

## NOTICE OF MEETING

Notice is hereby given that an ordinary meeting of Council will be held in the

**Council Chamber – Glenelg Town Hall  
Moseley Square, Glenelg**

**Tuesday 14 July 2020 at 7.00pm**



**Roberto Bria**  
**CHIEF EXECUTIVE OFFICER**

## Ordinary Council Meeting Agenda

### 1. OPENING

*The Mayor will declare the meeting open at 7:00pm.*

### 2. KAURNA ACKNOWLEDGEMENT

*We acknowledge Kaurna people as the traditional owners and custodians of this land.*

*We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.*

### 3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

*The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.*

### 4. PRAYER

*Heavenly Father, we pray for your presence and guidance at our Council Meeting. Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.*

### 5. APOLOGIES

5.1 Apologies Received

5.2 Absent

### 6. ITEMS PRESENTED TO COUNCIL

### 7. DECLARATION OF INTEREST

*If a Council Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.*

### 8. CONFIRMATION OF MINUTES

#### Motion

**That the minutes of the Ordinary Meeting of Council held on 23 June 2020 be taken as read and confirmed.**

Moved Councillor \_\_\_\_\_, Seconded Councillor \_\_\_\_\_

**Carried**

### 9. PUBLIC PRESENTATIONS

9.1 Petitions - Nil

9.2 Presentations - Nil

**9.3 Deputations****9.3.1 Mr Jack Messenger**

Mayor Wilson has approved a deputation from Mr Jack Messenger regarding the Draft 2020-21 Annual Business Plan and Budget (in accordance with Section 123(4)(a)(i)(B) of the *Local Government Act 1999*)

**9.3.2 Mr Ken Daly**

Mayor Wilson has approved a deputation from the Holdfast Bay Residents Alliance regarding the Draft 2020-21 Annual Business Plan and Budget (in accordance with Section 123(4)(a)(i)(B) of the *Local Government Act 1999*)

**10. QUESTIONS BY MEMBERS****10.1 Without Notice****11. MEMBER'S ACTIVITY REPORTS**

- 11.1 Councillor Lindop's Activity Report – December 2019 to June 2020 (Report No: 192/20)

**12. MOTIONS ON NOTICE**

- 12.1 Anti-Racism Policy – Councillor Abley (Report No: 184/20)  
12.2 Support for City Business Precincts – Mayor Wilson (Report No: 193/20)  
12.3 Community Centres Contribution Funding – Councillor Bouchee (Report No: 194/20)

**13. ADJOURNED MATTERS**

- 13.1 Adjourned Report – New Management Agreement - Somerton Surf Lifesaving Club Inc. (Report No: 178/20)

*Pursuant to Section 90(2) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:*

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

- 14.1 Minutes – Jetty Road Mainstreet Committee Meeting – 1 July 2020 (Report No: 180/20)

**15. REPORTS BY OFFICERS**

- 15.1 Items in Brief (Report No: 179/20)
- 15.2 Disposal of Land and Assets Policy Review (Report No: 169/20)
- 15.3 Seacliff Beach Access – Safety Improvements (Report No: 170/20)
- 15.4 Policy Review – Order Making Policy (Report No: 172/20)
- 15.5 Draft Public Art Policy and Public Art Guidelines (Report No: 175/20)
- 15.6 E-Scooter Update (Report No: 176/20)
- 15.7 Greener Neighbourhood Grant Application (Report No: 177/20)
- 15.8 Glenelg Oval State Government Grant Update (Report No: 182/20)
- 15.9 Alwyndor Management Committee – Terms of Reference (Report No: 185/20)
- 15.10 Local Government Act Emergency Variations – Public Access and Public Consultation – Amendments to Temporary Policy (Report No: 190/20)
- 15.11 Draft 2020-21 Annual Business Plan Consultation Outcomes (Report No: 191/20)

**16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS**

*Presented for the information of Members is a listing of resolutions subject to formal resolutions, for Council and all Standing Committees, to adjourn or lay on the table items of Council business, for the current term of Council.*

**17. URGENT BUSINESS – Subject to the Leave of the Meeting****18. CONFIDENTIAL ITEMS**

- 18.1 Reappointment of Alwyndor Management Committee Members (Report No: 183/20)

*Pursuant to Section 90(2) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:*

- a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead).



**ROBERTO BRIA**  
**CHIEF EXECUTIVE OFFICER**



Item No: **11.1**

Subject: **COUNCILLOR LINDOP'S ACTIVITY REPORT FOR DECEMBER 2019 – JUNE 2020**

Date: 14 July 2020

Written By: Personal Assistant to General Manager Strategy and Business Services

General Manager: Strategy and Business Services, Ms P Jackson

### SUMMARY

Presented for the information of Members is the Activity Report for Councillor Lindop for December 2019 to June 2020.

### RECOMMENDATION

**That Councillor Lindop's Activity Report for December 2019 – June 2020 be received and noted.**

### REPORT

Date	Activity
11/12/19	Resident meeting at Café Lune- Jetty Rd Brighton with Cr Bradshaw
11/12/19	Meeting with Cr Bradshaw and Anthony Maroncelli at City of Holdfast Bay Administration
12/12/19	Friends Of Pine Gully planning meeting
13/12/19	Attended CHB Staff Awards
16/12/19	Attended McAuley Community School Site Tour
17/12/19	Attended Council Dinner
28/12/19	Attended Proclamation Day Old Gum Tree Reserve
31/12/19	General meeting with Cr Bouche- Copenhagen Jetty Rd Brighton
9/01/2020	Angus Neil Reserve – Brighton Fitness Group Yoga session
13/01/2020	5049 Members catch up- Café Olive with Cr Bradshaw
15/01/2020	Meeting with Andrew McIntyre and residents with Cr Lonie and Cr Bradshaw
17/01/2020	5049 meeting with Council Administration at CHB
19/01/2020	Seacliff Produce Swap cr Wheatland St and Kauri
20/01/2020	Meeting with Alex Gaut and Trees For Life re planting in the Sand Dunes Project

21/01/2020	Meeting with Marnie Lock
21/01/2020	Council Workshop
22/01/2020	Attended Launch of the Brighton Sculptures
25/01/2020	Participated in Council vehicle on the Tour Down Under Stage 5 with Cr Clancy
26/01/2020	Attended Australia Day Ceremony and Community Awards in Glenelg
28/01/2020	Council Meeting
29/01/2020	CHB Environment Volunteers planning workshop
31/01/2020	Meeting with Pam Jackson CHB
31/01/2020	Resident meeting with 5049 Environment task group
02/02/2020	Participated in the Marilyn Swim- thank you to those who supported me!
06/02/2020	Meeting with Seacliff Surf Lifesaving Club and Alex Gaut re Dune Planting Working bee
11/02/2020	Council Meeting
13/02/2020	5049 volunteer's dinner at Kingston House
17/02/2020	LGA – strategic planning training
18/02/2020	Council Workshop
24/02/2020	Attended Seacliff Community Produce Swap
25/02/2020	Council Meeting
29/02/2020	Attended "Open Garage" South Brighton
3/03/2020	Council Workshop
6/03/2020	5049 Meeting with Administration in the Kingston Room
7/03/2020	Attended Seacliff Surf Lifesaving Club "Pink Ladies Day" as a guest speaker to help celebrate and honor 40 years of Female Lifesavers being able to obtain the Bronze Medallion
10/03/2020	Mockingbird Lounge catch up with Cr Wil Miller
10/03/2020	Council Meeting
13/03/2020	Seacliff Hockey Club Season Launch and Jumper Presentation at Kauri Parade Sporting Complex with Cr Annette Bradshaw
16/03/2020	Attended SRWRA facilities for the announcement of the MRF
17/03/2020	Council Workshop
27/03/2020	Covid Briefing via TEAMS
31/03/2020	Gilbertson Gully volunteer work
6/04/2020	Training in zoom and new ipad
7/4/2020	Special Council Meeting via Zoom
14/04/2020	Council Meeting via Zoom
21/04/2020	TEAMS meeting with Anthony Maroncelli
21/04/2020	Council Workshop
28/04/2020	Council Meeting
4/05/2020	SRWRA Board Meeting via Zoom
5/05/2020	Council Workshop
11/05/2020	On site meeting with Howard Lacy and Michael de Heus and business owner Brighton Road
12/05/2020	Council Workshop and Meeting
21/05/2020	"The Garden" catch up with Amand Wilson and business owner
22/05/2020	"The Garden" catch up with Cr Bradshaw

26/05/2020	Council Meeting
1/06/2020	SRWRA Board Meeting via Zoom
2/06/2020	Council Workshop – Kingston Room
3/06/2020	Volunteer with the Environment Team planting in Seacliff Dunes
9/06/2020	Council Meeting
10/06/2020	Meeting at Seacliff Primary School with Alex Gaut to discuss working bee in the Dunes
16/06/2020	Council Workshop
17/06/2020	Zoom meeting with “reclaim the dunes” project
22/06/2020	Wheatland Street/Seacliff Plaza On site visit with Howard Lacy
23/06/2020	Council Meeting
24/06/2020	5049 Community Meeting with Administration Kingston Room
29/06/2020	Meeting at Singleton Road Bridge with Residents
30/06/2020	Council Workshop

Item No: **12.1**

Subject: **MOTION ON NOTICE – ANTI RACISM POLICY – COUNCILLOR ABLEY**

Date: 14 July 2020

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### **PROPOSED MOTION**

Councillor Abley proposed the following motion:

**That Administration:**

1. **bring back to Council a draft Anti-Racism Policy for consideration; and**
  2. **develops a framework for measuring our diversity outcomes, including such things as diversity in our print media.**
- 

### **BACKGROUND**

The City of Holdfast Bay, like most cities with in Australia, is rich in a culturally diverse population. We have members of our community from many different cultural backgrounds and it is important that we as a City have a policy that outlines our position on racism and that it has no place in our City.

This policy should be the foundation that creates education, understanding and acceptance in all facets of the Council/City.

In addition, we should have a strategy that requires we have a diverse mix of talent in all print media, social media etc. This should reflect varying ages, sex and cultural diversity. Education is a great way to combat race based commentary, therefore using our social media platform to highlight significant cultural dates and events such as Greek Easter and Ramadan, as a way of educating our community on these culturally significant events.

Yes, the Anti-discrimination Act covers this, however it is important that we make this commitment to our community and state our position independent of any legislation.



Item No: **12.2**

Subject: **MOTION ON NOTICE – SUPPORT FOR CITY BUSINESS PRECINCTS – MAYOR WILSON**

Date: 14 July 2020

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### **PROPOSED MOTION**

Mayor Wilson proposed the following motion:

**That Council endorses the Economic Recovery Taskforce to investigate and report back to Council on 28 July 2020, the potential for the COVID – 19 Fund to:**

- 1. provide gas heaters to businesses;**
  - 2. lease the exterior of the Telstra Building at 1 Jetty Rd for the purpose of an art installation/painting, promoting the beach; and**
  - 3. the installation of parklets on Jetty Rd Glenelg to support increased outdoor dining.**
- 

### **BACKGROUND**

On 23 March 2020, the Federal Government commenced the introduction of a series of restrictions in response to the COVID-19 pandemic. These restrictions impacted the operation and trade of businesses within the City of Holdfast Bay.

Work is currently being undertaken by Administration to identify the support it can provide small businesses and similar support is being considered for other business sectors.

A COVID-19 Fund has been identified for the draft 2020/21 Annual Business Plan to provide economic and community support and an Economic Recover Taskforce established to develop initiatives to support businesses.

The Taskforce will next meet on Monday 20 July 2020 and consists of the following members:

- Roberto Bria – Chief Executive Officer (Chair)
- Amanda Wilson, Mayor
- John Smedley, Elected Member
- Jane Mary Fleming, Elected Member
- Andrew Taplin, Taplin Real Estate
- Con Maios, Maios Group

- Phil Hoffmann, Phil Hoffmann Travel
- Sharni Honor, The Porch Sessions
- Jonathon Mavic, Manhattan Haircutters

I propose that the Taskforce consider the above resolution at its first meeting and provide direction back to Council at the 28 July 2020 meeting.

Item No: **12.3**

Subject: **MOTION ON NOTICE – COMMUNITY CENTRES CONTRIBUTION FUNDING – COUNCILLOR BOUCHEE**

Date: 14 July 2020

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### **PROPOSED MOTION**

Councillor Bouchee proposed the following motion:

**That Administration review the Glenelg North, Glenelg, Over 50s and Holdfast Bay Community Centres Contribution funding, budget line 314.806 (\$27,000) and bring back to council a proposal that represents an equitable distribution of the grant to all four community centres. Until such time as the report has been considered by Council no funds be expended from budget line 314.806.**

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### **BACKGROUND**

Historically Holdfast Bay Community Centre has been the sole recipient of the funding and it has not been available to the other 3 community centres. In these unprecedented times, all the centres have been impacted significantly and therefore an equitable distribution of the grant would assist the centres continuing to provide services to all the community.

Item No: **14.1**

Subject: **MINUTES – JETTY ROAD MAINSTREET COMMITTEE MEETINGS – 1 JULY 2020**

Date: 14 July 2020

Written By: General Manager Community Services

General Manager: Community Services, Ms M Lock

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### **SUMMARY**

The Minutes of the Jetty Road Mainstreet Committee meeting held on 1 July 2020 are attached and presented for Council's information.

Jetty Road Mainstreet Committee Agendas, Reports and Minutes are all available on Council's website and the meetings are open to the public.

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### **RECOMMENDATION**

**That Council notes the minutes of the Jetty Road Mainstreet Committee of 1 July 2020.**

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### **COMMUNITY PLAN**

Placemaking: Creating lively and safe places  
Community: Providing welcoming and accessible facilities  
Economy: Supporting and growing local business  
Economy: Making it easier to do business  
Economy: Boosting our visitor economy  
Culture: Being financially accountable  
Culture: Supporting excellent, efficient operations  
Culture: Being financially accountable

### **COUNCIL POLICY**

Not applicable.

### **STATUTORY PROVISIONS**

Not applicable.



**BACKGROUND**

The Jetty Road Mainstreet Committee (JRMCC) has been established to undertake work to benefit the traders on Jetty Road Glenelg, using the separate rate raised for this purpose. Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of the Committee.

Jetty Road Mainstreet Committee Agendas, Reports, and Minutes are all available on Council's website and the meetings are open to the public.

**REPORT**

Minutes of the meetings of JRMCC held on 1 July 2020 are attached for member's information.

**BUDGET**

Not applicable.

**LIFE CYCLE COSTS**

Not applicable.

# Attachment 1



## **CITY OF HOLDFAST BAY**

**Minutes of the meeting of the Jetty Road Mainstreet Committee of the City of Holdfast Bay held via Virtual Meeting on Wednesday 1 July 2020 at 6:00pm.**

### **PRESENT**

#### **Elected Members:**

Councillor W Miller

#### **Community Representatives:**

Maio's Group, Mr C Maio's  
Attitudes Boutique, Ms G Martin  
Cibo Espresso, Mr T Beatrice  
GU Filmhouse, Mr S Robinson  
Fassina Family Liquor Store, Ms E Fassina  
Ottoman Grill, Mr O Soner  
Skin Things, Ms L Boys  
Ikos Holdings Trust, Mr A Fotopoulos

#### **Staff:**

Chief Executive Officer, Mr R Bria  
General Manager, Community Services, Ms M Lock  
Manager City Activation, Ms S Heading

### **1. OPENING**

The Chairman, Mr C Maio's, declared the meeting open at 6.01pm

### **2. APOLOGIES**

2.1 Apologies Received: Mayor A Wilson, Councillor R Abley, A Warren

2.2 Absent:

### **3. DECLARATION OF INTEREST**

Members were reminded to declare any interest before each item.

**4. CONFIRMATION OF MINUTES****Motion**

**That the minutes of the Jetty Road Mainstreet Committee held on 3 June 2020 be taken as read and confirmed.**

Moved Councillor Miller Seconded E Fassina

**Carried**

**5. QUESTIONS BY MEMBERS**

5.1 **Without Notice:** Nil

5.2 **With Notice:** Nil

**6. MOTIONS ON NOTICE:** Nil**7. PRESENTATION - Nil****8. REPORTS/ITEMS OF BUSINESS**

8.1 Monthly Finance Report (Report no: 173/20)

The Jetty Road Mainstreet Committee May 2020 variance report is prepared by the Manager, City Activation and is presented for information of the members of the Jetty Road Mainstreet Committee

**Motion**

**That the Jetty Road Mainstreet Committee note this report.**

Moved E Fassina Seconded S Robinson

**Carried**

8.2 Marketing Update (Report No: 174/20)

The report provides an update on the marketing initiatives undertaken by the Jetty Road Mainstreet Committee 2019/20 Marketing Plan and initiatives aligned to the delivery of the Jetty Road Glenelg Retail Strategy 2018-2022.

It also takes into consideration the effect of the unprecedented pandemic outbreak of the Corona Virus (COVID-19), in tailoring the messaging to the health and safety of the broader community as per the Government guidelines whilst supporting businesses.



**Motion**

**That the Jetty Road Mainstreet Committee note this briefing**

Moved L Boys Seconded T Beatrice

**Carried**

A Fotopoulos joined the meeting at 6.37pm

**9. URGENT BUSINESS**

- Manager, City Activation provided an update on the Jetty Road Assistant Role.
- Mr Soner raised concern of recent incident, the Jetty Road Development Coordinator responded a process reminder will be placed in the Trader Newsletter.
- Mr Robinson raised concerns of homelessness within the Precinct, Council Administration to investigate and respond to Mr Robinson.

**10. DATE AND TIME OF NEXT MEETING**

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 5 August 2020 location to be confirmed.

**11. CLOSURE**

The meeting closed at 6.53pm.

**CONFIRMED:** Wednesday 5 August 2020

**CHAIRMAN**

Item No: **15.1**

Subject: **ITEMS IN BRIEF**

Date: 14 July 2020

Written By: Personal Assistant

General Manager: Strategy and Business Services, Ms P Jackson

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## **SUMMARY**

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

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## **RECOMMENDATION**

**That the following items be noted and items of interest discussed:**

1. **SAPOL Bicycle Patrol of Coast Park Update**
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## **COMMUNITY PLAN**

Culture: Supporting excellent, efficient operations

## **COUNCIL POLICY**

Not applicable

## **STATUTORY PROVISIONS**

Not applicable

## **REPORT**

1. **SAPol Bicycle Patrol of Coast Park Update**

At its meeting on 14 April 2020, Council passed Resolution No: C140420/1768:

*“That Council write to South Australia Police requesting bicycle police to have a presence on the weekends on the shared pathway including Jetty Road to Broadway and in front of Minda to deter cyclists from speeding.”*

A response was received from Senior Sergeant First Class Brett Girardi, Operations Manager - District Policing teams stating that the suburbs of Brighton and North Brighton are policed by these teams and have a Bicycle Patrol capacity. Commissioner Grant Sevens also responded.

*Refer Attachment 1*

Subsequently, Elected Members requested that clarification be sought that police will undertake patrols across the whole of the Coast Park trail within the City of Holdfast Bay.

The Coast Park trail comes under two policing districts, Western District (Glenelg suburbs) and Southern District. Both districts have responded that policing via bicycles or patrols will occur from Seacliff to Glenelg North.

Furthermore, there is potential for additional members to be trained for bicycle patrols, to better attend to and monitor cyclist behaviour.

SAPol have ensured the City of Holdfast Bay that Coast Park Trail issues will be covered within their operations.

# Attachment 1

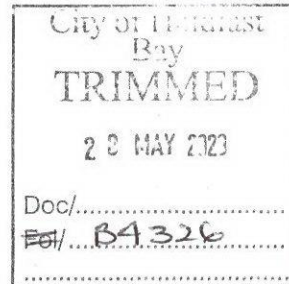






**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE

Mr Roberto Bria  
Chief Executive Officer  
City of Holdfast Bay  
PO Box 19  
BRIGHTON SA 5048



Dear Mr Bria

Thank you for your correspondence dated 22 April 2020, requesting South Australia Police (SAPOL) increase bike patrols along the Coast Park Trail between Brighton and Glenelg.

SAPOL's Southern District is responsible for policing the Coast Park Trail.

Southern District have been made aware of your concerns and will actively patrol the area which will include the deployment of bicycle patrols.

Additionally, SAPOL's Road Policing Section will patrol the area paying attention to cyclists.

I have been advised a senior SAPOL member contacted Mr Michael de Heus and provided advice in relation to your concerns.

SAPOL encourage the City of Holdfast Bay to continue investigating local options to encourage all users of the Coast Park to share the area safely and responsibly.

Yours sincerely

(Grant Stevens)  
COMMISSIONER OF POLICE

15 May 2020



**Government  
of South Australia**

Item No: **15.2**

Subject: **DISPOSAL OF LAND AND ASSETS POLICY REVIEW**

Date: 14 July 2020

Written By: Team Leader Governance

General Manager: Strategy and Business Services

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### **SUMMARY**

The Disposal of Land and Assets Policy outlines the requirement for disposing of Council land and assets.

This policy has been reviewed and is now presented to Council for adoption. Proposed changes are identified through track changes.

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### **RECOMMENDATION**

**That Council approve and endorse the amended Disposal of Land and Assets Policy.**

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### **COMMUNITY PLAN**

Culture: Providing customer-centred services  
Culture: Enabling high performance  
Culture: Being financially accountable  
Culture: Supporting excellent, efficient operations

### **COUNCIL POLICY**

Not applicable.

### **STATUTORY PROVISIONS**

*Local Government Act 1999*

### **BACKGROUND**

The *Local Government Act 1999* (the Act) requires councils to keep council policies under review to ensure they are appropriate and effective (Section 59).

Policies are an important part of the good governance of the City of Holdfast Bay. They protect the organisation and provide our community with confidence that we will undertake operations in a consistent, fair and equitable way.

As the Disposal of Land and Assets Policy is due for review it is presented to Council.

## **REPORT**

This policy is required under Section 49(1)(d) of the Act as it states the Council must prepare and adopt policies on the sale or disposal of land or other assets. The Policy:

- identifies circumstances where the Council will call for tenders for the sale or disposal of land or other assets;
- identifies circumstances where the Council will dispose of land or other assets without calling tenders;
- provides a fair and transparent process for the sale or disposal of land or other assets; and
- provides for the recording of reasons for entering into contracts other than those resulting from a tender process.

The main proposed amendment to the Policy is a new Clause 2.3.2. This allows a third party to request to purchase Council land, community land or road reserves, with provisions added that the third party is responsible for the costs of pursuing such a request after a preliminary assessment (if supported by Council staff) has been completed. This change puts the cost with the applicant as previously the cost was borne by the Council and there was no provision for this.

Other minor amendments have been made and are shown through the tracked changes.

*Refer Attachment 1*

A clean copy of the policy is also attached (without tracked changes).

*Refer Attachment 2*

As the policy could be considered as a moderate risk policy, this has been set with a review period of 3 years. In any event, this policy would be updated if there were any legislative changes or any other recommendations from Administration, but otherwise reviewed by Council in this timeframe.

## **BUDGET**

Not applicable.

## **LIFE CYCLE COSTS**

Not applicable.

# Attachment 1



Trim Container:	FOL/17/1658
Trim Document Number:	DOC/
First Issued / Approved:	11/07/2017
Last Reviewed:	11/07/2017 CC110717/846
Next Review:	30/06/2020
Responsible Officer:	Team Leader Governance
Date Placed on Webpage:	

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## 1. PREAMBLE

This policy outlines the requirement for disposing of Council land and assets.

### 1.1 Background

In compliance with Section 49 of the Local Government Act 1999 (**Act**), Council should refer to this policy (**Policy**) when disposing of land and assets. In accordance with Section 49 of the Act this Policy will:

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- Identify circumstances where the Council will call for tenders for the sale or disposal of land or other assets;
- Identify circumstances where the Council will dispose of land or other assets without calling tenders;
- Provide a fair and transparent process for the sale or disposal of land or other assets; and calling tenders and entering into contracts in those circumstances
- Provide for the recording of reasons for entering into contracts other than those resulting from a tender process.

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### 1.2 Purpose

The Council is committed to providing best value to the community within the framework of fairness, transparency and accountability. Acknowledging that the community and business operators have a valid interest in the approach adopted by the Council in the disposal of land and other assets, Council will ensure that disposals are made in the best interests of the community and in accordance with Council's Strategic Plan and legislative requirements.

### 1.3 Scope

This policy applies to the sale or disposal of land or other of assets whether it be by tender, contract or other agreement. ~~all contracts and tenders organised by Council employees or staff and associates on behalf of Council.~~ This document outlines the requirements for the sale and disposal of land and assets owned by Council.

This policy does not cover land sold by Council for the non-payment of rates or disposal of goods that are not owned by Council, such as abandoned vehicles.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the controlled version.

#### 1.4 Definitions

**Land** ~~includes means~~ all ~~titles for~~ land held by the Council, including community land and road reserves.

**Assets** ~~includes means~~ all items owned by Council, including but not limited to: vehicles, furniture, plant and equipment.

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## 1.5 Strategic Reference

Culture: Being financially accountable  
Culture: Supporting excellent, efficient operations

## 2. PRINCIPLES

### 2.1 Policy Principles

~~2.1.1.~~ Council must have regard to the following principles in its disposal of Land and Assets:

- ~~o~~Obtaining value for ~~m~~Money
- ~~e~~Ethical behaviour and fair dealing
- ~~e~~Encouragement of open and effective competition
- ~~p~~Probity, accountability, transparency and reporting
- ~~e~~Ensuring compliance with all relevant legislation.

### 2.2 Considerations prior to disposal

2.2.1 The Council must undertake public consultation in respect of its proposed disposals in accordance with the Act and its public consultation policies at all times.

2.2.2 Any decision to dispose of Land and Assets will be made after considering (where applicable):

- the usefulness of the Land or Asset
- the current market value of the Land or Asset
- the annual cost of maintenance
- any alternative future use of the Land or Asset
- any duplication of the Land or Asset or the service provided by the Land or Asset
- any impact the disposal of the Land or Asset may have on the community
- any cultural or historical significance of the Land or Asset
- the positive and negative impacts the disposal of the Land or Asset may have on the operations of the Council
- the long term plans and strategic direction of the Council
- the remaining useful life, particularly of an Asset
- a benefit and risk analysis of the proposed disposal
- the results of any community consultation process
- any restrictions on the proposed disposal
- the content of any community land management plan and any other relevant plans of Council.

### 2.3 Disposal of Land

2.3.1 The Council may resolve to dispose of Land.

2.3.2 A third party can request to purchase Council land, community land or

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road reserves.

Before council owned land can be considered for sale by Council, an up to date real estate valuation, by a licensed land valuer must be obtained and presented to Council.

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After a preliminary assessment, if supported by Council staff, the applicant must pay all costs associated with the purchase of the land including but not limited to valuations, consultations, professional fees, legal fees (its own and Council's), surveys and surveyor's costs, land division costs, Lands Titles Office fees, stamp duty, Council administration costs, services relocation (if required) and land value. -Adequate funds must be transferred to a suitable conveyancer trust fund to cover expected costs prior to the process commencing.

~~2.3.1~~ The application and full cost to purchase land is at the risk of the applicant and following completion of the process there is no guarantee that the application will be supported by Council. At any stage, if the application is not supported by council staff or Council, the applicant will be advised in writing and any unused funds held in trust refunded.

~~2.3.2 Before a council owned land can be considered for sale by elected members, an up to date real estate valuation, by a licensed land valuer must be obtained and presented to Council.~~



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- 2.3.3 Where the Land forms or formed a road or part of a road, the Council must ensure that the Land is closed under the *Roads (Opening and Closing) Act 1991* (SA) prior to its disposal.
- 2.3.4 Where Land is classified as community land, the Council must:
- undertake public consultation in accordance with the Act and the Council's public consultation policy; and
  - ensure that the process for the revocation of the classification of Land as community land has been concluded prior to its disposal; and
  - comply with all other requirements under the Act in respect of the disposal of community land.
- 2.3.5 Where the Council proposes to dispose of Land through the grant of a leasehold interest, the Council must have complied with its obligations under the Act, including its public consultation obligations under Section 202 of the Act.
- 2.3.6 ~~Once Where Land is approved to be sold by way of open market sale, expressions of interest or tender, in order to dispose of the land,~~ the Council will obtain at least 3 quotes from suitably qualified real estate agents. When selecting an agent, consideration will be given to:
- the nominated sales person
  - the agency's experience in selling similar properties
  - the proposed sale method and anticipated selling price
  - fee proposal and associated selling costs
- 2.3.7 Selection of a suitable disposal method will include consideration of (where appropriate):
- the number of known potential purchasers of the Land
  - the original intention for the use of the Land
  - the current and possible preferred future use of the Land
  - the opportunity to promote local economic growth and development
- the total estimated value of the disposal.
- 2.3.8 The Council will, where appropriate, dispose of Land through one of the following methods:
- *open market sale* - advertisement for disposal of the Land through the local paper and where appropriate, a paper circulating in the State, or by procuring the services of a licensed real estate agent and/or auctioneer. For clarity, open market sale includes the options of both direct negotiation and public auction.
  - *expressions of interest* - seeking expressions of interest for the Land
  - *select tender* - seeking tenders from a selected group of persons or companies
  - *open tender* - openly seeking bids through tenders, including

- public auction  
by *limited negotiation* – with owners of land adjoining the Land or others with a pre-existing interest in the Land, or where the

Land is to be used by a purchaser whose purpose for the Land is consistent with the Council's strategic objectives for the Land.

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2.3.9 The Council will not dispose of Land to any Council Member or employee of the Council who has been involved in any process related to a decision to dispose of the Land and/or the establishment of a reserve price.

2.3.10 The Council will seek to dispose of Land at or above current market valuation by whichever method is likely to provide the Council with a maximum return, unless there are reasons for the Council to accept a lesser return which is consistent with the Council's overall strategic direction. These reasons must be documented in writing.

## 2.4 Disposal of Assets

2.4.1 The sale of Assets will be the responsibility of the relevant Council Officer who is responsible for those Assets.

2.4.2 Selection of a suitable method will include consideration of:

- the public demand and interest in the Asset
- the method most likely to return the highest revenue
- the value of the Asset
- the costs of the disposal method compared to the expected returns.

2.4.3 The Council will, where appropriate, dispose of Assets through one of the following methods:

- *trade-in* – trading in equipment to suppliers
- *expressions of interest* – seeking expressions of interest
- *select tender* – seeking tenders from a selected group of persons or companies
- *open tender* – openly seeking bids through tenders
- *public auction* – advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

2.4.4 Elected Members and employees of the Council will not be permitted to purchase Assets unless the purchase is via one of the above processes and the tender submitted or bid made is the highest.

2.4.5 Purchasers of Assets must be required to agree in writing before purchasing any Asset that no warranty is given by the Council in respect of the suitability and condition of the Asset for the purchaser and that the Council will not be responsible for the Asset in any respect following the sale.

2.4.5

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## 2.5 Guide for disposal methods

2.5.1 When disposing of Land and Assets, there are a number of disposal methods which can be used. The underlying principle is to balance the disposal costs with the expected return. Disposals that are low value or low complexity should be disposed through the more efficient processes of trade-ins, expressions of interest and negotiations. Land and Assets that are high value or high complexity should be disposed through the more stringent processes of a tender, public auction or open market sale.

2.5.2 The decision matrix provides a guide for when the different disposal methods should be used for the disposal of Land.

	Expression of Interest	Tender / Auction	Open Market Sale	Limited Negotiation
< \$1,000,000	X	X	X	X
> \$1,000,000	X	X	X	

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2.5.3 The decision matrix provides a guide for when the different disposal methods should be used for the disposal of Assets.

