban Services Prescribed Standing Committee	11.1 192 Anzac Highway, Glandore - Development Application Public Notification and SCAP Further Referral Response	Demetriou / Mangos that: 1. The feedback contained within Attachment 3 of this report be provided as Council's response to the State Commission Assessment Panel on the further referral of the development application (DA211/740/2017 - DA211/M013/17) at 192 Anzac Highway, Glandore. 2. The legal advice regarding the Category 2 Public Notification development application (DA211/740/2017 - DA211/M013/17) at 192 Anzac Highway, Glandore, be provided to the State Commission Assessment Panel.	Angelo Catinari	Feedback provided to State Commission Assessment Panel on 22 January 2018.	Completed
58	16/01/2018	Urban Services Prescribed Standing Committee	11.5 Temporary Road Closure for Thebartonia! Street Party in February 2018	Nitschke / Hill that: 1. The report on the temporary road closure of Albert Street (between Maria Street and George Street), Thebarton for the "Thebartonia!" street festival be received. 2. The following order is approved, for the installation of temporary road closure of Albert Street that will be affected by the event: Temporary Road Closure Order The Council exercise power delegated to it by the Minister for Transport and Urban Planning in the State of South Australia, pursuant to Section 11 of the Road Traffic Act 1961, through the instrument of General Approval, Part One, Clause G: Delegation of Power to Close Roads and Grant Exemptions for Road Events to: 1. Declare the Temporary Road Closure - "Thebartonia" street festival as an event to which Section 33 of the Road Traffic Act 1961 applies; 2. Make an order to temporarily close the road(s) or that part of a road specified in The Schedule below to vehicular traffic as provided in Section 33 (1) of the Road Traffic Act 1961; 3. Exempt other road users in this area when it is temporarily closed to vehicular traffic from Australian Road Rules 1999, Rules 230 and 238. The Schedule A section of Albert Street, Thebarton (between Maria Street and George Street) will be temporarily closed from 6 am on Saturday 3 February 2018 to 2 am Sunday 4 February 2018.	Angelo Catinari	06/02/2018 - Temporary road closure and parking arrangement implemented as planned.	Completed
59	16/01/2018	Governance Prescribed Standing Committee	11.1 Prescribed Officers - Position Title Changes	Haese / Hill that: 1. On the basis that they have a level of financial sub-delegation, which may be in addition to other delegations or authorisations to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Chapter 7, Part 4 of Division 2 of the Local Government Act 1999: Manager City Operations; Manager City Property; Senior Corporate Governance Officer; Senior Strategic Governance Officer; Home Assist Maintenance Worker; Stores Worker; Mechanic; Events Coordinator. 2. On the basis that they have a delegation(s), other than a financial delegation(s), or authorisation(s) to make decisions on behalf of Council or the Chief Executive Officer, the following positions be declared as 'prescribed officer' positions in accordance with Chapter 7, Part 4 of Division 2 of the Local Government Act 1999: Team Leader Planning; Development Officer - Building;	Pauline Koritsa	The list of prescribed officers has been added to the register. All officers have been given a Form 5 to complete.	Completed

