

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 10 November 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 - Nil

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 27 October 2020 be taken as read and confirmed.

Moved Councillor _____, Seconded Councillor _____

Lost/Carried

9. PUBLIC PRESENTATIONS

9.1 **Petitions** – Nil

9.2 **Presentations** – Nil

9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS

10.1 **Without Notice** - Nil

10.2 **On Notice** - Nil

11. MEMBER'S ACTIVITY REPORTS

11.1 Mayor's Activity Report – August 2020 – October 2020 (Report No: 359/20)

12. MOTIONS ON NOTICE

12.1 Holdfast Bay Tennis Club – Mayor Wilson (Report No: 356/20)

12.2 Planning Reforms and Planning and Design Code – Councillor Bouchee (Report No: 360/20)

12.3 Purchase of Large Multi-Use Outdoor Tent – Councillor Bouchee (Report No: 361/20)

12.4 Memorial to Recognise the Mental Health Impacts of War and Conflict on Service Personnel – Councillor Chabrel (Report No: 363/20)

12.5 Power Line Environment Committee (PLEC)/Power Bundling Locations – Councillor Bouchee (Report No: 369/20)

12.6 Artificial Turf on Brighton Road – Councillor Clancy (Report No: 370/20)

13. ADJOURNED MATTERS - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

14.1 Draft Minutes – Alwyndor Management Committee – 15 October 2020 (Report No: 357/20)

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 350/20)

15.2 Council Meeting Schedule - 2021 (Report No: 334/20)

15.3 Appointment of Deputy Mayor (Report No: 340/20)

15.4 2019-20 Annual Review of Investments (Report No: 337/20)

15.5 Road Closure – Chapel Plaza (Report No: 336/20)

15.6 Statutes Amendment (Local Government Review) Bill 2020 (Report No: 351/20)

15.7 Mawson Oval – Renewal of Joint Use Agreement (Report No: 358/20)

15.8 Brighton Caravan Park Rebranding (Report No: 365/20)

15.9 Heritage Contributory Items – Heritage Transition Development Plan Amendment (Report No: 364/20)

15.10 Dover Square Reserve – Improving Equity of Use (Report No: 367/20)

15.11 Christmas Decorations – (Report No: 366/20)

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 Kingston Park Kiosk (Report No: 368/20)

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:

- b. Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.

19. CLOSURE



**ROBERTO BRIA
CHIEF EXECUTIVE OFFICER**

Item No: **11.1**

Subject: **MAYOR'S ACTIVITY REPORT FOR AUGUST - OCTOBER 2020**

Date: 10 November 2020

Written By: Executive Assistant to the CEO and Mayor

General Manager: Chief Executive Officer

SUMMARY

The Mayor's Activity Report for August to October 2020 is presented to Elected Members for their information.

RECOMMENDATION

That Council receive and note the Mayor's Activity Report for August to October 2020.

REPORT

Date	Activity	Location
2/08/2020	2019 SANFL Premiership Flag Unveiling	Glenelg Football Club, Brighton Road, Glenelg
4/08/2020	Workshop - Glenelg Oval, FOGO, Somerton SLSC Kiosk	Brighton Civic Centre - Kingston Room
5/08/2020	JRMC meeting	Mayor's Parlour, Glenelg Town Hall
5/08/2020	5049 Coastal Community	RM Kingston Room
6/08/2020	Meeting: SATC + City of Holdfast Bay re: Ferry Service - Glenelg to Kangaroo Island	250 Victoria Square Adelaide
10/08/2020	Economic Recovery Taskforce Meeting	Brighton Civic Centre - Kingston Room
11/08/2020	Kingston Park Kiosk discussion	CEO's Office 24 Jetty Road Brighton
11/08/2020	Mayor and CEO Agenda catch up	CEO's Office 24 Jetty Road Brighton
11/08/2020	Pre - Council Workshop - Kingston Park Cafe - Confidential	Glenelg Town Hall – Council Chamber
11/08/2020	Council Meeting	Glenelg Town Hall - Council Chamber
12/08/2020	Council wrap up video filming	
12/08/2020	Southern Region Water Resource (SRWRA)	SRWRA boardroom
13/08/2020	Mayor's lunch	Star of Greece, 1 Esplanade, Port Willunga
14/08/2020	Opening of the new Tutti Arts Centre	Cnr Commercial Road and Strathmore Terrace Brighton

Date	Activity	Location
14/08/2020	ABC interview re clock tower restoration	Town Hall, Moseley Square, Glenelg
17/08/2020	Kingston house - Annesley school children	
17/08/2020	Meet with Shane Herbert	Michael Herbert Bridge - Patawalonga Frontage near memorial plaque
18/08/2020	Meet to discuss land at Pine Avenue Seacliff	On-Site 15 Pine Avenue Seacliff
18/08/2020	Allison Street, Glenelg North - Traffic meeting with Matt Cowdrey MP	26 Jervois Street corner - on site
18/08/2020	Workshop - DAIP and Social Needs Analysis	Brighton Civic Centre - Kingston Room
19/08/2020	Briefing with the Premier & Deputy Premier & Minister for Planning and Local Government, Deputy Premier Vickie Chapman	Zoom Meeting
20/08/2020	Coast FM Interview	Via Phone
21/08/2020	Somerton Bowling Club Meeting	Somerton Bowling Club
21/08/2020	Brighton Lacrosse – switching on the lights opening	Brighton Lacrosse Club
22/08/2020	GFC Round 9 pre-match President's Cocktail party	GFC Round 9 pre-match President's Cocktail party
22/08/2020	Glenelg vs South Adelaide	Glenelg Football Club
24/08/2020	ABC radio interview - FOGO - with Sonya Feldhoff	
24/08/2020	Economic Recovery Taskforce Meeting	Brighton Civic Centre - Kingston Room
25/08/2020	Margaret Speechley, Director of Ministry Formation in the Catholic Archdiocese of Adelaide	Mayor's Office 24 Jetty Road Brighton
25/08/2020	Mayor and CEO Agenda catch up	CEO's Office, 24 Jetty Road Brighton
25/08/2020	Pre - Council Workshop - SRWRA Update	Glenelg Town Hall – Council Chamber
25/08/2020	Council Meeting	Glenelg Town Hall – Council Chamber
27/08/2020	FOGO - 5AA Interview	
27/08/2020	Final GAROC COVID-19 Recovery Webinar	Zoom Meeting
27/08/2020	Postponed GAROC COVID-19 Recovery Webinar for Metropolitan Mayors	Zoom Meeting
28/08/2020	Glenelg Bowling Club Greens Opening 2020 and present Mayoral Trophy	Glenelg Bowling Club 23 Partridge Street, Glenelg
28/08/2020	Coast Protection Board Meeting	Microsoft Teams Meeting
30/08/2020	Strategic Planning workshop	Kauri Community & Sporting Complex
1/09/2020	Meeting Justin (GFC) & Mayor (COHB)	Glenelg Football Club
1/09/2020	Workshop - Economic Recovery Taskforce and Events Overview; Community Centres	Brighton Civic Centre - Kingston Room
2/09/2020	JRMC meeting	Mayor's Parlour, Glenelg Town Hall
4/09/2020	Glenelg District Cricket Club Annual Sponsors Dinner	Glenelg Oval Clubrooms
4/09/2020	Western Adelaide Consultative Group (WACG)	Microsoft Teams Meeting
5/09/2020	GFC President's Cocktail Party	ACH Stadium
5/09/2020	Glenelg vs West Adelaide	ACH Stadium

Date	Activity	Location
7/09/2020	Coffee catch up with Barry Heffernan - Men's Shed	Med Cafe - Broadway
8/09/2020	Mayor and CEO Agenda catch up	CEO's Office, 24 Jetty Road Brighton
8/09/2020	Council Meeting	Glenelg Town Hall - Council Chamber
9/09/2020	Peat's Soils Compost Bin filming	Peat's Soils Willunga
10/09/2020	Meeting Alan meeting re Marnina	On-site
11/09/2020	Ei8ht Opening	St Johns Row
14/09/2020	Economic Recovery Taskforce	Brighton Civic Centre - Kingston Room
15/09/2020	Welcome pack drop off video	7 Balmoral Avenue North Brighton
15/09/2020	Photo op with Mayor - FOGO welcome packs	
15/09/2020	Opening of the Brighton Oval Sporting Complex Clubrooms	Brighton Oval Sporting Complex
15/09/2020	Workshop - Stormwater Strategy and Brighton Caravan Park - Management Agreement	Brighton Civic Centre - Kingston Room
17/09/2020	Coast FM Interview	Via Telephone
18/09/2020	Club Holdfast Season Opening and Awards Presentations	Club Holdfast Anzac Highway Glenelg North
19/09/2020	Glenelg vs Central District	ACH Stadium
21/09/2020	Media Training with Leigh McCluskey	CEO's office, 24 Jetty Road Brighton
22/09/2020	City Activation Monthly Update	Mayor's office 24 Jetty Road Brighton
22/09/2020	Mayor and CEO Agenda catch up	CEO's Office, 24 Jetty Road Brighton
22/09/2020	Pre - Council Workshop - Mossop - Late Contractual Claim	Glenelg Town Hall – Council Chamber
22/09/2020	Council Meeting	Glenelg Town Hall – Council Chamber
23/09/2020	Council wrap up video filming	
24/09/2020	Roller skating photoshoot	Moseley Square, Glenelg
25/09/2020	Coast Protection Board Meeting	DEW:81 Waymouth Street Adelaide
28/09/2020	Interview at Radio Italiana 531am	Unit 3/215 Port Rd Hindmarsh
30/09/2020	Local Government Reform briefing with Peter Malinauskas and Jayne Stinson	Zoom Meeting
1/10/2020	Discussions with Holdfast Quays Marina Association	Brighton Civic Centre - Mayor's Office
1/10/2020	SA Coastal Strategy Meeting	Brighton Civic Centre - Mawson Room
2/10/2020	Bay Sheffield Announcement	Glenelg Oval
6/10/2020	Workshop - Integrated Transport Strategy	Brighton Civic Centre - Kingston Room

Date	Activity	Location
7/10/2020	JRMC meeting	Mayor's Parlour, Glenelg Town Hall
9/10/2020	Tour of Southern Region Waste Resource Authority Material Recovery Facility proposal	On-Site - 112 Bakewell Dr, Seaford Heights
10/10/2020	Oceans Seafood Food Truck	Brighton Caravan Park, Burnham Road.
10/10/2020	Somerton Yacht Club - Opening Season	Somerton Yacht Club
10/10/2020	Seacliff SLSC Open Day 2020.	Seacliff SLSC
10/10/2020	Brighton & Seacliff Yacht Club opening ceremony	Brighton & Seacliff Yacht Club 246 Esplanade Seacliff
10/10/2020	Brighton Tennis Club Opening Day	Brighton Tennis Club 33 Torr Avenue
12/10/2020	City Activation Monthly Update	Mayor's Parlour – Glenelg Town Hall
13/10/2020	Mayor and CEO Agenda catch up	CEO's Office, 24 Jetty Road Brighton
13/10/2020	Pre - Council Workshop - Proposed Changes to the 2020/21 Roadworks Program	Glenelg Town Hall – Council Chamber
13/10/2020	Council Meeting	Glenelg Town Hall - Council Chamber
14/10/2020	Meeting Cr Clare Lindop	
14/10/2020	Flinders University/Local Government Roundtable Luncheon	Café Alere, Level 2 the Hub, Flinders University Bedford Park
15/10/2020	Selling the Big Issue with Brian	Near the Tram Stop at Moseley Square
15/10/2020	Glenelg Jetty Regeneration Project with Ministers Wingard and Patterson	Parliament House
15/10/2020	Coast FM Interview	Via Telephone
17/10/2020	The Local - live music showcase	Moseley Square, Glenelg
18/10/2020	The Local - live music showcase	Moseley Square, Glenelg
20/10/2020	Verge Policy Workshop Zoom Meeting	Zoom Meeting
20/10/2020	Workshop - Verge Policy	Brighton Civic Centre - Kingston Room
22/10/2020	Glenelg District Cricket Club Sponsors Dinner	Club premises at Glenelg Oval
27/10/2020	Mayor and CEO Agenda catch up	CEO's Office, 24 Jetty Road Brighton
27/10/2020	Pre - Council Workshop - Dover Square Reserve Project	Glenelg Town Hall – Council Chamber
27/10/2020	Council Meeting	Glenelg Town Hall – Council Chamber
28/10/2020	MAGNA Awards - Tiati Wanganthi Kumangka	Bay Centre Discovery
29/10/2020	LGA Annual General Meeting	Woodville Town Hall, Woodville Rd, Woodville South
29/10/2020	LGFA Annual General Meeting	Woodville Town Hall, Woodville Rd, Woodville South
30/10/2020	Official opening and blessing of the St Thomas Aquinas Building	St. Mary's Memorial School, Glenelg
31/10/2020	Official Opening of Wigley Reserve Playspace and Fitness Hub	Wigley Reserve

Item No: **12.1**

Subject: **MOTION ON NOTICE – HOLDFAST BAY TENNIS CLUB – MAYOR WILSON**

Date: 10 November 2020

PROPOSED MOTION

Her Worship the Mayor proposed the following motion:

In recognition of 25 years' service to the City of Holdfast Bay, that Councillor Bouchee jointly open the new club rooms at the Holdfast Tennis Club with the Mayor.

BACKGROUND

Ordinarily the Mayor opens all new council facilities, however, Councillor Bouchee has recently achieved 25 years' service to our community as an Alderman, Deputy Mayor and Councillor in the Somerton Ward. Given her connection to the club and that it is in her ward, I propose her dedication be recognised by giving her the opportunity to jointly open the new club rooms.

Item No: **12.2**

Subject: **MOTION ON NOTICE – PLANNING REFORMS AND PLANNING AND DESIGN CODE – COUNCILLOR BOUCHEE**

Date: 10 November 2020

PROPOSED MOTION

Councillor Bouchee proposed the following motion:

That Council:

- 1. write to the Hon. Vickie Chapman, Minister for Planning and Local Government (as per Attachment 1) expressing Council's concerns with planning reforms in the Planning and Design Code as well as associated procedural matters relating to the new planning system; and**
- 2. send a copy of the correspondence to all Adelaide Metropolitan Councils.**

BACKGROUND

The Planning and Design Code is about to be released for a second round of consultation before going operational for Metropolitan Councils in 2021.

The State Government is in the process of implementing a new planning system which will result in all residential development being excluded from notification to neighbours and removal of all local content.

No analysis has been undertaken in relation to new zones where significant change is proposed.

Attachment 1





holdfast.sa.gov.au

Brighton Civic Centre 24 Jetty Road, Brighton SA 5048

PO Box 19 Brighton SA 5048

P 08 8229 9999 F 08 8298 4561

Glenelg Customer Service Centre and Library

2 Colley Terrace, Glenelg SA 5045

5 November 2020

Hon Vickie Chapman
Deputy Premier
Attorney General
Via email: AttorneyGeneral@sa.gov.au

Dear Deputy Premier,

RE: PLANNING AND DESIGN CODE

The City of Holdfast Bay (CHB) would like to thank you for providing a second round of public consultation to the Planning and Design Code. Council still remains concerned with some elements of the Code and their potential impact on our City. Council's main concerns are:

- **Local Policy Content**

While the Council understands the benefits of harmonising land use policy across the state, it is concerned that the lack of local policy content could result in unintended consequences. Much of the soft and hard infrastructure that supports land use is funded and managed by local councils. Councils understand the pressures placed on this infrastructure, the topography of their cities and the impact different types of development will have. For the City of Holdfast Bay, stormwater infrastructure is of particular concern and an increase in infill, without giving consideration to these issues, has the potential to result in additional flooding and is a risk to our local community. Therefore, we ask that consideration be given to analysis of local issues and the introduction of local content where risks are identified.

- **Public Consultation in the Assessment Process**

Under the current proposal the only form of residential development that will be notified is total building height. The single largest concern raised by neighbouring property owners in the current system is boundary development, especially where it is over prescribed height and length. Under the code currently this would be exempt from notification. It is Council's view this will create a great deal of concern within the community on implemented and ask that this be reconsidered.

- **Somerton Park Light Industrial Zone**

There is a light industrial area within the City of Holdfast Bay, located at Somerton Park. This local manufacturing area is of great significance as it provides one of the very few areas of employment



land within the City. Under the draft Planning and Design Code there are limited industrial zones and as a result this area has been zoned Suburban Industrial. The policy under this zone does not consider the uniqueness of the area and has the potential to severely impact the future of the Somerton Park Light Industrial area as well as the surrounding residential zones. Council has consistently raised concerns with the State Planning Commission and the Department regarding the zoning of this area and has made several requests for the Department to walk through the zone with Council staff to obtain an understanding of future impacts given the current zoning. Council seeks your intervention on this matter to ensure that this important employment land can be preserved for the future.