	Trade-in	Expression of Interest	Tender	Public Auction
< \$5000	X	X		X
\$5,000 - \$50,000	X	X	X	X
> \$50,000	X		X	X

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## 2.6 Records

The Council must record reasons for utilising a specific disposal method and where it uses a disposal method other than a tendering process.

## 2.7 Exemptions from this policy

2.7.1 This Policy contains general guidelines to be followed by the Council in its disposal activities. There may be emergencies, or disposals in which a tender process will not necessarily deliver best outcome for the Council, and other market approaches may be more appropriate.

2.7.2 The Council may waive application of this Policy in relation to the disposal of Land, where an alternative process will deliver a better outcome. The Council must record its reasons in writing for waiving application of this Policy.

2.7.3 The Chief Executive Officer may waive application of this Policy in relation to the disposal of ~~assets~~Assets, where an alternative process ~~will~~ will deliver a better outcome. Where this occurs, Council must be notified at its next meeting.

## DISPOSAL OF LAND AND ASSETS POLICY

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### 3. REFERENCES

#### 3.1 Legislation

- *Local Government Act 1999*
- *Real Property Act 1886*
- *Land and Business (Sale and Conveyancing) Act 1994*
- [\*Law of Property Act 1936\*](#)
- *Development Act 1993*
- *Retail and Commercial Leases Act 1995*
- *Residential Tenancies Act 1995*
- *Strata Titles Act 1988*
- *Crown Land Management Act 2009*
- *Community Titles Act 1996*
- *Roads (Opening and Closing) Act 1991*
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#### 3.2 Other References

Procurement Policy

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# Attachment 2



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Trim Document Number:	DOC/
First Issued / Approved:	11/07/2017
Last Reviewed:	C
Next Review:	
Responsible Officer:	Team Leader Governance
Date Placed on Webpage:	

## **1. PREAMBLE**

This policy outlines the requirement for disposing of Council land and assets.

### **1.1 Background**

In compliance with Section 49 of the Local Government Act 1999 (**Act**), Council should refer to this policy (**Policy**) when disposing of land and assets. In accordance with Section 49 of the Act this Policy will:

- identify circumstances where the Council will call for tenders for the sale or disposal of land or other assets;
- identify circumstances where the Council will dispose of land or other assets without calling tenders;
- provide a fair and transparent process for the sale or disposal of land or other assets; and
- provide for the recording of reasons for entering into contracts other than those resulting from a tender process.

### **1.2 Purpose**

The Council is committed to providing best value to the community within the framework of fairness, transparency and accountability. Acknowledging that the community and business operators have a valid interest in the approach adopted by the Council in the disposal of land and other assets, Council will ensure that disposals are made in the best interests of the community and in accordance with Council's Strategic Plan and legislative requirements.

### **1.3 Scope**

This policy applies to the sale or disposal of land or other of assets whether it be by tender, contract or other agreement. This document outlines the requirements for the sale and disposal of land and assets owned by Council.

This policy does not cover land sold by Council for the non-payment of rates or disposal of goods that are not owned by Council, such as abandoned vehicles.

#### **1.4 Definitions**

**Land** means all land held by the Council, including community land and road reserves.

**Assets** means all items owned by Council, including but not limited to: vehicles, furniture, plant and equipment.

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#### **1.5 Strategic Reference**

Culture: Being financially accountable

Culture: Supporting excellent, efficient operations

## **2. PRINCIPLES**

### **2.1 Policy Principles**

Council must have regard to the following principles in its disposal of Land and Assets:

- obtaining value for money
- ethical behaviour and fair dealing
- encouragement of open and effective competition
- probity, accountability, transparency and reporting
- ensuring compliance with all relevant legislation.

### **2.2 Considerations prior to disposal**

2.2.1 The Council must undertake public consultation in respect of its proposed disposals in accordance with the Act and its public consultation policies at all times.

2.2.2 Any decision to dispose of Land and Assets will be made after considering (where applicable):

- the usefulness of the Land or Asset
- the current market value of the Land or Asset
- the annual cost of maintenance
- any alternative future use of the Land or Asset
- any duplication of the Land or Asset or the service provided by the Land or Asset
- any impact the disposal of the Land or Asset may have on the community



- any cultural or historical significance of the Land or Asset
- the positive and negative impacts the disposal of the Land or Asset may have on the operations of the Council
- the long term plans and strategic direction of the Council
- the remaining useful life, particularly of an Asset
- a benefit and risk analysis of the proposed disposal
- the results of any community consultation process
- any restrictions on the proposed disposal
- the content of any community land management plan and any other relevant plans of Council.

## **2.3 Disposal of Land**

2.3.1 The Council may resolve to dispose of Land.

2.3.2 A third party can request to purchase Council land, community land or road reserves.

2.3.3

Before council owned land can be considered for sale by Council, an up to date real estate valuation, by a licensed land valuer must be obtained and presented to Council.

After a preliminary assessment, if supported by Council staff, the applicant must pay all costs associated with the purchase of the land including but not limited to valuations, consultations, professional fees, legal fees (its own and Council's), surveys and surveyor's costs, land division costs, Lands Titles Office fees, stamp duty, Council administration costs, services relocation (if required) and land value. Adequate funds must be transferred to a suitable conveyancer trust fund to cover expected costs prior to the process commencing.

The application and full cost to purchase land is at the risk of the applicant and following completion of the process there is no guarantee that the application will be supported by Council. At any stage, if the application is not supported by council staff or Council, the applicant will be advised in writing and any unused funds held in trust refunded.

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  - *open tender* - openly seeking bids through tenders, including public auction
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- 2.3.11 The Council will seek to dispose of Land at or above current market valuation by whichever method is likely to provide the Council with a maximum return, unless there are reasons for the Council to accept a lesser return which is consistent with the Council's overall strategic direction. These reasons must be documented in writing.

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> \$1,000,000	X	X	X	

2.5.3 The decision matrix provides a guide for when the different disposal methods should be used for the disposal of Assets.

	<b>Trade-in</b>	<b>Expression of Interest</b>	<b>Tender</b>	<b>Public Auction</b>
< \$5000	X	X		X
\$5,000 -	X		X	X
> \$50,000	X		X	X

## **2.6 Records**

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## **2.7 Exemptions from this policy**

- 2.7.1 This Policy contains general guidelines to be followed by the Council in its disposal activities. There may be emergencies, or disposals in which a tender process will not necessarily deliver best outcome for the Council, and other market approaches may be more appropriate.
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- *Community Titles Act 1996*
- *Roads (Opening and Closing) Act 1991*
- *Land Acquisition Act 1969*
- *Trade Practices Amendment (Australian Consumer Law) Act (No 2) 2010 (Cth)*

#### **3.2 Other References**

Procurement Policy

Item No: **15.3**

Subject: **SEACLIFF BEACH ACCESS – SAFETY IMPROVEMENTS**

Date: 14 July 2020

Written By: Project Manager – Civil

General Manager: City Assets and Services

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## **SUMMARY**

Safety issues were identified for pedestrians and other Coast Park users when crossing the beach access ramp at Seacliff.

In response to Motion (C140420/1774) carried at Council's meeting on 14 April 2020 (Report No: 72/20), Administration has investigated the safety concerns associated with the Seacliff Beach access ramp / Coast Park trail and examined methods to improve the safety and accessibility for all users.

This report details proposed improvements to infrastructure and signage in order to decrease the risk for beach and Coast Park users, without reducing the accessibility of the beach as a boat launch site.

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## **RECOMMENDATION**

1. **That Council approve the following works, in order to improve safety and accessibility for users of the Seacliff Beach Access Ramp:**
    - a) **undertake design and construction of new driveway invert of the vehicle ramp, drainage and linemarking;**
    - b) **improved signage on the ramp and beach to better define usage rules, give way priorities, and launch area to increase safety and awareness for all users; and**
    - c) **design and construct two (2) new pedestrian access ramps on the northern and southern side of the beach access ramp to provide safe pedestrian access to the beach from adjoining carpark and footpath.**
  2. **That Council allocate a new budget item estimated at \$69,500 in the 2020/21 Capital Works Budget to undertake the design and construction of the proposed works.**
-

## COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Community: Building a healthy, active and resilient community

Community: Providing welcoming and accessible facilities

Economy: Supporting and growing local business

## COUNCIL POLICY

Not Applicable.

## STATUTORY PROVISIONS

Not Applicable.

## BACKGROUND

At its meeting on 14 April 2020, Council resolved (Motion C140420/1774) as follows:

1. *That Council note this report.*
2. *Council supports keeping the Seacliff Beach Ramp Access open to the public for the purpose of launching and retrieving recreational boats and water craft and for, Council and Council Contractor's vehicles, Surf Lifesaving Club Patrol Vehicles and emergency vehicle access.*
3. *Request that Administration bring back to Council a costed step by step plan to improve safety for all users of the Coast Park and the Seacliff Beach Access Ramp which considers/includes but not limited to:*
  - *improved signage with clearer messaging;*
  - *warning and enforcing penalties for parking on the beach;*
  - *give way sign options fully investigated including a pedestrian zebra crossing option;*
  - *regular maintenance scheduling which reflects seasonal use and tidal conditions;*
  - *improved ramp or wet sand option; and*
  - *separate pedestrian access to beach from the shelters (just south of the Seacliff Boat Ramp)*
4. *That this detailed step by step plan, or first part thereof, to improve safety for all users to be brought back to Council for consideration in June 2020 so that initiatives can be considered to be funded in the 2020-21 Budget.*

This report responds to that resolution.

The beach access ramp at Seacliff is utilised by the public and the Brighton and Seacliff Yacht Club to launch and retrieve boats from the beach. This access ramp has been in use for (anecdotally)

more than 50 years and is the only free boat launch site in the region. Other existing boat ramps require permits and fees to use, but provide better dedicated infrastructure to do so.

The beach access ramp is well used, particularly in summer. As an example, review of CCTV footage from Good Friday (10 April 2020), it was noted that between 6am and midday, 47 4WDs and 14 SUVs accessed the ramp. Pedestrian count between 6am and 8am tallied 154 users of the Coast Park, with an additional 50 using the ramp to access the beach. Good Friday is the first day of the Easter long weekend, the weather was good, and Covid-19 restrictions were coming into place restricting people from visiting other parts of the state or interstate so usage may not be reflective of normal weekends, but the high number of users the potential high risk of an incident. This report outlines suggested works required to reduce the risk.

The Coast Park crosses the beach access ramp and gives rise to ambiguity as to who gives way. There have been a number of complaints about safety for Coast Park users whilst crossing the ramp, mostly around the failure of vehicles to give way.

Council currently maintains the ramp and the beach in front of the ramp on a monthly basis during off season, and more regularly on an as-needs basis during peak season. This involves an excavator accessing the site and back-blading the soft sand between the high and low tide mark.

Council's operations staff are also called out regularly to drag bogged vehicles out of the sand, a service for which Council currently do not charge. Council staff also police and fine users for driving on the beach under the Road Traffic Act, for driving on a public place. The current sign notifies users that vehicles are not prohibited on the beach except to launch or retrieve boats.

Currently there is ambiguity between Coast Park users (ie the vulnerable pedestrians and cyclists) and vehicles using the beach access ramp due to confusion over who has priority across the access ramp. The existing vehicle access off the adjoining roadway is at continuous level without a driveway invert. Coast Park trail includes kerb ramps where the Coast Park crosses the access ramp, including tactile pads and handrails, this implies that vehicles are currently the priority users, and pedestrians should give way. However, this is not how users are using this crossing point, nor is it the preferred way of managing this crossing.

Issues have also been raised regarding the safety of pedestrians and beach goers on the beach in the vicinity of the access ramp.

## **REPORT**

The proposed plan addresses safety improvements for all users of the Seacliff Beach access ramp, Coast Park and beach. This specific safety issues with the current beach access arrangements are:

- **Safety Issues on Coast Park**
  - Pedestrians, cyclists, scooter users etc. crossing the vehicle access ramp not aware of danger
  - Ambiguous who gives way



- Poor sight lines for drivers exiting the beach – especially looking north along Coast Park
- Vehicles driving at speed to avoid soft sand
- Poor signage
- **Safety Issues on Beach**
  - Pedestrians unaware of vehicles manoeuvring on beach
  - Pedestrians setting up on beach within boat launch area
  - No signage
  - Vehicles unaware of extent of launching area
- **Pedestrian Safety Issues Accessing Beach**
  - Pedestrians accessing beach via ramp in conflict with vehicles
  - No alternate pedestrian beach access within 150m of car park
  - Current vehicle access is concrete, easy to use
  - Many pedestrians walking through car park to access ramp
- **Vehicle access issues (soft sand)**
  - Soft sand increases risk for being bogged
  - Requires constant maintenance to clear ramp
  - Requires increase speed and continuous movement to exit and enter over soft sand, especially when non 4WD vehicles are used
  - Vehicles do not stop and wait for ramp to clear if sand is soft (to reduce risk of getting bogged)
- **Issues with current access point**
  - Who has priority?
  - How is that information displayed? (Current signage poor)

In order to address the points noted above, the following is proposed with estimated construction costs (ex GST).

- Design and construct new driveway invert, stormwater and linemarking (\$35,000);
- Design and install improved signage (on & off beach) (\$7,000);
- Construct a new pedestrian beach access ramp (North) (\$17,500); and
- Construct a new pedestrian beach access ramp (South) (\$10,000).

Following the improved access, signage and pedestrian paths, the site will be monitored and if required further recommendations made to Council, including potentially extending a concrete access across the beach through the soft sand or installing a floating deck (ie slat and chain ramp). This would have an additional budget costs of between \$50,000 to \$90,000 depending on the solution.

The proposed works in detail are:

### **Improve driveway Invert**

In order to reduce the ambiguity of the current access ramp, and improve the safety of users, Council will construct a 'driveway invert' across the opening. This will indicate to vehicle users

that they are leaving the roadway and crossing a footpath, thereby switching the right of way to the users of the Coast Park. It will also lift the level of the Coast Park to make a smoother transition for users. In order to construct this, a design will be undertaken to ensure vehicles can continue to use the ramp without the issue of bottoming out with the new changes of grade. The construction of the driveway invert will require minor adjustment to stormwater.

Cyclists using the Coast Park in a South to North direction often exit the Coast Park at this ramp and continue along the road heading north on the Esplanade. In an effort to continue this movement, improvements to the invert of the access ramp will take cyclists into consideration. Secondly the construction of a cycle holding lane at the intersection of the Esplanade and the Car Park entrance will further promote this manoeuvre and provide cyclists a safe place to enter the roadway. Refer Figure 1.



*Figure 1 – New Cycle Holding Bay*

### **Improve Signage**

The current signage is poorly designed, doesn't convey clear messages and is positioned poorly for relevant groups of users. There is also a large amount of non-Council (DPTI /Marine) signage at this location diluting and confusing Council's messages. This is illustrated in Photo 1 below.

By removing the council signage from DPTI/Marine signage, it can be repositioned so that there are clear marine related signs and Council beach access ramp signage. Council will install new signage that is relevant to each specific group of users and relocate them to be more visible to their intended audience.



*Photo 1 – Current extensive signage*

Below is a list of signage required in order to accurately describe the hazards and restrictions ahead for each user group. These signs would replace the City of Holdfast Bay signs but be in addition to the State Government signs. Refer Figure 2 and 3 for proposed locations.

Map Location	Signs to be installed
1 (on Coast Park)	<b>New Sign:</b> Warning of crossing point (vehicle danger)
2 (on Coast Park)	<b>New Sign:</b> Warning of crossing point (vehicle danger) <b>New Sign:</b> Notice of holding bay on road
3 (Adjacent road)	<b>New Sign:</b> Beware pedestrians crossing
4 (On Access ramp)	<b>Existing Sign:</b> Pedestrians – Keep boat ramp area clear for vehicles & trailer access <b>New Sign:</b> showing location of pedestrian beach access <b>New Sign:</b> Beware pedestrians crossing <b>New Sign:</b> 4WD Recommended– soft sand <b>Existing Sign:</b> Vehicles not permitted on beach except to launch and retrieve boats – <i>(It has been determined that this is sufficient to disallow parking on the beach)</i>
5 (on Beach )	<b>New Sign:</b> Double sided sign on beach – x4 <ul style="list-style-type: none"> <li>• One side denotes extent of public boat launching and retrieving (authorised vehicles excepted)</li> <li>• Other side warns pedestrians of vehicles manoeuvring in area</li> </ul>



Figure 2 – Proposed new signage locations - ramp



The construction of signage to indicate where boat launching and retrieval may occur, does not change the current location, simply shows it more clearly and identifies the hazard of moving vehicles to beach users. The proposed location of the signage is shown below.



Figure 3 – Proposed new signage locations – Beach - Extent of boat launch/retrieval zone

It is proposed that Council would authorise those affiliated with the Seacliff Surf Lifesaving Club and Brighton Seacliff Yacht Club to allow them to launch and retrieve boats from outside their clubs to the south of the public boat launching area. This authorisation would include other clubs attending events and carnivals. The on-beach operation should be generally unchanged from what currently occurs, with some additional safety signage.

The success of the signage at the ramp and on the beach will be monitored and if required additional signage (eg Cyclists Dismount) and Decals on the Coast Park surface could be installed. In the short term, it is preferred to minimise the signage to avoid sign pollution.

### **New Pedestrian Beach Access Paths**

In order to reduce pedestrian usage on the beach access ramp and to improve the safety of pedestrians accessing the beach from the car park (and vice versa) two new pedestrian access ramps are proposed to be constructed. One will be constructed south of the existing vehicle access ramp, between the shelters and the art installation, the second will be to the north. Refer Figure 4. The Coastal Protection Board do not currently have any specific restrictions on the works, however staff are consulting with the Board in order to undertake the works for the access ramps as sensitively as possible and with minimal disturbance to the dune system.



*Figure 4 – New Pedestrian Access*

### Southern Pedestrian Access:

The construction of the southern beach access provides pedestrians access to the beach from the car park without using the concrete vehicle access ramp. This new pedestrian access will involve levelling the sand, providing fencing and wind protection for the path and construction of a slat (either timber or recycled plastic) and chain ramp from the shelters down to the beach. The path will be constructed so as to avoid wind blowing through and filling up the path.

### Northern Pedestrian Access:

The construction of the northern beach access provides pedestrians access to the beach from the Coast Park trail without using the concrete vehicle access ramp. There is an existing beach access on the northern side of the Seacliff Beach access around 160 metres north. A new pedestrian ramp is proposed adjacent to the existing vehicle ramp to provide an alternative to walking down the vehicle ramp.

Construction of this path will involve fencing, and some dune reduction. Further, the installation of a slat (either timber or recycled plastic) and chain path will provide added traction and help for navigating the dune. There is a delicate balance between minimising impacts to the dune system while creating an attractive beach access that will be preferable to use over the concrete vehicle access ramp. However, one of the goals is also to reduce the height of the dune to provide a greater line of sight for vehicles exiting the beach.

Consultation has occurred with Council's Environmental Team, with a level of works agreed upon to minimise the impact to Council's dune system, while providing safety benefits. Ongoing communication with the Coastal Protection Board will occur as part of the process.



Photo 2 – Example of Floating chain and slat ramp (vehicle or pedestrian)  
Improvements to vehicle ramp (if required)

There are two possible solutions to improve the vehicle access ramp. Either increasing the length of the existing ramp with a longer concrete ramp, or constructing a 'floating' slat and chain vehicle ramp. See photo 2 above. Either could be constructed following modifications to the invert/crossing point.

Extending the ramp would reduce the area of soft sand improving accessibility for a range of vehicles, however this increase operational and maintenance costs to maintain the facilities, particularly after storm damage has occurred. It is important to remember that this is a beach launch site, not a boat ramp.

Monitoring will occur over the 12 months post construction which should give a clearer indication if further works are required. If so, it can be included in the 2021/2022 budget for consideration.

### **Maintenance**

Maintenance is currently undertaken monthly in the off-peak periods on the ramp and adjacent beach and involves removing built-up sand from the ramp, footpath and carpark, and back-blading the soft sand. Additional maintenance is undertaken based on weekly inspections throughout the summer peak season.

### **BUDGET**

There is currently no capital budget allocated for this project.

In order to address the points noted above, a new budget allocation of \$69,500 (excl GST) is proposed in the 2020/21 Capital Works Program based on the following:

• Design and construct new driveway invert, stormwater and linemarking	\$35,000
• Design and install improved signage (on & off beach)	\$ 7,000
• Construct a new pedestrian beach access ramp (North)	\$17,500
• Construct a new pedestrian beach access ramp (South)	<u>\$10,000</u>
<b>Total (excl GST)</b>	<b>\$69,500</b>

Should further work be required to upgrade the ramp across the beach, possibly by extending a concrete access across the beach through the soft sand or installing a floating deck (ie slat and chain ramp), an additional budget of between \$50,000 to \$90,000 would be required depending on the solution.

### **LIFE CYCLE COSTS**

The upgrade of the ramp and the two new additional pedestrian access paths will require ongoing maintenance and depreciation to fund renewal in 20 to 30 years. Maintenance to remove wind blown sand would be undertaken when the beach ramp is being maintained. The additional operational costs are estimated in the order of:

• Operation & maintenance costs	\$6,000
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• Additional depreciation cost	<u>\$3,000</u>
<b>Total (excl GST)</b>	<b>\$9,000 pa</b>

Within the next 10 years the balance of the ramp will need to be renewed.

Item No: **15.4**

Subject: **POLICY REVIEW – ORDER MAKING POLICY**

Date: 14 July 2020

Written By: Manager Engineering

General Manager: City Assets and Services, Mr H Lacy

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### **SUMMARY**

The Order Making Policy is required under Section 259 of the Local Government Act 1999 ('the Act') and each council is required to develop an Order Making Policy. The attached draft Order Making Policy has been prepared and must be adopted pursuant to Section 259 of the Act and sets out the steps council will take in the making of orders.

The policy has been updated based on the Local Government Association (LGA) Model Order Making Policy. Whilst additional sections have been added for clarification, the intent and operation is unchanged. The amendments reflected in the amended policy are minor and as such Council can determine that community consultation requirements of Section 259 of the LG Act are not required.

This policy has been reviewed and is now presented to Council for adoption.

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### **RECOMMENDATION**

**That pursuant to Section 259 of the Local Government Act 1999, Council:**

- 1) determines that the amendments to the Order Making Policy as submitted with this report are of a minor nature; and**
  - 2) approves and adopts the Order Making Policy as presented in Attachment 2 as amended.**
- 

### **COMMUNITY PLAN**

Culture: Providing customer-centred services  
Culture: Enabling high performance  
Culture: Being financially accountable  
Culture: Supporting excellent, efficient operations

**COUNCIL POLICY**

Not applicable.

**STATUTORY PROVISIONS**

*Local Government Act 1999*

**BACKGROUND**

The *Local Government Act 1999* requires councils to keep council policies under review to ensure they are appropriate and effective (Section 59).

Policies are an important part of the good governance of the City of Holdfast Bay. They protect the organisation and provide our community with confidence that we will undertake operations in a consistent, fair and equitable way.

Under Section 259 of the Local Government Act 1999 (the Act) each council is required to develop an Order Making Policy. This Order Making Policy is prepared and adopted pursuant to Section 259 of the Act and sets out the steps council will take in the making of orders. The amendments reflected in the amended policy are minor and as such Council can determine that community consultation requirements of Section 259 of the LG Act are not required.

**REPORT**

As the Order Making Policy is due for review, it is presented to Council. The Order Making Policy was first approved in 2009 and updated in 2017.

This policy applies to those circumstances listed in Section 254 of the Act, which states that Council may order a person to do or refrain from doing a thing under certain circumstances as specified in the Schedule identified in the Act.

Sections of the Act to which this Policy also applies are:

- Section 216 (Power to order an owner of a private road to carry out specified roadwork);
- Section 217 (Power to order owner of infrastructure on a road to carry out specified maintenance or repair work); and
- Section 218 (Power to require an owner of adjoining land to carry out specified work).

The main changes from the 2017 Order Making Policy are:

- adopted wording from the LGA Model Order Making Policy;
- clarification on the process and procedure;
- clarification on the review rights; and
- clarification on the process relating to non-compliance.

As the Order Making Policy is considered a moderate risk policy, the review period has been set at 3 years. In any event, this policy would be updated earlier if there were any legislative changes

or any other recommendations from Administration and/or LGA. The amendments reflected in the amended policy are minor and as such Council can determine that community consultation requirements of Section 259 of the LG Act are not required.

A copy of the draft Order Making Policy with tracked changes (refer Attachment 1) and a final version of the draft Order Making Policy for adoption is presented in Attachment 2.

*Refer Attachment 1 and 2*

#### **BUDGET**

No budget impacts.

#### **LIFE CYCLE COSTS**

No life cycle cost impact.

# Attachment 1



Trim Container	FOL/17/1013
First Issued / Approved:	21/09/2009
Last Reviewed:	23/05/ <del>2017</del> 2020
	C230517/784
Next Review:	<del>30/06/2020</del> 30/06/2023

## ORDER MAKING POLICY

### 1. PREAMBLE

#### 1.1 Background

Under section 259 of the Local Government Act 1999 ('the Act') each council is required to develop an Order Making Policy. This Order Making Policy is prepared and adopted pursuant to section 259 of the Act and sets out the steps council will take in the making of orders.

With the inception of the ~~new~~ Local Government Act 1999 ('the Act'), Councils can no longer make by-laws that apply to activities undertaken on private land. To address issues covered by the former by-laws, an order making provision has been included in the Act. This allows Council to instruct owners or occupiers of private land to take action required to resolve an issue with the service of an order.

~~Unlike the blanket prohibition of certain activities that exists through by-laws,~~  
Orders are intended to apply and be considered on a case by case basis.

#### 1.2 Purpose

Section 259 of the Act requires each council to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act. Part 2 deals with the making of orders.  
~~This policy covers any issues on public land that may impact on residents within the City of Holdfast Bay (Council).~~

#### 1.3 Scope

This policy applies to those circumstances listed in Section 254 of the Act, which states that Council may order a person to do or refrain from doing a thing under certain circumstances as specified in the Schedule identified in the Act.

Sections of the Act to which this Policy also applies are:

~~a. Section 299 (Vegetation Clearance)~~

- b-a. Section 216 (Power to order an owner of a private road to carry out ~~undertake~~ specified roadwork)
- e-b. Section 217 (Power to order owner of infrastructure ~~installed~~ on a road to carry out specified maintenance or repair work)
- c. Section 218 (Power to require an owner of adjoining land to carry out specified work)

Orders may be applied to activities as described in section 254 of the Act.:

. Refer Attachment 1

#### **1.4 Definitions**

There are no specific definitions associated with this policy.

#### **1.5 Strategic Reference**

Community: Building a healthy, active and resilient community

Culture: Supporting excellent, efficient operations

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~~The electronic version on the Internet/Intranet is the controlled version of this document.~~

1

The electronic version on the Internet/Intranet is the controlled version of this document.

Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the controlled version.

### 2. PRINCIPLES

- 2.1** Council is committed to using the order making powers available to it under the Local Government Act 1999 to meet its obligations to the community, namely:
- Ensuring a safe and healthy environment
  - Enhancing the quality of life for residents and visitors to the area
  - Improving the amenity of the City
  - Ensuring all enforcement activities are conducted using natural justice principles and
  - Ensuring that complaints requiring the service of an order under the Local Government Act are dealt with in a timely and effective manner
- 2.2** Council will apply the principles of social justice, ecological sustainability, accountability, transparent process and good customer service when undertaking to resolve an nuisance issue on private land using this Policy.
- 2.3** Council will consider the following factors when determining the merit of serving an order:
- Severity of the incident
  - Hazard / Danger posed to the Community
  - Risk to health and safety of the Community
  - Impact on Local Amenity
  - ~~Frequency of Repeated~~ Occurrence, previous offences
  - Previous attempts to reconcile the situation
  - Potential to use other options such as negotiation, mediation, warnings or other more collaborative approaches
  - Public interest
  - Offender Attitude / Recidivism
  - ~~j.~~ Evidentiary support where potential for the order to be challenged
  - ~~j-k.~~ Number of complaints received in respect of the matter (if any)
  - ~~k-l.~~ Opportunities to take action under alternative legislation
- 2.4** Expiation fees are set in accordance with the Local Government Act.
- ~~a.~~ Penalties under this part do not derogate from the ability to undertake required works and charge accordingly under Section 257 of the Act.
- ~~2.5~~ Appeals against an action brought against a person under this policy must be in writing and will be considered by the Chief Executive Officer.
- ~~a.~~ Where appropriate, the Chief Executive Officer may refer the matter to Council.
- ~~2.6~~ Orders may be applied to activities as described in the Local Government Act, section 254.

### 3. PROCESS AND PROCEDURE



## ORDER MAKING POLICY

**3.1** Except in the case of an emergency described below, council will take reasonable steps, within available resources, to resolve cases of local nuisance by negotiation and agreement before issuing an order

**3.2** Except in the case of an emergency described below, before making an order council will give notice of its intention to make an order in accordance with section 255 of the Act by:

- Giving the person to whom an order is intended to be directed a notice in writing stating the:
  - proposed action
  - terms of the proposed order (i.e. what it requires the person to do or refrain from doing)
  - period within which compliance with the order will be required
  - penalties for non-compliance; and
  - reasons for the proposed action; and
- Inviting the person notified of the opportunity to give reason/s, within a specified time, why the proposed action should not be taken.

**3.3** Council will proceed to make an order without negotiation or notice, in accordance with section 255(12) where council considers the circumstance or activity constitutes, or is likely to constitute:-

- a threat to life; or
- an immediate threat to public health or public safety; or
- an emergency situation.

## **4. REVIEW RIGHTS**

Pursuant to section 256 any person to whom an order is issued (including an order issued under sections 254, 216 or 218 of the Act) has a right to appeal against the order. Any such appeal must be lodged within 14 days of that person's receipt of the order. The council will ensure that reference to this right of review is included in any order issued.

## **5. NON-COMPLIANCE WITH AN ORDER**

If an order is not complied with within the time fixed for compliance (or if there is an application for review, within 14 days after the determination of the review) the council may (subject to the outcome of any review) take the action required by the order.

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

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

Non-compliance with an order of council is an offence for which a person may incur a statutory penalty provided for in the Act.

### **6. RESPONSIBILITIES & DELEGATIONS**

This policy will be enforced by Authorised Persons who have been appointed (in writing) by the council under section 260 of the Act.<sup>1</sup>

Council may also choose to delegate the power to issue orders under sections 254, 216 and 218 of the Act to council staff, in which case, council will ensure appropriate delegations are in place.

### **3.7. REFERENCES**

#### **3.1 Legislation**

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<sup>1</sup> Authorised Persons have powers under section 261 of the Act to enforce breach of orders by way of expiation.

### 7.1

- Local Government Act 1999
- Local Government (General) ~~Regulations~~ Regulations 2013

### 7.2 Other References – ~~N/A~~ N/A

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## Attachment 1

Local Government Act 1999

254—Power to make orders

- (1) A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table.

<u>Column 1</u> <u>To do or to refrain from</u> <u>doing what?</u>	<u>Column 2</u> <u>In what circumstances?</u>	<u>Column 3</u> <u>To whom?</u>
<b><u>2. Hazards on lands</u></b>		
<b><u>adjoining a public place</u></b>		
(1) <u>To fence, empty, drain, fill or cover land (including land on which there is a building or other structure).</u>	(1) <u>A hazard exists that is, or is likely to become, a danger to the public.</u>	(1) <u>The owner or occupier of the land.</u>
(2) <u>To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.</u>	(2) <u>The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.</u>	(2) <u>The owner or occupier of the land.</u>
(3) <u>To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.</u>	(3) <u>The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.</u>	(3) <u>The owner or occupier of the land.</u>
(4) <u>Where the public place is a road—to take action necessary to protect the road or to remove a hazard to road users.</u>	(4) <u>A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.</u>	(4) <u>The owner or occupier of the land.</u>

### **Examples—**

- : To fill an excavation, or to prevent drainage of water across the road.
- : To construct a retaining wall or to remove or modify a fence.
- : To fence land to prevent the escape of animals.
- : To remove a structure or vegetation near an intersection.