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
60	16/01/2018	Governance Prescribed Standing Committee	11.2 2018 LGA Ordinary General Meeting - Notices of Motion and Appointment of Delegates	Mangos / Haese that: 1. The voting delegates to the Local Government Association Ordinary General Meeting be Mayor Trainer and Deputy Mayor Vlahos (proxy). 2. The recommended process for the lodgement of Notices of Motion for the April 2018 Local Government Association Ordinary General Meeting, contained within this report, be approved. 3. Council delegates the authority to the Chief Executive Officer to finalise the wording of any Notices of Motion and submit them to the LGA.	Pauline Koritsa	The LGA has been advised of the voting delegates. A report will be submitted to council on 6 February 2018 detailing and proposed NoMs.	Completed
61	12/12/2017	Council	15.1 City Works Depot Progress Report to Urban Services Committee	Farnden / Woodward that the Administration provide an update report to each meeting of the Urban Services Committee on the progress and actions required to relocate staff to the new North Plympton Public Works Depot including timelines and general financial information on how the project is tracking against the approved budget.	Angelo Catinari	19/02/2018 - First report provided to Council at its meeting on 6 February 2018. Will be provided monthly on an ongoing basis until the move has occurred.	Completed
62	12/12/2017	Council	17.1 Camden Classic 2018 Civic Reception	Demetriou / Vlahos that in celebration of the 30th anniversary of the Camden Women's Classic, it hosts a civic reception from 6.30pm to 10pm on Friday 2 February 2018.	Pauline Koritsa	Office of the Mayor and CEO liaised with the President of the Camden Athletics Club to organise the Civic Reception for Friday 2 February. Approximately 110 guests from the Club attended along with Mayor Trainer, Cr/s Demetriou, O'Rielly and Woodward.	Completed
63	12/12/2017	Council	17.2 Australia Day Awards - Nominations and Recommendations (1)	Nitschke / Demetriou that: 1. It approves and submits Council's nominees for Australia Day Council Awards detailed in Attachment 1, provided under separate cover, to the Australia Day Council for its consideration. 2. It approves the City of West Torrens Australia Day Award recipients detailed in Attachment 1, provided under separate cover. 3. Media, Elected Members and the Administration be requested to refrain from publicly discussing the names of nominees and/or recommended award recipients until all nominees have been advised of their nomination and the award outcomes. 4. The Administration contacts the nominees and nominators to advise them of Council's decision as soon as practical.	Pauline Koritsa	Australia Day Council advised of award winners and letters sent to successful nominees and nominators	Completed
64	12/12/2017	Council	17.2 Australia Day Awards - Nominations and Recommendations (2)	Nitschke / Demetriou that: 1. It approves and submits Council's nominees for Australia Day Council Awards detailed in Attachment 1, provided under separate cover, to the Australia Day Council for its consideration. 2. It approves the City of West Torrens Australia Day Award recipients detailed in Attachment 1, provided under separate cover. 3. Media, Elected Members and the Administration be requested to refrain from publicly discussing the names of nominees and/or recommended award recipients until all nominees have been advised of their nomination and the award outcomes. 4. The Administration contacts the nominees and nominators to advise them of Council's decision as soon as practical.	Terry Buss	Successful nominees and their nominators were notified of their awards and were invited to attend the Australia Day event on Friday 26 January 2018 at Thebarton Community Centre. The event was organised by the Office of the Mayor and CEO in conjunction with Business Services' Events Coordinator. Council acknowledged the successful event at its meeting on 6 February 2018.	Completed
65	12/12/2017	Council	17.3 Environment Grant Recommendation Report - December 2017	Woodward / Vlahos that: 1. The \$5,000 environment grant request from the Greeks of Egypt and Middle East Society for the installation of an 8kW solar PV system be approved. 2. The \$1,999 environment grant request from Adelaide Uniting Church for the enhancement of its church garden not be approved on the basis that the applicant received a \$2,868 community grant from Council in October 2017 for the same project.	Pauline Koritsa	1. Greeks of Egypt & Middle East Society have been advised their grant application has been approved and cheque has been issued. 2. Adelaide West Uniting Church has been advised their grant application was unsuccessful.	Completed
66	12/12/2017	Urban Services Prescribed Standing Committee	11.2 Novar Gardens Bowling Club - Request for Additional Petanque Terrains	Demetriou / Hill that: 1. The Administration advise the Novar Gardens Bowling Club that it will consider the Club's request for an additional petanque terrain(s) within the Camden Oval complex. 2. Council support the Club's request and a further report be presented to the Council/Community Facilities General Committee following the selection of a suitable location(s) for the additional petanque terrain(s).	Angelo Catinari	19/02/2018 - Contact has been made with the club but yet to meet with their representatives to determine suitable locations for the petanque terrains. 27/02/2018 - Clarity is sought on the design of the upgraded irrigation system and replacement bore location at Camden.	Completed
67	12/12/2017	Governance Prescribed Standing Committee	11.1 Name the CCTV Security Trailer Competition	McKay / Tsiaparis that it approves the City of West Torrens 'Name the CCTV Security Trailer Competition' guidelines, as detailed in this report.	Pauline Koritsa	Competition entry form has been actioned and is available at Council's Offices, the Hamra Centre Library, the Council's website and as part of the Summer Festival and Get with the Program events.	Completed