- **Loss of Local Knowledge in the Assessment Process**

While Council does not oppose the introduction of private certification, it is concerned that the new planning system will result in undesirable community outcomes due to the loss of local knowledge in the assessment process. As it currently stands private certification could be conducted by a registered certifier anywhere within Australia. Given the current system will allow for private certifiers to assess applications and call variations minor where the prescribed standard is not met, Council is concerned that the system maybe easily flouted by certifiers deeming significant variations minor to allow for quick approvals, without giving consideration to the needs of the local community. Council encourages for this to be more tightly regulated and to ensure only local certifiers can assess applications to allow for site inspections and quality assurance.

- **Development Surrounding Adelaide Airport**

In late 2019 Adelaide Airport Limited released their Masterplan as their vision for growth over the next 20 years. Although the forecasted growth has been significantly reduced because of COVID-19, the Masterplan included significantly updated data in relation to aircraft noise over the nearby suburbs. Even though this information was available, it was not included in the previously released edition of the Code. Council believes it should be included to ensure appropriate development in those suburbs surrounding Adelaide Airport.

On behalf of the City of Holdfast Bay, I thank you for giving consideration to our concerns and would welcome the opportunity to discuss this in more detail with you.

Yours Sincerely

Amanda Wilson
Mayor

Item No: **12.3**

Subject: **MOTION ON NOTICE – PURCHASE OF LARGE MULTI-USE OUTDOOR TENT – COUNCILLOR BOUCHEE**

Date: 10 November 2020

PROPOSED MOTION

Councillor Bouchee proposed the following motion:

That the Chief Executive Officer initiate a report assessing the viability of Council purchasing a large multi-use outdoor tent similar to that which is now located in Moseley Square.

BACKGROUND

The tent would have multiple uses e.g., local bands/ markets/events and Australia Day to name but a few, together with the flexibility of change of location and a guarantee of weather proofing events.

The present tent has proved successful and I believe with the installation of underground structures would assist /simplify the set up.

The cost of purchasing can be offset by:

1. No need to hire for events
2. Ability to hire out to Community groups (possibility of discounted rate)
3. Private hire opportunities
4. Availability for whole year.

Item No: **12.4**

Subject: **MOTION ON NOTICE – MEMORIAL TO RECOGNISE THE MENTAL HEALTH IMPACTS OF WAR AND CONFLICT ON SERVICE PERSONNEL – COUNCILLOR CHABREL**

Date: 10 November 2020

PROPOSED MOTION

Councillor Chabrel proposed the following motion:

That Administration develop a proposal for a general memorial to service personnel returning from conflict with mental health trauma with the following considerations:

- 1. such a memorial may be interactive and feature the stories of these service people;**
- 2. the memorial would seek to recognise the deep impact of conflict on mental health and contribute to de-stigmatising mental ill-health;**
- 3. the memorial would honour service, whilst providing a fuller picture of the impacts of that service and the sacrifice of the servicepersons and their families; and**
- 4. that the proposal be returned to Council for consideration in the 2021/22 budget.**

BACKGROUND

The mental health impacts of war and conflict on our service personnel are well documented; 17% of returned soldiers experience Post Traumatic Stress Disorder and the rates of suicide amongst returned soldiers is 20% higher for service men than the national average and service women are twice as likely to die by suicide than other Australian women.

A memorial provides recognition of the non-physical, less visible impacts of war and conflict on our service personnel, would contribute to increasing understanding, reducing stigma, and promote healing and harm minimisation.

Item No: **12.5**

Subject: **MOTION ON NOTICE – POWER LINE ENVIRONMENT COMMITTEE (PLEC)/POWERLINE BUNDLING LOCATIONS – COUNCILLOR BOUCHEE**

Date: 10 November 2020

PROPOSED MOTION

Councillor Bouchee proposed the following motion:

The Chief Executive Officer initiate a report indicating possible priority listing of PLEC/Powerline Bundling locations within the City of Holdfast Bay together with an allocation /identification for the 2021/2025 budget assessments.

BACKGROUND

It is important that if/when the State government re introduces the PLEC programme that our City will be fully prepared to have all plans/budget ready.

Our street trees are a major asset, not only financially but also an important part of our environmental strategy. Bundling is an process accepted by South Australia Power Networks (SAPN) to protect our mature trees from excessive pruning. Excessive pruning by SAPN can not only effect the look of the tree but can impact the integrity/stability of the structure.

As development is increasing the need for wire bundling of high tension wires may be the only option to save our current tree stock.

Item No: **12.6**

Subject: **MOTION ON NOTICE – ARTIFICIAL TURF ON BRIGHTON ROAD –
COUNCILLOR CLANCY**

Date: 10 November 2020

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That the Chief Executive Officer write to Department for Infrastructure and Transport (DIT) requesting the removal of the artificial turf on the median strips on Brighton Road.

BACKGROUND

The artificial turf is in a poor state and as council policy is to not have artificial turf on verges we need to lead by example.

Item No: **14.1**

Subject: **DRAFT MINUTES – ALWYNDOR MANAGEMENT COMMITTEE –
15 OCTOBER 2020**

Date: 10 November 2020

Written By: Personal Assistant, Alwyndor

General Manager: Alwyndor, Ms B Davidson-Park

SUMMARY

The draft minutes of the Alwyndor Management Committee meeting held on 15 October 2020 are provided for information.

RECOMMENDATION

1. **That the draft minutes of the Alwyndor Management Committee meeting held on 15 October 2020 be noted.**

RETAIN IN CONFIDENCE- Section 91(7) Order

2. **That having considered Attachment 2 of Report No: 357/2020 Draft Minutes – Alwyndor Management Committee – 15 October 2020 in confidence under Section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**
-

COMMUNITY PLAN

Community: Building a healthy, active and resilient community
Community: Providing welcoming and accessible facilities
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

This report is presented following the Alwyndor Management Committee Meetings.

The Alwyndor Management Committee was established to manage the affairs of Alwyndor Aged Care Facility. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

REPORT

The draft minutes of the meeting are attached for Members' information.

Refer Attachment 1

Attachment 1



CITY OF HOLDFAST BAY

Minutes of the meeting of the Alwyndor Management Committee of the City of Holdfast Bay held at Alwyndor Aged Care, Dunrobin Road, Hove on Thursday 15 October 2020 at 6.30 pm.

PRESENT

Elected Members

Councillor S Lonie
Councillor P Chabrel

Independent Members

Chair – Mr Kim Cheater
Ms Julie Bonnici
Prof Judy Searle
Prof Lorraine Sheppard
Ms Trudy Sutton
Mr Kevin Whitford

Staff

Chief Executive Officer – Mr Roberto Bria
General Manager Alwyndor – Ms Beth Davidson-Park
Manager Finance – Ms Leisa Humphrey
Residential Services Manager – Mr Graham Harding
Manager Community Connections – Ms Molly Salt
Manager Projects – Ms Emma Burke
Personal Assistant - Ms Marisa Dinham

1. OPENING

The Chairperson declared the meeting open at 6.30pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Chairperson stated:

We acknowledge the Kurna 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 Kurna People today.

3. APOLOGIES

- 3.1 For Absence – nil
- 3.2 Leave of Absence - nil

4. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

5. CONFIRMATION OF MINUTES

Motion

That the minutes of the Alwyndor Management Committee held on 17 September 2020 be taken as read and confirmed.

Amendments to the September minutes to be made as listed:

Pg 6 of the Agenda, Item 3.1: Amend apology for absence to say Cr P Chabrel

Pg 6 of the Agenda, Item 5: Amend Seconder to Ms J Bonnici

Pg 13 of the Agenda, Item 8.2 Monthly Financial Report: Pg 25... 'Committee discussed.....Receipt of unspent funds of home support'

Pg 13 of the Agenda, Item 8.2 Monthly Financial Report: Discussion was held on items in the financial statements as follows...'

Pg 13 of the Agenda, Item 8.2 Monthly Financial Report: Pg 25, 'of defined benefit fund was in 2017..'

Pg 13 of the Agenda, Item 8.2 Monthly Financial Report: Pg 25, change 'Advice received' to 'Finance Manager advised she understood the fund'

Pg 13 of the Agenda, Item 8.2 Monthly Financial Report: Pg 25, change actual to actuarial

Pg 13 of the Agenda, Item 8.2 Monthly Financial Report: Pg 25,.... 'will be available in 2021.'

Action to be amended to include: ...defined benefits superannuation'

Moved by Ms J Bonnici, Seconded by Cr S Lonie

Carried

Motion

That the confidential minutes of the Alwyndor Management Committee held on 17 September 2020 be taken as read and confirmed.

Moved by Ms J Bonnici, Seconded by Cr S Lonie

Carried

6. REVIEW OF ACTION ITEMS

6.1 Action Items

Nil non-confidential action items for discussion.

6.2 Confidential Action items

A revised Action list was distributed to the Committee, this was discussed, and no changes were made.

6.3 Annual Work Plan

The Committee noted that the Annual Work Plan will be updated and included in each agenda.

7. GENERAL MANAGER REPORT

7.1 General Manager Report (Report No: 37/2020)

7.1.1 Member Resignation

The Committee noted that Ms J Cudsi resigned in September 2020.

Cr S Lonie left the meeting at 6.59pm.

7.1.2 COVID-19

The Committee noted the update that there were no material changes in restrictions in the past month therefore our approach is status quo.

Action: A lessons learnt reflection of practice through COVID-19 to be brought to AMC in November 2020.

7.1.3 2020-21 Federal Budget – impact on aged care

The Committee noted that the 2020-21 budget does not begin to adequately address the financial sustainability issues being experienced by aged care providers throughout the sector. It is anticipated further announcements will follow the release of the findings and recommendations of the Royal Commission into Aged Care Quality and Safety in February 2021.

7.1.4 Royal Commission into Aged Care Quality and Safety: COVID-19 special report

The recommendations of the special report which have been accepted by the Federal Government were noted together with commentary in regard to relevance and potential impact on Alwyndor.

7.1.5 Dental care

The Committee noted the information regarding the retraction of services to Alwyndor of dental care funding by SA Health. Potential alternatives are being investigated.

7.1.6 Mental health support

The Committee noted the information regarding the introduction of mental health support services for residents.

Motion

That the Alwyndor Management Committee:

1. Note the resignation of J Cudsi, Member, Alwyndor Management Committee.
2. Note the information regarding management in response to COVID-19.
3. Note the information regarding the implications of the 2020-21 Australian Government budget on aged care.
4. Note the information regarding Royal Commission into Aged Care Quality and Safety: COVID-19 special report.
5. Note the information regarding Dental Care services in residential care.
6. Note the information regarding Mental Health services in residential care.

Moved Cr P Chabrel, Seconded Ms T Sutton

Carried

8. CONFIDENTIAL REPORTS**8.1 General Manager's Report – Confidential (Report No: 38/2020)****Exclusion of the Public – Section 90(3)(d) Order**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 38/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No's: 34/2020 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Cr P Chabrel, Seconded Ms J Bonnici

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 8.1 General Managers Report (Report No: 38/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr P Chabrel Seconded Mr K Whitford

Carried

8.2 Customer Metrics Report (Report No: 39/2020)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 39/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No's: 39/2020 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be

expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Cr P Chabrel, Seconded Mr K Whitford

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 8.2 Alwyndor Customer Metrics Report (Report No: 39/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Ms J Bonnici, Seconded Ms T Sutton

Carried

8.3 Alwyndor Quarterly Performance Report Quarter 1, 2020-21 (Report No: 40/2020)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 40/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No's: 40/2020 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item

is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Cr P Chabrel, Seconded Mr K Whitford

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 8.3 Alwyndor Quarterly Performance Report Quarter 1, 2020-21 (Report No: 40/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr P Chabrel, Seconded Ms J Bonnici

Carried

8.4 2020-21 General Purpose Financial Statements (Report No: 41/2020)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 41/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No's: 41/2020 on the following grounds:

- d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Cr P Chabrel, Seconded Mr K Whitford

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 8.4 2019-20 General Purpose Financial Statements (Report No: 41/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr P Chabrel, Seconded Ms T Sutton

Carried

Short Term Suspension of Meeting Procedures

The Chair, with the approval of all members present, suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of five minutes to allow members a comfort break.

Leave of the meeting was granted.

The meeting procedures were suspended at 8.29pm.

The meeting resumed at 8.32pm

8.5 Monthly Finance Report – September 2020 (Report No: 42/2020)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 42/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No's: 42/2020 on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

RETAIN IN CONFIDENCE - Section 91(7) Order

4. That having considered Agenda Item 8.5 Monthly Finance Report - September 2020 (Report No: 42/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Prof L Sheppard, Seconded Ms J Bonnici

Carried

9. **URGENT BUSINESS – Subject to the leave of the meeting**

9.1 Strategic Plan 2020-2023

The General Manager spoke to the Strategic Plan outlining the changes to the document. The Committee agreed that the final Chair and General Manager paragraphs to be circulated for members information.

The General Manager noted that the circular resolution to approve the Strategic Plan 2020-2023 had been passed.

Action: That Chair and General Manager paragraphs to be circulated for members information.

The Committee expressed thanks to the Executive for their work on the Strategic Plan.

10. DATE AND TIME OF NEXT MEETING

The next meeting of the Alwyndor Management Committee will be held on **Thursday 19 November 2020** in the Hub, Alwyndor Aged Care, 52 Dunrobin Road, Hove.

11. CLOSURE

The meeting closed at 8.58pm.

CONFIRMED 15 October 2020

CHAIRPERSON

Item No: **15.1**

Subject: **ITEMS IN BRIEF**

Date: 10 November 2020

Written By: Personal Assistant

General Manager: Strategy and Business Services, Ms P Jackson

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.

RECOMMENDATION

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

- 1. Internal Review of Council Decision Report**
 - 2. FOGO Trial – Progress Update**
 - 3. Revitalisation of Old Buffalo Site**
 - 4. Events Update**
 - 5. Update – Brighton Oval Redevelopment**
 - 6. Tiati Wangkanthi Kumangka (Truth-Telling Together) - Exhibition- 2020 Museum and Galleries National Awards**
 - 7. Notification to Council of CEO Procurement Exemption**
-

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

REPORT

1. Internal Review of Council Decision Report

Under Section 270(8) of the *Local Government Act 1999* (the Act), the Council must consider details of Section 270 Internal Reviews of Council decisions received by Council in accordance with the Act.

Administration can confirm there were three (3) applications for Section 270 internal reviews from 1 July 2019 to 30 June 2020, with details as follows:

Internal Review Subject	Outcome
Memorial Seat	Decision upheld
Traffic Arrangement	Decision upheld
E-Scooters	Decision upheld

2. FOGO Trial – Progress Update

As of Monday 2 November 2020, 764 households have signed up to the City of Holdfast Bay's weekly FOGO pilot with 447 households located in the Somerton Park/North Brighton Trial zone and 317 in the Seacliff/Kingston Park zone. Households have until 30 November to sign up for the current pilot, so recruitment of more residents is still a priority.

The pilot commenced on Monday 21 September and has since completed three collection cycles. Average weekly FOGO bins around recycling an average of 15-17kg of organics per emptied FOGO bin per week, which is a significant increase on the average 17 kg emptied per FOGO bin from standard non-trial fortnightly collections. FOGO bin presentation rates are also extremely high at an average of 90% compared to just 50% in non-trial areas.

Two thank you "coffee and compost" events were held on Tuesday 13 October and Saturday 17 October to provide a tangible opportunity to thank residents for participating in the FOGO trial. Residents were offered free bags of Peat's soils compost and coffee at Summertown Studios in Somerton Park. Both events were well attended with over 170 bags of compost given out. Feedback from the community was overwhelmingly positive with many participants hoping to see the trial extended to other areas in Holdfast Bay and commending council for being leaders in sustainable waste management.

Mid trial audits in March 2021 will provide data on FOGO bin weights, average landfill bin weights and data on the food fraction being diverted through the trial.

Administration will meet internally and with Green Industries in the coming months to discuss plans for post end of the trial from September 2021.

3. Revitalisation of Old Buffalo Site

After an extensive open tender process, City Collective, an Adelaide based Urban Design company has been appointed to undertake the concept and preliminary design phase of the Old Buffalo site redevelopment. City Collective have broad experience in engaging and designing similar high profile public spaces. This process will include community and stakeholder consultation, concept design and schematic design. On-site community engagement sessions, scheduled workshops with Kaurna and Elected Member will be central to the concept design phase which involves investigating two distinct concepts for the site, based on initial community feedback in 2019.

The first Council workshop regarding the Old Buffalo site redevelopment will take place on Tuesday 8th December.

4. Events Update

Three (3) unique activations we delivered over 4 weeks and 5 weekends on the Glenelg Foreshore to drive visitation from within South Australia from September 25 to October 25 2020. These were Bay City Rolling, The Local and Glenelg Sunset Markets.

A 20m x 45m marquee was erected on the Glenelg Foreshore for this period. The 900m² structure was decorated with intelligent lighting and mirror balls for all three events. A COVID Safe Plan Step 2 was approved for all activities to a maximum occupancy of 400 people at any one time.