## **4. Inappropriate use of vehicle**

To refrain from using a caravan or vehicle as a place of habitation.

A person is using a caravan or vehicle as a place of habitation in circumstances that—

The owner or occupier of the land or a person apparently occupying the caravan or vehicle.

- (a) present a risk to the health or safety of an occupant; or
- (b) cause a threat of damage to the environment; or
- (c) detract significantly from the amenity of the locality.

(2) A reference in the table to an animal or animals includes birds and insects.

## **216—Power to order owner of private road to carry out specified roadwork**

(1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.

(2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—

- (a) any proposal to make an order; and
- (b) if an order is made, any order, under subsection (1).

## **217—Power to order owner of infrastructure on road to carry out specified maintenance or repair work**

(1) A council may, by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, require the owner—

- (a) to carry out specified work by way of maintenance or repair; or
- (b) to move the structure or equipment in order to allow the council to carry out roadwork.

(2) If the order is not complied with within a reasonable time fixed in the order—

- (a) the council may itself take the action required by the order and recover the cost of doing so as a debt from the owner; and
- (b) the owner is guilty of an offence and liable to a penalty not exceeding \$5 000.

(3) Subsection (1) and (2) do not apply to the owner of electricity infrastructure, public lighting infrastructure or gas infrastructure if the Commission has determined, on application by the owner, that there are reasonable grounds for not requiring the owner to take the action specified in the order.

(4) In this section—

**Commission** means the Essential Services Commission established under the Essential Services Commission Act 2002;

**electricity infrastructure** has the same meaning as in the Electricity Act 1996;

**gas infrastructure** has the same meaning as in the Gas Act 1997, but does not include a transmission pipeline within the meaning of the Petroleum Act 2000;

**owner** of a structure or equipment includes a lessee or licensee;

**public lighting infrastructure** has the same meaning as in the Electricity Corporations (Restructuring and Disposal) Act 1999.

**218—Power to require owner of adjoining land to carry out specified work**

(1) A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.

(2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—

(a) any proposal to make an order; and

(b) if an order is made, any order,

under subsection (1).

# Attachment 2



Trim Container	FOL/17/1013
First Issued / Approved:	21/09/2009
Last Reviewed:	01/06/2020
	C230517/784
Next Review:	30/06/2023

## ORDER MAKING POLICY

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### 1. PREAMBLE

#### 1.1 Background

Under section 259 of the Local Government Act 1999 ('the Act') each council is required to develop an Order Making Policy. This Order Making Policy is prepared and adopted pursuant to section 259 of the Act and sets out the steps council will take in the making of orders.

With the inception of the *Local Government Act 1999* ('the Act'), Councils can no longer make by-laws that apply to activities undertaken on private land. To address issues covered by the former by-laws, an order making provision has been included in the Act. This allows Council to instruct owners or occupiers of private land to take action required to resolve an issue with the service of an order.

Orders are intended to apply and be considered on a case by case basis.

#### 1.2 Purpose

Section 259 of the Act requires each council to take reasonable steps to prepare and adopt policies concerning the operation of Part 2 of Chapter 12 of the Act. Part 2 deals with the making of orders.

#### 1.3 Scope

This policy applies to those circumstances listed in Section 254 of the Act, which states that Council may order a person to do or refrain from doing a thing under certain circumstances as specified in the Schedule identified in the Act.

Sections of the Act to which this Policy also applies are:

- a. Section 216 (Power to order an owner of a private road to carry out specified roadwork)
- b. Section 217 (Power to order owner of infrastructure on a road to



## ORDER MAKING POLICY

- carry out specified maintenance or repair work)
- c. Section 218 (Power to require an owner of adjoining land to carry out specified work)

Orders may be applied to activities as described in section 254 of the Act .  
Refer Attachment 1

### 1.4 Definitions

There are no specific definitions associated with this policy.

### 1.5 Strategic Reference

Community: Building a healthy, active and resilient  
community Culture: Supporting excellent, efficient  
operations

## 2. PRINCIPLES

- 2.1 Council is committed to using the order making powers available to it under the Local Government Act 1999 to meets its obligations to the community, namely:
  - a. Ensuring a safe and healthy environment
  - b. Enhancing the quality of life for residents and visitors to the area
  - c. Improving the amenity of the City
  - d. Ensuring all enforcement activities are conducted using natural justice principles and
  - e. Ensuring that complaints requiring the service of an order under the Local Government Act are dealt with in a timely and effective manner
- 2.2 Council will apply the principles of social justice, ecological sustainability, accountability, transparent process and good customer service when undertaking to resolve an issue on private land using this Policy.
- 2.3 Council will consider the following factors when determining the merit of serving an order:
  - a. Severity of the incident
  - b. Hazard / Danger posed to the Community
  - c. Risk to health and safety of the Community
  - d. Impact on Local Amenity
  - e. Repeated occurrence, previous offences
  - f. Previous attempts to reconcile the situation
  - g. Potential to use other options such as negotiation, mediation, warnings or other more collaborative approaches
  - h. Public interest
  - i. Offender Attitude / Recidivism
  - j. Evidentiary support where potential for the order to be challenged
  - k. Number of complaints received in respect of the matter (if any)
  - l. Opportunities to take action under alternative legislation

### 2.4 Expiation fees are set in accordance with the Act.

Penalties under this part do not derogate from the ability to undertake required works and charge accordingly under Section 257 of the Act.

## 3. PROCESS AND PROCEDURE

**3.1** Except in the case of an emergency described below, council will take reasonable steps, within available resources, to resolve cases of local nuisance by negotiation and agreement before issuing an order

**3.2** Except in the case of an emergency described below, before making an order council will give notice of its intention to make an order in accordance with section 255 of the Act by:

- Giving the person to whom an order is intended to be directed a notice in writing stating the:
    - proposed action
    - terms of the proposed order (i.e. what it requires the person to do or refrain from doing)
    - period within which compliance with the order will be required
    - penalties for non-compliance; and
    - reasons for the proposed action; and
  - Inviting the person notified of the opportunity to give reason/s, within a specified time, why the proposed action should not be taken.
- 3.3** Council will proceed to make an order without negotiation or notice, in accordance with section 255(12) where council considers the circumstance or activity constitutes, or is likely to constitute:-
- a threat to life; or
  - an immediate threat to public health or public safety; or
  - an emergency situation.

## 4. REVIEW RIGHTS

Pursuant to section 256 any person to whom an order is issued (including an order issued under sections 254, 216 or 218 of the Act) has a right to appeal against the order. Any such appeal must be lodged within 14 days of that person's receipt of the order. The council will ensure that reference to this right of review is included in any order issued.

## 5. NON-COMPLIANCE WITH AN ORDER

If an order is not complied with within the time fixed for compliance (or if there is an application for review, within 14 days after the determination of the review) the council may (subject to the outcome of any review) take the action required by the order.

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

## ORDER MAKING POLICY

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

Non-compliance with an order of council is an offence for which a person may incur a statutory penalty provided for in the Act.

### 6. RESPONSIBILITIES & DELEGATIONS

This policy will be enforced by Authorised Persons who have been appointed (in writing) by the council under section 260 of the Act.<sup>1</sup>

Council may also choose to delegate the power to issue orders under sections 254, 216 and 218 of the Act to council staff, in which case, council will ensure appropriate delegations are in place.

### 7. REFERENCES

#### 7.1 Legislation

- *Local Government Act 1999*
- *Local Government (General) Regulations 2013*

#### 7.2 Other References – N/A

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<sup>1</sup> Authorised Persons have powers under section 261 of the Act to enforce breach of orders by way of expiation.

## Attachment 1

*Local Government Act 1999*

### 254—Power to make orders

- (1) A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following table if in the opinion of the council the circumstances specified opposite it in Column 2 of the table exist and the person comes within the description opposite it in Column 3 of the table.

<b>Column 1</b> <b>To do or to refrain from doing what?</b>	<b>Column 2</b> <b>In what circumstances?</b>	<b>Column 3</b> <b>To whom?</b>
<b>2. Hazards on lands adjoining a public place</b>		
(1) To fence, empty, drain, fill or cover land (including land on which there is a building or other structure).	(1) A hazard exists that is, or is likely to become, a danger to the public.	(1) The owner or occupier of the land.
(2) To remove overgrown vegetation, cut back overhanging branches, or to remove a tree.	(2) The vegetation, branches or tree create, or are likely to create, danger or difficulty to persons using a public place.	(2) The owner or occupier of the land.
(3) To remove or modify a flag or banner, a flagpole or sign, or similar object or structure that intrudes into a public place.	(3) The relevant object or structure creates, or is likely to create, danger or difficulty to persons using a public place.	(3) The owner or occupier of the land.
(4) Where the public place is a road—to take action necessary to protect the road or to remove a hazard to road users.	(4) A situation exists that is causing, or is likely to cause, damage to the road or a hazard to road users.	(4) The owner or occupier of the land.

#### **Examples—**

- To fill an excavation, or to prevent drainage of water across the road.
- To construct a retaining wall or to remove or modify a fence.
- To fence land to prevent the escape of animals.
- To remove a structure or vegetation near an intersection.

### **4. Inappropriate use of vehicle**

*To refrain from using a caravan or vehicle as a place of habitation.*

*A person is using a caravan or vehicle as a place of habitation in circumstances that—*

*The owner or occupier of the land or a person apparently occupying the caravan or vehicle.*

- (a) present a risk to the health or safety of an occupant; or*
- (b) cause a threat of damage to the environment; or*
- (c) detract significantly from the amenity of the locality.*

- (2) A reference in the table to an animal or animals includes birds and insects.*

### **216—Power to order owner of private road to carry out specified roadwork**

- (1) A council may, by order in writing to the owner of a private road, require the owner to carry out specified roadwork to repair or improve the road.*
- (2) Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—*
- (a) any proposal to make an order; and*
  - (b) if an order is made, any order, under subsection (1).*

### **217—Power to order owner of infrastructure on road to carry out specified maintenance or repair work**

- (1) A council may, by order in writing to the owner of a structure or equipment (including pipes, wires, cables, fittings and other objects) installed in, on, across, under or over a road, require the owner—*
- (a) to carry out specified work by way of maintenance or repair; or*
  - (b) to move the structure or equipment in order to allow the council to carry out roadwork.*

- (2) If the order is not complied with within a reasonable time fixed in the order—*
- (a) the council may itself take the action required by the order and recover the cost of doing so as a debt from the owner; and*
  - (b) the owner is guilty of an offence and liable to a penalty not exceeding \$5 000.*

- (3) Subsection (1) and (2) do not apply to the owner of electricity infrastructure, public lighting infrastructure or gas infrastructure if the Commission has determined, on application by the owner, that there are reasonable grounds for not requiring the owner to take the action specified in the order.*

- (4) In this section—*

**Commission** means the Essential Services Commission established under the Essential Services Commission Act 2002;

**electricity infrastructure** has the same meaning as in the Electricity Act 1996;

**gas infrastructure** has the same meaning as in the Gas Act 1997, but does not include a transmission pipeline within the meaning of the Petroleum Act 2000;

**owner** of a structure or equipment includes a lessee or licensee;

**public lighting infrastructure** has the same meaning as in the Electricity Corporations (Restructuring and Disposal) Act 1999.

### **218—Power to require owner of adjoining land to carry out specified work**

- (1) *A council may, by order in writing to the owner of land adjoining a road, require the owner to carry out specified work to construct, remove or repair a crossing place from the road to the land.*
- (2) *Divisions 2 and 3 of Part 2 of Chapter 12 apply with respect to—*
  - (a) *any proposal to make an order; and*
  - (b) *if an order is made, any order,**under subsection (1).*

Item No: **15.5**

Subject: **DRAFT PUBLIC ART POLICY AND PUBLIC ART GUIDELINES**

Date: 14 July 2020

Written By: Community, Arts & Cultural Coordinator

General Manager: Community Services, M Lock

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## **SUMMARY**

This report presents the draft Public Art Policy and Public Art Guidelines that has been developed in response to the Creative Holdfast: Arts & Culture Strategy 2019 – 2024 and will guide the future planning, management and investment for public art.

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## **RECOMMENDATION**

**That Council endorse the Draft Public Art Policy for community consultation and note the Guidelines.**

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## **COMMUNITY PLAN**

Placemaking: Creating lively and safe places  
Placemaking: Developing walkable connected neighbourhoods  
Placemaking: Building character and celebrating history  
Community: Celebrating culture and diversity  
Community: Providing welcoming and accessible facilities  
Economy: Boosting our visitor economy

## **COUNCIL POLICY**

Public Art Policy

## **STATUTORY PROVISIONS**

*Local Government Act 1999*

## **BACKGROUND**

The Creative Holdfast Arts & Culture Strategy and Action Plan was adopted by Council in 2019 and provides a five year plan that guides the philosophy, coordination, promotion, management and investment in arts and culture across the city.

The development of a new Public Art Policy is one of the strategic actions that was initiated through the consultation phase in early 2019 for the Arts & Culture Strategy. The updated Policy has been developed to reflect best practice and is a refined version of the original. Along with the Guidelines, the new Policy will continue to ground Councils direction for the future planning, management and investment of quality public art.

Public Art and creativity not only activates our public spaces but it also invigorates our lives, strengthens social connections, stimulates the economy and creates a place where people love to visit. Holdfast Bay has a long standing connection to public art with a collection of over fifty permanent installations visible throughout the city. Many of the public artworks installed along Coast Park are ornamental works that have been purchased from the Brighton Jetty Sculptures Festival.

It is anticipated the use of the new Public Art Policy and associated Guidelines will provide industry standards of practice for the future commissioning and management of public artworks and initiatives and be used by the arts and private sector as a basis for its public art practice.

Policies are an important part of the good governance of the City of Holdfast Bay. They protect the organisation and provide our community with confidence that we will undertake operations in a consistent, fair and equitable way.

## **REPORT**

The Public Art Policy and Guidelines are a statement of commitment to public art and set the broad parameters for the planning and delivery of culturally appropriate artworks. It is also recognition that the term 'public art' refers to a broad range of arts and activities in the public realm, ranging from ephemeral public art and performance based works to commissions of major public artworks.

The Public Art Policy and Guidelines supports the Arts and Culture Strategy and contributes to the delivery of Councils Our Place 2030 Strategic Plan and Open Space and Public Realm Strategy 2018 - 2030.

The Policy and Guidelines will navigate the continual investment in considered and appropriate public art, which will reinforce Council's commitment to create distinctive places and precincts, cultivate values and strengthen our rich cultural heritage and creative identity.

As the Public Art Policy could be considered as a low risk policy, this has been set with a review period of 5 years. In any event, this policy would be updated if there were any other recommendations from Administration, but otherwise reviewed in this timeframe.

*Refer to Attachments 1 & 2*

## **BUDGET**

The investment of Public Art commissions and initiatives will be within the existing approved budget for Arts & Culture and as part of the capital works budget. Council may also allocate



funding as part of major infrastructure projects and grant funding opportunities will be investigated where appropriate.

**LIFE CYCLE COSTS**

Life cycle costs will be developed through the planning process for each individual project.

# Attachment 1



Trim Container	TRIM Container Number
Trim Document Number:	TRIM Document Number
First Issued / Approved:	Date of first issue/approval
Last Reviewed:	Date of last review
Next Review:	13 July 2025
Responsible Officer:	Responsible Officer
Date Placed on Internet:	Date Placed on Internet

## **1. PREAMBLE**

### **1.1 Background**

The City of Holdfast Bay values the role that art plays in enhancing and celebrating the unique identity, rich heritage and vibrant culture of the city and recognises that public art has an important part in contributing to civic identity and peoples connection to place.

In 2019 the Creative Holdfast: Arts & Culture Strategy was developed to provide a five year framework to guide the coordination and investment in arts and culture across Holdfast Bay with a vision to be a leading creative and cultural city.

The Public Art Policy (the Policy) confirms the commitment to the Creative Holdfast: Arts & Culture Strategy and complements the Creative Holdfast Public Art Guidelines 2020 – 2025 (the Guidelines). The Guidelines and Policy have been developed in conjunction with one another and are inter-related.

### **1.2 Purpose**

This Policy and the Guidelines will direct the future of public art into public spaces and capital projects for the City of Holdfast Bay through an appropriate and considered process. Public art reflects the identity of place and increases the liveability and cultural richness of city.

Continual investment in public art will reinforce Councils commitment to create distinctive places and precincts, cultivate creative values and strengthen our rich cultural heritage. It will also foster the development and growth of creative and cultural industries.

The objectives of this Policy are to:

- 1.2.1. provide a strategic approach for the commissioning of quality public art that will enrich the city's unique environment and add vibrancy and interest to public space;
- 1.2.2 establish a consistent and effective process for the procurement, maintenance and management of public art;

- 1.2.3 implement a streamlined and considered approach to the commissioning of public art in the city and ensure a quality outcome in both the process and delivery;
- 1.2.4 provide opportunities for the public to engage with and increase their awareness, appreciation and knowledge of public art;
- 1.2.5 Promote and encourage collaborative partnerships between design professionals (urban and landscape architects, planners, builders) and artists and integrate art into a variety of public spaces;
- 1.2.6 ensure a commitment to excellence, innovation and diversity in keeping with the aesthetic and cultural significance of the city's public domain;
- 1.2.7 provide opportunities for artists at all levels and career stages; and
- 1.2.8 encourage and facilitate the provision of public art and the adoption of integrated art, design and planning processes by all levels of government and the private sector.

### 1.3 Scope

This Policy applies to all existing and future public artworks across Council and guides the approach for the management, procurement and commissioning of public art and arts activations in the city. This includes any area of public space that is deemed appropriate by Council, including parks, streetscapes, plazas, public buildings, and other public recreation spaces.

### 1.4 Definitions

*Public art* is broadly defined as work activity designed by artists for public space and accessible to the general public. The work can be temporary or permanent installations or forms of public entertainment which provides opportunities for audiences to engage through visual, auditory or physical interaction.

### 1.5 Strategic Reference

#### **Our Place 2030 Community Plan**

Community: Building a healthy, active and resilient community

Community: Celebrating culture and diversity

Community: Providing welcoming, accessible facilities

Community: Fostering and engaged, contributing community

Placemaking: Creating lively and safe places

Placemaking: Developing walkable, connected neighbourhoods

Placemaking: Building character and celebrating history

## 2. PRINCIPLES

- 2.1 Value the role of artists and creativity in our city.
- 2.2 Ensure the implementation process for all forms of public art follows the appropriate guidelines and procedures.
- 2.3 Supports artistic excellence, innovation and diversity.
- 2.4 Ensure that Kaurna heritage and culture is considered at the inception of the project.
- 2.5 Ensure that public art enhances economic development and cultural tourism.
- 2.6 Ensure that inclusivity and universal access are considered at the initial stage of the project conception through to delivery.

## 3. REFERENCES

### 3.1 Legislation

- *Local Government Act 1999*

### 3.2 Other References

- Creative Holdfast Public Art Guidelines 2020 - 2025
- Creative Holdfast: Arts & Culture Strategy 2019 - 2024

# Attachment 2





## PUBLIC ART GUIDELINES 2020 - 2025

### 1. Introduction

The City of Holdfast Bay Public Art Policy confirms Council's commitment to, and investment in public art. These Public Art Guidelines 2020 – 2025 provide a framework based on the Creative Holdfast Arts & Culture Strategy 2019 – 2024 and industry best practice to guide the commissioning process, management and de-accessioning of public art. Both documents are inter-related and should be read in conjunction with the City of Holdfast Bay Public Art Policy 2020 – 2025.

### 2. Definitions of Public Art

Permanent and temporary site specific art integrated into the public spaces, parks, coast path or public facilities, designed to stimulate thinking, add interest and enhance a sense of place. Public Art refers to works of art in all mediums and styles which is accessible and free for people to appreciate in the public realm. This includes but is not limited to permanent 2D and 3D works, artist designed street furniture and build elements and ephemeral and temporary artworks including performance, projection and digital art.

### 3. Public Art Policy Purpose

The Public Art Policy and Public Art Guidelines will direct the future of public art into public spaces and capital projects for the City of Holdfast Bay through an appropriate and considered process.

Continual investment in public art will reinforce Council's commitment to create distinctive places and precincts, cultivate creative values and strengthen our rich cultural heritage. It will also foster the development and growth of creative and cultural industries.

The objectives of the Public Art Policy are:

- Provide a strategic approach for the commissioning of quality public art that will enrich the city's unique environment and add vibrancy and interest to public space.
- To establish a consistent and effective process for the procurement, maintenance and management of public art.
- To implement a streamlined and considered approach to the commissioning of public art in the city and ensure a quality outcome in both the process and delivery.

- Provide opportunities for the public to engage with and increase their awareness, appreciation and knowledge of public art.
- Promote and encourage collaborative partnerships between design professionals (urban and landscape architects, planners, builders) and artists and integrate art into a variety of public spaces.
- Ensure a commitment to excellence, innovation and diversity in keeping with the aesthetic and cultural significance of the city's public domain.
- Provide opportunities for artists at all levels and career stages.
- Encourage and facilitate the provision of public art and the adoption of integrated art, design and planning processes by all levels of government and the private sector.

#### 4. Public Art Policy Scope

The City of Holdfast Bay Public Art Policy 2020 -2025 ("the policy") and the Creative Holdfast Public Art Guidelines 2020 – 2025 ("the guidelines") are actions set out in the Creative Holdfast Arts & Culture Strategy 2019 – 2024. The policy confirms Council's position, and the guidelines provide a framework for action. Both apply to the commissioning of public art, ranging from ephemeral public art and performance based works to commissions of major public artworks. Both the policy and the guidelines relate to urban design, placemaking and open space planning and creative activation in the public realm. Council plays an important role in shaping the creative and cultural life of city and has a responsibility to invest and activate spaces with quality works of public art.

#### 5. Strategic Alignment

##### Our Place 2030

Council's Our Place 2030 Strategic Plan has five pillars that map the direction and provides objectives for maintaining, processing and celebrating the City of Holdfast Bay into the future: The Community Pillar '*A healthy, creative, connected community*' and the Placemaking Pillar '*An accessible lively and safe coastal city that celebrates our past to build for our future*' both align with the need to ensure future public art investment results in works that provoke a strong sense of place, meaning and pride for the community and visitors.

##### Open Space and Public Realm Strategy

The Open Space and Public Realm Strategy 2018 -2030 provides direction for the continued development of high quality open spaces that benefits the wellbeing of residents and visitors and supports the environment through biodiversity and urban design. Strategy 2: *Enhanced character and vibrancy through innovation and distinctive public realm and placemaking* provides for innovation and vibrancy in the public realm.

##### Creative Holdfast: Arts & Culture Strategy

The Creative Holdfast: Arts & Culture Strategy and Action Plan 2019-2024 provides a five year plan to guide the philosophy, coordination, management and investment in arts and culture across the city. **Form** one of the six strategic themes set out in the Strategy directly relates to the future investment of Public Art that provokes activation of distinctive and culturally rich places and spaces.



## **6. Public Art**

Public art is broadly defined as work activity designed by artists for public space and accessible to the general public. The work can be temporary or permanent installations or forms of public entertainment which provides opportunities for audiences to engage through visual, auditory or physical interaction.

### **6.1. Permanent Public Art**

Permanent public artwork, requires regular maintenance and conservation, and is intended for long term installation before decommissioning. The typical life span of a permanent public artwork is twenty years. The works are generally commissioned as site specific works.

#### **6.1.1 Sculptural**

Permanent standalone artworks that are three dimensional and freestanding. The work may be a singular installation or a series of related works. The most compelling sculptural works are site specific works and respond to the nature of the surrounding environment and enhance public space.

#### **6.1.2 Integrated / Functional**

Artworks that are integrated into functional design elements and the built environment, such as paving, lighting, street furniture, playspaces or building infrastructure. Integrated public art elements require planners, architects, artists and designers to work together early in the project to conceive and develop functional works.

#### **6.1.3 Placemaking**

A great public space cannot be measured by aesthetic alone; function, connection and peoples experience play an important role in the aspirations and design of a site. Good urban planning and design shaped on community vision and place led development, creates vibrant, harmonies and flourishing destinations that people embrace and enjoy.

#### **6.1.4 Sculptural Memorials and Monuments**

Memorials and monuments that have been developed as an artwork by an artist using an artistic process to form the context and development of the installation.

### **6.2. Ephemeral Public Art**

Temporary public art with a life span from fleeting (such as participatory art, random acts of art, performance and buskers) to five years for mural and installations. Ephemeral and temporary public art can contribute to activating and creating spaces and add an element of surprise. Public Art that is not permanent can be dynamic and responsive to the place and provide an opportunities to support artists in their creativity and artistic expression.

#### **6.2.1. Street Art and Murals**

Street art and murals are two dimensional works painted or created directly onto an external wall or surface and can significantly enhance the uniqueness and aesthetic of public space. The installation of street art can also act as an anti-graffiti measure at sites.

#### **6.2.2. Creative Activations**

Performances, placemaking activations, artistic interventions and cultural activities can contribute to events and create an opportunity for people to interact with creativity and cultural activity. Specific cultural and arts events provide a rich and inclusive arts culture and boost economic activity throughout the city.

#### **6.2.3 Lighting and Projection Art**

Light and projection art are simple tools to transform and animate spaces and places and increase pedestrian engagement and movement. Light and projection installations can be applied to specific sites to combat anti-social behaviour and create interesting access points along side streets and laneways.

#### **6.2.4 Random Acts of Art**

Random Acts of Art are temporary small scale quirky and fun art interventions that appear in the public realm and create an element of interest and intrigue. These works of art can become one off installations that surprise and delight the viewer or a curated series of interventions.

#### **6.2.5 Participatory Arts**

Participatory arts relies on audience participation in the creative process and the act of participation is integral to the activation of the artwork.

Participatory arts are usually experimental, and specifically seek to actively engage with the audiences through visual, auditory or physical interaction.

#### **6.2.6 Performance and Busking**

Performance and busking art is a form of public entertainment which provides opportunity for interaction and creates a lively street culture in public space. Performance based artists can include musicians, dancers, comedians, magicians, spoken word artists etc.

### **7. Commissioning of Artworks**

Artworks can be commissioned, donated or purchased by Council and each model of acquisition requires a different approach to the acquisition process and management. There are several ways that public art commissions can be approached and the process dependants largely on the nature of the project. A number of common public art approaches include design collaboration, placemaking and integrated art elements.

There is a variety of selection processes and approaches to the commissioning of artists for public artworks and activations and the selected model will be managed in line with Council's procurement process;

#### **7.1 Open Invitation**

This is an open call to artists to respond to a brief with their expressions of interest for commissioning or with their artwork concept proposals. This is a common form of commissioning public art and selection is through an Advisory Panel, in most cases the process includes three stages and the artist is engaged at each stage through commissioning agreements;

- Concept Design
- Detailed Design Development
- Fabrication and Installation

## **7.2 Limited invitation**

Artists may be invited to either respond to a brief or to present the scope of their art practice to the commissioning body. There is often no EOI process for this commissioning model.

This method can be used to engage artists to create public art projects, murals and art interventions or to provide art or cultural workshops, performances, activations and activities.

## **7.3 Direct Purchase**

This model enables Council to purchase an artwork from an artist or exhibition. This is relevant if an artist has a particular work of art that is appropriate for a specific project or site.

## **7.4 Direct Commission**

Artists may be invited to develop an artwork specifically for a project. This approach is different from the Direct Purchase model. As part of the process artists may be interviewed. A Direct Commission method can also be used for arts and cultural performances, workshops, activations and activities.

# **8. Funding**

The allocation of funding to public art demonstrates Council's commitment to Arts and Culture.

Council will continue to allocate annual funding to public art through its operational budget cycle and as part of capital works projects. Council may also make further one – off allocations for public art as part of major infrastructure projects and where possible leverage future support through grant funding or private sector contribution.

# **9. Copyright, Legal and Ownership**

As artist's moral rights are protected under the Copyright Amendment (Moral Rights) Act 2000. Under the Act, all original artwork must be attributed to the artist.

The ownership of the public artwork and copyright will be determined during the acquisition process and the land on which it is located. Artworks donated to the City of Holdfast Bay becomes the responsibility of Council and the artworks will be placed on the Public Art Register. The permanent works will be registered as an asset on the Asset Management System.

# **10. Donations and Bequests**

Council will consider offers of existing artworks for public places, funding proposals for new public artworks, bequests and other offers of funding for public art in a fair, transparent and consistent manner. All donated works or proposed funded art commissions must meet Councils assessment criteria.

It will be the responsibility of the artist or donor to provide the following information as part of their submission proposal;

- Information such as the artist's CV, artistic statement, visual samples of the proposed work e.g.: photos / drawings, plaque / signage information
- A Risk Assessment of the work for public display
- A Maintenance Manual for the work

It is at Council's discretion if, and where donated and bequest artwork will be displayed.

#### **11. Accessioning / recording of Public Artworks**

All permanent and ephemeral public art in the city will become part of the City of Holdfast Bay's collection and will be added to the Assets Register and Arts Register. Each artwork will be catalogued, photographed and recorded, along with the assessment and maintenance schedule details.

Council maintains an Asset Management System with a layer GIS data of the location and information of the artwork and public spaces.

#### **12. Maintenance of Artworks**

Artworks in the public realm are significant and valuable assets for the City of Holdfast Bay. All new works of art installed in public places must be supplied with a maintenance manual or instructions, preferably written by the artist. All works of art will be added to the Assets Register and will be inspected and maintained as required to prevent damage and maintain the integrity of the work.

The maintenance costs for the artworks will be facilitated through the existing Public Art Maintenance Budget. Donors or sponsors of permanent public art may be requested to provide a yearly maintenance budget. Similarly, when funding has been allocated for public art projects through major development budgets maintenance will be included in the budget, if appropriate.

#### **13. Deaccessioning of Artworks**

All artworks have an intended life span. Decommissioning refers to the process undertaken to remove a work of art from public display. In some cases works of art in the public realm may need to be removed or deaccessioned due to;

- The artwork is at the end of its intended life span.
- The maintenance and repair obligations and costs have become excessive in relation to the value and age of the artwork.
- The artwork has been damaged or destroyed and is irreparable.
- There is significant ongoing threat of damage of the artwork if left in its current location.
- The artwork has become unsafe, or is affected by changes in the safety regulations.
- The location of the artwork is being redeveloped or altered.
- The artwork is no longer relevant or appropriate and the commissioner wishes to commission a new artwork for the site.
- Community or cultural issues associated with the artwork, land or commissioning process.

In these cases the Community, Arts & Cultural Coordinator, Manager, Active Communities and the General Manager, City Services will consider the following options and make a decision on the most suitable resolution;

- Relocation of the work to a more suitable site.
- Total removal of work, where appropriate the artist or donor will be offered return of the artwork.
- The removal or deconstruction of the work should only be considered when all other alternatives have been examined.

#### **14. Private Developments**

The City of Holdfast Bay recognises that the private sector and developers plays a significant role in the provision of art on private land throughout Holdfast Bay. Council encourages developers to provide incorporated integrated design elements and artworks on private property. The Community, Arts & Culture Coordinator is available to liaise with and provide resources to business and private developers who are interested in exploring a public art project.