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
68	12/12/2017	Finance and Regulatory Prescribed Standing Committee	11.3 Form of the Council Budget and Annual Business Plan 2018/19	Demetriou / Woodward that: 1. The budget and annual business plan for 2018/19 be in a similar form to that presented in 2017/18, incorporating: A summary to explain key aspects of the document; Strategic fundamentals that underpin the budget; Forward estimates and the 10 year financial plan; Capital and operational budget information; Information on rates and rate modelling; and Summary financial statements. 2. A meeting of the Council be used, as occurred in 2017/18, rather than a special public meeting for interested persons to ask questions and make submissions on the draft budget and annual business plan of the Council. 3. A similar process be used by Council otherwise to deal with the review of budget and related documentation for 2018/19 as occurred in 2017/18, incorporating: Preparation of a summary of the budget and annual business plan for community consultation; and A special meeting of the Finance and Regulatory Prescribed Standing Committee involving all Elected Members.	Bill Ross	Noted and to action by due dates.	Completed
69	12/12/2017	Strategy and Community Prescribed Standing Committee	11.1 Proposed Glandore Character Protection SOI	Farnden / Woodward that: 1. It approves the attached Statement of Intent (SOI) to amend policy in the urban corridor zone adjacent to Glandore Character Policy Area 24. 2. That the Statement of Intent be submitted to the Minister for Planning requesting formal agreement to progress the Council-initiated Development Plan Amendment proposal in accordance with the process nominated in the draft SOI, subject to any minor changes of an editorial or technical nature. 3. The Chief Executive Officer be authorised to make any minor changes to the Statement of Intent that are of an editorial or technical nature as required to facilitate the submission of the Statement of Intent to the Minister for Planning.	Pauline Koritsa	As adopted by the Council on 12 December 2017, the SOI to amend policy in the urban corridor zone adjacent to Glandore Character Policy Area 24 was submitted to the Minister for Planning by email on 19 December (with a hard copy forwarded by post.)	Completed
70	21/11/2017	Council	8.1 Objection to Proposed Development at 432-434 Sir Donald Bradman Drive, Brooklyn Park	Haese / Palmer that: 1. The petition, requesting that Council prohibits the construction and operation of childcare facilities and any other future commercial premises at 432 and 434 Sir Donald Bradman Drive, Brooklyn Park, be noted; 2. Council supports the concerns of the residents; and 3. Council writes to the Minister for Planning and Local MPs providing a copy of the petition noting Council's support for the residents.	Pauline Koritsa	A copy of the petition was sent to the Hon John Rau Minister for Planning and all local MPs. A letter detailing the action taken was sent to the Head petitioner.	Completed
71	21/11/2017	Council	17.2 Regional Subsidiary Charter - Brown Hill and Keswick Creeks Stormwater Authority	Woodward / Farnden that: 1. Council receives the draft Charter attached to the agenda report for this item of business, noting that a similar report and attachment is also being presented to each of the other proposed constituent Councils. 2. Council approves the draft Charter, as presented upon recommendation from the Project Steering Group and approves it as the constitutional document of the proposed Regional Subsidiary. 3. Council, in conjunction with the other proposed Constituent Councils, makes application to the Minister to establish the Regional Subsidiary as a separate body corporate in accordance with section 43 of and Schedule 2 (Parts 2 and 3) to the Local Government Act 1999 (‘the Act’). 4. Council provides all necessary approvals and, as required, delegations to the Regional Subsidiary to exercise the powers, functions and responsibilities set out in its Charter as recognised and approved by Council in providing its approval to the Charter. 5. The Chief Executive Officer is authorised and delegated authority to do all things necessary to finalise and clarify items relating to the draft Brown Hill Keswick Creek Regional Subsidiary Charter to: a) ensure that the application to the Minister to establish the Regional Subsidiary is in a form acceptable to the Minister and accompanied by the information required by the Minister; b) liaise with the Minister’s office and the other proposed Constituent Councils for the purpose of making any necessary amendments to the draft Charter (which are not material in nature) for the purpose of satisfying any requirements of the Minister; and c) co-ordinate with the Chief Executive Officers of the other proposed Constituent Councils to ensure	Terry Buss	Council approved the draft Charter which was subsequently Gazetted on 27 February 2018. No further action required.	Completed
72	21/11/2017	Council	17.3Draft Community Engagement Charter and Guide 2017 Feedback	Mangos / McKay that the feedback contained within this report be provided to the Local Government Association and the State Planning Commission as Council's response to the Draft Community Engagement Charter 2017 and the Draft Guide to the Community Engagement Charter 2017.	Pauline Koritsa	Letter prepared and emailed to LGA on 28 November 2017 - Due to short time frames, no hard copy could be provided. Letter uploaded to SA Planning Portal website for SPC feedback on 28 November 2017. Confirmation of submission received. Hard copy also sent by post 28 November 2017.	Completed
73	21/11/2017	Finance and Regulatory Prescribed Standing Committee	11.6 Budget Review - September 2017	Palmer / McKay that the budget review changes for September 2017 be adopted pursuant to Regulation 9 of the Local Government (Financial Management) Regulations 2011.	Bill Ross	Budget changes updated in Financial system and Managers advised.	Completed