‘Bay City Rolling’ – Roller Skating at the Bay.

With the inability of the usual Winter Wonderland ice skating activation to take place, the alternative of roller skating was delivered in the October school holiday period. Opening Friday 25 of September, there were nine 45 minute sessions a day until Monday 12 October. Almost 7,000 people participated in the event and the inclusion of ‘Roller Discos’ on Friday and Saturday nights grew in popularity as the event progressed. The second week was busier than the first, and the lower numbers can be attributed to the effects of COVID-19 and the October school holidays as the first holiday period since January when families could actively take holidays. Regional South Australia accommodation was booked out at unprecedented levels for this period. This event is co-funded with the Jetty Road Mainstreet Committee.

‘The Local’

The Local - a live music showcase, was held for the first time on Saturday 17 and Sunday 18 October in Moseley Square.

The event aim was to support young and emerging local bands by providing a paid opportunity for them to perform to a live audience. 55 musicians were involved over 12 bands and two DJ’s, with more than 3,000 people attending the event over the two days.

The event also provided the opportunity for local residents to volunteer on the event, one of whom gained valuable experience in sound production, and for others the opportunity to develop their live music photography skills.

For many of the bands it was a welcome return to live performance and they were most grateful for the experience, and acknowledged the support of Council.

Glenelg Sunset Markets

The popular Glenelg Sunset Markets were held on the weekend of 24 and 25 October. Thirty Two (32) stall holders traded from 11am to 6pm on both days. Unfortunate weather and a grand final weekend did not deter market devotees, visitors and locals alike. Traditionally held outdoors over summer, the indoor option provided for a safe, protected and warm space. The markets were attended by 7,731 people over the two days.

Visitor numbers across the spring activations and events was more than 17,000 people.

5. Update – Brighton Oval Redevelopment

Last update on the Stage 1 and Stage 2 of Brighton Oval redevelopment covered progress till late-September 2020.

- The three (3) Brighton Oval buildings are fully functional. A contractor has been engaged to install the solar panels for the three buildings. This installation will be completed before Christmas.
- The installation of epoxy coating on the balcony (Rugby Club) was delayed due to weather and end of season events. It will be completed as soon as weather permits.

Stage 2 (Civil Works) Upgrade

- A significant portion of the site civil (eg. form-up for internal roads, carparks, paths, drainage) and electrical works (eg. road & carpark lighting) have been completed. Remainder of the civil works are progressing. The first tranche of works (the car parking area on the south and west of the football club building excluding the play space area) will be completed by early to mid-November 2020. The construction program aims to be fully completed before Christmas.
- The detailed design for the Highett Ave improvements are progressing. This work is likely to be completed in the New Year.

Budget

- Budget for stage 1 (buildings) and stage 2 (civil works) are currently on track. Budget for stage 2 is very tight. However, requests for minor changes or

variations by the clubs and other stakeholders are being considered wherever possible.

Communications

- The website (www.brightonoval.com.au) provides project progress for the community.

6. Tiati Wangkanthi Kumangka (Truth-Telling Together) - Exhibition- 2020 Museum and Galleries National Awards

On Wednesday 28 October 2020, the City of Holdfast Bay along with the Kurna Nation won at the 2020 Museum and Galleries National Awards (MAGNA) for the exhibition *Tiati Wangkanthi Kumangka (Truth-Telling Together)* at Glenelg's Bay Discovery Centre.

The MAGNAs celebrate outstanding achievement across the Museum and Galleries sector, and is the Australian museum sector's most prestigious award in the Museums and Galleries National Awards.

Tiati was awarded in the Indigenous Project and Keeping Place category, and then awarded the overall national award for best exhibit in Australia. An amazing achievement given the breadth of nominees throughout Australia, and the criteria of the National Award winner is chosen from across Australia and each award category.

Tiati Wangkanthi Kumangka (Truth-Telling Together) is a permanent exhibition at Glenelg's Bay Discovery Centre, which was curated by the City of Holdfast Bay together with the Kurna Nation.

7. Notification to Council of CEO Procurement Exemption

Alwyndor has engaged a consultant to prepare and execute a Request for Information (RFI) process for the digital and technology requirements for its Community Connections services for the whole of the Alwyndor business. Akto Pty Ltd have provided Alwyndor with a range of Information and Communication Technologies (ICT) related projects (including ICT planning). As Akto are familiar with Alwyndor's business and the broader ICT project, they developed a proposal to lead the RFI process at a cost of \$26,400 (ex GST).

Council's Procurement Policy requires three (3) written quotes for a procurement method at a value between \$20,000 and \$50,000. As the value of this procurement usually requires three (3) quotes, it was approved by the CEO for an exemption to be granted for this purchase method with only one quote to proceed. The exemption was granted on the basis that maximum cost and quality efficiencies could be achieved by Akto leading the RFI process.

Item No: **15.2**

Subject: **COUNCIL MEETING SCHEDULE - 2021**

Date: 10 November 2020

Written By: Governance and Risk Officer

General Manager: Business Services, Ms P Jackson

SUMMARY

The *Local Government Act 1999* requires Council to hold at least one ordinary meeting of Council per month.

A resolution of Council is required to adopt the meeting schedule. Meeting schedules can be reviewed and amended at any time by the Council. Council adopted the schedule for 2020 and early 2021 on 8 October 2019.

Currently, ordinary meetings of Council are scheduled on the second and fourth Tuesday of each month from February to November. There is only one meeting scheduled for December 2020 and January 2021 due to the holiday periods. It is proposed that Council continue with this meeting schedule and the frequency of meetings be reviewed annually.

RECOMMENDATION

That Council:

- 1. hold ordinary meetings of Council on the second and fourth Tuesday of each month, commencing in February 2021 with the exceptions of December 2021 and January 2022;**
- 2. hold ordinary meetings of Council once in the months of December 2021 and January 2022 due to holiday periods;**
- 3. endorse all ordinary meetings of Council to be held in the Glenelg Town Hall, Chamber;**
- 4. endorse all ordinary meetings of Council to commence at 7.00pm;**
- 5. attend scheduled, informal briefings/workshops prior to ordinary meetings of Council commencing at 6.00pm;**
- 6. attend scheduled, informal briefings/workshops scheduled on the first and third Tuesday of each month, commencing at 6.00pm when required; and**
- 7. review the schedule of ordinary meetings of Council by December 2021.**

COMMUNITY PLAN

A Place that Provides Value for Money

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Section 81 Local Government Act 1999

REPORT

Council must resolve to meet at least once per month at a specific time and place as required under Section 81 of the *Local Government Act 1999*.

Historically, ordinary meetings of Council have been held twice per month, on the second and fourth Tuesdays, with the exception of December and January. Only one meeting was scheduled during December and January to account for the holiday period. By adopting this schedule it assists to keep meeting agendas to a manageable size and that matters requiring decisions of Council are considered within time frames. It is proposed that this schedule continue in 2021.

Council may choose to amend the schedule for ordinary meetings of Council at any time and must do so with a resolution of Council.

Council workshops and briefings have also been scheduled on the first and third Tuesdays of each month and before each ordinary meeting of Council for a shorter period of time. Workshops and briefings are intended as forums for Elected Members to explore current projects, ideas and opportunities in an informal setting. They also provide occasions for training and development. Workshops and briefings are not decision making forums. It is proposed that this schedule continue in 2021.

Proposed Council Meeting Dates for 2021:

Ordinary Meeting of Council	Date/Day	Comments
December 2020	Tuesday 8 December	As per previous resolution C081019/1636. Allows for public holidays and festive season
January 2021	Wednesday 27 January	As per previous resolution C081019/1636. Allows for public holiday on Tuesday 26 January

February 2021	Tuesday 9 February Tuesday 23 February	
March 2021	Tuesday 9 March Tuesday 23 March	
April 2021	Tuesday 13 April Tuesday 27 April	
May 2021	Tuesday 11 May Tuesday 25 May	
June 2021	Tuesday 8 June Tuesday 22 June	
July 2021	Tuesday 13 July Tuesday 27 July	
August 2021	Tuesday 10 August Tuesday 24 August	
September 2021	Tuesday 14 September Tuesday 28 September	
October 2021	Tuesday 12 October Tuesday 26 October	
November 2021	Tuesday 9 November Tuesday 23 November	
December 2021	Tuesday 14 December	Allows for festive season
January 2022	Tuesday 25 January	Allows for festive season

BUDGET

The costs of Council meetings, workshops and briefings are included in the current budget.

LIFE CYCLE COSTS

There are no lifecycle costs associated with this report.

Item No: **15.3**

Subject: **APPOINTMENT OF DEPUTY MAYOR**

Date: 10 November 2020

Written By: Team Leader Governance

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

Section 51 of the *Local Government Act 1999*, allows Council to appoint a Deputy Mayor for a term not exceeding four years. The Deputy Mayor may act in the absence of the Mayor, in the Office of the Mayor.

The current appointed Deputy Mayor is Councillor Snewin. This appointment is up to 1 December 2020.

Council has previously made the appointment for a Deputy Mayor for a term of one year. It is Council's prerogative to choose another term, if it chooses.

RECOMMENDATION

That Councillor _____ be appointed as Deputy Mayor for a period of one year, from 1 December 2020 up to and including 30 November 2021.

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Local Government Act 1999

BACKGROUND

Councillor Snewin was appointed as the Deputy Mayor on 26 November 2019 (Item number 16.2 Adjourned Report- Appointment of Deputy Mayor – Report No: 445/19- previous Report No: 423/19).

The previous Deputy Mayor appointed from the start of the new Council term, 27 November 2018 to 1 December 2019 was Councillor Patton.

REPORT

Under Section 51 of the *Local Government Act 1999*, if the Council has a Mayor, there may also be, if the Council so resolves, a Deputy Mayor. In the absence of the Mayor, the Deputy Mayor may act in the Office of the Mayor. If there is to be a Deputy Mayor, he or she will be chosen by the Members of the Council from amongst their members and will hold office for a term determined by the Council, but not exceeding four years.

Council has previously chosen to appoint a Deputy Mayor for a period of one year. At the end of the term of the Deputy Mayor is eligible to be chosen for a new term. Councillor Snewin can be appointed for a further term.

Role of Deputy Mayor

The role of the Deputy Mayor is to:

- chair the meetings of Council in the absence of the Mayor; and
- act in the position of Mayor when the Mayor is absent, and exercise the powers and perform the functions of the Mayor.

Remuneration of Deputy Mayor

The Remuneration Tribunal of South Australia in its current Determination No.6 of 2018, stated that:

“The annual allowance for a councillor who is a deputy mayor ... will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.”

As the City of Holdfast Bay is a Group 1B Council, as determined by the Remuneration Tribunal, the annual allowance for a councillor is \$20,630, which equates to \$25,787.50 for the Deputy Mayor, plus the Consumer Price Index (CPI).

The current rate for the Deputy Mayor for 2019/2020 is \$2,228.85, which will be increased by CPI in late November 2020.

BUDGET

There are no budget implications associated with this report. The 2020/21 budget includes provision for payment of an allowance to the Deputy Mayor.

LIFE CYCLE COSTS

There are no full life cycle costs associated with this report.

Item No: **15.4**

Subject: **2019-20 ANNUAL REVIEW OF INVESTMENTS**

Date: 10 November 2020

Written By: Manager Financial Services, Alwyndor- Finance Manager

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

Section 140 of the *Local Government Act 1999* (the Act) requires Council to review the performance of its investments on an annual basis. This report explains the process for investing funds, amount of funds invested during 2019-20, average interest rate earned and investment performance against budget for Council's municipal activities and Alwyndor Aged Care.

RECOMMENDATION

That Council receive and note this report comprising a performance review of 2019-20 investments, as required under Section 140 of the *Local Government Act 1999*.

COMMUNITY PLAN

Culture: Being financially accountable

COUNCIL POLICY

Treasury Management Policy

STATUTORY PROVISIONS

Local Government Act 1999, Sections 139 and 140

BACKGROUND

The Act requires Councils to review the performance of its investments annually. Council invests its funds in accordance with its Treasury Management Policy ensuring funds are preserved and invested within legislative requirements and sound prudential requirements.

Section 139 of the Act details the investment powers of a Council. It requires a Council to exercise care, diligence and skill in placing and managing investments, while avoiding speculative or hazardous investments. It also stipulates matters to be taken into account when placing

investments including the nature of risk, likely income return, effect of inflation, the costs of making the investment and any anticipated community benefit.

Council's Treasury Management Policy requires all surplus funds to be invested with secure financial institutions with the Local Government Finance Authority (LGFA) being the preferred institution.

REPORT

This report deals with cash investments resulting from the investing of day-to-day surplus funds (operating funds) and specific purpose cash backed reserves.

Investment Policy Framework

Council's policy states that the LGFA is the preferred financial institution for cash investments. It is guaranteed by the State and is managed and administered by a Board of Trustees, working for the benefit of Councils and other Local Government Bodies within South Australia.

The LGFA also offers an annual bonus payment which enables it to share its financial success with member Councils. It is calculated in relation to the average deposit and loan levels held by the LGFA during the financial year.

Other approved investment types include SA or Commonwealth Government Bonds and interest bearing deposits or bank bills with a credit rating from Standard & Poor's of not less than A1 for investments up to 12 months and not less than AA- for longer investments.

2019-20 Investment Placement

All investments were held with either the State backed LGFA, Westpac or NAB. All institutions provided Council with secure and competitive interest. The LGFA is also Council's preferred borrower and provides very low borrowing rates that have been unable to be matched by the major banks.

All of Council municipal cash investments were placed with the LGFA. When new investment opportunities arose quotes were obtained from the LGFA and approved banks. The LGFA was given the opportunity to match or exceed the best quote received which it has in all cases for new investments. For existing investments other non-quantifiable factors are taken into account including transaction processing efficiency and the level of service provision.

For Alwyndor investments were also made with Westpac and NAB. Investments were placed after interest rates were compared. During the financial year 68% of Alwyndor investments were placed with the LGFA, 27% placed with Westpac and 5% with NAB.

LGFA Bonus Payments

The Board of Trustees of the LGFA annually determines that a bonus payment be made from surplus funds to Councils and prescribed authorities who used the LGFA services. The allocation and amounts are calculated in relation to individual Council deposit and debenture loan levels

maintained with the LGFA over the financial year. The bonus payments equate to approximately 0.35% pa additional interest earned on average deposits.

Council received a \$40,201.74 bonus payment for Municipal funds and \$31,089.12 for Alwyndor funds in 2019-20.

Cash Backed Reserve Fund Investments

Councils Treasury Management Policy states that cash-backed reserves will not be maintained unless required by legislation or agreed to with third parties. The reserves that are legally required and have been maintained include developer contributions and the Alwyndor Aged Care reserve.

As at 30 June 2020 Alwyndor Aged Care held cash backed reserves totaling \$20.5m which included accommodation bonds.

Reserve funds at Alwyndor are invested in accordance with prudential requirements that include holding \$2m at call and investing the balance for periods up to six months.

2019-20 Overall Budget Result

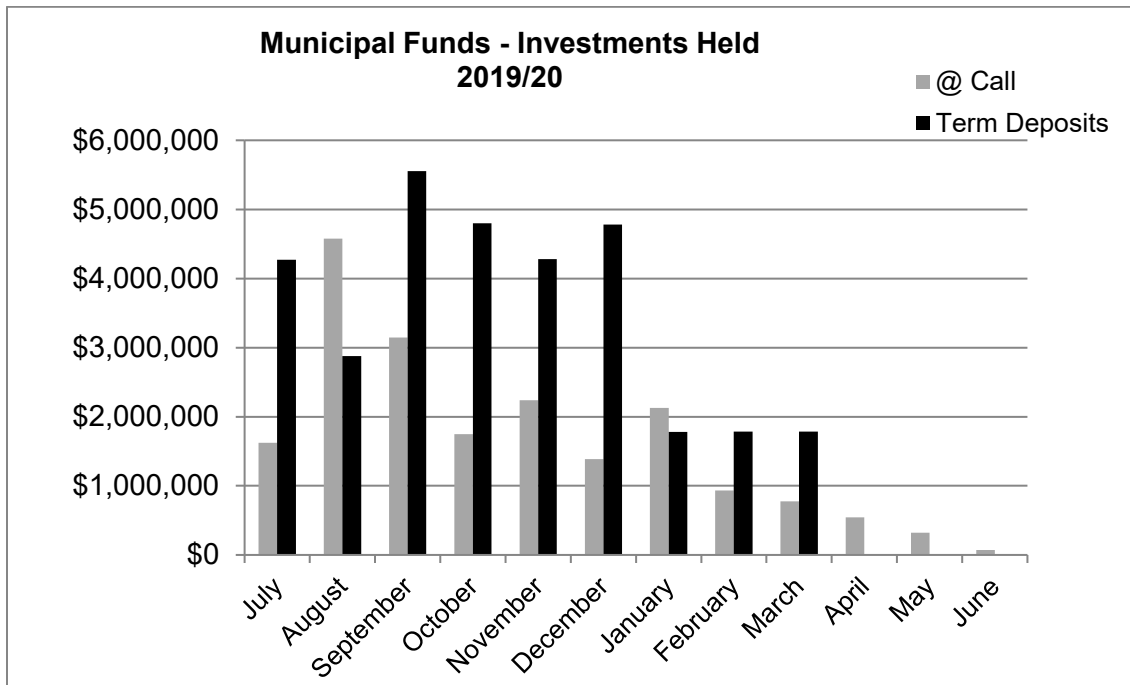
The original total forecast for investment income was \$575,050 comprising \$490,650 from Alwyndor and \$84,400 for Municipal operations. The Municipal budget forecasts were increased by \$6,400 while Alwyndor was decreased by \$161,000 due to reduced interest rates and cash flow timings. The actual result was \$410,909 comprising \$321,137 from Alwyndor and \$89,772 from Municipal operations.