Item No: **15.6**

Subject: **E-SCOOTER UPDATE**

Date: 14 July 2020

Written By: Manager, City Activation

General Manager: Community Services, Ms M Lock

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### **SUMMARY**

SA Health has recently granted approval for resumption of E-scooter services. In consideration of the logistics required for operators to remobilise their resources, as well as the September conclusion date of the current trial, we seek Council's approval for a revised 6-month Coastal E-scooter Trial from September 2020. Terms and conditions will be updated to include COVID-19 risk management and control measures.

The Western Alliance have consulted with SAPOL, SA Health, Ride and Neuron and all are supportive of the proposed revised Trial period.

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### **RECOMMENDATION**

**That Council endorse the 6 month trial of the e-scooters, from 4 September 2020 to 7 February and 2021 to include a review to be undertaken at 3 months.**

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### **COMMUNITY PLAN**

Community: Building a healthy, active and resilient community

Community: Providing welcoming and accessible facilities

Economy: Making it easier to do business

Economy: Harnessing emerging technology

Economy: Boosting our visitor economy

### **COUNCIL POLICY**

Not Applicable.

### **STATUTORY PROVISIONS**

Legislation is required to be amended under the Road Traffic Act and a notice in the Government Gazette to enable the use of e-scooters on footpaths or shared paths.

This legislation amendment was Gazetted by the Government on Thursday 5 March 2020.

## BACKGROUND

On 11 March 2020 Council resolved Motion (SC110320/1762) as follows:

*That Council endorse the six (6) month trial of the e-scooters, to begin 13 March 2020*

## REPORT

Whilst the March 2020 Trial only lasted for 10 days before its cancellation due to COVID-19, the public response was very positive. There were over 4,440 e-scooter trips recorded across Western Adelaide over the 10 days of the trial with Holdfast Bay alone recording 2,190 trips undertaken. The average ride time was 20 minutes and 86% of trips were taken in the afternoon. There were no reports of incidents or vandalism.

In response to COVID-19 both E-scooter operators, Ride and Neuron, have introduced a comprehensive cleaning regime for their e-scooters which will assist in managing COVID-19 risks associated with e-scooter use. Council will include COVID-19 control measures when updating the operating permit. The operating permit also includes a clause that the permit holder must relocate or suspend e-scooters during major events or emergencies as directed by Council or SAPOL.

The tourism and hospitality industries are an economic priority for Western Adelaide due to both industries being significantly impacted by COVID-19 restrictions. E-scooters provide people with convenient and efficient access to public attractions and retail precincts along the Coast. Furthermore, e-scooter operators have already begun partnering with local businesses and community clubs to attract more people through their doors. The return of e-scooters to the Coast over the summer months can play an important role in the post-COVID-19 economic recovery period.

A formal review including a customer satisfaction user survey will be undertaken three months into the trial by Ride and Neuron and a report to Council will take place at this time. Council officers will evaluate public benefits, positive environmental impacts against any risks associated with e-scooters. Council officers will undertake further engagement with both e-scooter users and the community within the last 30 days of the six month trial. A member of the Western Alliance Team will meet with SAPOL and DPTI monthly to discuss any concerns with the trial.

## General Overview

As reported in Council Report No: 67/20 E-Scooter Update on 11 March 2020.

*Refer Attachment 1*

In December 2019, the Western Alliance of Councils - Cities of Holdfast Bay, Charles Sturt, West Torrens and Port Adelaide Enfield Councils submitted an application to the Department of Planning, Transport and Infrastructure for an E-scooter Trial Exemption and Authorisation from Outer Harbor to Seacliff predominantly on the 3.5 metre to 4.0 metre wide 'Coast Park Trail' (with

some sections of footpath required where the Coast Park does not exist). A total distance of approximately 25km.

### **Hour of Operation**

As previously reported the trial is intended to:

- Be in operation from 6am-9pm 7 days per week, not permitting users to engage with an e-scooter after 8:30pm to reduce the risk;
- Have speeds restricted to 15km/h with further restrictions in areas of high pedestrian activity to 8km/h;
- Have designated parking areas provided that permits the user to only disengage from use when they are in the parking area (to be indicated by footpath decals;
- Area of use to be 'geofenced' meaning that the e-scooters will slow to a stop if outside the designated 'riding' area;
- Proponent evenly distributed to be provided along the entire 30km coastline;
- All users to be 18+ (reason: wanted consistency between the city trial and coast park trial); and
- E-scooters will be removed at night from high risk areas e.g. Moseley Square.

### **Safety Management Plan and Mitigation**

Each supplier was required to provide a comprehensive work, health and safety plan and to also provide a 'live' demonstration in an off-street area of how their geofencing would work.

A member of the Western Alliance Team will meet with SAPOL and DPTI monthly to report any incidents or near misses (that will be closely monitored and reported by Ride and Neuron) with serious incidents reported to same immediately upon notification.

Each supplier has demonstrated via their tender proposal or via the demonstration, the ability to provide geofenced areas or other similar technology to effectively restrict e-scooters from operating or being parked in areas nominated by Council, including but not limited to:

- The areas outlined in the Coast park map;
- Ability to determine if the geofence has been breached by users and send push notifications to users warning of incorrect use;
- Ability to penalise incorrect use and/or incentivise correct use;
- Ability to restrict speed limits to meet the legislated requirements and within selected areas that may be nominated by the relevant Council;
- Ability to limit the maximum operating speed to 15km/h;
- Ability to further reduce speed limits (8km/h) in 'Slow go' areas nominated by each Council;
- Ability to provide preferred parking zones or restrict where e-scooters can be parked;
- Technology the supplier has available or has in development, for docked, semi-docked e-scooter or preferred parking areas, including but not limited to near fields technology;
- Ability to determine if an e-scooter has been appropriately and safely parked;
- Ability to determine if an e-scooter is faulty, damaged or vandalized;
- Ability to determine if an e-scooter has fallen over;



- Methodology for providing helmets for e-scooter users;
- Methodology or ability to affix helmets to each e-scooter, track helmets, or use technology to determine if an e-scooter is without a helmet to aid with riders complying with the requirement to wear a helmet;
- Ability to monitor and act upon reports of litter caused by abandoned, removed, or damaged e- scooters and helmets; and
- Methodology on how the Supplier proposes to ensure users comply with all applicable State Laws;

The e-scooters will be required to stay on paths predominantly with some limited road crossings only where scooters are required to cross the road to access paths on the other side of the road.

Importantly, outlined within the general permit conditions is the ability for council to cancel, suspend or modify the permit. Any decision to do so will need to be accepted by the permit holder.

### **BUDGET**

There will be minor costs associated with promoting the proposal to the community and stakeholder consultation. There will be some indirect costs associated with Council Administration's time to develop and consider the proposal further.

For the trial a 'flat' permit fee of \$8,000 across the four councils will be applicable for the successful proponent.

### **LIFE CYCLE COSTS**

Not applicable

# Attachment 1



Item No: **15.2**

Subject: **E-SCOOTER UPDATE**

Date: 10 March 2020

Written By: General Manager, Community Services

General Manager: Community Services, Ms M Lock

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### **SUMMARY**

This report summarises the outcomes of discussions with the Department of Planning, Transport and Infrastructure (DPTI) and the tender process undertaken by the Local Government Association (LGA) and the Western Alliance of Councils for a six (6) month trial of electric scooters (e-scooters) within the Holdfast Bay Council area and the implications associated with such a trial.

It is recommended that Council approve the six (6) month trial.

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### **RECOMMENDATION**

**That Council endorse the six (6) month trial of the e-scooters, to begin 13 March 2020.**

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### **COMMUNITY PLAN**

Community: Building a healthy, active and resilient community  
Community: Providing welcoming and accessible facilities  
Economy: Making it easier to do business  
Economy: Harnessing emerging technology  
Economy: Boosting our visitor economy

### **COUNCIL POLICY**

Not Applicable.

### **STATUTORY PROVISIONS**

Legislation is required to be amended under the Road Traffic Act and a notice in the Government Gazette to enable the use of e-scooters on footpaths or shared paths.

This legislation amendment was Gazetted by the Government on Thursday 5 March 2020.

## BACKGROUND

On September 24 2019 Council resolved motion C240919/1619 as follows:

*That Council:*

- 1. endorse administration to continue to work with the Western Alliance of Councils to progress the tender documents and processes development for the 6-month trial, commencing November 2019; and*
- 2. endorse the Request for Tender document for 'E-Scooter mobility services' for release to the market and the tender process to be managed by the Local Government Association (LGA).*

*Moved Councillor Lonie, Seconded Councillor Patton*

*Carried*

## REPORT

As a result of the Request for Tender submissions, demonstrations and reference checks, two (2) proponents were selected for the e-scooter trial as were evaluated by representatives of the Western Alliance Councils and the LGA (who ran the procurement process).

The two (2) preferred proponents awarded in November 2019 were:

- Neuron; and
- Ride.

Neuron are currently operating in Bangkok, Darwin, Brisbane, Singapore, Chiang Mai and Cyberjaya. Ride are operating in Adelaide and are a local business. Generally it costs \$1 to unlock each scooter and 30 cents per minute thereafter all accessible by a phone app with incentives offering discounts for parking in certain areas, taking a 'selfie' demonstrating that you are wearing a helmet and other good practice riding.

In December 2019, the Western Alliance of Councils - Cities of Holdfast Bay, Charles Sturt, West Torrens and Port Adelaide Enfield Councils submitted an application to the Department of Planning, Transport and Infrastructure for an E-scooter Trial Exemption and Authorisation from Outer Harbor to Seacliff predominantly on the 3.5 metre to 4.0 metre wide 'Coast Park Trail' (with some sections of footpath required where the Coast Park does not exist). A total distance of approximately 25km.

The trial of e-scooters along our coast offers an opportunity for the community and visitors to enjoy our wonderful coastline whilst assessing the demand for such an experience rather than relying on the motor car or walking large distances. It also offers visitors to the coastline an opportunity to park further away from the popular destination points such as Semaphore, Henley Square and Glenelg and 'ride' a scooter instead of visitors having to find a park close to their destination.

As a mobility and tourism strategy we have seen first-hand in trials that people enjoy using e-scooters and would be a progressive initiative to have them along coastal tracks. It encourages people to spend more time travelling further and increasing footfall for local businesses.

Over the last 6-9 months in Adelaide, we have seen how e-scooters can provide a fun, safe and environmentally friendly transport solution. It can also help significantly reduce some of the parking pressures offering visitors to the coastline an opportunity to park further away from the popular destination points.

A pilot of e-scooters over the coming months would allow the local and state government to gain extensive data, help local businesses increase footfall and create more jobs for locals.

The Western Alliance of Councils will install footpath 'decals' to help identify how to access nearby scooters when leaving public transport.

*Refer to Attachment 1*

It was intended that this trial operate for six months from 13 March 2020 with State Government approval being granted via gazettal on Thursday 5 March 2020 of the corridor.

As previously reported the trial is intended to:

- be in operation from 6am-9pm 7 days per week;
- have speeds restricted to 15km/h with further restrictions in areas of high pedestrian activity to 8km/h;
- have designated parking areas provided that permits the user to only disengage from use when they are in the parking area (to be indicated by footpath decals;
- area of use to be 'geofenced' meaning that the scooters will slow to a stop if outside the designated 'riding' area; and
- up to two proponents to be chosen for the trial with up to 250 scooters for each proponent evenly distributed to be provided along the entire 30km coastline.

DPTI made the following changes;

- all users to be 18+ (reason: this is to maintain consistency between the city trial and coast park trial);
- not permitting users to engage with an e-scooter after 8:30pm to reduce the risk;
- e-scooters will be removed at night from high risk areas e.g. Moseley Square; and
- SAPOL will have a direct link with Ride and Neuron. It should be noted that e-scooter users are subject to regulations and the Australian Road Rules (ARR's) and SAPOL can issue penalties for any breaches of the ARR's or offences that may apply.

Within the City of Holdfast Bay Council area the trial will be limited to the Coast Park area only from Glenelg to Seacliff. The e-scooter trial will finish at the Seacliff Surf Club and will not enter Kingston Park.

The following 'go slow' areas where scooters will be automatically restricted to 8km/hr at areas of high activity are:

- Patawalonga Gates to Wigley Reserve Playground (200m)
- Glenelg Surf Club via Foreshore Playground & Glenelg Jetty to Stamford Grand Hotel (350m)
- Glenelg Jetty to Moseley Square tram stop (125m)
- Broadway Kiosk (distance 100m)
- Kent St intersection (distance 75m)
- Somerton Surf Club via Minda to Gladstone Road (500m)
- Brighton Jetty, Esplanade Hotel to Bindarra Road (125m)
- Seacliff (100m north Wheatland Street to 50m south Wheatland Street = 150m)
- Seacliff Boat Ramp to Seacliff Surf Club (200m)

The Western Alliance Councils have developed Section 222 (*Local Government Act 1999*) agreements which will be issued to the two preferred proponents so Council can ensure that any undesirable outcomes are mitigated, with formally agreed responsibilities, expectations and key performance indicators written into the agreement.

*Refer to Attachment 2*

Section 222 provides sufficient options for Council to oversee these services through imposing operational conditions – speed limits, preferred parking zones, operational dates/times and appropriate insurances and geographical areas. The total number of e-scooters permitted will be determined by Council. Council has the right to review and amend the amount of e-scooters throughout the trial period based on performance and demand.

A formal review including a customer satisfaction user survey will be undertaken three months into the trial (by the successful proponents). Council officers will evaluate public benefits, positive environmental impacts against any risks associated with e-scooters. Council officers will undertake further engagement with both e-scooter users and the community within the last 30 days of the six month trial.

### **Safety Management Plan and Mitigation**

Each supplier was required to provide a comprehensive work, health and safety plan and to also provide a 'live' demonstration in an off-street area of how their geofencing would work.

A member of the Western Alliance Team will meet with SAPOL and DPTI monthly to report any incidents or near misses (that will be closely monitored and reported by Ride and Neuron) with serious incidents reported to same immediately upon notification.

Each supplier has demonstrated via their tender proposal or via the demonstration, the ability to provide geofenced areas or other similar technology to effectively restrict e-scooters from operating or being parked in areas nominated by Council, including but not limited to:

- the areas shown in the attached Coast park map;

- ability to determine if the geofence has been breached by users and send push notifications to users warning of incorrect use;
- ability to penalise incorrect use and/or incentivise correct use;
- ability to restrict speed limits to meet the legislated requirements and within selected areas that may be nominated by the relevant Council;
- ability to limit the maximum operating speed to 15km/h;
- ability to further reduce speed limits (8km/h) in 'Slow go' areas nominated by each Council;
- ability to provide preferred parking zones or restrict where e-scooters can be parked;
- technology the supplier has available or has in development, for docked, semi-docked e-scooter or preferred parking areas, including but not limited to near fields technology;
- ability to determine if an e-scooter has been appropriately and safely parked;
- ability to determine if an e-scooter is faulty, damaged or vandalized;
- ability to determine if an e-scooter has fallen over;
- methodology for providing helmets for e-scooter users;
- methodology or ability to affix helmets to each e-scooter, track helmets, or use technology to determine if an e-scooter is without a helmet to aid with riders complying with the requirement to wear a helmet;
- ability to monitor and act upon reports of litter caused by abandoned, removed, or damaged e-scooters and helmets; and
- methodology on how the Supplier proposes to ensure users comply with all applicable State Laws.

*Refer Attachment 3*

The scooters will be required to stay on paths predominantly with some limited road crossings, only where scooters are required to cross the road to access paths on the other side of the road.

A Safe Work Method Statement is attached for further information on safety and risk requirements.

*Refer Attachment 4*

## **BUDGET**

There will be minor costs associated with promoting the proposal to the community and stakeholder consultation. There will be some indirect costs associated with Council Administration's time to develop and consider the proposal further.

For the trial a 'flat' permit fee of \$8,000 across the four councils will be applicable for the successful proponent.

## **LIFE CYCLE COSTS**

Not applicable

Item No: **15.2**

Subject: **E-SCOOTER UPDATE**

Date: 10 March 2020

Written By: General Manager, Community Services

General Manager: Community Services, Ms M Lock

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### **SUMMARY**

This report summarises the outcomes of discussions with the Department of Planning, Transport and Infrastructure (DPTI) and the tender process undertaken by the Local Government Association (LGA) and the Western Alliance of Councils for a six (6) month trial of electric scooters (e-scooters) within the Holdfast Bay Council area and the implications associated with such a trial.

It is recommended that Council approve the six (6) month trial.

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### **RECOMMENDATION**

**That Council endorse the six (6) month trial of the e-scooters, to begin 13 March 2020.**

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### **COMMUNITY PLAN**

Community: Building a healthy, active and resilient community  
Community: Providing welcoming and accessible facilities  
Economy: Making it easier to do business  
Economy: Harnessing emerging technology  
Economy: Boosting our visitor economy

### **COUNCIL POLICY**

Not Applicable.

### **STATUTORY PROVISIONS**

Legislation is required to be amended under the Road Traffic Act and a notice in the Government Gazette to enable the use of e-scooters on footpaths or shared paths.

This legislation amendment was Gazetted by the Government on Thursday 5 March 2020.



## BACKGROUND

On September 24 2019 Council resolved motion C240919/1619 as follows:

*That Council:*

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*Moved Councillor Lonie, Seconded Councillor Patton*

*Carried*

## REPORT

As a result of the Request for Tender submissions, demonstrations and reference checks, two (2) proponents were selected for the e-scooter trial as were evaluated by representatives of the Western Alliance Councils and the LGA (who ran the procurement process).

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## **LIFE CYCLE COSTS**

Not applicable

# Attachment 1





**general trail**



*Over walking?*

# Jump on the **e-scooter** trail



 [adelaidebeaches.com.au](http://adelaidebeaches.com.au)

**train station**



**parking** (symbol)





**parking** (arrows)



**go slow zone**



**e-scooter walking zone**



**e-scooter walking zone**



**no e-scooters**

# Attachment 2



## 1 Permit

The On-Street Activity Permit that will be issued to the successful Proponents is outlined below and will need to be issued separately by each Council.

### ON STREET ACTIVITIES PERMIT

Pursuant to the provisions of section 222 of the *Local Government Act 1999*, the Permit for the On-Street Activity described hereunder is hereby granted.

DESCRIPTION OF PERMITTED ACTIVITY	PERMIT NUMBER
Permitted Activity: Operation of a commercial e-scooter share scheme Permitted Location: Within the Cities of Port Adelaide Enfield, Charles Sturt, West Torrens and Holdfast Bay (The Western Council Alliance) as defined in the Minister's Gazette Notice Dated xxxx, during operating times and any other area specified in this Permit in the area defined in Appendix A for each Council. Maximum Number of e-scooters to be within the Permit boundary at any one time: 500 (250 per proponent) 24-hour contact number : (to be published on each council website website) 6am-9pm (daylight saving); 6am-6pm (non daylight saving) Chris Dunn (PAE)	«Licence_Number»
LOCATION	LICENCE TYPE
Coast Park (from Outer Harbor to Semaphore South) as defined on the map provided in Appendix A.	«Licence_Type»

This Permit can be cancelled, suspended or modified by Council at any time by written notice to the Permit Holder and no compensation will be offered to the Permit Holder.

This Permit is non-transferable. The Permit Holder cannot transfer this Permit or, subcontract or assign any right or obligation under it without the prior written consent of the Council, which may be granted or withheld in the Council's absolute discretion.

With any application for such consent, the Permit Holder must provide all information required by the Council, including evidence that the proposed transferee, assignee or sub-contractor is capable of performing the Permitted Activity to be transferred, assigned or sub-contracted.

Unless otherwise agreed in writing by the Council, no such transfer, assignment or sub-contract relieves the Permit from any liability under this Permit or at law in respect of the performance or purported performance of this Permit and the Permit Holder is responsible for the acts and omissions of any transferee, assignee or sub-contractor or any transferee's, assignee's or sub-contractor's employees and agents as if they were the acts or omissions of the Permit Holder

**Expiry Date:** TBC 2020

This Permit is issued for a period of **6 months** (or part thereof) and concludes on xxxx (the 'Expiry Date').

#### 1. PERMIT GENERAL CONDITIONS

The Permit Holder (shared e-scooter operator) must:



- 1.1. Accept any decision by Council to cancel, suspend or modify the permit.
- 1.2. Accept that the permit is subject to the Minister's Gazette Notice allowing for the operation of e-scooters in the area's defined in the notice.
- 1.3. Make good any damage caused and/or reimburse Council for any or maintenance costs that caused by or in connection with the operation of the Permitted Activity.
- 1.4. Maintain at all times during the Term of this Permit public liability insurance for the sum of Twenty Million Dollars (\$20,000,000.00) in respect of any one claim which arises as a result of the negligent act or omission of the Permit Holder. The Permit Holder will provide Council with an insurance Certificate of Currency which notes the interests of all Council in relation to the Permit. Council must be notified immediately if the policy is cancelled or altered or allowed to lapse.
- 1.5. Maintain at all times personal accident insurance coverage for each trip that the customers of the Permit Holder's e-scooter undertake. The Permit Holder will provide Council with an insurance Certificate of Currency and provide information of the policy and its coverage on the Permit Holder's website and mobile phone application for the duration of the Permit.
- 1.6. Indemnify and release Council from all liability arising from or in connection with this Permitted Activity or the conduct of the Permit Holder's business by the Permit Holder or any of the Permit Holder's agents, including:
  - 1.6.1. Any claim made by any person for injury, direct and indirect loss or damage arising in any manner
  - 1.6.2. Any direct and indirect loss or damage to any property belonging to the Permit Holder or other persons located in the vicinity of the Permitted Location caused by the Permit Holder or the Permit Holder's agents.
  - 1.6.3. Any direct and indirect loss, damage, injury or illness of any type sustained by any person in relation to or as a result of the Permitted Activity.
- 1.7. Remove all e-scooters from the public road and any other public land on the expiry of this Permit unless agreed otherwise.
- 1.8. This permit is issued for a period of six months (6) (or part thereof) and will expire on the expiry date. If KPI's are met then consideration will be given to making this trial permanent.

## **2. Customer experience and education**

The Permit Holder (shared e-scooter operator) must:

- 2.1. Provide 24/7 communication channels for users, including a clearly advertised telephone number on their website, app and devices. The Permit Holder must have a complaint handling process and a clear plan in place to respond to queries and complaints.
- 2.2. As directed by the South Australian Police (SAPOL), Department of Planning, Transport and Infrastructure (DPTI) and/or Council, provide e-scooter users with rules and regulations specific to South Australia to ensure responsible riding and public safety when operating and parking the shared e-scooters on roads, footpaths, shared use paths and public spaces.
- 2.3. Provide terms and conditions of use which promote responsible and legal use, public safety and good behaviour. The Permit Holder is to have systems in place to incentivise good parking behaviour and penalise user non-compliance.
- 2.4. Undertake e-scooter awareness campaigns as directed by Council to increase awareness of the applicable laws and rules to increase user compliance.



### **3. E-scooter product, operations and performance**

The Permit Holder (shared e-scooter operator) must:

- 3.1. Not use e-scooters for the primary purpose of advertising or marketing.
- 3.2. Not allow number of e-scooters in operation or parked within the boundaries of the Permit to exceed the maximum permitted by Council.
- 3.3. That the Permit Holder's e-scooters fleet can only be used within the approved area as outlined in the Minister's approved Gazetted area. E-scooters are prohibited to be outside of the times of 6am to 9pm (6am to 6pm in non-daylight saving periods), outside of the Minister's approved area or in any other area nominated by Council. Permit Holders must be able to effectively geofence the approved areas to ensure that e-scooters can only be used in the approved areas outlined in this Permit. The permit holder must also be able to suspend or relocate a geofenced area for events/leisure activities or emergencies as required as directed by Council or SAPOL.
- 3.4. Equip all e-scooters with a GPS tracker to enable all e-scooters to be located by the Permit Holder at all times, to ensure and monitor balanced and appropriate distribution of e-scooters and enable the identification of e-scooter users in the event of an accident, incident or inappropriate use.
- 3.5. Provide Council with real-time information on the entire fleet through a documented application program interface (API). The data to be published to Council's API should include the following information in real-time for every parked device: identification number, GPS coordinate, availability start date, available start time, power level, date of last service, time to next service, service status.
- 3.6. Provide information to enable data to be used by Ride Report, an open data standard for shared mobility so that real-time data feeds are available online in a uniform format so that map and transportation-based apps can easily incorporate this data into their platforms. Council reserves the right to display information about the operators on its website and may release this data to the Department of Planning, Transport and Infrastructure or its agents and representatives.
- 3.7. Provide Council and its representatives with the authority and ability to easily move or relocate e-scooters that are deemed to be in inappropriate locations without the need to contact the Permit Holder.
- 3.8. Monitor the location of all e-scooters at all times to avoid nuisance, clutter or congestion caused by its e-scooters, including the ability for the Permit Holder to identify if an e-scooter has been fallen over.
- 3.9. Only allow their e-scooter fleet to operate within approved areas and as outlined in the Minister's approved Gazetted area.
- 3.10. Ensure that e-scooters cannot be operated within any exclusion area, including temporary event exclusion areas, as directed by Council.
- 3.11. Speed restrict e-scooters to a maximum speed of 15km/h and 8km/h in 'go slow' zones, including on downhill descent, unless otherwise specified in each specific region of this Permit and ensure compliance with all relevant legislation and road traffic requirements.
- 3.12. Ensure that all e-scooters are legal and safe to operate under Australian laws and regulations.

### **4. Notification, response timeframe and compliance requirements**

The Permit Holder (shared e-scooter operator) must:

- 4.1. Notify and provide reports on any known incidents and injuries resulting in hospitalisation or paramedic attendance of a user or third party within 24 hours of the incident time.
- 4.2. Respond to and resolve issues within the following response time:

ISSUE	EXAMPLES (without limitations)	RESPONSE TIME
Dangerously located	Hanging from a tree On a median strip	Within 30 minutes
Impeding access	Impeding property access or parked across pedestrian kerb ramp	Within 1 hour
Fallen over e-scooter	Not parked in a standing position	Within 3 hours
Inappropriate density	Cluster and breaching density limits	Within 4 hours
Damaged, faulty or abandoned	Missing Wheels	Within 6 hours
Inappropriately located	Parked outside of the designated parking areas	Within 6 hours
Unused	Unused for more than 3 days	Within 24 hours

Penalties for breaches and offences may be issued by the relevant authority.

- 4.3. Ensure e-scooters remain in a safe and presentable condition so as not to detract from the amenity of the area in which they are parked.
- 4.4. Adhere to the directions of Council or any of its representatives and relocate any e-scooters that are not suitably parked or may create a nuisance.
- 4.5. Notify Council within 2 business days of any media activity or requests associated with the operation of this Permit.

## 5. Safe e-scooter parking

The Permit Holder (shared e-scooter operator) must:

- 5.1. Not cause disruption or nuisance. The Permit Holder must ensure that their e-scooters do not compromise or have a negative impact on other street users, including people with a disability. E-scooters must not be parked or allowed to remain on or in inappropriate locations such as are:
  - 5.1.1. Within the pedestrian zone of a footpath or pathway;
  - 5.1.2. Where an e-scooter poses a safety hazard;
  - 5.1.3. Where they could interfere with pedestrian access generally or access to amenities;
- 5.2. Educate users of preferred or restricted parking zones as listed below and as otherwise advised by Council at its sole discretion:
- 5.3. Ensure that when e-scooters are parked near public bike racks, the designated racks should be left available for parking bicycles.
- 5.4. As determined that e-scooters shall be parked in designated parking areas defined by 'earth wraps' or similar along the shared path and as indicated in the plans provided in Appendix A. This will ensure safe and consistent access to footpaths for all users.

- 5.5. Ensure that in other areas, e-scooters should be parked in the designated parking areas. This will ensure safe and consistent access to footpaths for all users.
- 5.6. Ensure that e-scooters are parked in an upright position and not leaning or resting on other street furniture, buildings or infrastructure.
- 5.7. Have methods to implement and enforce designated parking and exclusions zones. All designated parking and exclusions zones set by Council must be displayed and detailed on the Permit Holder's application and service maps. Council may determine the location of parking and exclusion zones at any time within the Permit Term.

## **6. Deployment and density requirements**

The Permit Holder (shared e-scooter operator) must:

- 6.1. Not exceed the maximum number of e-scooter specified in this Permit.
- 6.2. Deploy the fleet in a manner consistent with the safe e-scooter parking clause.
- 6.3. Monitor the location of all e-scooters daily to avoid clutter or clustering of e-scooters in any one location and adhere to the fleet size and density limits set by Council.
- 6.4. Collect or redistribute e-scooters when maximum scooter densities are reached within 4 hours of hitting the maximum density, unless otherwise agreed by the Council.
- 6.5. The maximum density allows e-scooters from other regions to be ridden into a region and remain for a period of time before returning or leaving the region.

The maximum number of e-scooters permitted may be amended at any time at the discretion of Council. If the maximum number of e-scooters is decreased, Council will provide the Permit Holder notification of the decrease no less than 5 business days prior to the amendment being implemented. Council may increase the maximum permitted e-scooter fleet at any time and may specify a timeframe for the increase.

Council, at its discretion, may temporarily increase the maximum number of deployed e-scooters permitted for major events, activities, disruptions or periods to facilitate the transportation of patrons and users within a specific region. Permit Holders will be notified of any temporary increase a minimum of 5 business days prior to the increase being implemented.

## **7. Reporting and data sharing**

The Permit Holder (shared e-scooter operator) must:

- 7.1. Provide Council access to live API access points for trips and vehicle status (including all required fields) in the Mobility Data Specification (MDS) Provider API format (if applicable).
- 7.2. Provide access to MDS Provider API to third party organisations as directed by Council (if applicable).
- 7.3. Provide a monthly report on the statistics on their operations. The report is to be provided outlining the data collected and analysed for each calendar month. The report must be provided electronically by the 15<sup>th</sup> day of the next subsequent month. Each monthly report must include, but is not limited to:
  - 7.3.1. An overview of data provided in the MDS Provider API (if applicable).
  - 7.3.2. If the E-scooter boundary is expanded across multiple Council boundaries, a overview of data provided in the MDS Provider API for each specific region.

- 7.3.3. Details and breakdown on e-scooter use and management during major events.
- 7.3.4. The number of customer feedback queries received and categorised. The report shall include the number and type of complaints reported by users, non-users, Councils, Government Agencies or any other sources. The report should include the average time taken to resolve complaints and by type.
- 7.3.5. The statistics on known incidents, collisions, near misses and injuries including information about the date, time, contributing factors and severity. Data is to be consistent with the metric system used in Australia. Reports to include: total number of reported and/or observed crashes and collisions, total number of reported injuries categorised by property damage only, minor injury, serious injury and fatality, total number of third-party injuries (i.e. pedestrian collisions) categorised by property damage only, minor injury, serious injury and fatality, and a summary of the change to policy, requirements or procedures as a result of the above safety incidents. The report shall also include the number of categorised incidents for the month, calendar year and total since the commencement of the Permit.
- 7.3.6. An overview of the average life of scooters and percentage/count lost to vandalism vs. normal depreciation.
- 7.3.7. Carbon emission reporting including the estimated total kWh consumed to charge the e-scooter fleet for the period and the number of kilometres travelled by the Permit Holder vehicles and whether those vehicles were internal-combustion vs. electric
- 7.3.8. Any data available that is relevant to ride quality and braking coefficients if requested.
- 7.4. To undertake a customer satisfaction user survey within 3 months of the commencement date and to share those survey results with the Western Council Alliance Team. Additional user surveys may be requested by Council through the Permit Term. Each proponent will need to demonstrate how they will undertake this requirement as part of their submission.
- 7.5. Provide access to any user surveys and responses undertaken, or surveys that the Permit Holder is a participant to. This data must be in an anonymised format, including removal of email addresses or unique user identifiers.
- 7.6. Provide anonymised data collected to Council to assist with ongoing network planning and facility improvements. Data spreadsheet (in excel and/or other agreed format) containing information on all trips undertaken in the reporting month including, but not limited to:

	<b>Format</b>	<b>Description</b>
Company Name	[company name]	n/a
Type of bicycle or e-scooter	"Standard" or "Electric"	n/a
Trip record number	Xxx00001, xxx00002, xxx00003, ...	3-letter company acronym+ consecutive trip #
User Demographic data (aggregated format only)		For example, country of origin, gender and age (if collected).
Trip duration	MM:SS	n/a
Trip distance	KM	n/a

Trip waypoints to track the route (at least every minute)	An XML file format to be agreed	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Start location	GPS location	n/a
End location	GPS location	n/a

## 8. Exclusions areas

The Permit Holder (e-scooter share operator) must:

- 8.1. Geofence areas to ensure that e-scooters can only be used in the approved areas outlined in this Permit and its appendices. Permit holders must adhere to any initial or subsequent directs for short term and permanent geofencing made by Council.
- 8.2. Prohibit e-scooters from being ridden or parked in any area nominated by Council, including temporary geofenced exclusion areas for special events.