Item No	Date	Meeting	Action title	Resolution / Action required	GM	Actions taken	Action status
74	14/11/2017	Corporate Planning Policy and Performance Prescribed Committee	7.2 Review of Council Policy - Order Making	Mangos / Nitschke that: 1. That having given consideration to the nature of the changes to the Council Policy - Order Making that the Policy not proceed to public consultation. 2. That the revised Council Policy - Order Making be considered and approved.	Pauline Koritsa	Policy updated on PolicyHUB and website with changes approved at meeting.	Completed
75	14/11/2017	Corporate Planning Policy and Performance Prescribed Committee	7.3 Annual Service Plans 1st Quarter 2017/18 Progress Update	McKay / Palmer that: 1. The Annual Service Plans 1st Quarter Progress Report 2017/18 be received. 2. The completion date for the nominated action from the Strategy & Business 2017/18 Service Plan be revised as detailed in the report.	Pauline Koritsa	The change to the completion date for one action in the Strategy and Business Service Plan (re: Corporate Planning Framework) has been revised in the document and reflected in Interplan. The document reflects the new completion date of 30/06/2018 for the action 'review the Corporate Planning Framework' with the original completion date shown in red text with strike through. Also the 3 new/amended Urban Services Service Plans (Property, Assets and Operations) have been uploaded onto our website and into Interplan.	Completed

8 OUTSTANDING REPORTS / ACTIONS

Nil

9 OTHER BUSINESS

9.1 West Torrens Council Credit Card Expenses

Cr John Woodward gave notice of his intention to move the following motion:

MOTION

That details of West Torrens Credit Card expenses are updated on the Council website each quarter, providing the credit card holder position, date of expenditure, cost and vendor for each transaction. The details are made available until the completion of the subsequent Council four year term.

9.2 Travel by Elected Members and Staff

At the meeting of Council on 20 February 2018, Cr John Woodward moved the following motion which the Council resolved to defer and refer to the Corporate Planning, Policy and Performance Committee meeting on 13 March 2018.

MOTION

That the itinerary, costs, reason for travel, decision date, approval (e.g. Council or Executive) of any interstate or overseas trip undertaken by an Elected Member or member of staff representing the City of West Torrens during the current term of Council, be made publicly available on the City of West Torrens website. The information is to be updated quarterly and retained on the website until the completion of the subsequent term.

10 CONFIDENTIAL

Nil

11 NEXT MEETING

8 May 2018, 6.30pm in the Mayor's Reception Room.

12 MEETING CLOSE