Municipal Funds

Levels of Investment

The level of municipal invested funds held as at 30 June 2020 was \$70,000 compared with \$5,378,686 as at 30 June 2019. The reduction was due to utilising the large capital grant funds in 2019-20 for the Brighton Sports Complex.

In determining the period of time for investment, consideration is taken of cash flow obligations as well as prevailing interest rate market forces. No investment is placed for a period greater than 12 months. The following chart highlights the level and nature of investments held for Municipal funds peaking during the rates due date instalment months.



Municipal Funds Investment Performance

2019-20 Interest rate movements

During 2019-20 official interest rates were reduced by the Reserve Bank of Australia to a record low cash rate of 0.25%. This reduction was made in response to COVID-19 and to support employment and to provide economic stimulus.

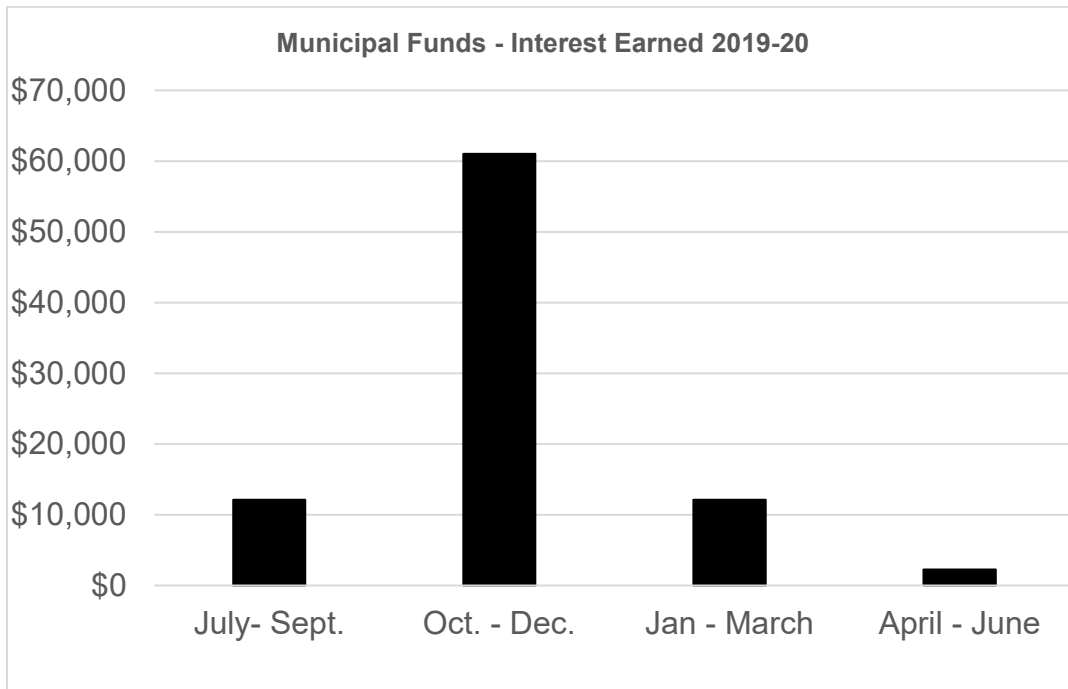
Weighted average interest rate earned

The following table compares the overall weighted average interest rate earned (including LGFA bonus) on investments for 2019-20. All municipal investments were placed with the LGFA.

Funds	RBA Cash Rate	Operational Funds – Term Deposits	Operational Funds – at call investments
Municipal	0.62%	1.46%	0.92%

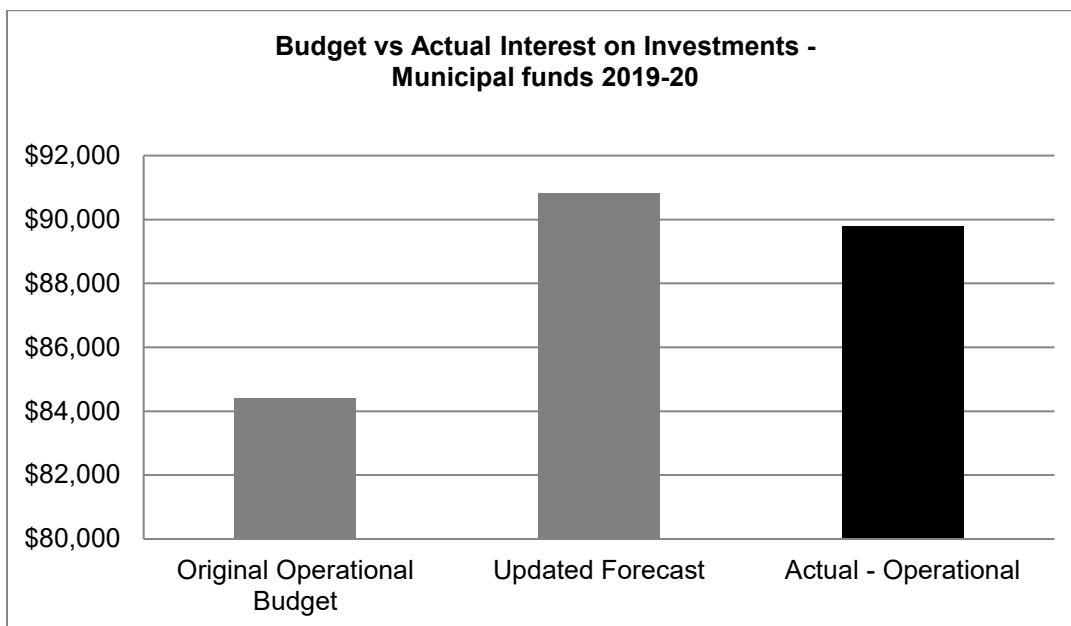
Interest received during 2019-20

Municipal interest received from the LGFA is paid monthly and at maturity and is summarised in the following chart. It shows a peak after the first due date for rate payments and thereafter a steady return on available invested cash.



2019-20 budget comparison

The original municipal budget for investment income totaled \$84,400. The actual interest received totaled \$89,772. The following chart shows the budget to actual performance for Municipal funds.



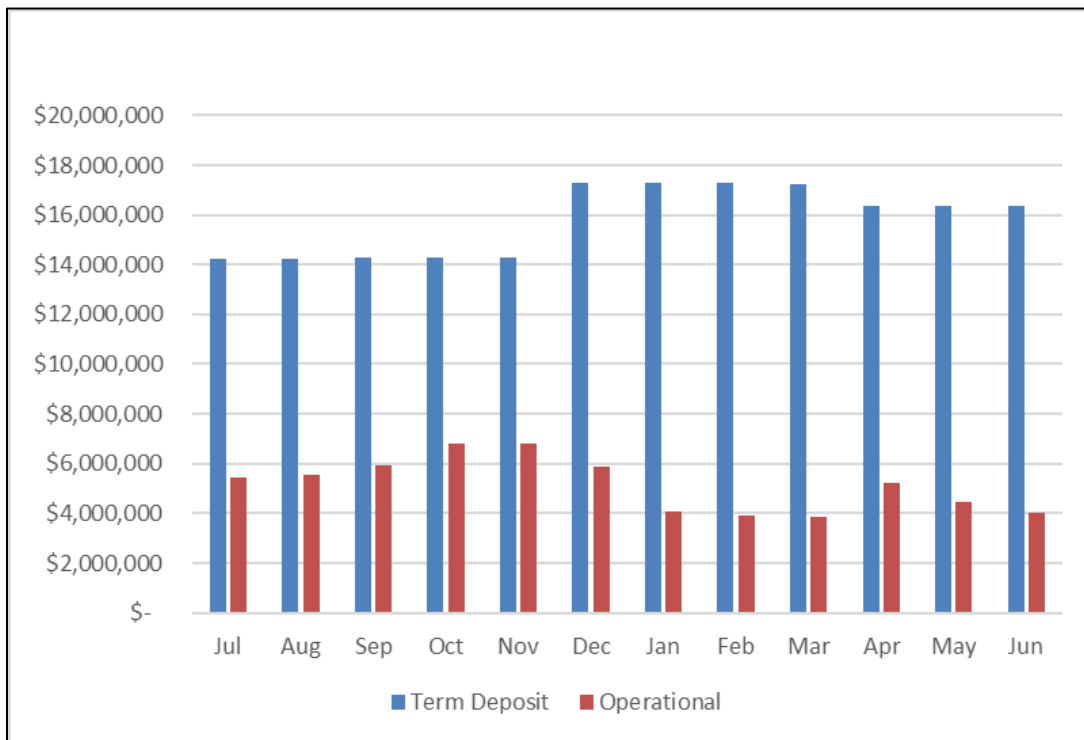
Alwyndor Funds

As at 1 July 2019 a total of \$19.885m of Alwyndor cash funds were invested. As at 30 June 2020 the level of Alwyndor invested funds increased to \$20.369m. The movement in the level of investments is due to the increase in Aged Care Facility Deposits and the timing of capital projects.

The operational Alwyndor account is the day-by-day cash account. All receipts and payments are processed through a bank account and any surplus funds arising are invested in accordance with the current policy.

In determining the period of time for investment, consideration is taken of cash flow obligations as well as prevailing interest rate market forces. No investment is placed for a period greater than 12 months. The following chart highlights the level and nature of investments held for Alwyndor funds.

Alwyndor Funds – Investments held 2019-20



Alwyndor Investment Performance

Weighted Average interest rate earned

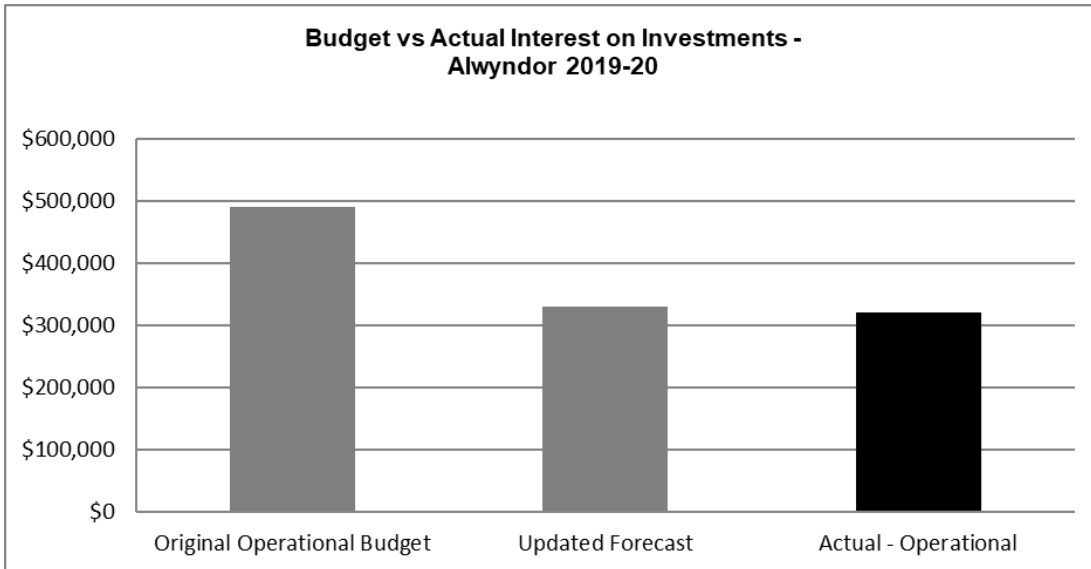
The following table compares the overall weighted average interest rate (including LGFA bonus) earned on Alwyndor investments for 2019-20.

Funds	RBA Cash rate	Term Deposits – Reserve Funds	At Call
Alwyndor	0.62%	1.83%	1.04%

Alwyndor invests reserve funds for periods of 90 days to ten months.

Alwyndor interest received during 2019-20

The original budget for interest on investments for Alwyndor funds totaled \$490,650 and was revised to \$330,292 during the year. The total actual amount earned was \$321,137 which was a decrease to the revised forecast.



BUDGET

The 2020-21 budget has been set after taking into consideration the Treasury Management Policy, interest rate environment, level of reserve requirements and surplus operational funds. The original municipal budget has been set at \$84,400. For Alwyndor the budget has been set at \$178,000.

Interest on investment budgets will be further monitored during 2020-21 and adjusted as part of the budget forecast update process.

LIFE CYCLE COSTS

This report deals with 2019-20 investment performance it does not have any full life cycle cost implications.

Item No: **15.5**

Subject: **ROAD CLOSURE - CHAPEL PLAZA**

Date: 10 November 2020

Written By: Strategic Planner

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

To create Chapel Plaza as part of Stage 1 of the implementation of the Jetty Road Masterplan, the northern end of Chapel Street needs to be closed to vehicles. The road closure process under Section 32 of the *Road Traffic Act 1967* requires the Council to resolve to undertake the process and public consultation prior to a Council decision about endorsing the closure.

RECOMMENDATION

That Council:

- 1. resolves to agree to the commencement of the process to close Chapel Street between Milton Street and Jetty Road, Glenelg to create the Chapel Plaza as part of the first stage of the implementation of the Jetty Road Glenelg Masterplan; and**
 - 2. notes the required public consultation to be undertaken for the road closure is proposed to commence mid November 2020 for one month.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

Community: Providing welcoming and accessible facilities

Economy: Harnessing emerging technology

Economy: Boosting our visitor economy

Environment: Building an environmentally resilient city

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Road Traffic Act 1967

BACKGROUND

The Jetty Road Glenelg Masterplan endorsed on 13 February 2018 (C130218/1032) identifies seven project stages for implementation over the next decade, with Chapel Plaza the first priority project for Stage 1 implementation.

Council committed full funding to undertake detailed design for Chapel Plaza in the 2018/19 financial year and on 29 January 2019, Council endorsed (C290119/1367) expansion of the project scope and budget to include additional funding for a combined commitment of \$1.8 million for construction of both Chapel Plaza and Hindmarsh Lane (subject to matched grant funding). The Department of Planning, Transport and Infrastructure (DPTI) announced in June 2019 that Council was successfully awarded the construction grant for a value of \$1.7 million plus \$100,000 from Department of Communities and Social Inclusion (DCSI) from a Changing Places Grant.

Engagement with properties owners and businesses surrounding Chapel Street and Hindmarsh Lane was undertaken on these design concepts from March 2019. At the meeting on 23 July 2019, Council noted (C230719/1557) the feedback received during engagement with key stakeholders on Chapel Plaza and Hindmarsh Lane designs and acknowledged that final designs would be brought back to Council for endorsement.

On 10 December 2019 Council endorsed the final designs for Chapel Plaza and Hindmarsh Lane and commencement of the construction tender process.

REPORT**Process**

Closure of Chapel Street is required to enable the creation of a civic plaza. Section 32 of the *Road Traffic Act 1967* (the Act) details the process of closing the road by Council for road traffic purposes and the required public notification. A copy of section 32 of the Act has been provided for information.

Refer Attachment 1

In order to close a road, Council must pass a resolution via a majority. However, before such a resolution can be made, Council must advertise to the community of its intent and give the community at least one month's notice of the proposed closure. Council must then give due consideration to all written submissions received prior to the Council meeting at which the resolution is to be decided.

A resolution for a road closure is then publicly advertised by Council.

Tonkin engineering consultants and Council's Technical Roads Officer have provided guidance regarding the legislative process and Council requirements. The relevant engineering documentation supporting changes to the Traffic Control Devices to give effect to the road closure have been prepared to be signed off by an authorised traffic person.

Access to the rear of shops

Maintaining access to the rear of the shops adjoining Jetty Road is important. Detailed modelling from an engineering firm showing truck sweep paths has been used to ensure that large service vehicles can safely enter and exit both Chapel Plaza (from Milton Street) and the car park at the rear of the church. Some additional trafficable area to the west of the existing road is required to ensure that paving damage does not occur as a result of being driven on by heavy vehicles. Separation by planters or bollards will delineate this area to ensure safety between pedestrians and vehicles.