## 9. Designated parking

The Permit Holder (e-scooter share operator) must:

- 9.1. Ensure e-scooters are in designated parking areas if and as directed by Council. The format and layout of these parking areas will be determined by Council in consultation with the Permit Holder.

## Permit Holder Fees

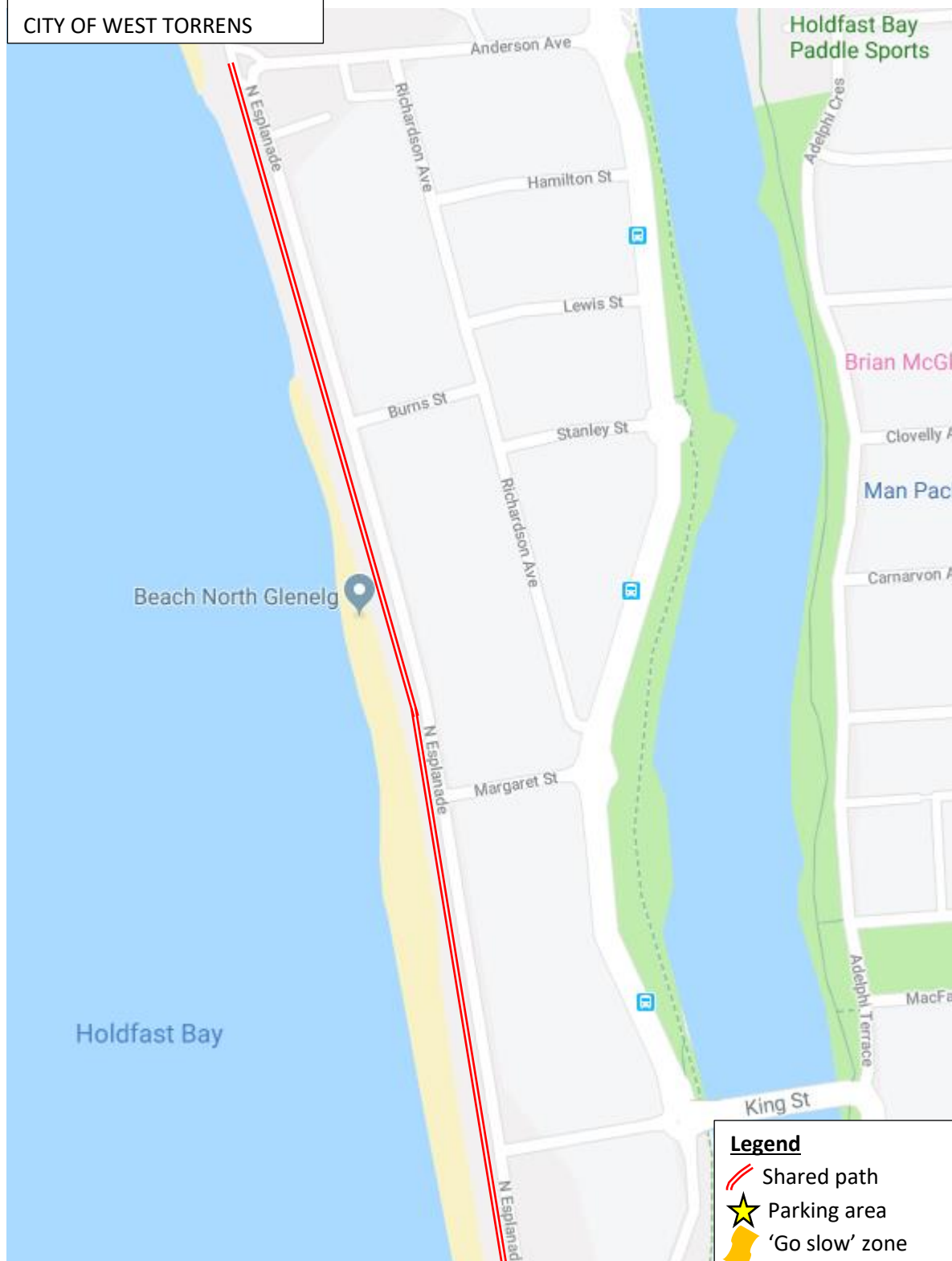
That a Permit Fee of **\$1,000 AUD per proponent/Council for the 6 month trial (GST exempt)** is applicable for the Permit. This Permit Fee is invoiced prior to the commencement of the Permit and charged monthly in advance. If a Permit is revoked for any reason, relevant fees charged in advance will be reimbursed. Council from time to time may amend, alter, revoke or change the fee structure, including fees applicable to this Permit. The Permit Holder will be notified in writing if there are any changes to the fees for this permit.

# Attachment 3



MAP 1/7

COUNCIL BOUNDARY WITH  
CITY OF WEST TORRENS



Note: permitted area restricted to 1.0 metre either side of shared path



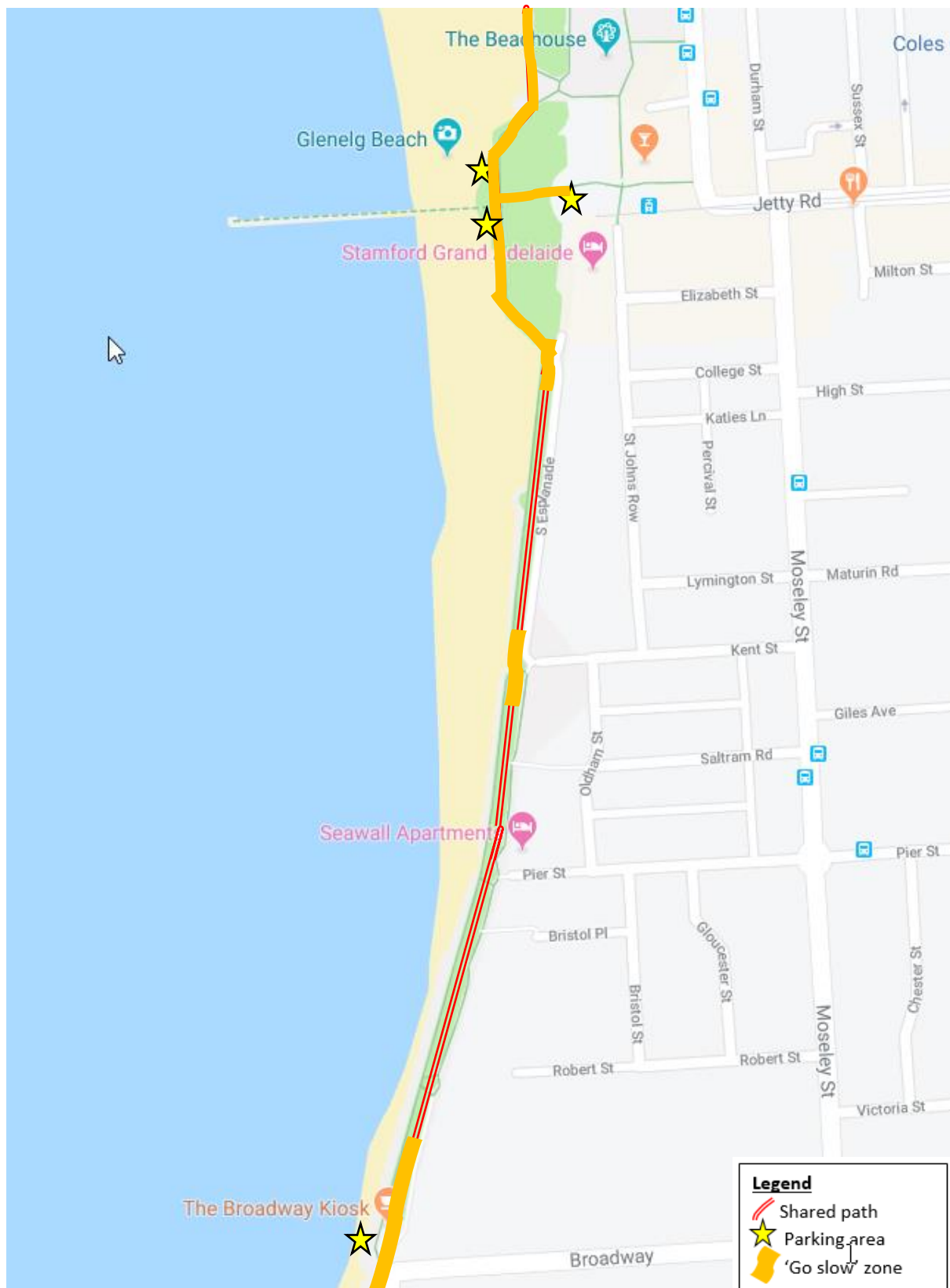
MAP 2



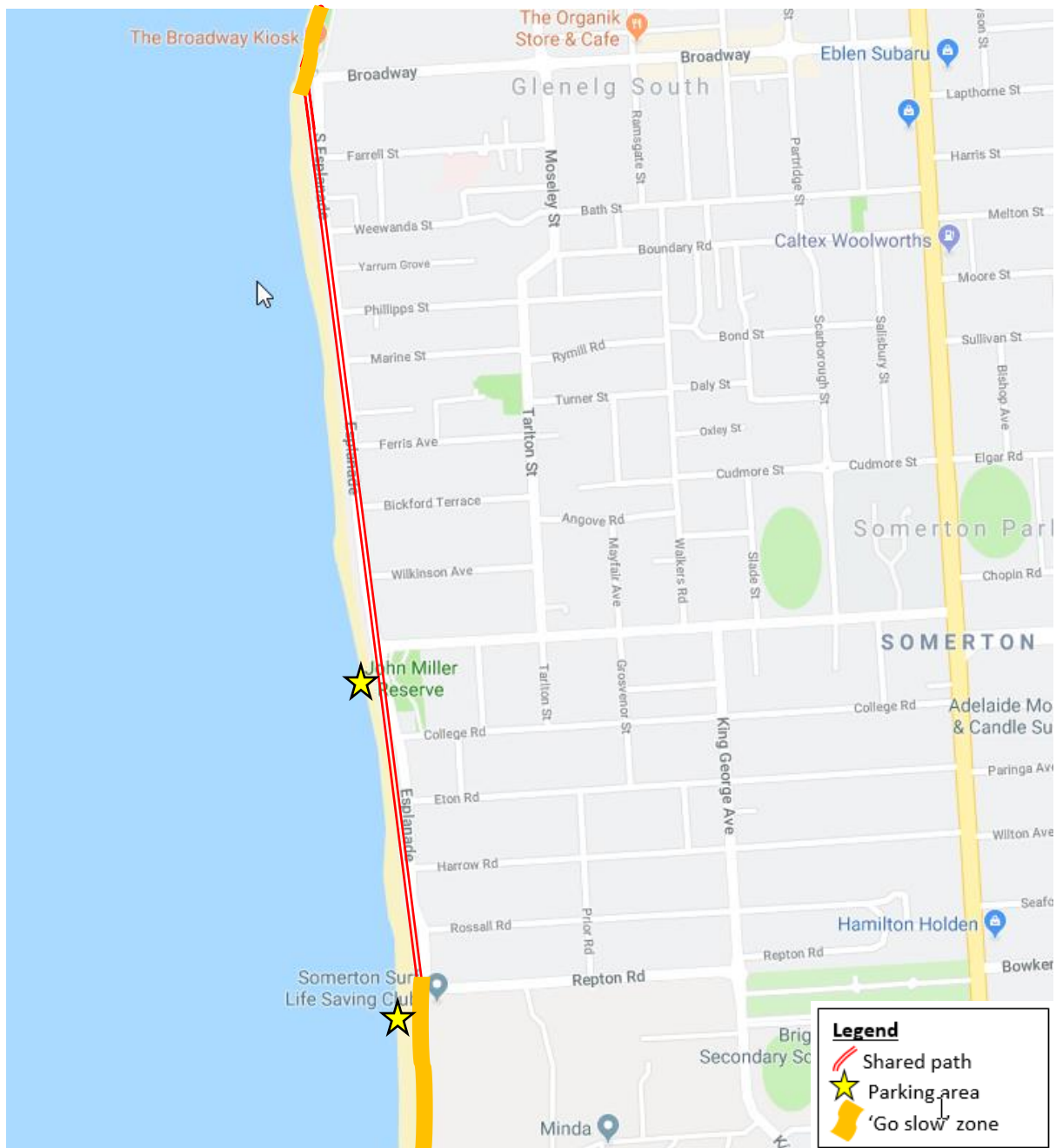


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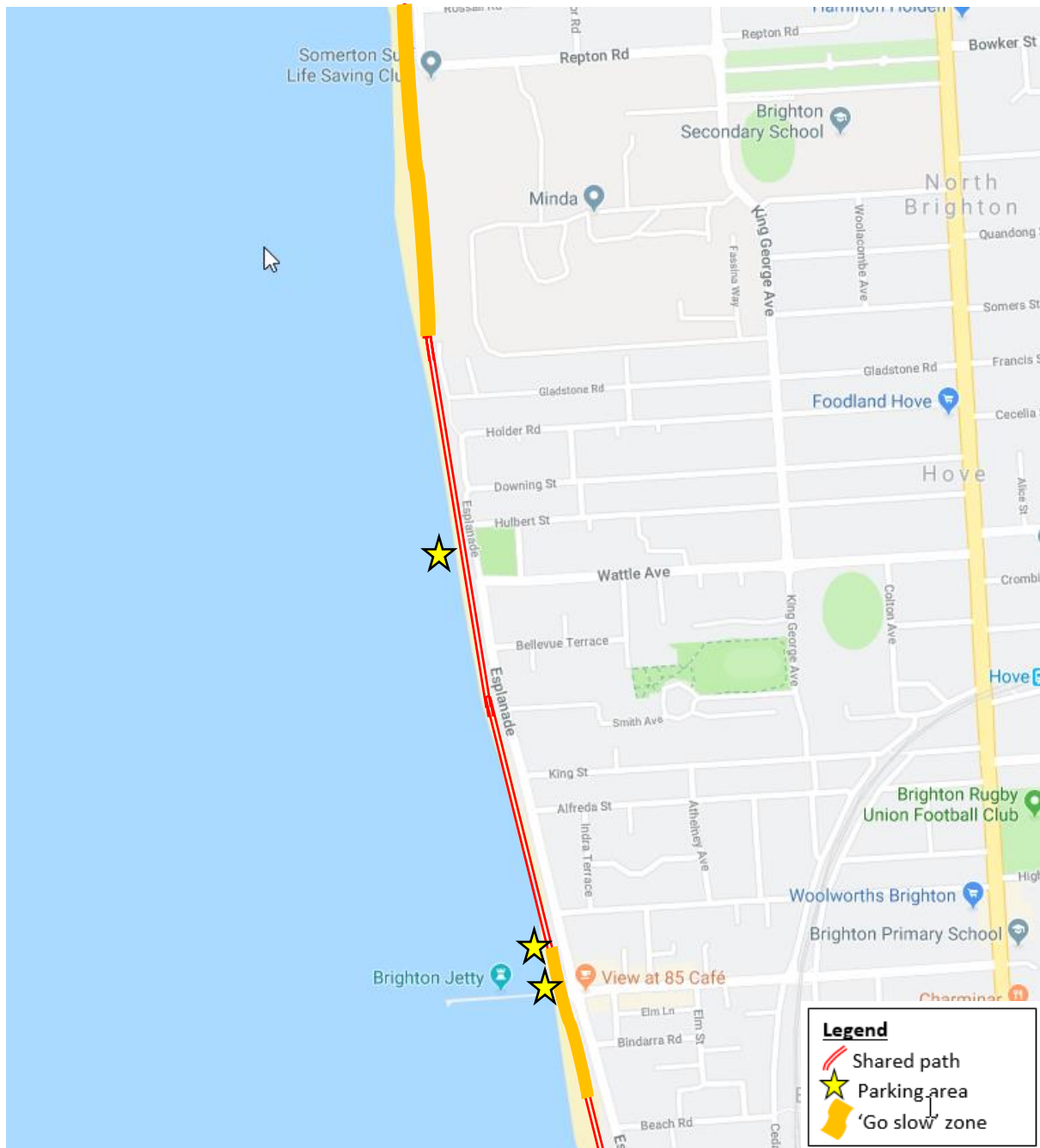
### MAP 3



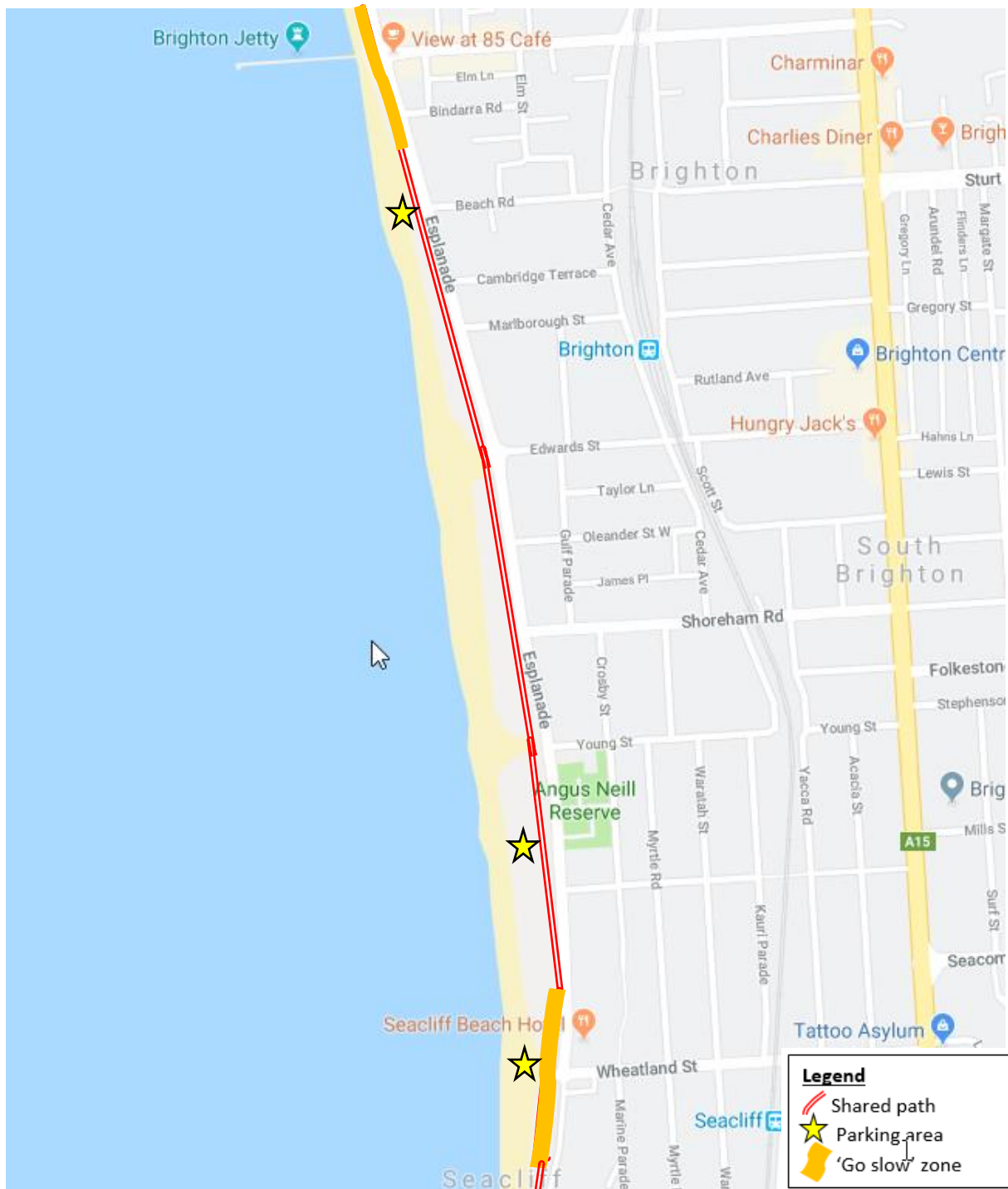
MAP 4



MAP 5



MAP 6



MAP 7



# Attachment 4



# SAFE WORK METHOD STATEMENT (SWMS)

Report 176/20 – Attachment 1



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

<b>Company:</b>	Western Councils Alliance	<b>ABN:</b>	
<b>Contact Person:</b>	Chris Dunn	<b>Phone:</b>	0400 290 233
<b>Area / Locations:</b>	Coast Park (and some footpaths) from Outer Harbor to Seacliff		
<b>Task Description:</b>	Review of potential risks and hazards associated with 6 month trial of e-scooters along the Coast Park form Outer Harbor to Seacliff		
<b>Author:</b>	The Western Alliance team		

Definition of Likelihood	
<b>Rare</b>	Event may only occur in exceptional circumstances. Event is unlikely to occur within the next 5 years.
<b>Unlikely</b>	Event is unlikely to occur. The event has less than 25% chance of occurring. Event may occur within the next 5 years.
<b>Possible</b>	Event could occur at some time. The event has a 25-49% chance of occurring. Event will occur within the next 30 months.
<b>Likely</b>	Event will probably occur once per year. The event has a 50-74% chance of occurring. Event will occur within the next 18 months.
<b>Almost certain</b>	Event is expected to occur more than once per year. The event has more than 75% chance of occurring. Event will occur within the next 6 months.

Consequence Level	Risk Legend	Risk Matrix					
<b>1 - Critical</b>	<b>E – Extreme</b>		<b>R</b>	<b>U</b>	<b>P</b>	<b>L</b>	<b>A</b>
<b>2 - Major</b>	<b>H – High</b>	<b>1</b>	<b>H</b>	<b>H</b>	<b>H</b>	<b>E</b>	<b>E</b>
<b>3 - Medium</b>	<b>M – Moderate</b>	<b>2</b>	<b>M</b>	<b>M</b>	<b>H</b>	<b>H</b>	<b>E</b>
<b>4 - Minor</b>	<b>L – Low</b>	<b>3</b>	<b>L</b>	<b>M</b>	<b>M</b>	<b>H</b>	<b>H</b>
<b>5 - Insignificant</b>		<b>4</b>	<b>L</b>	<b>L</b>	<b>M</b>	<b>M</b>	<b>H</b>
		<b>5</b>	<b>L</b>	<b>L</b>	<b>L</b>	<b>M</b>	<b>M</b>



# SAFE WORK METHOD STATEMENT (SWMS)

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	CRITICAL STEPS IN TRIALS List the steps relevant to the trial which will be carried out	POTENTIAL HAZARDS Adjacent to each step list the potential hazards that could cause harm.	Likelihood	Consequence	Risk without controls	RISK CONTROL MEASURES For each identified risk, list the control measures required to eliminate or minimise the risk of harm.	Likelihood	Consequence	Residual Risk	Risk Owner Ultimate responsibility and acceptance for ensuring that the control measures are in place.
<b>1</b>	<b>Device and control management</b>									
	Geofencing/ Geographic limitations	Devices going outside gazetted trial boundary. Being used contrary to gazettal	L	3	H	<ul style="list-style-type: none"> <li>Geofencing to be in place /regular monitoring by proponents – witnessed use of geofencing during demonstrations</li> </ul>	R	3	L	Western Alliance Councils /Proponents
	Mass limits (device)	Risk of devices being deployed that exceed legislative parameters	U	5	L	<ul style="list-style-type: none"> <li>Reviewed at demo – will inspect prior to deployment, will be speed limited and regular ad-hoc inspections will be undertaken by relevant staff and the proponents</li> </ul>	R	5	L	Western Alliance Councils /Proponents
	Hardware/software updates over the course of the trial	New unverified technologies yet to be proven	U	5	L	<ul style="list-style-type: none"> <li>The two (2) proponents have agreed to data sharing for the project. The current technologies have been trialled, tested and refined in other trials throughout Australia and around the world</li> </ul>	R	5	L	Western Alliance Councils /Proponents
	Fleet balancing/ Density management	Too many devices deployed in one area	L	4	M	<ul style="list-style-type: none"> <li>These will be carefully monitored by both proponents and designated parking areas will be created and scooters deployed by staff to each parking area based on demand. This will be regularly updated and reviewed as it is in the best interest of the proponents that there are adequate scooters at each parking location and vice versa to ensure maximum potential of 'rides'.</li> </ul>	U	4	L	Western Alliance Councils /Proponents
	Helmet management	Helmets not available for device use causing non-compliance with gazette notice	P	3	M	<ul style="list-style-type: none"> <li>A helmet lock is being considered by both proponents which does not allow disengagement of the device without the helmet being attached and discounts will be offered for 'selfies' with the helmet on at the end/beginning of a ride.</li> </ul>	R	3	L	Western Alliance Councils /Proponents
	Broken or defective devices management		P	2	H	<ul style="list-style-type: none"> <li>There are strict KPI's that the two (2) proponents will need to meet and report to as part of their permit conditions in regards to</li> </ul>	R	2	M	Western Alliance Councils /Proponents



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						repair to broken or defective devices. These will be monitored continuously and reported back to Council who will then on-share with DPTI.				
2 Public Amenity										
	Management of congestion areas (e.g. high pedestrian use areas)	Footpath infrastructure not wide enough to support device, other mobility aids and pedestrian use due to high traffic (e.g. shopping strip)	L	2	H	<ul style="list-style-type: none"><li>In areas of high pedestrian use scooters will be speed restricted to 8km/h (controlled by geofencing). Decals on the path will signify this. Decals will also be in place along the trail so that pedestrians and other users are aware that scooters may be present. At times of events scooters will be restricted altogether and may be removed out of the event area – this can be undertaken quickly as demonstrated in the demos that were undertaken.</li></ul>	U	2	M	Western Alliance Councils /Proponents
	Nuisance/littering of helmets and or devices	Helmets separating from devices and causing litter Devices left on road or thoroughfare causing issue to other traffic (vehicles) Causing a tripping hazard to pedestrians	P	4	M	<ul style="list-style-type: none"><li>A helmet lock is being considered by both proponents which does not allow disengagement of the device without the helmet being attached and discounts will be offered for 'selfies' with the helmet on at the end/beginning of a ride.</li><li>There will be regular 'assessments' by the proponents staff to ensure that helmets/scooters are picked up</li></ul>	U	4	L	Western Alliance Councils /Proponents
	Environmental damage – e.g. waterway littering	Devices abandoned in waterways – potentially degrading and leeching material from battery	P	2	H	<ul style="list-style-type: none"><li>An alarm will be sounded to the proponent for any scooters that venture outside the geofenced area and scooters will not operate outside the geofenced area.</li></ul>	U	2	M	Western Alliance Councils /Proponents
3 Preferred Parking/Docking										
	Device parking management		L	4	M	<ul style="list-style-type: none"><li>Users will only be able to disengage in designed parking areas; these will be designated by 'decals'.</li></ul>	U	4	L	Western Alliance Councils /Proponents
	No go zones		L	3	H	<ul style="list-style-type: none"><li>The trail will be geofenced such that users will not be able to proceed outside of the geofenced area and an alarm will sound to the proponents</li></ul>	U	3	M	Western Alliance Councils /Proponents

# SAFE WORK METHOD STATEMENT (SWMS)

Report 176/20 – Attachment 1



Government of South Australia  
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						who will immediately be notified that the scooter is outside the approved area. The trail will be designed with decals as indicated in Attachment 3 of this submission				
	Slow zones		L	3	H	<ul style="list-style-type: none"><li>Users will be speed restricted to 8km/h in areas of high pedestrian activity</li></ul>	U	3	M	Western Alliance Councils /Proponents
4 Risks to other road users										
	Interactions with pedestrians		L	3	H	<ul style="list-style-type: none"><li>Bells are provided and advice on how to use safely is provided within the 'app'. In areas of high pedestrian activity, the scooters will be speed restricted to 8km/hr and 15 km/hr generally. Signs will be provided along the path at regular intervals to inform users of the trial</li></ul>	P	3	M	Western Alliance Councils /Proponents
	Interactions with vulnerable road users (elderly/disabled)		L	2	H	<ul style="list-style-type: none"><li>Bells are provided and advice on how to use safely is provided within the 'app'. In areas of high pedestrian activity, the scooters will be speed restricted to 8km/hr and 15 km/hr generally. Signs will be provided along the path at regular intervals to inform users of the trial</li></ul>	U	2	M	Western Alliance Councils /Proponents
	Interactions with cyclists		L	3	H	<ul style="list-style-type: none"><li>Bells are provided and advice on how to use safely is provided within the 'app'. In areas of high pedestrian activity, the scooters will be speed restricted to 8km/hr and 15 km/hr generally. Signs will be provided along the path at regular intervals to inform users of the trial</li></ul>	P	3	M	Western Alliance Councils /Proponents
	Collisions with other road users	e.g. pedestrians/vehicles	L	2	H	<ul style="list-style-type: none"><li>A 'crash' detector and anti-tipping alarm is deployed on the scooters which sends an alarm to the proponents if there is suspicion of a crash (which can then send an emergency signal) or the scooters are lying on the ground.</li></ul>	U	2	M	Western Alliance Councils /Proponents
5 Risks to road infrastructure										
	Damage to road infrastructure by use		U	3	M	<ul style="list-style-type: none"><li>There will be limited use on the road. However, Council staff will regular monitor use and any damage to infrastructure that may result</li></ul>	R	3	M	Western Alliance Councils /Proponents

# SAFE WORK METHOD STATEMENT (SWMS)



	Collisions with road infrastructure	e.g. fixed points (traffic lights, signs etc)	P	3	M	<ul style="list-style-type: none"> <li>A audit has been undertaken with the two (2) preferred proponents walking along the entire route to identify any issues/concerns/gaps/ in infrastructure that need addressing and the addition of more 'go slow' zones</li> </ul>	U	3	M	Western Alliance Councils /Proponents
<b>6</b>	<b>Pre-trial device testing</b>									
	How organisation plans to undertake pre-trial device testing to show speed restriction; helmet locks etc		L	3	H	<ul style="list-style-type: none"> <li>A demo has been undertaken and the route has been walked/ridden with the Western Alliance Councils and the two (2) preferred proponents</li> </ul>	U	3	M	Western Alliance Councils /Proponents
<b>7</b>	<b>Training to device user/compliance with road rules</b>									
	Maximum speed restriction (15km/hr)		L	3	H	<ul style="list-style-type: none"> <li>Speed restricted to 15km/h by way of geofencing and further restricted in areas of high pedestrian activity</li> </ul>	R	3	L	Western Alliance Councils /Proponents
	Helmet use		P	2	H	<ul style="list-style-type: none"> <li>A helmet lock is being considered by both proponents which does not allow disengagement of the device without the helmet being attached and discounts will be offered for 'selfies' with the helmet on at the end/beginning of a ride.</li> </ul>	U	2	M	Western Alliance Councils /Proponents
	Other road rule infractions	Pillion passengers Cargo Drink/drug driving etc.	P	2	H	<ul style="list-style-type: none"> <li>Time of use is restricted from 6am to 9pm on any day which means that 'drunken' behaviour is less likely. Scooters will be removed overnight from areas of high pedestrian activity. Alarms will notify the relevant proponent when the scooter is overloaded</li> </ul>	U	2	M	Western Alliance Councils /Proponents
<b>8</b>	<b>Complementary management with other device operators</b>									
	Interactions between proposed operators (e.g. periodic helmet swap)		P	4	M	<ul style="list-style-type: none"> <li>There will be many staff from both proponents monitoring use of the scooters and changing batteries over as required. The helmets will be cleaned each time the batteries are swapped over</li> </ul>	U	4	L	Western Alliance Councils /Proponents

# SAFE WORK METHOD STATEMENT (SWMS)



	How trialling organisations may manage permits should there be disagreement between 3 <sup>rd</sup> party operators		<b>P</b>	<b>3</b>	<b>M</b>	<ul style="list-style-type: none"> <li>Work collaboratively and monthly meetings with the two preferred proponents and the Western Alliance Team. Terms of reference with each proponent have been discussed on the 'walk/drive' tour with the two (2) preferred proponents.</li> </ul>	<b>R</b>	<b>3</b>	<b>L</b>	Western Alliance Councils /Proponents
<b>9</b>	<b>Traffic management plan (TMP)</b>									
	Event planning		<b>P</b>	<b>2</b>	<b>H</b>	<ul style="list-style-type: none"> <li>At times of events scooters will be restricted altogether and may be removed out of the event area – this can be undertaken quickly using 'geofencing' as demonstrated in the demos that were undertaken.</li> </ul>	<b>U</b>	<b>2</b>	<b>M</b>	Western Alliance Councils /Proponents
	Complex intersections	e.g. Scramble crossings	<b>P</b>	<b>2</b>	<b>H</b>	<ul style="list-style-type: none"> <li>Decals will be installed identifying preferred route</li> <li>Any complicated intersections/concerns discussed and addressed on route assessment by the installation of decals to identify the trail/corridor and/or introducing more 'go slow' zones.</li> <li>Further information will be provided to users on the 'app' provided by each provider</li> </ul>	<b>U</b>	<b>2</b>	<b>M</b>	Western Alliance Councils /Proponents
<b>10</b>	<b>Additional Information</b>									
	Management and reporting of incidents	Including near misses	<b>P</b>	<b>2</b>	<b>H</b>	<ul style="list-style-type: none"> <li>through proponent 'app' and engagement with SAPOL on reported incidents and regularly intervening as required</li> </ul>	<b>U</b>	<b>2</b>	<b>M</b>	Western Alliance Councils /Proponents

# SAFE WORK METHOD STATEMENT (SWMS)

Report 176/20 – Attachment 1

## Key Contact Officers for SWMS

**Notices required:** The following persons are authorised representatives of each nominated agency. Notices required by the SWMS are considered to be provided if provided to the officers below and \* indicates primary officers that may provide agreement of that agency.