School and pedestrian safety

In June 2019 Council considered a number of short and long term changes to improve pedestrian safety and ease traffic congestion in Chapel Street south in response to concerns raised with traffic management along Milton Street and interactions with pedestrians, with a particular focus of safety for school children at the peak periods associated with school pick up times. Council endorsed (C250619/1524) consulting with residents and nearby businesses to provide a clearway on the eastern side of Chapel Street south during school pick up and drop off times, commencing with construction of the Chapel Plaza, the installation of a left turn only signage at the exit from Milton Street to Jetty Road, and considering a new initiative in 2020/21 budget process for the construction of the raised platform on the intersection of Milton Street and Chapel Street to improve pedestrian safety.

The left turn school hours sign exiting from Milton Street was installed, and the proposed raised platform was considered as part of the 2020/21 budget but was not funded. Given the fact that the road closure effectively performs a traffic calming function, a raised platform is not considered necessary at this time, however, future modifications to the area to enable better accessibility may still be considered at a later date and if so, will be submitted for Council's consideration through annual budgeting processes.

Prior to construction, further consultation will occur with residents and nearby businesses in relation to a school drop off and pick up clearway. The proposed parking changes will then commence concurrent to construction, which is now scheduled to begin in April 2021.

Next steps

A further report will be provided to Council after one month's consultation with affected ratepayers with the results from the public notification period and appropriate recommendations for deciding a resolution on the road closure.

BUDGET

There are minimal costs for the road closure process associated with public notification of the proposed closure and notification to the affected ratepayers.

The total budget for the project continues to be \$3.6 million with construction to occur over the 2020/21 and 2021/22 financial years. Funding for this project continues to be provided by a 50/50 contribution from Council and the State Government grants, which have been extended to enable the construction delays (due to COVID-19).

LIFE CYCLE COSTS

The lifecycles costs of the project have been included in the Long Term Financial Plan and will be updated in the relevant asset management plan following construction.

Attachment 1



ATTACHMENT 1: Section 32 of the *Road Traffic Act 1961*

Division 3—Road closing provisions

32—Road closing by councils for traffic management purposes

- (1) If a council proposes, by the installation or alteration of a traffic control device—
 - (a) to close a road or a part of a road to all vehicles or vehicles of a specified class (whether or not the closure is to apply every day in a week or for all hours in a day); or
 - (b) to close a road as a through road for motor vehicles,
for the purposes of rationalising the flow or impact of traffic within a part of the council's area, the council may only do so in accordance with a resolution of the council and must, at least one month before the meeting at which the resolution is first to be considered, cause notice of the proposal—
 - (c) to be published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; and
 - (d) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; and
 - (e) if the road is a prescribed road, to be given to each affected council; and
 - (f) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.
- (2) The council must give due consideration to all written submissions made on the proposal that are received by the council before the meeting.
- (3) A resolution for a road closure to which subsection (1) applies is not effective unless a majority of all members of the council concur in it.
- (4) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative in relation to a highway is not effective unless—
 - (a) the Commissioner of Highways concurs with it; or
 - (b) the closure is consistent with a notice of the Commissioner of Highways under section 26 of the *Highways Act 1926*.
- (5) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative—
 - (a) for a continuous period of more than 6 months; or
 - (b) for periods that, in aggregate, exceed 6 months in any 12 month period,
is not effective unless—
 - (c) if the road runs into or intersects with a highway, the Commissioner of Highways concurs with it; and
 - (d) if the road is a prescribed road, each affected council concurs with it.

(6) A council must, as soon as practicable after a resolution for a road closure to which subsection (1) applies has been passed and, if required, concurred with under subsection (4) or (5), cause notice of the resolution to be published and given in the manner set out in subsection (1).

(7) In this section—

affected council, in relation to a prescribed road, means a council into whose area or along the boundary of which the road runs;

highway means—

- (a) a main road or a controlled access road within the meaning of the *Highways Act 1926*; or
- (b) a road vested in the name of the Commissioner of Highways or the Minister to whom the administration of the *Highways Act 1926* is committed; or
- (c) a road that is subject to a notice under section 26 of the *Highways Act 1926*;

prescribed road means a road that runs into the area, or along the boundary, of another council.

(8) For the purposes of this section, a road that runs up to—

- (a) the boundary of another council area; or
 - (b) another road running along or containing the boundary of another council area,
- will be taken to run into that area.

Item No: **15.6**

Subject: **STATUTES AMENDMENT (LOCAL GOVERNMENT REVIEW) BILL 2020**

Date: 10 November 2020

Written By: Manager Strategy and Governance

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

The *Statutes Amendment (Local Government Review) Bill 2020* (the Bill) was tabled in the House of Assembly on 17 June 2020 and passed on 13 October 2020.

Over 850 revisions were made to the June Bill, most of which were of a technical or minor editorial nature.

A synopsis of key changes is provided for noting.

RECOMMENDATION

That Council:

- 1. notes the changes made to the Statutes Amendment (Local Government) Review Bill 2020; and**
 - 2. notes that further analysis of impacts on Council operations will be undertaken once the Bill passes the Legislative Council.**
-

COMMUNITY PLAN

Culture: Enabling high performance
Culture: Being financially accountable
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Local Government Act 1999 and Regulations
Statutes Amendment (Local Government Review) Bill 2020
Local Government Elections Act 1999
Independent Commissioner Against Corruption Act 2012
Public Finance and Audit Act 1987

BACKGROUND

The Local Government Review Bill 2020 (the Bill) was introduced in the House of Assembly by the Minister for Transport, Infrastructure and Local Government on 17 June 2020.

The reforms include a new conduct management framework for council members, provisions for independent advice to councils on a range of financial and governance matters, a more contemporary approach to public consultation, and a range of improvements aimed at improving efficiency.

The proposed reforms are based on ideas submitted during consultation in early 2019 and submissions of the resulting Discussion Paper, as well as a number of minor amendments.

A high level overview of the Bill was provided to Elected Members at a workshop on 23 June 2020 and on 28 July 2020, Council endorsed a submission to the LGA providing comment on the Bill.

REPORT

The *Statutes Amendment (Local Government) Review Bill 2020* passed the House of Assembly on 13 October 2020.

A brief analysis of the changes has been conducted. Over 850 revisions were made to the Bill and while many of the amendments are technical or minor nature the more significant changes are:

- Reduction in the role of chief executive officers in council member suspension and reasonable direction provisions (for example, clauses 44, 45, 129).
- Conflict of interest requirements clarifying that members have a material conflict of interest in a matter to be discussed at a meeting of the council if a person they received a gift or campaign donation from would gain a benefit or suffer a loss (clause 38).
- Provisions relating to directions to not attend meetings to ensure the health and safety of impacted persons (clause 39).
- Clarifying that council members cannot receive reimbursements or use facilities or other support provided by the council while on leave or suspended (for example, clauses 21, 44, 45).
- Include a requirement for chief executive officers to ensure that employees are protected from sexual harassment by members of the council or other employees and that appropriate processes exist for dealing with complaints of employees relating to sexual harassment (clause 64).

- Remove penalty provisions that apply to council employee conduct (such matters would instead be matters will be dealt with as integrity provisions—which, if breached, can result in the suspension or dismissal of a council employee) (clauses 71, 74, 75, 78).
- Make a clearer distinctions between lower level behavioural standards and provisions that relate to employees' integrity (clause 79).
- The rate oversight scheme, under which councils will be required to provide information relating to the long term financial plan and infrastructure and asset management plan (and any other matter prescribed by the regulations) to the designated authority once in every prescribed period (which must be not less than a period of 3 years) (clauses 80 and 81).
- Enable caveats lodged against a title to be removed from titles upon the sale of land for the non-payment of council rates (clause 100).
- Clarifies the interaction between the Planning, Development and Infrastructure Act 2016 and sections 221 and 222 authorisations and permits (clause 110).
- Removes the role for the Small Business Commissioner to be able to review certain authorisations and permits (clause 117).
- Limitations on the display of election signs (corflutes) in local government elections (clause 118).
- Changes to the operation of some election provisions (clauses 153, 156, 157, 163, 165 and Lost Clause).
- Clarifying that council member and employee integrity provisions are taken to be a 'code of conduct' for the definition of 'misconduct' under the ICAC Act, whereas behavioural standards and council behavioural support/management policies are not (clause 201).
- Enabling the Auditor-General to audit accounts and controls exercised (clause 206).

The clauses referenced above are provided side by side against the current Act and the June 2020 version of the Bill in the appended document.

Refer Attachment 1

Further analysis of impacts on council operations will be undertaken once the Bill passes the Legislative Assembly.

BUDGET

There is no budget impact from this report, however, should the Bill be passed there are likely to be budget implications across a range of Council operations.

LIFE CYCLE COSTS

There are no life cycle costs arising from this report, however, should the Bill be passed there are likely to be life cycle costs across a range of Council operations.

Attachment 1



Attachment 1 – Statutes Amendment (Local Government) Review Bill 2020 – Key Changes

Amendment of Local Government Act 1999

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
6	Principal Role of Council		
	6 (b) to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and	6(b)to make decisions about the provision of various public services and facilities that will benefit the community in the context of the capacity and willingness of ratepayers to pay for those services and facilities; and	6 (b)to make decisions about the provision of various public services and facilities that will benefit the community in a way that is fair to ratepayers ; and
21	New section 55A – Leave of absence – council member contesting election		
	N/A	<p>55A(4) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council who is taken to have been granted leave of absence in accordance with this section is not entitled to receive any allowance in respect of the member's office for the period of leave.</p> <p>55A(5)A person who is taken to have been granted leave of absence from the office of member of a council under this section must not, during the period of leave—</p> <p>(a) use a facility or service provided by the council (not being a facility or service generally provided to members of the public by the council) for any purpose related to the election or to the member's functions or duties as a member of the council; or</p>	<p>55A(4) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council who is taken to have been granted leave of absence in accordance with this section is not entitled to receive any allowance in respect of the member's office, or reimbursement of expenses that the member would otherwise be entitled to under this Act, for the period of leave.</p> <p>55A(5)A person who is taken to have been granted leave of absence from the office of member of a council under this section must not, during the period of leave—</p> <p>(a) use any facility or, service or other form of support provided by the council to its members to assist the members in performing or discharging official functions and duties (not being a facility or, service or form of support generally provided to members of the public by the council) for any purpose related to the election or to the member's functions or duties as a member of the council; or</p>
22	Specific roles of principal member		
	58 (1) The role of the principal member of a council is— (a) to preside at meetings of the council;	delete subsection 58(1) and substitute:	delete subsection 58 (1) and substitute:

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(b) if requested, to provide advice to the chief executive officer between council meetings on the implementation of a decision of the council;</p> <p>(c) to act as the principal spokesperson of the council;</p> <p>(d) to exercise other functions of the council as the council determines;</p> <p>(e) to carry out the civic and ceremonial duties of the office of principal member.</p>	<p>(1) The role of the principal member of a council as leader of the council is—</p> <p>(a) to provide leadership and guidance to the council; and</p> <p>(b) to lead the promotion of positive and constructive working relationships among members of the council; and</p> <p>(c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and</p> <p>(d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and</p> <p>(e) to preside at meetings of the council; and</p> <p>(f) if requested, to provide advice to the chief executive officer between council meetings on the implementation of a decision of the council; and</p> <p>(g) to act as the principal spokesperson of the council; and</p> <p>(h) to exercise other functions of the council as the council determines; and</p> <p>(i) to carry out the civic and ceremonial duties of the office of principal member.</p>	<p>(1) TheSubject to this Act, the role of the principal member of a council as leader of the council is—</p> <p>(a) to provide leadership and guidance to the council; and</p> <p>(b) to lead the promotion of positive and constructive working relationships among members of the council; and</p> <p>(c) to provide guidance to council members on the performance of their role, including on the exercise and performance of their official functions and duties; and</p> <p>(d) to support council members' understanding of the separation of responsibilities between elected representatives and employees of the council; and</p> <p>(e) to preside at meetings of the council; and</p> <p>(f) if requested, to provide advice toliaise with the chief executive officer between council meetings on the implementation of a decision of the council; and</p> <p>(g) to act as the principal spokesperson of the council; and</p> <p>(h) to exercise other functions of the council as the council determines; and</p> <p>(i) to carry out the civic and ceremonial duties of the office of principal member.</p>
23	Roles of members of councils		
	<p>59(1) (a) as a member of the governing body of the council—</p> <p>(i) to participate in the deliberations and civic activities of the council;</p>	<p>Section 59(1)(a)—delete paragraph (a) and substitute</p> <p>(a) as a member of the governing body of the council—</p> <p>(i) to act with integrity; and</p>	<p>Section 59(1)(a)—delete paragraph (a) and substitute:</p> <p>(a) as a member of the governing body of the council—</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(ii) to keep the council's objectives and policies under review to ensure that they are appropriate and effective;</p> <p>(iii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;</p> <p>(iv) to ensure, as far as is practicable, that the principles set out in section 8 are observed;</p>	<p>(ii) to ensure positive and constructive working relationships within the council; and</p> <p>(iii) to recognise and support the role of the principal member under the Act; and</p> <p>(iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body; and</p> <p>(v) to participate in the deliberations and activities of the council; and</p> <p>(vi) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and</p> <p>(vii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and</p> <p>(viii) to ensure, as far as is practicable, that the principles set out in section 8 are observed; and</p> <p>(ix) to participate in setting and assessing performance standards to be met under the council's contract with the chief executive officer; and</p> <p>(x) to serve the overall public interest of the council; and</p>	<p>(i) to act with integrity; and</p> <p>(ii) to ensure positive and constructive working relationships within the council; and</p> <p>(iii) to recognise and support the role of the principal member under the Act; and</p> <p>(iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body; and</p> <p>(v) to participate in the deliberations and activities of the council; and</p> <p>(vi) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; and</p> <p>(vii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and</p> <p>(viii) to ensure, as far as is practicable, that the principles set out in section 8 are observed; and</p> <p>(ix) to participate in setting and assessing the oversight of the chief executive officer's performance standards to be met under the council's contract with the chief executive officer; and</p> <p>(x) to serve the overall public interest of the council; and</p>
27	General Duties and Code of Conduct		
	N/A	<p>62—after subsection (4b) insert:</p> <p>(4c) A member of a council must not direct or seek to influence an employee of the council in the exercise or performance of a power or function delegated to the employee.</p>	<p>Section 62—after subsection (4b) insert:</p> <p>(4c) A member of a council must not direct or seek to influence an employee of the council in the exercise or performance of a power or function delegated to or performed by the employee.</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(4d) Without limiting subsection (4c), a member of a council must not request an employee of a council—</p> <p>(a) to provide information or a document; or</p> <p>(b) to take action or perform work,</p> <p>except in accordance with the requirements of the chief executive officer of the council.</p> <p>(4e) A member of a council must comply with any requirements prescribed by the regulations relating to the conduct of members that are expressed to be integrity provisions.</p>	<p>(4d) Without limiting subsection (4c), <u>subsection (4c)</u>, a member of a council must not—</p> <p><u>(a) ensure that a request an employee of a council—for information or a document from a person engaged in the administration of the council is made in accordance with the requirements of the chief executive officer of the council; and</u></p> <p>— (a) — to provide information or a document; or</p> <p>— (b) — to take action or perform work,</p> <p>except (b) <u>ensure that a request for the performance of work or the taking of action by an employee of the council is made</u> in accordance with the requirements of the chief executive officer of the council.</p> <p>(4e) A member of a council must comply with any requirements prescribed by the regulations relating to the conduct of members that are expressed to be integrity provisions.</p>
33	Register of Interests		
	N/A	<p>Section 68—after subsection (3) insert</p> <p>(3a) If a member of a council suspended under subsection (1a) for a failure to submit a return submits (after the commencement of the suspension) to the chief executive officer of the council the return that was required to be submitted and the chief executive officer is satisfied that the return complies with the requirements of this Subdivision (other than the requirement as to the period allowed for the submission of the return)—</p>	<p>Section 68—after subsection (3) insert:</p> <p>(3a) If a member of a council suspended under subsection (1a) for a failure to submit a return submits (after the commencement of the suspension) to the chief executive officer of the council the return that was required to be submitted and the chief executive officer is satisfied that the return complies with the requirements of this Subdivision (other than the requirement as to the period allowed for the submission of the return)——</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(a) the chief executive officer must immediately publish a notice on a website determined by the chief executive officer specifying the date on which the member submitted the return; and</p> <p>(b) the suspension is taken to be revoked on the date of publication of the notice.</p> <p>(3b) If a member of a council is suspended under subsection (1a) for a continuous period of more than the prescribed period, the chief executive officer may apply to SACAT for an order disqualifying the member of the council from the office of member under this Act.</p> <p>(3c) If a member is disqualified under subsection (3b), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.</p>	<p>(a) the chief executive officer must immediately publish a notice on a website determined by the chief executive officer specifying the date on which the member submitted the return; and</p> <p>(b) the suspension is taken to be revoked on the date of publication of the notice.</p> <p>(3b) If a member of a council is suspended under subsection (1a) for a continuous period of more than the prescribed period, the chief executive officer <u>may council must</u> apply to SACAT for an order disqualifying the member of the council from the office of member under this Act.</p> <p>(3c) If a member is disqualified under subsection (3b), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.</p> <p><u>(3d) Despite section 72, subsections (1a) and (3a) to (3c) do not apply to a member of a council subsidiary or regional subsidiary.</u></p>
38	Conflicts of Interest		
	Existing conflict of interest provisions (material, actual and perceived - Chapter 5 Part 4 Division 3) are deleted	Existing conflict of interest provisions are deleted and replaced with General and Material Conflicts of Interest. (See Attachment 2)	<p>74—General conflicts of interest</p> <p>(1) Subject to section 75A, for the purposes of this Subdivision, a member of a council has a general conflict of interest in a matter to be discussed at a meeting of the council if an impartial, fair-minded person would<u>might</u> consider that the member's private interests could<u>might</u> result in the member acting in a manner that is contrary to their public duty.</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>75(1)(k) a person or body from whom the member has received a designated gift;</p> <p>(l) a person of a prescribed class.</p> <p>(2) In this section—</p> <p>designated gift means—</p> <p>(a) a gift of a kind required to be disclosed in a large gifts return under Part 14 of the <i>Local Government (Elections) Act 1999</i> relating to the last election at which the member was elected; or</p> <p>(i) a person of a prescribed class.</p> <p>(b) a gift or benefit of an amount greater than the prescribed amount under section 81A(1)(b) of the <i>Local Government (Elections) Act 1999</i> received by the member after the last election at which the member was elected (whether or not the gift or benefit is required to be disclosed in a return under Part 14 of the <i>Local Government (Elections) Act 1999</i>).</p>
39	Member Behaviour		
	N/A	New Chapter 5, Part 4, Division 2 – Behavioural standards, Council behavioural support policies, health and safety duties (see Attachment 3)	<p>75G—Health and safety duties</p> <p>(1) A member of a council must—</p> <p>(a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council; and</p> <p>(b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>safety of other members of the council or employees of the council.</p> <p>(2) For the purposes of subsection (1)(b), the responsible person is—</p> <p>(a) if the person whose health and safety may be adversely affected is an employee of the council—the chief executive officer of the council; or</p> <p>(b) if the person whose health and safety may be adversely affected is the principal member of the council—the deputy or another member chosen by the council; or</p> <p>(c) if the person whose health and safety may be adversely affected is another member or the chief executive officer of the council—</p> <p>(i) unless subparagraph (ii) applies, the principal member of the council; or</p> <p>(ii) if the relevant acts or omissions are those of the principal member of the council—the deputy or another member chosen by the council.</p> <p>(3) Without limiting subsection (1)(b), a reasonable direction may include a direction that a member of a council not attend a meeting of the council or a council committee (and a member the subject of such a direction will be taken to have been granted leave of absence from attending council meetings for the duration of the direction).</p> <p>(4) However, a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council may only be given if there are no other reasonable directions considered appropriate in the</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>circumstances to ensure the health and safety of the affected person.</p> <p>(5) If a reasonable direction under subsection (1)(b) that a member not attend a meeting of a council is given, the responsible person must ensure that a complaint relating to the matter is referred to the Behavioural Standards Panel.</p> <p>(6) This section is in addition to and does not limit the operation of the <i>Work Health and Safety Act 2012</i>.</p> <p>(57) In this section— health has the same meaning as in the <i>Work Health and Safety Act 2012</i>.</p>
40	Allowances		
	<p>76 (3) The Remuneration Tribunal must, in making a determination under this section, have regard to the following:</p> <p>(a) the role of members of council as members of the council's governing body and as representatives of their area;</p> <p>(b) the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;</p> <p>(c) the fact that an allowance under this section is not intended to amount to a salary for a member;</p> <p>(d) the fact that an allowance under this section should reflect the nature of a member's office;</p> <p>(e) the provisions of this Act providing for the reimbursement of expenses of members.</p>	<p>(3) Section 76(13)—delete "under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal"</p>	<p>76 3—after paragraph (b) insert:</p> <p>(ba) the ratio of members to ratepayers;</p> <p>(4) Section 76(13)—delete "Minister from time to time after consultation with the President of the LGA and the President of the Tribunal" and substitute: President of the Tribunal after consultation with the LGA</p> <p>(5) Section 76—after subsection (13) insert:</p> <p>(13a) The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the councils to which the determination relates.</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	76 (13) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.		
42	Obtaining of Legal Advice		
	<p>78A—Obtaining of legal advice</p> <p>(1) The regulations may establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.</p> <p>(2) The scheme may require the preparation and adoption of a policy by a council and include provisions for the variation of the policy and its availability to the public.</p> <p>(3) The scheme or a policy adopted under the scheme may—</p> <p>(a) impose limitations on the obtaining of legal advice; and</p> <p>(b) provide for a process for approval of requests to obtain legal advice; and</p> <p>(c) allow for conditions to be imposed on an approval, including a condition limiting the expenditure that may be incurred; and</p> <p>(d) provide for a council to set an overall budget for the purpose; and</p> <p>(e) include other relevant provisions.</p>	N/A	<p>Repeal of section 78A</p> <p>Section 78A—delete the section</p>
44	Training and Development		
	80A—Training and development	Section 80A—delete subsection (2) and substitute:	Section 80A—delete subsection (2) and substitute:

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(1) A council must prepare and adopt a training and development policy for its members.</p> <p>(2) The policy must—</p> <p>(a) be aimed at assisting members in the performance and discharge of their functions and duties; and</p> <p>(b) comply with any requirements prescribed by the regulations.</p> <p>(3) A council may from time to time alter its policy, or substitute a new policy.</p> <p>(4) A person is entitled to inspect (without charge) a policy under this section at the principal office of the council during ordinary office hours.</p> <p>(5) A person is entitled, on payment of a fee fixed by the council, to a copy of a policy under this section.</p>	<p>(2) The policy—</p> <p>(a) must be aimed at assisting members in the performance and discharge of their functions and duties; and</p> <p>(b) must incorporate the prescribed mandatory requirements and comply with any other requirements prescribed by the regulations; and</p> <p>(c) may specify other requirements relating to the conduct and completion of training and development by members.</p> <p>(2a) A training and development policy of a council may make different provision according to different members of the council.</p> <p>(2b) If a member of a council fails to comply with the prescribed mandatory requirements, the chief executive officer of the council must suspend the member from the office of member of the council, unless the member satisfies the chief executive officer that there were good reasons for the failure to comply.</p> <p>(2c) If a chief executive officer of a council suspends a member of the council under subsection (2b), the chief executive officer must give public notice of the suspension as soon as practicable after determining to suspend the member.</p> <p>(2d) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (2b) is not entitled to an allowance under section 76 during the period of suspension.</p>	<p>(2) The policy—</p> <p>(a) must be aimed at assisting members in the performance and discharge of their functions and duties; and</p> <p>(b) must incorporate the prescribed mandatory requirements and comply with any other requirements prescribed by the regulations; and</p> <p>(c) may specify other requirements relating to the conduct and completion of training and development by members.</p> <p>(2a) A training and development policy of a council may make different provision according to different members of the council.</p> <p>(2b) If a member of a council fails to comply with the prescribed mandatory requirements, the chief executive officer of the council must suspend the member from the office of member of the council, unless the member satisfies the chief executive officer council that there were good reasons for the failure to comply.</p> <p>(2c) If a chief executive officer of a council suspends a member of the council under subsection (2b), the chief executive officer must give public notice of the suspension as soon as practicable after determining to suspend the member.</p> <p>(2d) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (2b) is not entitled to an allowance under section 76, or reimbursement of expenses, or any other facility, service or form of support, that the member would otherwise be entitled to under this Act, during the period of suspension.</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(2e) If a member of a council who is suspended under subsection (2b) as a result of failing to comply with the prescribed mandatory requirements satisfies the chief executive officer that the member has complied with the prescribed mandatory requirements, the chief executive officer must revoke the suspension and give public notice of the revocation.</p> <p>(2f) If a member of a council is suspended under subsection (2b) for a continuous period of more than the prescribed period, the chief executive officer of the council may apply to SACAT for an order disqualifying the member from the office of member of the council under this Act.</p> <p>(2g) If a member is disqualified under subsection (2f), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.</p> <p>(2h) The chief executive officer must maintain a register relating to training and development in accordance with the regulations.</p> <p>(2i) A member of a council must, at the request of the chief executive officer, provide to the chief executive officer, within a period specified in the request, specified information, or information of a specified kind, relating to training and development by the member.</p> <p>(2j) A member of a council must not contravene, or fail to comply with, a request under subsection (2i).</p> <p>(2k) In this section—</p>	<p>(2e) If a member of a council who is suspended under subsection (2b) as a result of failing to comply with the prescribed mandatory requirements satisfies the chief executive officer <u>council</u> that the member has complied with the prescribed mandatory requirements, the chief executive officer <u>council</u> must revoke the suspension and give public notice of the revocation.</p> <p>(2f) If a member of a council is suspended under subsection (2b) for a continuous period of more than the prescribed period, the chief executive officer of the council <u>may</u> must apply to SACAT for an order disqualifying the member from the office of member of the council under this Act.</p> <p>(2g) If a member is disqualified under subsection (2f), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.</p> <p>(2h) The chief executive officer must maintain a register relating to training and development in accordance with the regulations.</p> <p>(2i) A member of a council must, at the request of the chief executive officer, provide to the chief executive officer, within a period specified in the request, specified information, or information of a specified kind, relating to training and development by the member.</p> <p>(2j) A member of a council must not contravene, or fail to comply with, a request under subsection (2i).</p> <p>(2k) In this section— prescribed mandatory requirements means the requirements prescribed by the regulations relating to</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>prescribed mandatory requirements means the requirements prescribed by the regulations relating to training and development that must be completed by members of councils, which may include timeframes for the completion of such training and development.</p> <p>(2) Section 80A(4) and (5)—delete subsections (4) and (5)</p>	<p>training and development that must be completed by members of councils, which may include timeframes for the completion of such training and development.</p> <p>(2) Section 80A(4) and (5)—delete subsections (4) and (5)</p>
45	Suspension – member of council subject to intervention order	Suspension – member of council subject to intervention order	
	N/A	<p>New Chapter 5 Part 7 Section 80B – Suspension of members of council subject intervention orders</p>	<p>Part 7—Other matters</p> <p>80B—Suspension—member of council subject to intervention order</p> <p>(1) If —</p> <p><u>(a) a member of a council is subject to a relevant interim intervention order where the person protected by the order is another member of the council, the council may suspend the member from the office of member of the council if the council considers it appropriate to do so; or</u></p> <p><u>(b) a member of a council is subject to a relevant interim intervention order where the person protected by the order is an employee of the council, the chief executive officer of the council may suspend the member from the office of member of the council if the chief executive officer considers it appropriate to do so; suspend the member from the office of member of the council.</u></p> <p>(2) A member of a council suspended under subsection (1)<u>subsection (1)</u> is entitled to an</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>allowance under section 76 during the period of suspension.</p> <p>(3) The chief executive officer of a council—</p> <p>(a) must revoke a suspension under subsection (1)subsection (1)(a) if the relevant interim intervention order is revoked; and</p> <p>(b) may revoke a suspension under subsection (1) if the chief executive officersubsection (1)(a) if the council considers it appropriate to do so.</p> <p>(4) The chief executive officer of a council—</p> <p>(a) must revoke a suspension under subsection (1)(b) if the relevant interim intervention order is revoked; and</p> <p>(b) may revoke a suspension under subsection (1)(b) if the chief executive officer considers it appropriate to do so.</p> <p>(5) If a member of a council is subject to a relevant final intervention order, the member is suspended from the office of member of the council.</p> <p>(56) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (45) is not entitled to an allowance under section 76, or reimbursement of expenses, or any other facility, service or form of support, that the member would otherwise be entitled to under this Act, during the period of suspension.</p> <p>(67) The chief executive officer of a council must, as soon as is reasonably practicable after becoming aware that a member of the council is subject to a relevant</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>final intervention order, notify the member of the suspension under subsection (45).</p> <p>(78) If a relevant final intervention order is revoked, the suspension under subsection (45) relating to the relevant final intervention order is revoked.</p> <p>(89) If a member of a council is suspended under subsection (45) for a continuous period of more than the prescribed period, the chief executive officer of the council may<u>must</u> apply to SACAT for an order disqualifying the member from the office of member of the council under this Act.</p> <p>(910) If a member is disqualified under subsection (89), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.</p> <p>(1011) In this section— <u>employee of a council includes—</u> (a) <u>a consultant engaged by the council; and</u> (b) <u>a person working for the council on a temporary basis;</u></p> <p>final intervention order means a final intervention order (within the meaning of section 3(1) of the <i>Intervention Orders (Prevention of Abuse) Act 2009</i>) or a domestic violence order (other than an interim DVO) that is a recognised DVO under Part 3A of that Act;</p> <p>interim intervention order means an interim intervention order (within the meaning of section 3(1) of the <i>Intervention Orders (Prevention of Abuse) Act 2009</i>) or an interim DVO that is a recognised DVO under Part 3A of that Act;</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>relevant final intervention order—a final intervention order to which a member of a council is subject is a relevant final intervention order if a person protected by the order is another member, or an employee, of the council;</p> <p>relevant interim intervention order—an interim intervention order to which a member of a council is subject is a relevant interim intervention order if a person protected by the order is another member, or an employee, of the council.</p>
58	<p>Vacancy in Office (Chief Executive Officer)</p> <p>N/A</p>	<p>(1) Section 97—after subsection (3) insert:</p> <p>(3a) Before terminating the appointment of a chief executive officer on a ground referred to in subsection (1)(a)(iv) or (v) or (1)(b), a council must have regard to advice from a qualified independent person.</p> <p>(2) Section 97—after subsection (5) insert:</p> <p>(6) In this section—</p> <p>qualified independent person means a person—</p> <p>(a) who is not a member or employee of the council; and</p> <p>(b) who is—</p> <p>(i) a legal practitioner; or</p> <p>(ii) determined by the council to have appropriate qualifications or experience in human resource management.</p>	<p>(6) In this section—</p> <p>qualified independent person means a person—</p> <p>(a) who is—</p> <p><u>(a) not a member or employee of the council; and</u></p> <p>(b) who is—</p> <p><u>(i) a legal practitioner; or</u></p> <p><u>(ii) determined by the council to have appropriate qualifications or experience in human resource management.</u></p>
59	Appointment procedures		

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(1) If a vacancy occurs or is about to occur in the office of chief executive officer, the council must take steps to fill the vacancy (or the pending vacancy).</p> <p>(2) The council must appoint a person to act in the position of chief executive officer until a vacancy is filled.</p> <p>(3) For the purpose of filling a vacancy, the council must invite applications by advertising in a newspaper circulating throughout the State, and may take other action as the council thinks appropriate.</p> <p>(4) The council must appoint a selection panel to assess applications for the position of chief executive officer, to recommend readvertisement or other additional steps (if necessary), and to make recommendations to the council on an appointment.</p> <p>(5) The council makes the appointment to the office of chief executive officer.</p> <p>(6) This section does not apply in circumstances involving the reappointment of a chief executive officer following the completion of a term of office.</p>	<p>(1) Section 98(3)—delete "in a newspaper circulating throughout the State" and substitute: on a website determined by the council</p> <p>(2) Section 98—after subsection (4) insert:</p> <p>(4a) The council must ensure that either or both of the following applies to the process for appointing a chief executive officer under this section:</p> <p>(a) the council appoints at least 1 person who is not a member or employee of the council to the selection panel;</p> <p>(b) before making the appointment to the office of chief executive officer, the council obtains and considers independent advice on the assessment of applications and recommendations on the appointment under subsection (4) (and that advice may include recommendations to the council on the appointment).</p>	<p>(1) Section 98(3)—delete "in a newspaper circulating throughout the State" and substitute: on a website determined by the council</p> <p>(2) Section 98—after subsection (4) insert:</p> <p>(4a) The council must ensure that either or both of the following applies to the process for appointing a chief executive officer under this section:</p> <p>(a) the council appoints at least 1 person who is not a member or employee of the council to the selection panel;</p> <p>(b) before making the appointment to the office of chief executive officer, the council obtains and considers the advice of a qualified independent adviceperson on the assessment of applications and recommendations on the appointment under subsection (4) (and that advice may include recommendations to the council on the appointment).</p> <p>(3) Section 98—after subsection (6) insert:</p> <p>(7) In this section— qualified independent person means a person who is—</p> <p>(a) not a member or employee of the council; and</p> <p>(b) determined by the council to have appropriate qualifications or experience in human resource management.</p>
61	Remuneration of chief executive officer		
	N/A	New Section (see next column)	99A—Remuneration of chief executive officer