	Officer	Title / Position	Phone	Email
<i>Applicant Name</i>	Chris Dunn	Manager, Construction, Design and Transport (PAE)	0400 290 233	chris.dunn@cityofpae.sa.gov.au
	Damian Landrigan	Technical Officer – Traffic & Transport (City of HB)	8229 9943	<a href="mailto:dlandrigan@holdfast.sa.gov.au">dlandrigan@holdfast.sa.gov.au</a>
DPTI	TBC			

## Acknowledgements / Authorisations

	Name	Signature	Date	<b>Acknowledgements / Authorisations:</b> By signing this part, the person certifies that they have reviewed this SWMS to the best of their ability and they are satisfied that there are no significant deficiencies / errors.
	Chris Dunn		19/12/2019	

## Record of Reviews - SWMS

If any risks change or are amended during the trial period, the SWMS also requires updating. In this case, the amended SWMS shall go through the entire review & certification process again.

Reviewed by: (Name)	On (Date)	Title / Position	Signature

Item No: **15.7**

Subject: **GREENER NEIGHBOURHOOD GRANT APPLICATION**

Date: 14 July 2020

Written By: Team Leader Environment & Coast

General Manager: City Assets & Services, Mr H Lacy

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### **SUMMARY**

The Greener Neighbourhoods Grant Program, run by the Department of Environment and Water (DEW), is providing funding to metropolitan councils to support projects that increase tree canopy, green cover and biodiversity outcomes, and lead to on-ground benefits for local communities.

Administration would like to submit an application to complete the biodiversity corridor along the Sturt Creek, with a total project cost of \$140,000.

The grant application requires Council approval, and Council to commit \$65,000 to the total project cost in 2020-21.

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### **RECOMMENDATION**

1. **That Council approve an application to the Greener Neighbourhood Grant Program for a grant of \$65,000 to complete the biodiversity corridor.**
  2. **That subject to the grant being awarded, Council:**
    - a. **approve inclusion of an allocation of \$65,000 in the 2020/21 Capital Works Program to provide match funding for the grant;**
    - b. **note an offer from the Friends of Sturt River for a contribution (subject of a separate grant application to SA Water by the Friends) to the total project costs of \$10,000; and**
    - c. **approve the project to proceed.**
- 

### **COMMUNITY PLAN**

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods  
Placemaking: Building character and celebrating history  
Community: Building a healthy, active and resilient community  
Community: Fostering an engaged and contributing community  
Environment: Protecting Biodiversity  
Environment: Building an environmentally resilient city  
Environment: Fostering an environmentally connected community

## **COUNCIL POLICY**

Not Applicable.

## **STATUTORY PROVISIONS**

Not Applicable.

## **BACKGROUND**

In the 2018-19 Annual Business Plan, an initiative was approved to establish a biodiversity corridor based on the biodiversity assessment undertaken in 2018. A budget allocation was provided but was not large enough to complete the required work.

Five (5) sites have been proposed for the corridor along the Sturt Creek and so far two (2) have been completed (Bob Lewis Reserve and Stewart Reserve).

To complete the remaining three (3) sites will require a total project budget of \$140,000.

## **REPORT**

From London to Paris to Adelaide, there is a global trend to 'green cities' through the reintroduction of trees, plants and gardens for a range of health, comfort, biodiversity, and psychological reasons. In addition, the 30 Year Plan for Great Adelaide has a target of increasing urban green cover.

The City of Holdfast Bay has embraced this movement. The 2018 biodiversity assessment identified Glenelg North as having low levels of biodiversity, and as this area encompasses the Sturt Creek, it was identified as ideal for a biodiversity corridor made up of five sites that act as 'stepping stones' for flora and fauna through the landscape along the river. This action is also listed in the draft Environment Strategy.

During 2019, in addition to completing the second site, we have also negotiated for the volunteer, non-profit group, Friends of Sturt River Landcare, to start working on the two completed sites to help with maintenance of the vegetated borders, and to engage our community in environmental volunteering, thereby connecting our human and natural communities.

The Greener Neighbourhood Grants are specifically for metropolitan councils and provide an ideal opportunity to assist us with funding to complete the remaining three (3) biodiversity corridor sites, located at:

- Fordham Reserve;
- Shannon Avenue Reserve; and
- Blackburn/Goldsworthy Reserve.

Only small parts of the reserves will be planted, leaving more than half of each site as open space for recreational activities.

The Friends of Sturt River Landcare group are applying for a grant from SA Water, for up to \$10,000, to assist with this project at the Fordham Reserve. This provides the ideal component for the community engagement criterion in the Greener Neighbourhood grants, thus developing a funding partnership as follows:

• Friends of Sturt River (application for an SA Water grant)	\$ 10,000
• DEW Greener Neighbourhood Grant	\$ 65,000
• Council	<u>\$ 65,000</u>
Total Project Cost	\$140,000

The budget includes a component for a range of upfront community engagement activities (to ensure residents are well-informed and consulted) as well as at a later project stage when residents will be invited to participate in planting activities at a public event on World Environment Day 2021.

The grant requires a co-funding commitment from Council, which can include cash, in-kind and volunteer effort.

There are multiple benefits to completing this project, for both our human and natural communities. Research has shown that both viewing and spending time in natural spaces have positive impacts on our health, both physical and mental, so the residents who use these areas and live adjacent to them will benefit greatly from increased tree canopy, cleaner air, improved mental health and increased liveability of their neighbourhoods.

The benefits to our natural communities are that as the native plants grow, they recreate habitat for animals such as native bees, butterflies, beetles, birds and more. The plants provide a more diverse and appropriate range of food, shelter and nesting habitat (e.g. specific native plants on which native butterflies lay their eggs) and materials that have not been available in these areas for a long time. Therefore, it is expected that these small pockets of plantings will help a range of native animals to survive in our urban areas, and contribute to improving our biodiversity scores in these areas.

## **BUDGET**

There is currently no budget allocation to support this grant.



A commitment of \$65,000 (46% of the total project cost) from Council in 2020/21 is required to co-fund the project, subject to the Greener Neighbourhood Grants being received.

If the grant application is successful, Council will be requested to allocate \$65,000 under a new initiative within the 2020/21 Capital Works program at a future Budget Review.

The project also needs approval of a grant from SA Water to be submitted on behalf of the project by the Friends of Sturt River.

#### **LIFE CYCLE COSTS**

The Council Open Space team will maintain a chemical edge along all borders but the Friends of Sturt River volunteers will undertake all other maintenance of the native vegetation, including weed control and future infill planting.

Item No: **15.8**

Subject: **GLENELG OVAL STATE GOVERNMENT GRANT UPDATE**

Date: 14 July 2020

Written By: Manager, Active Communities

General Manager: Community Services, Ms M Lock

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### **SUMMARY**

This report updates Elected Members on the recent announcement of State Government grant funding of \$487,000 towards new uni-sex change room facilities at Glenelg Oval and outlines next steps regarding the project and masterplan.

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### **RECOMMENDATION**

#### **That Council:**

- 1. notes the report;**
  - 2. acknowledges the successful State Government grant application of \$487,000; and**
  - 3. proceed with the new uni-sex change room facilities at Glenelg Oval at a total project cost of \$987,000.**
- 

### **COMMUNITY PLAN**

Community: Celebrating culture and diversity  
Community: Providing welcoming and accessible facilities  
Economy: Boosting our visitor economy

### **COUNCIL POLICY**

Not Applicable.

### **STATUTORY PROVISIONS**

Not Applicable.

### **BACKGROUND**

The Glenelg Oval Masterplan was endorsed by Council in 2017 and costed at approximately \$20 million for a three stage implementation. Stage 1 of the masterplan is currently being undertaken,

involving the redevelopment of the Holdfast Tennis Club building and courts. The remaining 2 stages, covering the rest of the prescribed works are yet to commence and require further refinement and engagement with stakeholders.

An online pre-Council workshop was held on 12 May 2020 that provided Elected Members with an update on the joint Council / Glenelg Football Club proposal to construct new uni-sex change room facilities in the south western corner of the oval precinct. Once completed, these change rooms will be used by male and female cricket and football players and support staff for training and games.

At the time of the Council workshop, Administration had applied for a State Government (Office for Recreation, Sport and Racing) grant for \$500,000 (on a dollar for dollar basis) to contribute to the overall project cost of \$1 million and were awaiting an outcome of the grant application. As a result of the 2018 Federal election, Glenelg Football Club received \$300,000 Federal Government, meaning the project budget was still needing \$200,000.

At the 12 May 2020 Council meeting, Council endorsed the allocation of \$200,000 as the Council contribution for the project, subject to Council being successful in the State Government grant of \$500,000.

On 23 June 2020, Administration received official notification that we were successful in securing \$487,000 in grant funding from the Office for Recreation, Sport and Racing, with the Minister for Recreation, Sport and Racing announcing the grant on-site on 24 June 2020.

*Refer to Attachment 1*

## **REPORT**

The total available budget for the new unisex change rooms is currently \$987,000, including the \$200,000 contribution from Council, enabling Administration to start planning and delivering the project. The Federal Grant received by the Glenelg Football Club requires construction to commence by 31 December 2020, resulting in a compressed pre-construction / planning phase. Administration have commenced the project planning including preliminary site analysis to reduce time in the design phase.

Designs presented to Council on 12th May 2020 were costed in excess of \$1 million, which will now require Administration to work closely with the project stakeholders and design team to reduce total costs to within available budget while still delivering a fit for purpose building.

Administration will project manage the project, reducing some professional fees and potentially design contingency. In addition, there are some construction methods and materials being suggested that will reduce the overall costs of building works.

## **Next steps**

The next steps for the design and construction of the uni-sex change rooms will involve finalising the site analysis and building design then commence the tender process to ensure construction timelines are met. Council will be informed of major project milestones including draft designs and award of contracts.

The remaining stages of the masterplan require additional planning, design and development to properly inform implementation and require a collaborative approach from a range of stakeholders and funding partners to ensure successful implementation.

A Council workshop will be held in August 2020 to update Elected Members on the remaining stages and to discuss the proposed project delivery. This will include formally re-establishing the Glenelg Oval masterplan steering group (sporting stakeholders, Council administration, Councillor(s), ACH, Glenelg Primary School) ensuring close communication and collaboration on the remaining aspects of the masterplan.

The delivery of the remaining stages of the masterplan will be reliant on a contribution of external funding and Council funding where possible, and with a project of this scale, external funding partners require evidence of a business case being completed. Once the masterplan has been revised, and updated costings received, it is proposed that a business case will be undertaken to analyse the options, costs, benefits, possible staging and timeframes, ensuring the project be considered by potential funding partners.

In addition, once the masterplan has been reviewed and updated cost estimations provided, a Section 48 Prudential Report would also be undertaken as the project would meet certain criteria specified in Section 48 of the Local Government Act 1999, namely the expected capital cost of the project of the ensuing five years is likely to exceed \$4 million.

## **BUDGET**

Total project budget for the design and construction is \$987,000, with Council's contribution being \$200,000 from the 2020/21 budget.

## **LIFE CYCLE COSTS**

Once the new change room building is completed, it will form part of the asset register with repairs and maintenance included into future budgets. The new building will be included into updated lease arrangements and a maintenance schedule with the Glenelg Football Club and Glenelg District Cricket Club along with a detailed shared use agreement between the two clubs.

Typically, a building such as this would be depreciated over a 40 - 50 year time frame.

# Attachment 1



Hon Corey Wingard MP



Government  
of South Australia

Minister for Police,  
Emergency Services and  
Correctional Services

Minister for Recreation,  
Sport and Racing

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20EXT0701

Miss Julia Wallace  
Team Leader Sport and Recreation Planning  
City of Holdfast Bay

By email: [jwallace@holdfast.sa.gov.au](mailto:jwallace@holdfast.sa.gov.au)

Dear Miss Wallace *Julia*

I refer to your recent request for funding through Round 3 of the Grassroots Football, Cricket, and Netball Facility Program.

I am delighted to inform you that your application has been successful in receiving funding for the following project:

**Project Title:** To construct two new unisex change rooms, including umpire amenities, first aid, meeting space, and storage, at the Glenelg Oval, Glenelg East.

**Grant Amount:** \$487,000

This funding will be subject to your organisation entering into a Grant Agreement with the Government of South Australia. The Office for Recreation, Sport and Racing will forward the formal Grant Agreement to you through SmartyGrants in due course.

To ensure you are well informed I wish to advise some key requirements that your Grant Agreement will contain:

- Construction of the project must begin within six months of receipt of funding.
- You are required to report quarterly at a minimum on the progress of the project.
- You are required to report annually on the expenditure of the grant.

If you would like further information in relation to this funding, please contact Funding Services on 1300 714 990 or [ORSR.Grants@sa.gov.au](mailto:ORSR.Grants@sa.gov.au).

I trust the financial assistance provided will have a positive impact on your organisation, as well as see many positive benefits for active recreation and sport within the community.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Corey Wingard'.

**Hon Corey Wingard MP**  
Minister for Recreation, Sport and Racing

*12 / 6* / 2020

Item No: **15.9**

Subject: **ALWYNDOR MANAGEMENT COMMITTEE – TERMS OF REFERENCE**

Date: 14 July 2020

Written By: General Manager, Alwyndor

General Manager: Alwyndor, B Davidson Park

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### **SUMMARY**

As a Section 41 Committee of Council the Alwyndor Management Committee (AMC) is required to have a Terms of Reference (ToR) approved by Council.

The ToR have been reviewed, considered by the AMC and are recommended for the consideration and approval of Council.

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### **RECOMMENDATION**

**That Council approve the revised Alwyndor Management Committee Terms of Reference.**

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### **COMMUNITY PLAN**

Culture: Supporting excellent, efficient operations

### **COUNCIL POLICY**

Not Applicable.

### **STATUTORY PROVISIONS**

Not Applicable.

### **REPORT**

As a Section 41 Committee of Council the Alwyndor Management Committee (AMC) is required to have a Terms of Reference (ToR) approved by Council.

The ToR were updated in part in August 2019 to meet the Aged Care Standards. They have now been reviewed in their entirety to ensure that they:

- meet the requirements of the *Local Government Act, 1999*
- are consistent with the Aged Care Act 1997;

- reflect the requirements of the Aged Care Quality and Safety Standards, 2019 (specifically Standard 8: Operational Governance); and
- are consistent with contemporary governance practices.

The 2019 ToR form Attachment 1 to this report and the proposed revised ToR forms Attachment 2 to this report. It should be noted that the revisions are extensive and for ease of reading changes have not been presented in 'track' changes.

*Refer Attachment 1*

The Alwyndor Management Committee considered these draft ToR's at its meeting on 18 June 2020 and recommend the document for consideration and adoption by Council.

*Refer Attachment 2*

#### **BUDGET**

N/A.

#### **LIFE CYCLE COSTS**

N/A



# Attachment 1





## **ALWYNDOR MANAGEMENT COMMITTEE (AMC)**

### **TERMS OF REFERENCE**

#### **1. INTRODUCTION**

- 1.1 The City of Holdfast Bay, ("the Council") is the trustee of a certain trust, the Dorothy Cheater Trust, constituted by a document dated 22 October 1973 (a copy of which is set out at Appendix A) ("the Trust").
- 1.2 The Council as trustee of the Trust holds certain property used in the conduct of an aged care facility located at 52 Dunrobin Road HOVE SA 5048 and known as Alwyndor Aged Care ("the Facility").
- 1.3 The Council has established, pursuant to Section 41 of the Local Government Act 1999 ("the Act"), a committee of the Council ("Alwyndor Management Committee") for the purpose of assisting the Council in performing its function of carrying out the terms of the Trust and in particular for the purpose of carrying out and managing the day to day operations and administration of the Facility.

#### **2. CONTINUATION OF COMMITTEE**

- 2.1 The Alwyndor Management Committee (AMC), as currently constituted, is continued as a committee of the Council pursuant to Section 41 of the Act. This position was confirmed by the Council on 28 November 2006.

#### **3. OBJECTIVES**

- 3.1 The objective of the Council in establishing the AMC was the establishment of a committee of Council to assist the Council to perform its functions of carrying out the terms of the Trust and the conduct of the Facility.
- 3.2 The objectives of Council in the conduct of the Facility are:-
  - 3.2.1 The provision of a range of quality care and accommodation options at the Facility primarily for aged persons including:-
    - 3.2.1.1 hostel facilities; and
    - 3.2.1.2 nursing home facilities; and

- 3.2.1.3 day therapy facilities; and
- 3.2.1.4 community facilities;
- 3.2.2 The provision of accommodation options at the Facility primarily for aged persons emphasising:-
  - 3.2.2.1 Flexible-use nursing home and hostel accommodation including uses such as respite care, sub-acute care, rehabilitation and palliative care; and
  - 3.2.2.2 Dementia care hostel accommodation; and
  - 3.2.2.3 Independent (self care) living units;
- 3.2.3 The provision of services to the community including:
  - 3.2.3.1 a community care program;
  - 3.2.3.2 rehabilitation and support services;
  - 3.2.3.3 services that are not readily available from private health practitioners for aged persons;
  - 3.2.3.4 services that are required where no further services are available to aged persons under private health insurance because of the exhaustion of those entitlements;
  - 3.2.3.5 programmes to facilitate and educate those aged persons with disabilities in undertaking activities;
  - 3.2.3.6 exercise programmes for aged persons to improve mobility, assist with weight loss and for diabetes management; and
  - 3.2.3.7 other programmes to assist aged persons with other special needs;
- 3.2.4 The development of:
  - 3.2.4.1 personalised care packages to support aged people who prefer to remain living in their own homes;
  - 3.2.4.2 specialised accommodation at the Facility for the purpose of providing nursing care for residents who by reason of infirmity, old age, incapacity or disability have a continuing need for nursing care;
  - 3.2.4.3 the hostel accommodation and services at the Facility for the purpose of supporting residents and others who have been assessed as having a continuing need for hostel care;
  - 3.2.4.4 a range of rehabilitation and support services for members of the community and residents of the Facility who have been assessed as requiring one or more such services;

- 3.2.5 The further development of associations and links with key agencies and other providers of residential services in the community to maximise coordination of care;
- 3.3 The AMC must ensure that the Council, in the management, administration and conduct of the Facility, complies with the terms of the Trust in all respects.

#### **4. FUNCTIONS**

- 4.1 Subject to compliance with all Council policies, plans and procedures, the functions of the AMC are to assist Council as herein described by carrying out and managing the day to day operations and administration of the Facility in accordance with the Trust, the objectives of Council and these Terms of Reference, and without limiting the width thereof and in addition thereto:
  - 4.1.1 To ensure the achievement of the objectives and the development of suitable new objectives for the Facility for the consideration of Council; and
  - 4.1.2 To raise money by means of subscriptions, voluntary contributions, entrance charges to the grounds of the Facility, buildings, rooms and conveniences of the Facility and otherwise for the purpose of carrying out the objectives and functions of the AMC and to accept and receive on behalf of the Council from both the South Australian Government and the Australian Government such financial assistance as provided; and
  - 4.1.3 To exercise any delegated powers, functions and duties; and
  - 4.1.4 To do all other things that are necessary or incidental or conducive to the attainment of the objectives and the exercise, performance or discharge of the functions of the AMC; and
  - 4.1.5 To ensure that the Facility adheres to all legislative, compliance and contractual obligations, including but not limited to:
    - 4.1.5.1 Ensure consumers are engaged in the development, delivery and evaluation of care and services and are supported in that engagement.
    - 4.1.5.2 Promote and deliver a culture of safe, inclusive and quality care and services.
    - 4.1.5.3 Ensuring effective organisation wide governance systems relating to the following:
      - (a) information management
      - (b) continuous improvement
      - (c) financial governance
      - (d) workforce governance, including the assignment of clear responsibilities and accountabilities

- (e) regulatory compliance
- (f) feedback and complaints.

4.1.5.4 Effective risk management systems and practices, including but not limited to the following:

- (a) managing high-impact or high-prevalence risks associated with the care of consumers
- (b) identifying and responding to abuse and neglect of consumers
- (c) supporting consumers to live the best life they can.

4.1.5.5 A clinical governance framework, including but not limited to the following:

- (a) antimicrobial stewardship
- (b) minimising the use of restraint
- (c) open disclosure.

## **5. MEMBERSHIP**

5.1 The AMC shall consist of –

- 5.1.1 Two (2) Elected Members of the Council as determined and appointed by the Council; and
- 5.1.2 Up to eight (8) other persons as determined and appointed by the Council which members shall be determined by the Council to possess the appropriate skills, knowledge and expertise so as to be of particular benefit to the AMC and the fulfilment of the objectives and carrying out of its functions as set out herein;

## **6. TERM OF APPOINTMENT**

- 6.1 The term of appointment of all AMC members will, subject to Section 41(5) of the Act and Clause 6.4 herein, be for a term of two (2) years and each AMC member shall be eligible for reappointment upon the expiry of his/her term of office.
- 6.2 The AMC may make recommendations to the Council regarding the reappointment of any member at the expiration of the member's term of office which reappointment shall be entirely in the discretion of the Council.
- 6.3 A Management Committee Member's office will become vacant if –

- 6.3.1 In the case of the Elected Members of the Council appointed by the Council to the AMC - the Elected Member ceasing to hold office as an Elected Member of the Council; and
- 6.3.2 In the case of the other Management Committee Members appointed in accordance with Clause 5.1.2 –
  - 6.3.2.1 upon the Council removing that person from office; or
  - 6.3.2.2 the member resigning their position from the AMC.
- 6.4 If any Management Committee Member shall be absent for three consecutive meetings of the AMC without leave of the AMC, the AMC may recommend to the Council that it remove that Member from office and appoint another person as a Management Committee Member for the unexpired term. The removal of a Management Committee Member and appointment of another Management Committee Member pursuant to this Clause shall be entirely at the Council's discretion.
- 6.5 In the event of a vacancy in the office of a Management Committee Member, the Council shall, if it deems fit, appoint another person as a Management Committee Member on such terms and conditions as it thinks fit.
- 6.6 Each newly appointed Management Committee Member must participate in the Council approved orientation program for Management Committee Members and must attend all education and training programs as required by the Council from time to time.

## **7. OFFICE BEARERS**

- 7.1 At the first meeting of the Management Committee in every financial year, the AMC shall appoint, for an annual term, a Chairman and a Deputy Chairman from amongst the Management Committee Members who shall be eligible for reappointment at the expiry of their term of office at the AMC's discretion. The Chairman is to be appointed from those members who are not Elected Members of the City of Holdfast Bay.
- 7.2 The Deputy Chairman will act in the absence of the Chairman and if both the Chairman and Deputy Chairman are absent from a meeting of the AMC, the Management Committee members will choose a Committee Member from those present, who are not Elected Members of the City of Holdfast Bay, to preside at the meeting as the Acting Chairman.
- 7.3 The Chairman of the AMC shall be an ex-officio member of all sub-committees of the AMC

## **8. HONORARIUM**

- 8.1 Management Committee Members, with the exception of City of Holdfast Bay Council Members, are entitled to an honorarium for their attendance at Management Committee meetings.
- 8.2 The base rate (per Management Committee meeting) applicable will be determined by the Council annually in June. There will be a 40% loading when chairing Management Committee meetings.
- 8.3 The total honorarium pool shall be capped at a level determined annually in June by the Council and reflected in the annual budget of Alwyndor Aged Care. The payment of the honorarium will

temporarily cease should the prescribed cap be reached prior to the completion of any financial year, with members paid on a pro-rata basis in this circumstance.

- 8.4 Claims for payment of the honorarium, shall be based on a signed Record of Attendance Log maintained by the General Manager Alwyndor Aged Care – payable in January and July of each calendar year.

## **9. ADMINISTRATION**

- 9.1 The Council, in consultation with the AMC, shall employ and appoint a General Manager Alwyndor Aged Care who shall have full responsibilities for the effective management of the Facility reporting to both the AMC, and to the Chief Executive Officer...

- 9.2 The General Manager Alwyndor Aged Care shall be responsible for:-

- 9.2.1 Attending meetings of the AMC and taking minutes of the meeting, having custody of all financial records and documents regarding the AMC and the Facility.
- 9.2.2 The safe keeping of all funds received in relation to the Facility and ensuring compliance with all policies and procedures of the Council with respect to such funds;
- 9.2.3 Keeping accurate and up to date books of accounts of all income and expenditure of the Facility;
- 9.2.4 Ensuring that financial statements for the activities of the Facility and the administration, management and operation of the Facility are prepared as soon as practicable after 30<sup>th</sup> June in each year, or at such times as directed by the Council.;
- 9.2.5 Providing a budget review of the activities of the Facility to the Council when required by the Council's Executive Manager Finance and Corporate;
- 9.2.6 The safekeeping of cash and property of residents;
- 9.2.7 Providing advice to the Council in relation to the recruitment and selection of all staff at the Facility;
- 9.2.8 The submission of a written report to each monthly meeting of the AMC on matters necessary to the sound management and good governance of the Facility;
- 9.2.9 Ensuring the proper management and administration of the Facility in accordance with the directions of the Council, the Alwyndor Management Committee, the Trust and the objectives set out in these Terms of Reference.

## **10. MEETINGS**

### **10.1 Meeting Procedures**

- 10.1.1 Meetings of the AMC will be conducted in accordance with the Local Government Act 1999, Part 3 of the Local Government (Procedures at Meetings) Regulations 2000, these Terms of Reference ("TOR") and any applicable Code of Practice adopted by the Council.
- 10.1.2 In so far as the Local Government Act 1999, Part 3 of the Local Government (Procedures at Meetings) Regulations 2000, the Council's Code of Practice as applicable to the AMC and the Terms of Reference do not specify a procedure to be observed in relation to the conduct of a meeting of the AMC, then the AMC may determine its own procedure.
- 10.1.3 In accordance with and subject to the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2000, all meetings of the AMC shall be open to the public.

## 10.2 Meeting Minutes

- 10.2.1 Minutes of the AMC meetings will be presented to the next meeting of the Council
- 10.2.2 Minutes of the AMC meetings shall be placed on Council's website as soon as practicable after the completion of the meeting.
- 10.2.3 The General Manager Alwyndor Aged Care shall supply Council and all AMC members with a copy of the minutes of the proceedings of the meeting within 5 days of a meeting of the AMC.

## 10.3 Meeting Detail

- 10.3.1 Meetings of the AMC shall be held at least once per month with the exception of January, unless the AMC determines to hold a meeting in January, and may be held at such further times as determined by the AMC.
- 10.3.2 Each AMC Member shall be given three clear days notice in writing of the time and place of an ordinary meeting of the AMC and four hours notice of the time and place of a special meeting of the AMC.
- 10.3.3 Each notice of meeting shall be accompanied by an agenda for such meeting.
- 10.3.4 Each notice of meeting and agenda for each AMC meeting shall be placed on the Council's website
- 10.3.5 A special meeting can be called by the Chief Executive Officer of the Council at the request of the Chairperson or at least two members of the AMC to deal with urgent business at any time. A request for a special meeting must include details of the time, place and purpose of the meeting which will be included in the notice of the special meeting.
- 10.3.6 All decisions of the AMC shall be made on the basis of a majority decision of the AMC members present.



- 10.3.7 A quorum will be half of the Board Members plus one, ignoring any fractions..  
No business can be transacted at a meeting of the AMC unless a quorum is present.

## **11. FINANCIAL MANAGEMENT**

- 11.1 Financial records of the Facility will be maintained by the General Manager on behalf of the AMC and the AMC will comply with the financial policies and procedures adopted by Council.
- 11.2 In accordance with the preparation of the annual Council budget cycle, the AMC will present to the Council for its consideration and adoption, a proposed annual budget for its activities including those matters relating to the administration, management, capital works and operations of the Facility for the ensuing financial year before adoption by Council of its annual budget.
- 11.3 The financial year shall be from 1 July to 30 June in the following year.
- 11.4 The AMC will report regularly to Council regarding the financial performance of the Facility at the times and in the manner determined by Council.
- 11.5 The AMC must develop a Strategic Management Plan which includes a long term financial plan for a period of at least 10 years. The Plan is to be presented to Council for adoption, and will be reviewed by the AMC annually. A report on the outcomes of the annual review is to be presented to Council.
- 11.6 The whole of the funds generated by the Facility shall be applied or appropriated in the conduct of the Facility in accordance with the terms of the Trust and in the pursuit of the objectives and no part thereof shall be appropriated for the purpose of profit or gain of individual members of the AMC, the Council, staff, residents or any other person.

## **12. SUB-COMMITTEES**

- 12.1 The AMC may appoint such sub-committees as it sees fit to assist it with carrying out its functions as set out herein. Any subcommittee must regularly report to the AMC on its activities.

## **13. OTHER MATTERS**

- 13.1 The Conflict of Interest Provisions under the Local Government Act 1999 shall apply to all members of the AMC as if members of the AMC were Members of Council.
- 13.2 The general duties contained in Section 62 of the Local Government Act 1999 apply to all members of the AMC as if members of the AMC were members of Council.

# Attachment 2





## **ALWYNDOR MANAGEMENT COMMITTEE (AMC)**

### **TERMS OF REFERENCE**

#### **1. BACKGROUND**

Alwyndor is a provider of quality care and services to older people within the City of Holdfast Bay and surrounding metropolitan areas. It offers a continuum of care including residential care, allied health and wellness programs and in-home care and support.

Alwyndor is owned and operated by the City of Holdfast Bay, ('the Council') as the trustee of the Dorothy Cheater Trust, established in 1973. The key requirement of the Trust is that the Council establish and maintain a home for the aged on the property at 52 Dunrobin Road and keep in good order and condition the gardens and the grounds.

Alwyndor is a registered charity with the Australian Charities and Not-for-profits Commission.

Alwyndor is accredited by the Aged Care Quality and Safety Commission. The approved provider is the City of Holdfast Bay.

#### **2. ESTABLISHMENT**

The Alwyndor Management Committee (AMC) is an advisory committee of the City of Holdfast Bay formed under Section 41 of the *Local Government Act 1999*.

#### **3. OBJECTIVES**

3.1 The AMC is established to assist the Council by providing effective governance over the strategy, operations and performance of Alwyndor, and to advise Council on:

3.1.1 The provision of a range of quality care and accommodation options at Alwyndor primarily for aged persons including:

- 3.1.1.1 ageing in place accommodation and care
- 3.1.1.2 short stay restorative and respite services
- 3.1.1.3 wellbeing and therapy services.

3.2 The provision of services to the community including:

- 3.1.1.4 home care
- 3.1.1.5 health and wellness
- 3.1.1.6 rehabilitation

- 3.1.1.7 exercise and therapy programs to improve and maintain health and mobility.

#### 4. PURPOSE

The AMC is responsible for assisting the Council as follows:

- 4.1 Ensure compliance with the terms of the Trust in the management and operations of Alwyndor.
- 4.2 Ensure Alwyndor has adequate processes in place to comply with the requirements of the *Aged Care Act 1997* (and the related Principles) and the rules and standards applied by the Aged Care Quality and Safety Commission.
- 4.3 Ensure Alwyndor has adequate processes in place to comply with all relevant legislative obligations, relevant Council policies and financial reporting obligations.
- 4.4 Ensure that Alwyndor has a Strategic Plan and supporting Financial Plan that sets out the objectives, strategies and performance targets and measures for Alwyndor. The AMC will review the Strategic Plan and supporting Financial Plan before it is presented to the Council for consideration and adoption.
- 4.5 Review and recommend an annual budget, including key financial targets, to Council for consideration and adoption.
- 4.6 Ensure that Alwyndor has appropriate operational plans and sufficient resources to achieve its Strategic Plan.
- 4.7 Ensure the monitoring of organisational culture including the application and modelling of appropriate Alwyndor values by the employees and the AMC.
- 4.8 Monitor the performance of Alwyndor against its Strategic Plan, supporting business plans and budgets and ensure that the Council is provided with relevant and timely information on the performance (both operational and financial) of Alwyndor. Review and monitor all significant strategic or business initiatives.
- 4.9 Review any external reporting for completeness and accuracy. This includes, but is not limited to, the Financial Statements of Alwyndor, reporting to the Australian Charities and Not-for-profits Commission, reporting to the Aged Care Quality and Safety Commission or any reporting to State or Federal Governments.
- 4.10 Ensure Alwyndor has established an effective risk management framework and processes. This includes ensuring that the key risks that Alwyndor is exposed to are

clearly identified and that appropriate processes are in place to mitigate those risks. This includes the management of clinical risk in aged care services.

- 4.11 Ensure appropriate policies, internal controls and quality assurance and compliance processes are in place to manage the operational, financial and compliance risks of Alwyndor.
- 4.12 Ensure Alwyndor and the AMC acts in accordance with the delegations approved by the Council.
- 4.13 Consider the social, ethical and environmental impact of Alwyndor's activities.

## **5. DUTIES AND CONDUCT OF AMC MEMBERS**

- 5.1 All members of the AMC are required to operate in accordance with the General Duties and Code of Conduct set out in s62 and s63 of the *Local Government Act 1999* as well as the mandatory Code of Conduct for Council Members.
- 5.2 All members of the AMC will support the approved resolutions of the AMC.
- 5.3 AMC members will comply with all relevant Council policies (and the Council will identify and communicate to AMC members those Policies that are deemed to apply to them).
- 5.4 All members of the AMC are required to operate in accordance with the Conflicts of Interests requirement set out in s73 to s75B of the *Local Government Act 1999*.
- 5.5 Each AMC member must attend relevant education and training programs as required from time to time.

## **6. MEETINGS**

- 6.1 Meetings will be held a minimum of 8 times per year.
- 6.2 A notice of meetings will be prepared annually showing dates, times and locations and published on the Council and Alwyndor website(s) and be displayed in a place or places as determined by the CEO.
- 6.3 The Chairperson will be responsible for the conduct of all AMC meetings. The Chairperson and the General Manager will ensure that the agendas are comprehensive, that all agenda items are appropriate and that the recommendations are consistent with the responsibilities of the AMC.
- 6.4 Meeting procedures:
  - 6.4.1 Meetings of the AMC will be conducted in accordance with the Local Government Act 1999, Part 3 of the Local Government (Procedures at Meetings) Regulations 2000, these Terms of Reference and the City of Holdfast Bay Code of Practice.
  - 6.4.2 If a member of the AMC is unable to attend a meeting, they may participate in the meeting by telephone or video conference, in accordance with any procedures prescribed by the regulation or determined by the Council under section 89 *Local Government Act 1999* and provided that any members of

the public attending the meeting can hear the discussion between all committee members.

- 6.4.3 The decision of the Chairperson at the meeting of the AMC in relation to the interpretation and application of meeting procedures is final and binding on the AMC.
- 6.4.4 All decisions of the AMC shall be made on the basis of a majority decision of the AMC members present.
- 6.4.5 A quorum will be half of the AMC Members plus one, ignoring any fractions. No business can be transacted at a meeting of the AMC unless a quorum is present.
- 6.4.6 The Chairperson has the right to refuse a motion without notice if they believe that the matter should be considered by way of a written notice of motion, or if they believe the motion is vexatious, frivolous or outside of the scope of the AMC.
- 6.4.7 The Chairperson has the right to end debate if they believe that the matter has been canvassed sufficiently, considering the *Guiding Principles of the Local Government (Procedures at Meetings Regulations) 1999*.
- 6.4.8 The CEO has the ability to attend all meetings of the AMC.

## **7. MEETING MINUTES**

- 7.1 Minutes of the AMC meetings will be submitted for confirmation at the next available AMC meeting.
- 7.2 Minutes will be presented to Council in draft at the next available meeting and placed on the Council's website following adoption by AMC.
- 7.3 Where a verbal update or report is required, the minutes of AMC will include commentary relevant to such a report and any associated resolutions of the meeting but will not be a verbatim record of the meeting.

## **8. MEMBERSHIP**

- 8.1 The AMC consists of up to 9 persons constituted as follows:
  - 8.1.1 Two (2) Elected Members as determined and appointed by the CEO.
  - 8.1.2 Up to seven (7) and no less than three (3) other independent persons as determined and appointed by the Council for a term not exceeding three (3) years.
  - 8.1.3 On expiry of their term, members of the AMC may seek reappointment. The CEO, the Chairperson and one of the appointed Elected Members will consult and make a recommendation to Council who will decide on the reappointment.
  - 8.1.4 An AMC member may only serve a maximum of three (3) consecutive terms.

8.2 An AMC Member appointment will become vacant if:

8.2.1 In the case of the Elected Members - ceasing to hold office

8.2.2 In the case of the other AMC Members:

8.2.2.1 upon the Council removing that person from office

OR

8.2.2.2 the member resigning their position from the AMC.

8.2.3 If Council proposes to remove a member from the AMC, it must give written notice to the member of its intention to do so.

8.2.4 If any AMC member is absent for three consecutive meetings of the AMC without leave of the AMC, the AMC may recommend to the Council that it remove that member from the AMC.

## **9. METHOD OF APPOINTMENT OF NEW AMC MEMBERS**

9.1 The method of appointment of new AMC Members will be as follows:

9.1.1 As required, the Council will advertise the vacancies and seek nominations for the position of member of the AMC.

9.1.2 Nominations will be called for from appropriately skilled, experienced or qualified people.

9.1.3 The selection panel will comprise one of the elected members appointed to AMC, the AMC Chairperson and the CEO.

9.1.4 The selection panel will make a recommendation to Council as to the appointment of the AMC members for consideration and appointment by the Council.

9.1.5 The selection panel will take into consideration the current and required skills for the AMC to fulfil its responsibilities, the current term of existing members and the gender diversity of the AMC.

9.1.6 If required, to fulfil the minimum number requirements of AMC, Council may second a person to act as a member until such time as the above appointment process can be undertaken.

## **10. OFFICE BEARERS**

10.1 The AMC shall nominate a Chairperson from amongst the AMC Members (not including Elected Members of the City of Holdfast Bay) for consideration and approval of appointment by Council.

10.2 The AMC shall nominate a Deputy Chairperson from amongst the AMC Members (not including Elected Members of the City of Holdfast Bay) for consideration and approval of appointment by Council.

10.3 Each of the Chairperson and Deputy Chairperson shall serve a three (3) year term in those positions unless removed from the position by the Council. On expiry of their term, the Chairperson and Deputy Chairperson can re-nominate for a further term (and for up to 3 terms).

10.4 The Deputy Chairperson will act in the absence of the Chairperson and, if both the Chairperson and Deputy Chairperson are absent from a meeting of the AMC, the AMC

will choose a Member from those present, who are not Elected Members of the City of Holdfast Bay, to preside at the meeting as the Acting Chairperson.

- 10.5 The Chairperson of the AMC shall be an ex-officio member of all sub-committees of the AMC.

## **11. VOTING RIGHTS**

- 11.1 All members have equal voting rights.
- 11.2 All resolutions of the AMC shall be made on the basis of a majority decision of the AMC members present.
- 11.3 Unless required by legislation not to vote (including for reasons of Conflict of Interest), each of the Elected Members who are members of AMC must vote on every matter which is before the AMC for decision.
- 11.4 The Chairperson has a deliberative vote but does not, in the event of an equality of votes, have a casting vote.

## **12. ROLES AND RESPONSIBILITIES**

### **12.1 Chairperson:**

- 12.1.1 To provide leadership to the AMC.
- 12.1.2 To act as the presiding member at all meetings of the AMC, ensuring that the meeting is conducted in a proper and orderly manner, complying with the requirements of the *Local Government Act 1999*.
- 12.1.4 To act as the AMC's primary contact with the General Manager.
- 12.1.5 To regularly liaise with the General Manager Alwyndor in relation to the work of the AMC.
- 12.1.6 To provide input to the CEO on the appointment and performance of the General Manager.

### **12.2 Deputy Chairperson:**

- 12.2.1 In the absence of the Chairperson, to fulfil the role of the Chairperson.

### **12.3 AMC Members:**

- 12.3.1 To make effective and appropriate contribution as an individual member so that AMC can carry out its role effectively.
- 12.3.2 To attend all meetings of the Committee as practical.
- 12.3.3 To prepare thoroughly for each AMC meeting.
- 12.3.4 To review all Agenda's and Meeting papers for AMC meetings unless granted a leave of absence.
- 12.3.5 To listen to alternate views and act respectfully to other AMC Members.
- 12.3.6 AMC members have no authority to direct the General Manager or employees of Alwyndor in any matter. Any issues or concerns with either the General



Manager should be raised with the Chairperson and the CEO, any issues or concerns with employees of Alwyndor should be raised with the General Manager.

### **13. SITTING FEES**

- 13.1 AMC Members, except for City of Holdfast Bay Elected Members, are entitled to a sitting fee for their attendance at AMC meetings.
- 13.2 The applicable rates will be determined by the Council.
- 13.3 Claims for payment of the sitting fees, will be based on attendance at meetings as recorded in the minutes.

### **14. ADMINISTRATION**

- 14.1 The Council shall employ and appoint a General Manager Alwyndor who shall have full responsibilities for the effective management of Alwyndor and reports directly to and is accountable to the CEO. The CEO consult with the Chairperson on any key decision regarding the appointment or performance of the General Manager. The General Manager will provide full support to the AMC to enable them to fulfil their responsibilities.
- 14.2 The General Manager shall be responsible for:
  - 14.2.1 ensuring the appropriate leadership, management and administration of Alwyndor's operations in accordance with the requirements and directions of the Council, the CEO, the AMC, the Trust and applicable legislation.
  - 14.2.2 Keeping the AMC informed in a timely manner of all matters relevant to their responsibilities or that may materially impact on Alwyndor's operations or reputation.

### **15. FINANCIAL MANAGEMENT**

- 15.1 Financial records of Alwyndor will be maintained by the General Manager and will comply with the relevant financial policies and procedures adopted by Council and Alwyndor. The annual financial statements of Alwyndor will be reviewed by the AMC to enable them to make the declaration required under subdivision 60-B of the *Australian Charities and Not-for-profits Commission Regulation 2013*.
- 15.2 In accordance with the preparation of the annual Council budget cycle, the General Manager will present to the Council for its consideration and adoption, a proposed annual budget for Alwyndor's activities including those matters relating to the management, operations and capital expenditure of Alwyndor for the ensuing financial year before adoption by Council of its annual budget. This will be reviewed and considered by the AMC prior to being presented.

### **16. REPORTING REQUIREMENTS**

- 16.1 The AMC shall, at least once every two years, review its own performance, terms of reference and membership and provide a report to the Council including any

recommended changes. The CEO of Council can approve an extension of this timeframe if circumstances require.

- 16.2 The Chairperson and the General Manager will report to the Council annually summarising the activities of the AMC during the previous year.

**17. SUB-COMMITTEES**

- 17.1 The AMC may appoint such sub-committees as it sees fit to assist it with carrying out its responsibilities. Any subcommittee must regularly report to the AMC on its activities and will have no decision-making powers.

DRAFT

Item No: **15.10**

Subject: **LOCAL GOVERNMENT ACT EMERGENCY VARIATIONS – PUBLIC ACCESS AND PUBLIC CONSULTATION – AMENDMENTS TO TEMPORARY POLICY**

Date: 14 July 2020

Written By: Manager Strategy and Governance

General Manager: Strategy and Business Services, Ms P Jackson

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## **SUMMARY**

Following the major emergency declaration and subsequent variations to the *Local Government Act 1999* (the Act) that temporarily removed requirements to for face to face activities, Council amended its Community Consultation and Engagement Policy on 28 April 2020, to preclude any form of face to face consultation and engagement activities.

Restrictions have now eased substantially and there is a desire to return to some face to face consultation and engagement activities. However, since the Major Emergency Declaration is still in force, the temporary provisions approved by Council on 28 April 2020 still apply. It is recommended that the Policy be amended to enable a risk-based approach to be taken to re-starting consultation and engagement activities.

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## **RECOMMENDATION**

**That Council, pursuant to Section 50(5a) of the *Local Government Act 1999*, as inserted under the Public Access and Public Consultation Notice (No 2) 2020, endorses the amended Community Consultation and Engagement Policy as specified in this report.**

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## **COMMUNITY PLAN**

Culture: Supporting excellent, efficient operations

## **COUNCIL POLICY**

Community Consultation and Engagement Policy

## **STATUTORY PROVISIONS**

*Local Government Act 1999*

*Public Access and Public Consultation Notice (No 2) 2020***BACKGROUND**

In response to the outbreak of COVID-19, a major emergency was declared in South Australia, and subsequently a number of variations were made to the *Local Government Act 1999* (the Act) to enable ongoing Council operations while protecting public safety. These variations included changes to consultation and engagement requirements via the *Public Access and Public Consultation Notice No 2 (Notice No 2)* made by the Minister for Transport, Infrastructure and Local Government on 8 April 2020.

The Act (when unmodified by Notice No. 2) requires Councils to hold public meetings as part of its public consultation upon its draft annual business plan and upon various types of changes to Council rating practices. Notice No. 2 varies the operation of the LG Act so as to remove these requirements for public meetings. Notice No. 2 also varies the operation of section 50 of the LG Act such that Councils may alter their public consultation policies or substitute a new policy, without undertaking public consultation.

Council amended its Community Consultation and Engagement Policy on 28 April 2020, to include the model clauses recommended by the Local Government Association (LGA). These modified clauses preclude any form of face to face consultation and engagement activities. These variations are temporary and will cease to apply 28 days after all relevant State major emergency declarations end.

**REPORT**

Notice No 2 temporarily abolishes mandatory public meetings normally required by the Act and enabled the amendment of Council's consultation policy without consultation.

In accordance with recommendations from the LGA, Council amended the Community Consultation and Engagement Policy to remove mandatory consultation and:

- amended availability of documents to the public for legislative consultations (previously available at the Civic Centre and libraries; under the amended Policy, available at selected Foodlands for collection, and on request);
- stated that Council won't undertake any form of face to face or in person public consultation activity; and
- stated that Council will only publish a notice on the council website and on the public notice board inviting interested persons to make written submissions within the period stated in the notice.

The changes to the policy are shown in blue in the attached Community Consultation and Engagement Policy.

*Refer Attachment 1*

Now that restrictions have eased substantially, there is a desire to return to some face to face consultation and engagement activities. However, since the Major Emergency Declaration is still in force, the temporary provisions approved by Council on 28 April 2020 still apply.

It is therefore recommended that the Policy be amended to enable a risk-based approach to be taken to re-starting consultation and engagement activities. Two sections of the temporary provisions require modifications, and are proposed as follows:

- 2.4.1 The Council will determine whether or not to undertake ~~any form of~~ face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, community panel, conversation café, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy, on a case by case basis with a view to the relative safety of the proposed activity and having regard to any relevant emergency directives in place, taking a risk based approach. For clarity, where the *Local Government Act 1999* has been modified by Notice No 2 to preclude face to face consultation, activities will be limited to those deemed safe, for example, such as attendance at Council meetings within the constraints of the relevant COVID-Safe Plan pertaining to the public gallery.

The Council will determine whether or not to undertake ~~any form of~~ face-to-face or in person public consultation activity (including items listed above) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity, on a case by case basis with a view to the relative safety of the proposed activity and having regard to any relevant emergency directives in place, taking a risk based approach.

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

- 2.7.1 The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will ~~not~~ hold such a public meeting or invite persons to attend a meeting of the Council to ask questions or make submissions on the matter if, taking a risk-based approach, it deems it safe to do so at the relevant time.

The Council will publish a notice on the council website and on the public notice board inviting interested persons to make written submissions within the period stated in the

notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will consider the submissions at a meeting of the Council.

**BUDGET**

Not applicable

**LIFE CYCLE COSTS**

Not applicable

# Attachment 1



Trim Container	FOL/17/1049
First Issued / Approved:	22/06/2010
Last Reviewed:	28/04/2019
	C280420/1888
Next Review:	30/04/2022

## **1. PREAMBLE**

The City of Holdfast Bay is committed to open, accountable and responsive decision making, which is informed by effective communication and consultation between the council and the community.

### **1.1 Background**

Community engagement, critical in the successful development of sustainable policies and decisions in government, the private sector and the community, is also critical in the ongoing planning, implementation, evaluation and decision making processes of Council services and the management of community resources.

Community consultation supports our Value of Engaging with, developing and recognising the valuable contribution of members of our community to the well-being of our City.

### **1.2 Purpose**

1.2.1 The objectives of this Policy are to:

- a. Promote positive relations between the Council and the community.
- b. Guide effective engagement between the Council and the community.
- c. Enable the community to be informed about and participate in Council planning and decision making.
- d. Provide the framework for appropriately structured, targeted and delivered community engagement as part of Council's decision making.
- e. Support Council decision making which is open, transparent, responsive, inclusive and accountable to the community.

1.2.2 This Policy has been supplemented to include provisions made on 8 April 2020 by the Minister for Transport, Infrastructure and Local Government who issued a notice pursuant to section 302B of the Local Government Act 1999, the Public Access and Public Consultation Notice (No 2) 2020 (**Notice No 2**) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.



# COMMUNITY CONSULTATION AND ENGAGEMENT POLICY

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

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

These provision are shown in blue and will remain in operation during the current public health emergency (COVID-19) and whilst the Minister's Notice No 2 remains in operation.

Pursuant to Section 45(2) of the *Local Government Act 1999*, as substituted under the *Public Access and Public Consultation Notice (No 2) 2020*, being satisfied that it is reasonably necessary as a result of the public health emergency declared by the Chief Executive of the Department for Health and Wellbeing on 15 March 2020 (and the related major emergency declared under the *Emergency Management Act 2004* on 22 March 2020 and extended on 2 April 2020), the Council, for the period the *Public Access and Public Consultation Notice (No 2) 2020* has effected the closure of the principal office of the Council effective from *Friday 27 March 2020*.

## 1.3 Scope

Policy applies to Elected Members, employees, contractors and agents or consultants acting on behalf of Council.

## 1.4 Definitions

*Act* means the *Local Government Act 1999*.

*Community* means all people who, own property, live, work, study or conduct business in, or who visit, use or enjoy the services, facilities and public places of the City of Holdfast Bay.

*Community Engagement* means the community in decision making processes, which is critical in the successful development of acceptable policies and decisions in government, the private sector and the community.

*Consultation* means two way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.

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

# COMMUNITY CONSULTATION AND ENGAGEMENT POLICY

*Policy* means this Community Consultation & Engagement Policy.

*Regulations* means the *Local Government (General) Regulations 2013*.

## 1.5 Strategic Reference

Community: Fostering an engaged and contributing community

## 2. PRINCIPLES

2.1 The City of Holdfast Bay is committed to effective, ongoing and timely community engagement as an integral part of local governance and key decision making.

2.2 Council will be proactive in informing and seeking the views of its community, taking into account the specific needs of different sections of the community, ensuring appropriate strategies, including digital engagement, are developed to maximise the opportunities for participation of all members of the community.

2.3 Council will be honest about the degree of influence the community is able to exercise in any particular community engagement event or process.

- a. Council acknowledges that different sections of the community will have different levels of interest in an individual issue and will tailor its engagement strategies accordingly.
- b. Council's desire to engage the community will be balanced with other influences such as budgetary constraints.
- c. Council will define the parameters of the community engagement process for each specific topic, in line with legislative requirements and best practice, and will use community engagement techniques selected to fulfil the "promise" of the defined engagement process.

2.4 Council will incorporate the principles of the International Association for Public Participation (IAP2) in all of its community engagement practices, both in those areas affected by legislation and in those areas where employees or Council have determined, as a matter of good practice, to consult with the community.

2.4.1 The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, community panel, conversation café, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.

The Council will not undertake any form of face-to-face or in person public consultation activity (including items listed above) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.

To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website and on the council notice board

## COMMUNITY CONSULTATION AND ENGAGEMENT POLICY

inviting interested persons to make written submissions in relation any matter within the period stated in the notice where legislatively required to do so (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.

- 2.5 For the purpose of this policy the following promises apply:
- a. Inform – One way communication providing balanced and objective information to assist understanding about something that is going to happen
  - b. Consult – two way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making – Council will listen and acknowledge concerns and aspirations and provide feedback.
  - c. Involve – participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision making – Council will work with the community to ensure that its concerns and aspirations are directly reflected in the alternatives developed.
  - d. Collaborate – working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions – Council will look to the community for direct advice and innovation in formulating solutions.
- 2.6 Where required by the Local Government Act, or any other Act, Council will at all times meet at least the minimum requirements for public consultation as identified in the Act.

For Legislative consultations only, temporary arrangements will be made for the duration of this period for Council to provide summary documents to be made available at selected Supermarkets located with City of the Holdfast Bay.

In relation to any obligation under the *Local Government Act 1999* to make a document available for inspection at the principal office of the Council, a summary of the document (with details on how to obtain the full document) will be made available to collect at *the local Foodlands' and Romeo's Foodland*:

Romeo's Foodland, 101-103 Partridge St, Glenelg South SA 5045  
Foodland Hove 349 Brighton Rd, Hove SA 5048  
Foodland Seacliff 228 Seacombe Rd, Seacliff Park SA 5049

OR

Full documentation is available on the Council website to download at [www.holdfast.sa.gov.au](http://www.holdfast.sa.gov.au), or via phone, mail or email request.

## COMMUNITY CONSULTATION AND ENGAGEMENT POLICY

2.7 The publication in a newspaper circulating within the area of the council and on the Council's website of a notice describing the matter under consideration and inviting interested persons to make submissions in relation to the matter within a period stated in the notice. This period must be consistent with at least the minimum period of time as stated in the relevant section of the Act.

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

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

2.8. For the purposes of determining the period of public consultation, the time between the 15 December and the 15 January inclusive in any year, will not be counted when determining the consultation period; and

2.9 The Council will consider any submissions received from the public during a consultation period.

### 3. REFERENCES

#### 3.1 Legislation

- *Local Government Act 1999*

#### 3.2 Other References

- Local Government Association (SA) Community Engagement Handbook – a Model Framework for Leading Practice in Local Government in South Australia. (2008)
- Community Consultation and Engagement Procedure
- [Public Access and Public Consultation Notice \(No 2\) 2020 \(Notice No 2\)](#)

Item No: **15.11**

Subject: **DRAFT 2020-21 ANNUAL BUSINESS PLAN CONSULTATION OUTCOMES**

Date: 14 July 2020

Written By: Corporate Planning Officer

General Manager: Strategy and Business Services, Ms P Jackson

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## **SUMMARY**

Council has received 34 submissions in response to its Draft 2020-21 Annual Business Plan community consultation. The key topics raised through the consultation included comments on the rate increase and budget deficit, administrative costs, Elected Member benefits, DaCosta Park Playspace, delaying major projects, Alwyndor, the COVID relief fund and Tourism and Marketing.

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## **RECOMMENDATION**

1. That Council note the submissions arising from the community consultation on the Draft 2020-21 Annual Business Plan and the answers that will be provided; and
  2. The draft Annual Business Plan be reviewed to allow for a reduction of the rate from 2.4% to 1.9% with the same operating deficit.
- 

## **COMMUNITY PLAN**

Culture: Being Financially Accountable

## **COUNCIL POLICY**

Not Applicable.

## **STATUTORY PROVISIONS**

Section 123 of the *Local Government Act 1999*.

## **BACKGROUND**

The Draft 2020-21 Annual Business Plan was endorsed for community consultation at Council's meeting of 26 May 2020 (Resolution No: C260520/1909). The community consultation period ran from 2 June to 24 June 2020.

Council will also provide a period of up to one hour to hear verbal submissions and comments regarding the draft plan from members of the community at this Council meeting.

Arrangements on how the community could participate in the consultation process and access copies of the Draft 2020-21 Annual Business Plan were advertised/promoted through:

- Posters at the Brighton Civic Centre and Glenelg and Brighton Libraries
- The 'Your View Holdfast' webpage (2 June to 24 June 2020)
- Emails to the Your View database to a database of 1800 emails
- Twitter 'Tweets'

Copies of the Draft 2019-20 Annual Business Plan were made available from 2 June 2020:

- On Council's website
- On Council's engagement website i.e. [yourviewholdfast.com](http://yourviewholdfast.com)
- At Council's Civic Centre, 24 Jetty Road Brighton
- At Council's Brighton and Glenelg libraries.

Our community was encouraged to provide comments by:

- Writing or e-mailing the Council between 2 June to 24 June 2020
- A designated "Your View Holdfast" interactive webpage accessible through the Council's website at [yourviewholdfast.com/DABP17-18](http://yourviewholdfast.com/DABP17-18) between 2 June to 24 June 2020
- Telephoning the Council's Customer Service Centre
- The opportunity to make representations to Council at its meeting of 14 July 2020.

The Local Government Association SA ran a campaign to raise awareness of the consultation with a paid media campaign on Mix 102.3 and Nova 919; with digital ads in InDaily, News Ltd and the Adelaide Review. Paid boosted ads were included on Instagram and LinkedIn boosted ads. The paid campaign started on 17 May and ran to 13 June. The LGA's campaign would usually run in mid-April but was postponed due to the Ministers Emergency Declaration regarding consultation.



## REPORT

A total of 34 submissions were received, in comparison with 12 for the 2019-20 plan. Written submissions were received via three letters, four emails, and twenty seven through the interactive web page. There have been expressions of interest for two representations to be provided to Council at this meeting on the 14<sup>th</sup> July 2020. Each of these are accompanied by submissions mentioned above.

These submissions were discussed at an Informal Gathering of Council on 30 June 2020, and the Elected Members were provided full copies of all the submissions.

The feedback and comments received during the consultation period, along with answers, are appended as Attachment 1.

*Refer Attachment 1*

The key items raised within the submissions included:

- 5 persons provided full support for the Annual Business Plan
- 14 specific comments regarding the rate increase, 1 positive and 13 negative.
- 8 respondents commented on administrative costs including staffing costs, asking what reviews had been undertaken, what cuts had been made and requesting benchmarking.
- 2 respondents did not support the budget deficit. 1 would support a deficit if it allowed a rate freeze.
- 5 respondents requested local consultation regarding the DaCosta Playspace redevelopment.
- 4 respondents suggested delaying major/discretionary projects in light of the current economic climate
- 2 respondents queried elected member benefits
- 4 respondents mentioned Alwyndor, questioning if it posed a financial risk to Council. 1 respondent urged Council to sell Alwyndor.
- 3 respondents suggested the COVID Fund budget was insufficient.
- There were 6 responses regarding tourism and marketing, requesting an even spread of marketing programs across the council area, support for New Year's Eve Fireworks and increased funding in the tourism and marketing area. 2 respondents did not support the cost of Christmas Decorations and 1 wanted the purchase deferred.

## BUDGET

In drafting the Annual Business Plan 2020/21, a number of assumptions were made in relation to the impact of COVID-19 on Council's budget. As a result of modelling, a decision was made to increase rates by 1.6%, with an additional 0.8% increase to cover the State Government's waste levy. This resulted in a total rate increase of 2.4%. Now that COVID-19 restrictions are being eased, Administration reviewed the assumptions that had been made at the time of budget formulation, in light of how the easing of restrictions is impacting the 2019/20 Municipal Budget. Based on this analysis, Administration believes there is an additional \$175,000 available mainly

from increased non-rate revenue than previously anticipated. These additional funds could be applied to the 2020/21 in two ways: 1) reduce the rate increase; or 2) reduce the deficit. Based on the feedback received through community consultation, it is recommended that Council reduce the increase for 2020/21 from 2.4% to 1.9%. This results in a rate increase of 1.1% with an additional 0.8% to cover the State Government's waste levy increase.

**LIFE CYCLE COSTS**

There are no life cycle costs associated with the recommendation.