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>(1) Subject to this section, the remuneration of the chief executive officer of a council will be determined by the council.</p> <p>(2) The Remuneration Tribunal will determine (from time to time) the minimum and maximum remuneration that may be paid or provided to chief executive officers of councils.</p> <p>(3) In making a determination under subsection (2), the Remuneration Tribunal must have regard to any matter prescribed by the regulations.</p> <p>(4) A determination under subsection (2)—</p> <p>(a) may differ based on any factor including, for example, the geographical location of a council or group of councils (such that different minimum and maximum remuneration may be paid or provided to chief executive officers from different councils); and</p> <p>(b) may provide for minimum and maximum remuneration that may be paid or provided to chief executive officers to be indexed in accordance with the determination.</p> <p>(5) The regulations—</p> <p>(a) may make further provision in relation to a determination of the Remuneration Tribunal for the purposes of this section; and</p> <p>(b) may modify the application of section 10 of the <i>Remuneration Act 1990</i> in relation to a determination under this section.</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>(6) Sections 17 and 19 of the <i>Remuneration Act 1990</i> do not apply in relation to a determination under this section.</p> <p>(7) A reference in the <i>Remuneration Act 1990</i> to determining remuneration payable in respect of an office will, for the purposes of this section, be taken to include a reference to determining the minimum and maximum remuneration payable in respect of the office.</p> <p>(8) Despite any other Act or law, the reasonable costs of the Remuneration Tribunal in making a determination under this section are to be paid by the LGA under an arrangement determined by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal.</p> <p>(9) The LGA may recover the reasonable costs incurred by the Remuneration Tribunal in making a determination under this section as a debt from the councils to which the determination relates.</p> <p>(10) A council must ensure that the remuneration of its chief executive officer is within the relevant minimum and maximum remuneration determined by the Remuneration Tribunal for the purposes of this section.</p>
64	General principles of human resource management		
	<p>107— (2) In particular, the chief executive officer must ensure—</p> <p>(f) that employees are provided with safe and healthy working conditions; and</p> <p>(g) that an equal employment opportunity program relating to employment with the</p>	N/A	<p>Amendment of section 107—General principles of human resource management</p> <p>Section 107(2)—after paragraph (f) insert:</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	council is implemented, and reviewed on a regular basis; and		(fa)that employees are protected from sexual harassment by members of the council or other employees and that appropriate processes exist for dealing with complaints of employees relating to sexual harassment; and
71	Duty to protect confidential information		
	<p>110A— (1) An employee or former employee of a council must not disclose information or a document in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially. Maximum penalty: \$10 000 or 2 years imprisonment.</p> <p>(2) Nothing in subsection (1) prohibits the disclosure of information or a document where the disclosure is required or authorised by law.</p>	<p>Section 110A(1)—delete subsection (1) and substitute:</p> <p>(1) An employee or former employee of a council must not disclose information or a document—</p> <p>(a) in relation to which there is an order of a council or council committee in effect under section 90 requiring the information or document to be treated confidentially; or</p> <p>(b) that the employee or former employee knows, or ought reasonably to know, is information or a document that is otherwise required to be treated confidentially.</p> <p>Maximum penalty: \$15 000 or 2 years imprisonment.</p>	<p>Section 110A(1)—delete subsection (1) and substitute:</p> <p>(1) An employee or former employee of a council must not disclose information or a document—</p> <p>(a) in relation to which there is an order of a council or council committee in effect under section 90 or 91(7) requiring the information or document to be treated confidentially; or</p> <p>(b) that the employee or former employee knows, or ought reasonably to know, is information or a document that is otherwise required to be treated confidentially.</p> <p>Maximum penalty: \$15 000 or 2 years imprisonment.</p>
74	Provision of False Information		
	<p>117— A person who submits a return under this Division that is to the knowledge of the officer false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence. Maximum penalty: \$10 000.</p>	<p>penalty provision—delete "\$10 000" and substitute: \$15 000</p>	<p>delete "\$10 000" and substitute:the penalty provision \$15 000</p>
75	Restrictions on disclosure		
	<p>119— (1) A person must not disclose to any other person any information furnished</p>	<p>penalty provision—delete "\$10 000" and substitute: \$15 000</p>	<p>delete "\$10 000" and substitute:the penalty provision \$15 000</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>pursuant to this Division unless the disclosure—</p> <p>(a) is necessary for the purposes of the preparation or use of the Register by the chief executive officer; or</p> <p>(b) is made at a meeting of the council, a council committee or a subsidiary of the council.</p> <p>Maximum penalty: \$10 000.</p>		
78	Conflict of Interest (employees)		
	<p>the chief executive officer) who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties—</p> <p>(a) must disclose the interest to the chief executive officer; and</p> <p>(b) must not, unless the chief executive officer otherwise determines, act in relation to the matter.</p> <p>Maximum penalty: \$5 000.</p> <p>(3) It is a defence to a charge for an offence against subsection (1) or (2) to prove that the defendant was, at the time of the alleged offence, unaware of the interest.</p> <p>(4) If an employee is entitled to act in relation to a matter by virtue of subsection (2)(b) and the employee is providing advice or making recommendations to the council or a council committee on the matter, the employee must also disclose the relevant interest to the council or council committee.</p> <p>Maximum penalty: \$5 000.</p>	<p>(1) Section 120(1), penalty provision—delete "\$5 000" and substitute: \$15 000</p> <p>(2) Section 120(2), penalty provision—delete "\$5 000" and substitute: \$15 000</p> <p>(3) Section 120(4), penalty provision—delete "\$5 000" and substitute: \$15 000</p> <p>(4) Section 120(6)—after paragraph (b) insert:</p> <p>(ba) a family company of the employee (within the meaning of Schedule 3); or</p> <p>(bb) a family trust of the employee (within the meaning of Schedule 3); or</p> <p>(5) Section 120(6)(f)—delete paragraph (f) and substitute:</p> <p>(f) if that person is a person with whom the employee has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering</p>	<p>(1) Section 120(1), penalty provision—delete "\$5 000" and substitute:the penalty provision \$15 000</p> <p>(2) Section 120(2), penalty provision—delete "\$5 000" and substitute:the penalty provision \$15 000</p> <p>(3) Section 120(4), penalty provision—delete "\$5 000" and substitute:the penalty provision \$15 000</p> <p>(4) Section 120(6)—after paragraph (b) insert:</p> <p>(ba) a family company of the employee (within the meaning of Schedule 3); or</p> <p>(bb) a family trust of the employee (within the meaning of Schedule 3); or</p> <p>(5) Section 120(6)(f)—delete paragraph (f) and substitute:</p> <p>(f) if that person is a person with whom the employee has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(5) An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment.</p> <p>(6) A person is closely associated with an employee of a council—</p> <p>(a) if that person is a body corporate of which the employee is a director or a member of the governing body; or</p> <p>(b) if that person is a proprietary company in which the employee is a shareholder; or</p> <p>(c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the employee is a trustee; or</p> <p>(d) if that person is a partner of the employee; or</p> <p>(e) if that person is the employer or an employee of the employee; or</p> <p>(f) if that person is a person from whom the employee has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or</p> <p>(g) if that person is a relative of the employee....</p>	<p>process in connection with entering into, an agreement for the provision of professional or other services for which the employee would be entitled to receive a fee, commission or other reward; or</p>	<p>process in connection with entering into, an agreement for the provision of professional or other services for which the employee would be entitled to receive a fee, commission or other reward; or</p>
79	Employee behaviour – behavioural standards		