# Attachment 1



Question/Comment	Response
I fully support the Annual Business Plan	Thank you for your support. We appreciate time taken to review the document and to let us know that we're on the right track.
Dogs on the beach. Please legislate for owners to have dogs on a leash at all times	<p>Currently, dogs must be on a leash from 10am – 8pm only during daylight savings. However, our officers patrol the beaches to ensure dogs are under effective control when dogs are not leashed. Unfortunately from time to time dog owners allow dogs to harass others. This is an offence under the <i>Dog and Cat Management Act 1995</i>.</p> <p>While some people agree with your suggestion to require dogs to be leashed at all times on the beach, others do not. As a Council, we need to balance the needs and desires of all stakeholders across our City.</p> <p>We will be reviewing our Animal Management Directions Plan shortly. This will provide an opportunity for everyone to contribute their feedback on what they would like to see.</p>
Changing the steps to the beach at the end of Holder street, Hove to a ramp for Kayaks	This is not included in the current capital plan, however, we have noted this suggestion and will consider it for future investment opportunities.
<p>\$250k on 'Christmas Decorations... to create a cohesive atmosphere' is vague and seems very excessive. Surely expenditure could be reduced in this area whilst still allowing sufficient money for decorations etc. I do not support spending \$250,000 on this initiative. Will the Christmas Decorations from past years be reused?</p> <p>Upgrade of Christmas Decorations should be delayed for one year.</p>	<p>Jetty Road Glenelg is the only precinct to currently have Christmas decorations and have been used for so many years that they are now in disrepair and at the end of their life. In 2019 many complaints were received from the public and traders about the lack of festive decorations throughout CHB. This cost includes design, procurement, installation, and removal of all decorations and are expected to have a minimum 5 year life cycle (dependent on how they weather the conditions over the years).</p>
In regard to Fireworks it is acknowledged that New Year's Eve is an important celebration and a major benefit to the traders of Glenelg and Brighton.	Thank you for your support. We appreciated hearing from community members about the investments that are important to them.
My family and I are highly supportive of environmental initiatives particularly those focussed around recycling and reducing waste and would like to see continued focus in these areas. We would also like to see this extended to businesses, many of which are producing huge amounts of waste with very limited recycling processes in place.	<p>The Food Organics/Green Organics pilot has been included in the draft plan. Whilst primarily for household waste, the program would be open to any businesses within the trial zone.</p> <p>The pilot is another step in what we hope will be ongoing improvements to waste management in our City and complements other initiatives we continue to take.</p>
It should also be noted that as a large organisation with a wide influence, the City of Holdfast Bay has a responsibility to source products and services ethically and (within reason) support and encourage others to do the same. At this stage (and once again this view is strongly supported by friends and family) links with countries such as China should be actively reviewed to ensure that we are not indirectly supporting their discrimination against other cultures/religions or human rights abuses.	The Council's procurement policy favours products sourced locally and our new proposed Materials Recovery Facility partnership with SRWRA will give us control over where our recycling goes, none of which currently goes to China.
Sell off Alwyndor Care home	Council is committed to providing an excellent aged care service to the community. Alwyndor is a self-funding activity and as such does not rely on Council ratepayers to fund its operations. Due to the demographic profile of our City, it is not part of Council's strategic plan to sell this well-regarded community asset, as it provides much needed, high quality services which are increasing in demand.
The fund for batteries for community centres is a very good idea however it may not be enough. Holdfast Bay Community Centre is part of the State emergency plan as a gathering point in a disaster and should be better equipped. A battery system would help if it can run without the grid in an emergency. The centre has a small 2kw inverter generator which can run sensitive equipment but a battery system and community education that reliable power is available there for medical devices would be another community safeguard. \$30,000 won't go far for city-wide.	<p>This initiative is proposed to reduce the costs associated with electricity for the centres and a system would be sized around that. This wouldn't really provide enough capacity to sustain the building(s) long-term in an emergency situation. Battery technology may not be the economical solution if we're catering for our needs in an emergency situation we would need to consider standby generators and a significantly larger budget.</p> <p>Council is in the process of reviewing its suite of emergency plans and will further consider this comment in that context.</p>

Question/Comment	Response
Given the crisis and who know what unexpected financial consequences may arise I would strongly oppose any more ratepayers money bailing out Glenelg Football Club.	The Glenelg Football Club works closely with Council and its administration on an ongoing basis to ensure the long term sustainability of this sporting entity. To date significant club debt reduction financial support has been provided to Council via the SANFL. This is received on an annual basis and has resulted in reduced debt exposure to Council ratepayers. Council regularly reviews the performance of the Club and the support it offers to ensure its sustainability.
With regard to hardship facilities post covid I am of the view that Council needs do no more as there are sufficient facilities in place for hardship available and creating more is not needed. I have no doubt there will be those who don't need help with seek it under a more generous scheme.	Councils new hardship policy reflects contemporary practice within the Local Government sector. It ensures that each case is treated appropriately and in confidence. The policy provides clarity and direction ensuring those cases that are granted financial hardship relief are genuine.  Council has considered carefully the balance of support it can provide against the value of that expenditure and we believe that the provisions we have put in place provide targeted assistance to those who are genuinely impacted, while judiciously managing the budget.
In tough financial times and especially those of low interest it is important for Governments to spend and keep the economy going. A deficit is no issue nor is increasing the debt servicing ratio closer to the Council 5% cap. Rate capping at 6% is too high and need to be brought down as a 6% rise is a large slug on a household.	Council supports the comments that it is important to spend on projects for the benefit of the local and general economy. It is agreed that a short term deficit position is acceptable.
The Somerton park Yacht club should be removed from the John Miller Reserve and the facility demolished and returned to open space. In a small city one yacht club is enough for the council to support.	The Somerton Yacht Club provides a safe and welcoming facility for its members and visitors and has done so since the club was built in 1950. Providing stairs on the outside of the building will allow club members to easily and safely access the observation bridge to judge and officiate races (rather than the ladder which only has access through the bar area). The redevelopment as a whole will provide better facilities for the community, allowing the club to gain membership and provide a community facility fit to hire out.
Paint a white line down the centre of the Minda coast park and most of the problems will be solved just like happened when a white line was put down the Jimmy Melrose path.	There are practical impediments to the effectiveness of a centre line, including appropriate transitions through the plaza areas at both ends of the Park.  Signage, along with a digital display so cyclists are aware of their speed, are preferred ways to encourage multiple users to share the path safely.
Happy with draft plan and keeping rates under control with a limit of 1.6% rise. Well done!	Thank you for your support. We appreciate time taken to review the document and to let us know that we're on the right track.
Most of Adelaide and Australia are reducing staff and saving money, council should be doing the same	It is important to note that as a government instrumentality, Council also has an obligation to contribute to positive economic outcomes by not adding to the numbers of unemployed unnecessarily, particularly during an economic crisis affecting large parts of our national and state economies. In drafting the 2020/21 budget Council has reviewed its costs while endeavouring to maintain service levels for acceptable and essential services. In terms of staff numbers, all vacancies are reviewed by senior management when they arise and only filled if deemed necessary for operational reasons. Council will continue to look for ways to reduce its costs without reducing services.
Why does it cost \$10,000 to crest 6 street sign posts for VC recipients in Glenelg?	The costs include commemorative street signs and then plaques in the vicinity explaining who the VC recipient is and further information about them. It includes the actual sign costs, installation and a launch of the signs in conjunction with the Veteran's Shed.

Question/Comment	Response
Oppose \$1m deficit	Council has in place a financial target to achieve a positive operating result over a five year period. It is important to accommodate a rolling five year period as economic fluctuations can occur that directly affect the operations of Council. The COVID-19 pandemic has impacted the ability of Council to raise non-rate revenue, while simultaneously requiring Council to maintain community services. The 2020/21 deficit budget forecast reflects the impact of COVID-19 and the measures taken to continue to invest in and support the local economy and community. The current five year rolling average operating result for Council is \$1.3 million surplus meeting its financial target. Council also has a long-term financial plan which indicates an improved operating result in future years.
Why are childminding fees paid by council?	The <i>Local Government (Members Allowance and Benefits) Regulations 2010</i> allow for reimbursement for child care expenses (Regulation 5). Childcare reimbursement is detailed in the Elected Members Entitlements Policy available on Council's webpage (see clause 2.5).
Why is there a sum of \$4000 for football hospitality?	This budget is for issuing tickets to the Glenelg Football Club home games and the hosting by the Mayor and Elected Members of mid-game refreshments to office bearers and participants of local community and service clubs, and volunteers. Councils has a policy entitled "Glenelg Football Club SANFL Tickets" which details the principles of this community benefit.
Why are there so many salaries of \$120,000 to \$150,000?	<p>Under the <i>Local Government Act 1999</i> the CEO is responsible for managing and remunerating employees of the council. Appointments must be consistent with strategic policies and budgets. Salaries in this range include the Managers responsible for service delivery in accordance with the organisational chart and strategic plan of the council. Service areas include engineering, field services(depot), regulatory, development, city activation (tourism and events), libraries, community activities and wellbeing, people and culture, finance, technology, strategy and governance.</p> <p>There are 10 positions in this salary band, reflecting the number of managers in the organisation. As well as salaries being in line with industry benchmarks for such roles, this represents a ratio of approximately 1 manager to 17.5 staff.</p>
Why is so much spent on catering? Catering has increased by 5% and entertainment by 10%	<p>Councils Elected Members Entitlement Policy states that a meal will be provided to elected members by the administration of Council when elected members attend Council meetings, briefings and workshops, reflecting that these are held in the evening, across dinner hours. On average meetings and workshops occur fortnightly, on alternate weeks. The budgeted amount for 2020/21 equates to approximately \$25 per head, which is considered reasonable for an evening meal.</p> <p>The entertainment budget is an annual provision for special occasions as deemed appropriate by the Mayor. The dollar value increase for this budget line is \$500.</p>
Expenditures of the elected members. Have elected members considered a decrease in allowances to reduce the deficit. What memberships for elected members does Council pay for? Why has an travel and accommodation expense been introduced? Why is there an increase of 15.83% in caretaking?	<p>The decision to decrease elected member allowances to reduce the overall deficit is a personal choice. The Mayor has chosen to reduce their allowance by 20% for six months and to apply it to community services support for the elderly during the COVID-19 restriction period. Memberships that are paid for by Council are for the benefit of Council as a whole and not for personal memberships. The budget provision is for Council membership of the Murray Darling Association and the Australian Local Government Women's Association.</p> <p>Travel and accommodation expenses relate to attending training as required. These expenses were previously included in the training budget. The overall training budget has not increased and the new travel and accommodation line has been introduced to enable better transparency.</p> <p>Caretaking has increased to reflect the current contractual arrangement. This budget line includes caretaking for all meetings including staff meetings where necessary. Caretaking includes building cleaning, which is required to increase in frequency due to COVID-19.</p>

Question/Comment	Response
DaCosta Reserve, support for redevelopment, consideration of local residents feedback	<p>The Draft 2020/2021 Annual Business Plan includes a proposed Redevelopment of Da Costa Reserve Playspace. This budget includes a New Initiative Budget of \$162,500 and a Capital Renewal Budget of \$80,000, bringing the total project budget to \$242,500. This budget is for the upgrade of the existing play equipment and basketball half court and the installation of a shade sail over the playground. The new playspace is planned to be located in the same location as the current play and recreation area and be of a similar sized footprint. Council are aware of parking issues at this location and can look into any opportunities that may be available here however due to the location of the reserve this is an expected issue.</p> <p>Should the initiative be successful in being included in the Final 2020/2021 Annual Business Plan, Council will be opening community engagement from the 4 to 31 August 2020 to seek community feedback and ideas about the design of the new playground and recreation area. As part of this engagement we will ask the community what they like about the existing space and what items they would and wouldn't like to see included in the new space. Council will also include a question about whether the community would prefer natural or synthetic shade over the play area. At the end of the engagement period we will review and compile this information and use it to inform our Open Tender to select a contractor to supply and install the new playspace and recreation area.</p> <p>A second stage of engagement is planned for late 2020 or early 2021, to share the concept design that has been created based on the community feedback we receive during stage 1. The new play and recreation area is planned to be completed by the end of June 2021.</p>
Reduce Administrative expenditure	In drafting the 2020/21 budget Council has reviewed its costs while endeavouring to maintain service levels for acceptable and essential services. Council will continue to look for ways to reduce its costs and not reduce services.
Defer Major projects	Council considers it important to continue to invest in the local community to ensure its assets are maintained and replaced appropriately and that services are delivered to an acceptable community standard. The majority of new capital projects are below \$200,000 while the large value major projects include ongoing committed capital works at the Glenelg Town Hall and Wigley Reserve. Other projects are considered essential for community safety and wellbeing and include major drainage works and environmental projects. Investing in income producing assets such as the caravan park is also considered an important strategy for financial sustainability. In drafting the budget Council has deferred a number of other projects in an effort to focus on essential projects.
COVID fund is insufficient. What is proposed?	The amount is considered reasonable given the size of Council and the concessions and relief measures already implemented. The fund is to be used directly for the recovery of businesses and the community from COVID-19. The initiatives are to be developed by Council administration and approved by Council.
Approves of increase to tourism and events	Thank you for your support. We appreciate time taken to review the document and to let us know that we're on the right track.
Specific Traffic and Stormwater requests	These will be considered in the context of management plans.

Question/Comment	Response
Would support a deficit to freeze rates	<p>The COVID-19 pandemic has impacted the ability of Council to raise non-rate revenue, while simultaneously requiring Council to maintain community services. The 2020/21 deficit budget forecast reflects the impact of COVID-19 and the measures taken to continue to invest in and support the local economy and community. The current five year rolling average operating result for Council is \$1.3 million surplus meeting its financial target in this area. In setting its rate income requirements, Council considered its operating costs affected by inflation as well as those imposed on it by the State Government in terms of increased waste collection levies. Financial modelling was also prepared looking at a range of scenarios including a rate freeze. Based on this modelling Council made the decision that a freeze on rates was not sustainable for the community in the long term. It was deemed appropriate to have a small rate increase to ensure services can be maintained while ensuring the long term sustainability of Council. Further reviews of the level of the rate increase increase are continuing as part of this consultation feedback process.</p>
Would like Seacliff and Kingston Park marketed as a tourism destination, is it only Glenelg that is marketed?, how much of the marketing is spent on Brighton? How does Council support/promote the Somerton Park Light Industry area?	<p>A key action of the Tourism Plan 2020 was to develop a Destination Campaign to encourage visitation to Holdfast Bay to experience the array of experiences on offer through different brand statements that has a specific target market.</p> <p>The brand statements are used for Glenelg, Brighton and Seacliff. Each location has key imagery that is used through digital and web.</p> <p>Glenelg is predominantly used for the interstate market as it is well known and acts as a hook to attract visitors who are then encouraged to explore neighbouring towns.</p> <p>Jetty Road Glenelg have their own marketing budget via a seperate (additional) rate levied on commercial properties in the precinct and this uses similar artwork to the Tourism campagins, so it can appear there is more Glenelg promotion occuring due to this.</p>
Supports investment in Kurna partnership	<p>Thank you for your support. We appreciate time time taken to review the document and to let us know that we're on the right track.</p>
Supports Environmental initiatives, no specific target or provision to increase urban forest	<p>The Our Place 2030 Strategic Plan includes a target to increase the tree canopy in our City by 10% over the life of the plan. Also Council has developed a Draft Environment Strategy that is currently on community consultation that includes further targets.</p>
Who will be on the COVID task force?	<p>The Economic Recovery Taskforce includes the Mayor and Councillors Jane Fleming and John Smedley, as well as senior members of Council Administration. Invitations were also issued to several business representatives from various sectors and precincts, reflective of the make-up of the City's economy.</p>
Query 2.4% rate increase, other Councils are freezing rates.	<p>The COVID-19 pandemic has impacted the ability of Council to raise non-rate revenue, while simultaneously requiring Council to maintain community services. The 2020/21 deficit budget forecast reflects the impact of COVID-19 and the measures taken to continue to invest in and support the local economy and community. The current five year rolling average operating result for Council is \$1.3 million surplus meeting its financial target in this area. In setting its rate income requirements Council considered its operating costs affected by inflation as well as those imposed on it by the State Government in terms of increased waste collection levies equating to 0.8% of the rates increase. Financial modelling was also prepared looking at a range of scenarios including a rate freeze. Based on this modelling Council made the decision that a freeze on rates was not sustainable for the community in the long term. It was deemed appropriate to have a small rate increase to ensure services could be maintained while ensuring the long term sustainability of Council. Further reviews of the level of the rate increase increase are continuing as part of this consultation feedback process.</p>
What else has been considered to reduce rate rise	<p>Refer above</p>

Question/Comment	Response
COHB rates will be higher than Marion. Impact on boundary reform?	The final rate in the dollar amount is still to be determined for both Marion and Holdfast Bay. However it is expected that Holdfast Bay will still have a lower rate in the dollar resulting in lower rates for comparable valued properties.
Can the community participate in the budget process at an earlier stage	This can be considered in the formulation of the 2021-22 planning timeline.
Quality of Life survey - How are we improving the scores for value for money and service satisfaction	A customer service strategy is under development, alongside projects to allow customers to access more services online.
Kingston Park Kiosk - what is budget based on? Include this as a business opportunity	The budget for Kingston Park Kiosk has been established over two years. The amount has been determined as an estimate of what is likely to be spent on planning and design and a prediction of what may be affordable for construction in later budget periods. The final budget will be finalised as concept designs are developed and finalised.
Seacliff Toilets - consultation please	Consultation will form a part of the project delivery program.
Brighton Caravan Park - Integrate with plans for Kingston Park and the Kiosk	Yes, the stage 2 redevelopment of the Brighton Caravan Park will be progressed at the same time as, and in consideration of, the Kingston Park and kiosk plans.
Pine Gully works - how do they relate to the Masterplan?	The Masterplan's key themes for Pine Gully are stormwater management, erosion protection, removal on non native vegetation, replanting, trail infrastructure and signage. The planned works are in line with the Masterplan.
Kauri outdoor toilet and wifi - why was this not included in the original development? Why is there a professional services fee for this and not any of the others	The toilets are to service the people that utilise the playground that has now been built. Professional services fees: The Kauri Sporting Centre is managed by Belgravia Health and Leisure since September 2019 to increase utilisation of the centre and offer a range of social, recreational, educational and personal development programs. The requirement for Wifi has increased in line with the level of activation of the centre.
Kingston Park Masterplan - is there enough money? Will carpark remediation be done by September/October?	The budget for Kingston Park Masterplan is considered sufficient at this time. This will be reviewed at the project progresses. The timing of remediation of the area previously used as an "overflow" carpark is currently being considered as part of the overall remediation of the Tjilbruke Spring. Timing of this is currently unknown but the community will be kept up to date on the progress. A community liaison from the 5049 Coastal Community Association is now involved with the project to provide input into the project and assist with the communication and engagement with the community regarding the progress and timing of the project.
No mention of the Seacliff Plaza Masterplan	There are no intentions to progress this project at this time.
Seacliff Boat ramp - please include this in the Beach access signage program	Noted.
What's on down the bay - please can these be at Seacliff and Kingston Park	This initial installation is planned for 5 signs between Glenleg - Brighton. Depending on the success of these installations, we would consider more down the coast next financial year.
Integrated Transport Strategy - what will the initiatives be	This is a budget allocation to progress pilot activities that are highlighted in the strategy once it has been finalised. The strategy is currently being drafted and will be released for community consultation prior to adoption.
Draft Planning and Design Code - will Council be employing extra resources	Rather than increase resourcing to manage council's transition to the Planning and Design Code, existing resources have been redirected through the creation of a temporary transition manager role. Internal working groups have also been established using existing resources to manage the structural and technological changes required.
Walking Tour of Seacliff - no provision for a booklet	This is a considerable project undertaking, and as such research and planning is being undertaken in 2020/21, and production will be submitted to Council for consideration in the 2021/22 budget process.
Coast Park - no funding for solar lighting or measures to slow cyclists and improve safety	Much of the length of the Coast Park is lit by street lights. In areas not lit, this has commonly been a deliberate decision to discourage excessive night use of those areas.  In relation to slowing cyclists, a trial of digital technology is about to commence on the Minda Coast Park section of Coast Park, where a speed read-out will be installed to inform cyclists of their speeds and enable them to slow down to the prescribed speed limits.
Improving Kingston Park and Seacliff. Tree planting at Wheatland.	Wheatland street Seacliff has been audited for street planting viability. It has been determined that street tree planting is not achievable due to interference with underground infrastructure.

Question/Comment	Response
Kingston Park open space and playground renewal. What does this comprise?	The playground at Kingston park was identified as requiring replacement imminently, and this is being considered as part of the remaining activities to be undertaken at Kingston Park. The nature of the replacement is still to be determined but will be in line with directions acknowledging the cultural significance of this area.
Oppose increasing debt level, why are debt levels increasing whilst also running a deficit	Page 53 of the draft annual business plan explains Councils approach to debt. Council has a treasury policy which recognises the use of borrowings for long-life capital projects and to spread the debt burden over the generations which benefit from the projects (often referred to as intergenerational equity). Council has a financial ceiling for borrowings and this is measured regularly. Page 58 of the document explains net financial liabilities and the ceiling at 75%. The draft budget indicates that net borrowings are below this ceiling and Council has the capacity to borrow for new capital projects such as the Glenelg Town Hall restoration, stormwater projects and caravan park upgrades. The deficit budget result refers to Council operations. Council has in place a financial target to achieve a positive operating result over a five year period. It is important to accommodate a rolling five year period as economic fluctuations can occur that directly affect the operations of Council. The COVID-19 pandemic has impacted the ability of Council to raise non-rate revenue, while simultaneously requiring Council to maintain community services. The 2020/21 deficit budget forecast reflects the impact of COVID-19 and the measures taken to continue to invest in and support the local economy and community. The current five year rolling average operating result for Council is \$1.3 million surplus meeting its financial target. Council also has a long-term financial plan which indicates an improved operating result in future years.
Rugless Tce Pedestrian Refuge - Consultation please	The concept design has been completed and is pending budget approval in order to proceed. The pedestrian refuge is located outside of the school. Consultation with local residents will occur once the project progresses.
<p>Queries regarding balance sheet items changes:</p> <p>LAND INFRASTRUCTURE, PROPERTY, PLANT AND EQUIPMENT. This Balance Sheet item dropped in value by \$6,903,313. What adverse operational event caused this loss?</p> <p>LONG-TERM BORROWINGS. The debt level increased by \$3,429,222. What were the increased funds used for?</p> <p>ASSET REVALUATION RESERVE. This reserve dropped by \$11,523,000. Why ?</p>	<p>The change in both the carrying value of Land, infrastructure, property, plant and equipment and the Asset Revaluation Reserve is due to revaluation of road and kerb assets accounted for in the 2018/19 year-end financial statements. Road and Kerb assets were revalued by Public Private Property. The last revaluation on these assets was performed in 2015. This resulted in a valuation decrease of with the main variances as follows:</p> <ul style="list-style-type: none"> <li>• The value of Council's kerb and guttering assets increased by \$2.0m due to higher replacement costs.</li> <li>• The value of Council's road surface assets increased by \$0.8m due to higher replacement costs.</li> <li>• Accumulated depreciation calculated for Council's road base assets increased by \$14.5m which reduced the carrying value due to a change in methodology in calculating the condition of the underground assets. The value, Public Private Property, based the condition, and amount depreciated, on the age of the asset.</li> </ul> <p>The 19/20 original budget figures did not include the change in this valuation as it was not known at the time of preparing the 19/20 budget. The 18/19 financial results were finalised in October 2019. The 20/21 draft balance sheet takes into account the 18/19 audited financial position plus the current 19/20 and forecast 20/21 budget movements.</p> <p>The increase in borrowings is for new capital projects. These include the on-going restoration of the Glenelg Town Hall \$1.3m, stormwater management projects \$1.2m, Brighton Caravan Park \$750,000 and Wigley Reserve Playspace \$500,000. Page 53 of the draft annual business plan explains Councils approach to debt. Council has a treasury policy which recognises the use of borrowings for long-life capital projects and to spread the debt burden over the generations which benefit from the projects. Council has a financial ceiling for borrowings and this is measured regularly. Page 58 of the document explains net financial liabilities and the ceiling at 75%. The draft budget indicates that net borrowings are below this ceiling and Council has the capacity to borrow for new capital projects.</p>



Question/Comment	Response
Request for public budget workshops	<p>The <i>Local Government (General) Regulations 2013</i> states at Regulation 8AB that workshops can be in confidence if it is a planning session of a general or strategic nature, a briefing relating to information or a matter of a confidential nature (to be considered on a case by case basis). The Informal Gatherings of Council Policy also details processes for Workshops. The Senior Leadership Team determines if a workshop is open or closed and the reason is detailed on Council's webpage if it is a closed meeting.</p> <p>The desire for greater involvement in budgeting is noted and will be considered in the context of impending procedural reviews.</p>
What cuts were made to operations?	<p>In drafting the 2020/21 budget Councils administration reviewed its operating costs while assessing service levels. No major cuts were made to operational services as this would have significantly impacted existing service standards. Council will continue to look for ways to reduce its costs without impacting service levels.</p>
4 out of the 5 budgets for Alwyndor reflect figures against the 2018/19. Re presents a substantial risk to Council with 31% of its revenue and 32% of its expenditure. Original Budget. Please clarify why the 2019/20 year budget figures were not used?	<p>The Alwyndor financial statements on page 72 through to 75 have the incorrect prior financial year heading only. They should be labelled as 19/20. The dollar amounts on the statements are correct and refer to the correct 19/20 financial year. Council apologises for this error. In terms of the financial risk of Alwyndor, Council is committed to providing an excellent aged care service to the community in the long term. It is a self funded activity and as such does not rely on Council ratepayers to fund its operations.</p>
<p>In light of the current economic climate are the following projects considered essential to be implemented this year:</p> <p>Digital Transformation - \$375,000</p> <p>Customer On - Line Booking and Service Scheduling Experience - \$65,000</p> <p>Audio in Kingston Room - \$15,000</p>	<p>All capital and operational initiatives are assessed by senior management and Council before they are included in the draft annual business plan. These projects are considered essential. The digital transformation and booking system will deliver efficiency and effectiveness improvements for council staff and external customers. The audio in the Kingston Room is considered essential for public meetings that are held regularly in that room.</p>
<p>Glenelg Sports Club</p> <p>Budget figure of \$90,000 allocated for an upgrade of facilities to the Glenelg Cricket Club. Is this amount in addition to the \$200,000 allocated to Stage 2 of the Glenelg Oval Master Plan?</p> <p>What is the plan for the repayment of the \$2.5 million interest free loan to the Glenelg Football Club?</p> <p>Is it part of Glenelg Master Plan Stage 2 to join all the clubs into one facility?</p> <p>When will the Glenelg Sports Clubs be subject to the current Council leasing policy?</p> <p>The Glenelg Oval operating expenses are set at \$163,967 yet when compared to the Brighton Oval operating expenses they are much lower at \$127,333. Why the substantial difference?</p>	<p>The \$90,000 for the Glenelg District Cricket Club change room refurbishments is in addition to the \$200,000 allocated to the new uni-sex change rooms and associated facilities. The remaining stages of the Glenelg Oval masterplan are unfunded and under review. The Glenelg Oval Sports Clubs will be subject to the Sporting Club leasing policy on expiry of their current leases or in the event of a substantial redevelopment triggering the redevelopment clause in the current lease. The operating expenditure for Glenelg Oval is substantially higher than that of Brighton Oval due to the nature and level of activities held there. Glenelg Oval hosts SANFL and SACA matches which have a higher maintenance requirement for obvious reasons. Largely, this is the reason behind the difference in expenditure.</p>
<p>Brighton Caravan Park</p> <p>It appears that a substantial management fee is paid in lieu of any lease agreement. If this is the case and in view of the associated costs, is the leasing of the Park a consideration of the Council?</p>	<p>The Brighton Caravan Park has been operated on behalf of Council since 2013. The occupancy rate and return profits to Council have grown consistently since then, proving the operating model to be successful and profitable. Council may consider options including leasing in the future if it can be seen as beneficial.</p>
<p>Signage</p> <p>HBRA feel that Council should exercise more discretion with signage. Banners erected on poles without supporting an event e.g. "Glenelg Precinct" banners, have no significance to the ratepayers.</p> <p>Is there a need for signage at a cost of \$56,252 advertising the Council ownership of parks and assets again it does not appear to provide any benefit to the ratepayers?</p>	<p>The Jetty Road Banners have been included after requests from traders along the eastern end of Jetty Road where there is currently none. The costs include the fixtures and installation of the banners, and updating the brand on the current poles for consistency. The banners help add to a sense of place and destination which are important factors for Tourism, a key economic driver for CHB. Aside from this type of signage, Council has a regulatory responsibility, much of the signage Council owns is required to inform visitors and residents of these regulations.</p>

Question/Comment	Response						
Operating Budget: Are there Actuals to Budget figures available?	Council receives regular monthly budget to actual reports and these are available via Councils website. Major budget updates are also prepared at the end of each quarter. These reports are also received and considered by Council's Audit Committee.						
Many Councils interstate use site value rather than capital value for rates.	Council considers capital value to be the most appropriate basis for rating and is consistent with most South Australian Councils. In SA only seven Councils use site value. The proposed Statutes Amendment (Local Government Review) Bill 2020 removes the ability of Councils to use the site (unimproved) valuation of land as the basis of rating to provide for a consistent approach across the State.						
Will there be a staffing review, will there be salary reductions relating to COVID as with other industries? Has the number of staff increased over the past 5 years?	<p>There has been minimal change to staffing levels over the past 3 years:</p> <table> <tr> <td>2017/18</td><td>178.43 FTE</td></tr> <tr> <td>2018/19</td><td>177.66 FTE</td></tr> <tr> <td>2019/20</td><td>178.33 FTE</td></tr> </table> <p>All staff are bound by Enterprise Agreements (EA) which prescribe wage increases. These cannot be amended unless there is an industrial process which includes a vote by staff. The Field Services Enterprise Agreement is due for negotiation at the end of 2020 so the current environment will be considered in those negotiations. The Admin EA doesn't expire until 30 June 2022. The Chief Executive Officer and Senior Leadership Team have frozen their wages for the 2020/21 financial year.</p>	2017/18	178.43 FTE	2018/19	177.66 FTE	2019/20	178.33 FTE
2017/18	178.43 FTE						
2018/19	177.66 FTE						
2019/20	178.33 FTE						
If Alwyndor was not included would it diminish the level of responsibility and lower executive salaries	Municipal funded executive salaries would not be lower if Alwyndor were excluded. The employment costs on the Municipal Funds financial statements include executive salaries for staff who do not perform or have responsibility for Alwyndor activities.						
What does the \$600,000 in contractor expenses comprise?	From time to time specialists are contracted to undertake specific projects.						
Cinema Carpark: Professional fees increased by 8% and why does it run at a deficit. What does the management arrangement comprise?	<p>The car park was designed to drive visitation into the area by offering more parking and boost the local economy which is why 2hrs free parking was introduced. This comes at a small cost in comparison to the benefit the local economy receive. If there was no free parking then the revenue would be significantly higher.</p> <p>The management fees cover servicing and management of the car park. This includes having staff available 24 hr 7 days a week to fix problems. They also service the equipment and manage the money coming in at the ticket machines.</p>						
Can we access benchmarking information on expenses and income?	The benchmarking of services across Councils is comparatively difficult due to the differing nature and focus of each Councils, an example of this is the different service levels Councils have for the maintenance of parks and reserves. The Productivity Commission recommended to the State Government in its report on local government costs and efficiency earlier this year that the State develop a benchmarking framework for local government that provided transparency to the public. The State Government is still consideration the implementation of this recommendation.						
External borrowings - buildings. What is this for as an operating item	This is a budget line that refers to interest on borrowings which are operational costs.						
Why is there an increase of \$340,000 for interest costs on external borrowing?	This amount refers to interest on new borrowings required for approved major capital building projects completed in 2020, including the Brighton Oval redevelopment.						