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	N/A	<p>120A—Behavioural standards</p> <p>(1) A council may prepare and adopt standards (the <i>employee behavioural standards</i>) that—</p> <p>(a) specify standards of behaviour to be observed by employees of councils; and</p> <p>(b) provide for any other matter relating to behaviour of employees of councils.</p> <p>(2) An employee of a council must comply with the council's employee behavioural standards.</p> <p>(3) Contravention of, or failure to comply with, the council's employee behavioural standards constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.</p> <p>(4) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.</p> <p>(5) Before a council—</p> <p>(a) adopts employee behavioural standards; or</p> <p>(b) alters, or substitutes, its employee behavioural standards,</p> <p>the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).</p> <p>(6) A council must, within 6 months after the conclusion of each periodic election—</p>	<p>120A—Behavioural standards</p> <p>(1) A council may prepare and adopt standards (the <i>employee behavioural standards</i>) that—</p> <p>(a) specify standards of behaviour to be observed by employees of councils; and</p> <p>(b) provide for any other matter relating to behaviour of employees of councils.</p> <p>(2) An employee of a council must comply with the council's employee behavioural standards.</p> <p>(3) Contravention of, or failure to comply with, the council's employee behavioural standards constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.</p> <p>(3) A council may from time to time alter its employee behavioural standards, or substitute new employee behavioural standards.</p> <p>(5) Before a council—</p> <p>(a) adopts employee behavioural standards; or</p> <p>(b) alters, or substitutes, its employee behavioural standards,</p> <p>the council must consult with any registered industrial association that represents the interests of employees of councils on the employee behavioural standards, alteration or substituted standards (as the case may be).</p> <p>(6)(4) A council must, within 6 months after the conclusion of each periodic election—</p> <p>(a) in the case of a council that has employee behavioural standards in effect under this section—</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(a) in the case of a council that has employee behavioural standards in effect under this section—review the operation of the employee behavioural standards; or</p> <p>(b) in any other case—consider whether it should adopt employee behavioural standards.</p>	<p>review the operation of the employee behavioural standards; or</p> <p>(b) in any other case—consider whether it should adopt employee behavioural standards.</p>
80	Strategic Management Plans		
	<p>122—Strategic management plans (1) A council must develop and adopt plans (which may take various forms) for the management of its area, to be called collectively the <i>strategic management plans</i>, which— (1a) A council must, in conjunction with the plans required under subsection (1), develop and adopt— (a) a long-term financial plan for a period of at least 10 years; and (b) an infrastructure and asset management plan, relating to the management and development of infrastructure and major assets by the council for a period of at least 10 years, (and these plans will also be taken to form part of the council's strategic management plans). (1b) The financial projections in a long-term financial plan adopted by a council must be consistent with those in the infrastructure and asset management plan adopted by the council.</p>	<p>Section 122(1a)(a)—delete "for a period of at least 10 years; and" and substitute: that relates to a period of at least 10 years and includes a funding plan that—</p> <p>(i) outlines the council's approach to funding services and infrastructure of the council; and</p> <p>(ii) sets out the council's projected total revenue for the period to which the long-term financial plan relates; and</p> <p>(iii) outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges); and</p> <p>(2) Section 122—after subsection (3) insert:</p> <p>(3a) The regulations may prescribe additional requirements with respect to strategic management plans.</p> <p>(3) Section 122(4)(a)—delete "as soon as practicable after adopting the council's annual business plan for a particular financial year" and substitute:</p>	<p>Section 122(1a)(a)—delete "for a period of at least 10 years; and" and substitute: that relates to a period of at least 10 years and includes a funding plan that—</p> <p>(i) outlines the council's approach to funding services and infrastructure of the council; and</p> <p>(ii) sets out the council's projected total revenue for the period to which the long-term financial plan relates; and</p> <p>(iii) outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges); and</p> <p>(2) Section 122—after subsection (1b) insert: (1c) A council must, once in every prescribed period (which must be not less than a period of 3 years), in accordance with a determination of the designated authority, provide information relating to its long-term financial plan and infrastructure and asset management plan to the designated authority in accordance with subsection (1e). (1d) For the purposes of subsection (1c), the designated authority may determine a schedule relating to each</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>....</p> <p>(3) In addition to the requirements of subsection (2), a council must, in formulating its strategic management plans, have regard to—</p> <p>(a) the council's roles and responsibilities under this or any other Act; and</p> <p>(b) the council's objectives for its area.</p> <p>(4) A council may review its strategic management plans under this section at any time but must—</p> <p>(a) undertake a review of—</p> <p>(i) its long-term financial plan; and</p> <p>(ii) any other elements of its strategic management plans prescribed by the regulations for the purposes of this paragraph,</p> <p>as soon as practicable after adopting the council's annual business plan for a particular financial year; and</p> <p>(b) in any event, undertake a comprehensive review of its strategic management plans within 2 years after each general election of the council.</p> <p>(4a) A council must, for the purposes of a review under subsection (4), take into account—</p> <p>(a) in relation to a review under subsection (4)(a)(i)—a report from the chief executive officer on the sustainability of the council's long-term financial performance and position taking into account the provisions of the council's annual business plan and strategic management plans; and</p>	<p>on an annual basis</p> <p>(4) Section 122—after subsection (4a) insert:</p> <p>(4b) A report from a chief executive officer under subsection (4a) must—</p> <p>(a) address any matters required by the Minister; and</p> <p>(b) be published in a manner and form, and in accordance with any other requirements, determined by the Minister.</p> <p>(5) Section 122(6)—delete "adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in" and substitute:</p> <p>undertake public consultation in relation to</p> <p>(6) Section 122(7)—delete subsection (7)</p>	<p>prescribed period that requires different councils to provide information in different financial years of that period (and the financial year in which a particular council is required to provide information according to the schedule is the <i>relevant financial year</i> for that council).</p> <p>(1e) A council must, on or before 31 September in the relevant financial year for the council, provide to the designated authority all relevant information on the following matters (the <i>relevant matters</i>) in accordance with guidelines determined by the designated authority (if any):</p> <p>(a) material amendments made or proposed to be made to the council's long-term financial plan and infrastructure and asset management plan and the council's reasons for those amendments;</p> <p>(b) revenue sources outlined in the funding plan referred to in subsection (1a)(a);</p> <p>(c) any other matter prescribed by the regulations.</p> <p>(1f) Following the provision of information by a council under subsection (1e), the designated authority, on or before 28 February in the relevant financial year for the council—</p> <p>(a) must provide advice to the council on the appropriateness of the relevant matters in the context of the council's long-term financial plan and infrastructure and asset management plan; and</p> <p>(b) may, if the designated authority considers it appropriate having regard to the circumstances of a particular council, provide advice in relation to any other aspect of</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(b) insofar as may be relevant—any other material prescribed by the regulations.</p> <p>(5) A council may amend its strategic management plans or adopt new plans.</p> <p>(6) A council must adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans (but nothing in this subsection is to be taken to limit subsection (5)).</p> <p>(7) A council must ensure that copies of its strategic management plans under this section are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal office of the council.</p> <p>(8) A council must, for the purposes of this section, specifically declare which plans will constitute the strategic management plans of the council.</p>		<p>the council's long-term financial plan and infrastructure and asset management plan.</p> <p>(1g) In providing advice under this section, the designated authority—</p> <p>(a) must have regard to the following objectives:</p> <p>(i) the objective of councils maintaining and implementing long-term financial plans and infrastructure and asset management plans;</p> <p>(ii) the objective of ensuring that the financial contributions proposed to be made by ratepayers under the council's long-term financial plan and infrastructure and asset management plan are appropriate and any material amendments made or proposed to be made to these plans by the council are appropriate; and</p> <p>(b) _____ may have regard to any information or matter the designated authority considers relevant (whether or not such information or matter falls within the ambit of subsection (1e)).</p> <p>(1h)A council must ensure that the advice provided by the designated authority under this section, and any response of the council to that advice, is published in its annual business plan (both the draft and adopted annual business plan) in the relevant financial year and each subsequent financial year (until the next relevant financial year for that council).</p> <p>(1i)For the purposes of the preceding provisions, the designated authority must publish the following:</p> <p>(a) _____ advice provided to a council under this section;</p> <p>(b) _____ the schedule determined under subsection (1d);</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>(c) any guidelines determined under subsection (1e).</p> <p>(1j)The designated authority may, by written notice, require a council to give the designated authority, within a time and in a manner stated in the notice (which must be reasonable), information in the council's possession that the designated authority reasonably requires for the performance of the designated authority's functions under this section.</p> <p>(1k)The designated authority may recover from a council (as a debt due from the council) the costs reasonably incurred by the designated authority in performing its functions under this section in relation to the council.</p> <p>(3) Section 122—after subsection (3) insert:</p> <p>(3a)The regulations may prescribe additional requirements with respect to strategic management plans.</p> <p>(34) Section 122(4)(a)—delete "as soon as practicable after adopting the council's annual business plan for a particular financial year" and substitute:</p> <p>on an annual basis</p> <p>(45) Section 122—after subsection (4a) insert:</p> <p>(4b)A report from a chief executive officer under subsection (4a) must—</p> <p>(a) address any matters required by the Minister; and</p> <p>(b) be published in a manner and form, and in accordance with any other requirements, determined by the Minister.</p> <p>(56) Section 122(6)—delete "adopt a process or processes to ensure that members of the public are given</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<p>a reasonable opportunity to be involved in" and substitute:</p> <p>undertake public consultation in relation to</p> <p>(67) Section 122(7)—delete subsection (7)</p> <p>79(8) Section 122—after subsection (8) insert:</p> <p>(9) In this section—</p> <p>designated authority means—</p> <p>(a) if a person or body is prescribed by the regulations for the purposes of this definition—that person or body; or</p> <p>(b) if a person or body is not prescribed under paragraph (a)—the Essential Services Commission established under the <i>Essential Services Commission Act 2002</i>.</p> <p>(10)The Minister must consult with the LGA before regulations are made prescribing a person or body as the designated authority.</p>
81	Annual Business Plans and Budgets		
	<p>123— (1) A council must have, for each financial year—</p> <p>(a) an annual business plan; and</p> <p>(b) a budget.</p> <p>(2) Each annual business plan of a council must—</p> <p>(a) include a summary of the council's long-term objectives (as set out in its strategic management plans); and</p> <p>(b) include an outline of—</p> <p>(i) the council's objectives for the financial year; and</p>	<p>Section 123(2)—after paragraph (e) insert:</p> <p>(ea) include—</p> <p>(i) a statement on the change in total revenue from general rates for the financial year compared to the previous financial year and, if an annual business plan sets out a growth component in relation to general rates, it may only relate to growth in the number of rateable properties (and must not relate to growth in the value of rateable properties); and</p>	<p>Section 123(2)—after paragraph (e) insert:</p> <p>(ea) include—</p> <p>(i) a statement on the change in total revenue from general rates for the financial year compared to the previous financial year and, if an annual business plan sets out a growth component in relation to general rates, it may only relate to growth in the number of rateable properties (and must not relate to growth in the value of rateable properties); and</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(ii) the activities that the council intends to undertake to achieve those objectives; and</p> <p>(iii) the measures (financial and non-financial) that the council intends to use to assess the performance of the council against its objectives over the financial year; and</p> <p>(c) assess the financial requirements of the council for the financial year and, taking those requirements into account, set out a summary of its proposed operating expenditure, capital expenditure and sources of revenue; and</p> <p>(d) set out the rates structure and policies for the financial year; and</p> <p>(e) assess the impact of the rates structure and policies on the community based on modelling that has been undertaken or obtained by the council; and</p> <p>(f) take into account the council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by the council; and</p> <p>(g) address or include any other matter prescribed by the regulations.</p> <p>(3) Before a council adopts an annual business plan, the council must—</p> <p>(a) prepare a draft annual business plan; and</p> <p>(b) follow the relevant steps set out in its public consultation policy, taking into account the requirements of subsection (4).</p>	<p>(ii) an explanation of how the change is consistent with the council's long-term financial plan; and</p> <p>(iii) a summary of any other reasons for the change; and</p> <p>(iv) details of the impact of the change on average rates for each land use category (if relevant); and</p> <p>(v) the advice received from the designated authority under subsection (3a); and</p> <p>(vi) the council's response to the advice, which must set out whether the change in total revenue from general rates is consistent with the advice and, if not, the reasons for the inconsistency; and</p> <p>(2) Section 123(3)(b)—delete paragraph (b) and substitute:</p> <p>(b) undertake public consultation.</p> <p>(3) Section 123—after subsection (3) insert:</p> <p>(3a) In preparing a draft annual business plan (and before finalising the draft plan and undertaking public consultation on it), the council must provide the following information to the designated authority (in the manner and form determined by the designated authority) by no later than 31 December in the financial year preceding the financial year to which the draft annual business plan relates (the preceding financial year):</p> <p>(a) the proposed change in total revenue from general rates for the financial year compared to the previous financial year and the reasons for the proposed change;</p>	<p>(ii) an explanation of how the change is consistent with the council's long-term financial plan; and</p> <p>(iii) a summary of any other reasons for the change; and</p> <p>(iv) details of the impact of the change on average rates for each land use category (if relevant); and</p> <p>(v) the advice received from the designated authority under subsection (3a); and</p> <p>(vi) the council's response to the advice, which must set out whether the change in total revenue from general rates is consistent with the advice and, if not, the reasons for the inconsistency; and</p> <p>(2) Section 123(3)(b)—delete paragraph (b) and substitute:</p> <p>(b) undertake public consultation.</p> <p>(3) Section 123—after subsection (3) insert:</p> <p>(3a) In preparing a draft annual business plan (and before finalising the draft plan and undertaking public consultation on it), the council must provide the following information to the designated authority (in the manner and form determined by the designated authority) by no later than 31 December in the financial year preceding the financial year to which the draft annual business plan relates (the preceding financial year):</p> <p>(a) the proposed change in total revenue from general rates for the financial year compared to the previous financial year and the reasons for the proposed change;</p> <p>(b) the council's view of the impact of the proposed change on ratepayers;</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(4) For the purposes of subsection (3)(b), a public consultation policy must at least provide for the following:</p> <p>(a) the publication in a newspaper circulating within the area of the council and on a website determined by the chief executive officer of a notice informing the public of the preparation of the draft annual business plan and inviting interested persons—</p> <p>(i) to attend—</p> <p>(A) a public meeting in relation to the matter to be held on a date (which must be at least 21 days after the publication of the notice) stated in the notice; or</p> <p>(B) a meeting of the council to be held on a date stated in the notice at which members of the public may ask questions, and make submissions, in relation to the matter for a period of at least 1 hour, (on the basis that the council determines which kind of meeting is to be held under this subparagraph); or</p> <p>(ii) to make written submissions in relation to the matter within a period (which must be at least 21 days) stated in the notice; and</p> <p>(b) the council to make arrangements for a meeting contemplated by paragraph (a)(i) and the consideration by the council of any submissions made at that meeting or in response to the invitation under paragraph (a)(ii).</p> <p>(5) The council must ensure that copies of the draft annual business plan are available at the meeting under subsection (4)(a)(i),</p>	<p>(b) the council's view of the impact of the proposed change on ratepayers;</p> <p>(c) information as to whether consideration has been given to alternatives to the proposed change in total revenue from general rates, such as alternative expenditure measures or funding proposals;</p> <p>(d) information as to how the proposal is consistent with the council's long-term financial plan and infrastructure and asset management plan;</p> <p>(e) any other matter—</p> <p>(i) prescribed by the regulations; or</p> <p>(ii) requested by the designated authority.</p> <p>(3b) The designated authority must provide advice to the council on the appropriateness of the proposed change in total revenue from general rates for the financial year compared to the previous financial year by no later than 31 March in the preceding financial year.</p> <p>(3c) In providing advice under subsection (3b), the designated authority must have regard to—</p> <p>(a) the information provided by the council under subsection (3a); and</p> <p>(b) any matter the Minister directs the designated authority to have regard to; and</p> <p>(c) any other matter considered relevant by the designated authority.</p> <p>(3d) The designated authority must publish a copy of a direction of the Minister under subsection (3c)(b) as</p>	<p>(c) information as to whether consideration has been given to alternatives to the proposed change in total revenue from general rates, such as alternative expenditure measures or funding proposals;</p> <p>(d) information as to how the proposal is consistent with the council's long-term financial plan and infrastructure and asset management plan;</p> <p>(e) any other matter—</p> <p>(i) prescribed by the regulations; or</p> <p>(ii) requested by the designated authority.</p> <p>(3b) The designated authority must provide advice to the council on the appropriateness of the proposed change in total revenue from general rates for the financial year compared to the previous financial year by no later than 31 March in the preceding financial year.</p> <p>(3c) In providing advice under subsection (3b), the designated authority must have regard to—</p> <p>(a) the information provided by the council under subsection (3a); and</p> <p>(b) any matter the Minister directs the designated authority to have regard to; and</p> <p>(c) any other matter considered relevant by the designated authority.</p> <p>(3d) The designated authority must publish a copy of a direction of the Minister under subsection (3c)(b) as soon as is reasonably practicable after it is given to the designated authority.</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>and for inspection (without charge) and purchase (on payment of a fee fixed by the council) at the principal office of the council and on the website at least 21 days before the date of that meeting.</p> <p>(5a) The council must ensure that provision is made for—</p> <p>(a) a facility for asking and answering questions; and</p> <p>(b) the receipt of submissions, on its website during the public consultation period.</p> <p>(6) A council may then, after considering—</p> <p>(a) any submission made to the council during the public consultation period; and</p> <p>(b) any new or revised information in the possession of the council that is relevant to the material contained in the draft annual business plan; and</p> <p>(c) such other materials or information as the council thinks fit, adopt its annual business plan (with or without amendment).</p> <p>(7) Each budget of a council must—</p> <p>(a) be considered in conjunction with the council's annual business plan (and must be consistent with that plan, as adopted); and</p> <p>(b) be adopted by the council after the council has adopted its annual business plan.</p> <p>(8) An annual business plan and a budget must be adopted by a council after 31 May for the ensuing financial year and, except in a case involving extraordinary administrative</p>	<p>soon as is reasonably practicable after it is given to the designated authority.</p> <p>(3e) If the designated authority considers that a council has failed to respond appropriately to advice from the designated authority under this section, the designated authority may provide a report to the Minister on the matter.</p> <p>(4) Section 123(4) to (5a)—delete subsections (4) to (5a) (inclusive)</p> <p>(5) Section 123—after subsection (6) insert:</p> <p>(6a) However, if a council proposes to adopt an annual business plan with amendments, the council must include in the adopted business plan a statement—</p> <p>(a) setting out any significant amendments from the draft annual business plan; and</p> <p>(b) providing reasons for those amendments.</p> <p>(6) Section 123—after subsection (7) insert:</p> <p>(7a) A budget of a council may authorise the entry into borrowings and other forms of financial accommodation for a financial year of up to an amount specified in the budget.</p> <p>(7) Section 123(8)—delete "31 August" and substitute: 15 August</p> <p>(8) Section 123(9)(b) and (c)—delete paragraphs (b) and (c)</p> <p>(9) Section 123—after subsection (10) insert:</p>	<p>(3e) If the designated authority considers that a council has failed to respond appropriately to advice from the designated authority under this section, the designated authority may provide a report to the Minister on the matter.</p> <p>(4) (2) Section 123(4) to (5a)—delete subsections (4) to (5a) (inclusive)</p> <p>(5) Section 123—after subsection (6) insert:</p> <p>(6a) However, if a council proposes to adopt an annual business plan with amendments, the council must include in the adopted business plan a statement—</p> <p>(a) setting out any significant amendments from the draft annual business plan; and</p> <p>(b) providing reasons for those amendments.</p> <p>(6) Section 123—after subsection (7) insert:</p> <p>(7a) A budget of a council may authorise the entry into borrowings and other forms of financial accommodation for a financial year of up to an amount specified in the budget.</p> <p>(7) Section 123(8)—delete "31 August" and substitute: 15 August</p> <p>(8) Section 123(9)(b) and (c)—delete paragraphs (b) and (c)</p> <p>(9) Section 123—after subsection (10) insert:</p> <p>(10a) Without limiting subsection (10), regulations under that subsection relating to an annual business plan may—</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>difficulty, before 31 August for the financial year.</p> <p>(9) A council must, after adopting an annual business plan and a budget—</p> <p>(a) ensure—</p> <p>(i) that a summary of the annual business plan is prepared so as to assist in promoting public awareness of the nature of its services and its rating and financial management policies, taking into account its objectives and activities for the ensuing financial year; and</p> <p>(ii) that a copy of the summary of the annual business plan accompanies the first rates notice sent to ratepayers after the declaration of its rates for the financial year; and</p> <p>(b) ensure—</p> <p>(i) that copies of the annual business plan and the budget (as adopted) are available for inspection (without charge) or purchase (on payment of a fee fixed by the council); and</p> <p>(ii) that copies of the summary of the annual business plan are available for inspection and to take (without charge), at the principal office of the council; and</p> <p>(c) ensure that electronic copies of the annual business plan and the budget (as adopted) are published on a website determined by the chief executive officer.</p> <p>(10) The regulations may prescribe requirements with respect to the preparation, form and contents of—</p>	<p>(10a) Without limiting subsection (10), regulations under that subsection relating to an annual business plan may—</p> <p>(a) relate to the manner in which matters included in the plan are to be presented (such as, for example, by prescribing the location, style and level of emphasis that must be given to specified matters); and</p> <p>(b) prescribe requirements relating to the description or explanation of matters included in the plan.</p> <p>(10) Section 123—after subsection (14) insert:</p> <p>(15) The designated authority may, by written notice, require a council to give the designated authority, within a time and in a manner stated in the notice (which must be reasonable), information in the council's possession that the designated authority reasonably requires for the performance of the designated authority's functions under this Act.</p> <p>(16) The designated authority may recover from a council (as a debt due from the council) the costs reasonably incurred by the designated authority in performing its functions under this section in relation to the council.</p> <p>(17) In this section—</p> <p>designated authority means a person or body prescribed by the regulations for the purposes of this definition.</p> <p>(18) The Minister must consult with the LGA before regulations are made prescribing a person or body as the designated authority.</p>	<p>(a) relate to the manner in which matters included in the plan are to be presented (such as, for example, by prescribing the location, style and level of emphasis that must be given to specified matters); and</p> <p>(b) prescribe requirements relating to the description or explanation of matters included in the plan.</p> <p>(10) Section 123—after subsection (14) insert:</p> <p>(15) The designated authority may, by written notice, require a council to give the designated authority, within a time and in a manner stated in the notice (which must be reasonable), information in the council's possession that the designated authority reasonably requires for the performance of the designated authority's functions under this Act.</p> <p>(16) The designated authority may recover from a council (as a debt due from the council) the costs reasonably incurred by the designated authority in performing its functions under this section in relation to the council.</p> <p>(17) In this section—</p> <p>designated authority means a person or body prescribed by the regulations for the purposes of this definition.</p> <p>(18) The Minister must consult with the LGA before regulations are made prescribing a person or body as the designated authority.</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(a) an annual business plan (including a draft for the purposes of public consultation), and the summary required under subsection (9); and</p> <p>(b) a budget.</p> <p>(11) However, in any event, the summary of the annual business plan must include an assessment of the extent to which the council's objectives for the previous financial year have been attained (taking into account the provisions of the annual business plan for that financial year).</p> <p>(12) Subject to complying with a preceding subsection, any relevant document under this section will be in a form determined by the council.</p> <p>(13) A council must, as required by the regulations, and may at any time, reconsider its annual business plan or its budget during the course of a financial year and, if necessary or appropriate, make any revisions.</p> <p>(14) A rate cannot be challenged on a ground based on non-compliance with this section, or on a ground based on the contents of a document prepared or adopted by a council for the purposes of this section.</p>		
100	Sale of Land for non-payment of rates		
	<p>184 (1) If an amount payable by way of rates in respect of land has been in arrears for three years or more, the council may sell the land.</p>	<p>Section 184(4)(c)—delete paragraph (c) and substitute:</p> <p>(c) giving public notice of the notice; and</p>	<p><u>(1) Section 184(3)—after paragraph (b) insert:</u></p> <p><u>(ba) to the holder of any caveat over the land; and</u></p> <p><u>(2) Section 184(4)(c)—delete paragraph (c) and substitute:</u></p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(2) Before a council sells land in pursuance of this section, it must send a notice to the principal ratepayer at the address appearing in the assessment record—</p> <p>(a) stating the period for which the rates have been in arrears; and</p> <p>(b) stating the amount of the total liability for rates presently outstanding in relation to the land; and</p> <p>(c) stating that if that amount is not paid in full within one month of service of the notice (or such longer time as the council may allow), the council intends to sell the land for non-payment of rates.</p> <p>(3) A copy of a notice sent to a principal ratepayer under subsection (2) must be sent—</p> <p>(a) to any owner of the land who is not the principal ratepayer; and</p> <p>(b) to any registered mortgagee of the land; and</p> <p>(c) if the land is held from the Crown under a lease, licence or agreement to purchase—to the Minister who is responsible for the administration of the <i>Crown Lands Act 1929</i>.</p> <p>(4) If—</p> <p>(a) a council cannot, after making reasonable inquiries, ascertain the name and address of a person to whom a notice is to be sent under subsection (2) or (3); or</p> <p>(b) a council considers that it is unlikely that a notice sent under subsection (2) or (3) would come to the attention of the person to whom it is to be sent,</p>		<p>(c)giving public notice of the notice; and</p> <p><u>99 (3) Section 184(14)(a)—delete paragraph (a) and substitute:</u></p> <p><u>(a)subject to subsection (14a), all mortgages, charges and caveats; and</u></p> <p><u>(4) Section 184—after subsection (14) insert:</u></p> <p><u>(14a) The title vested in a purchaser under subsection (13) will not be free of a caveat held by an agency or instrumentality of the Crown, unless that agency or instrumentality consents to its discharge.</u></p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>the council may effect service of the notice by—</p> <p>(c) placing a copy of the notice in a newspaper circulating throughout the State; and</p> <p>(d) leaving a copy of the notice in a conspicuous place on the land.</p> <p>(5) If the outstanding amount is not paid in full within the time allowed under subsection (2), the council may proceed to have the land sold.</p> <p>(6) The sale will, except in the case of land held from the Crown under a lease, licence or agreement to purchase, be by public auction (and the council may set a reserve price for the purposes of the auction).</p> <p>(7) The exception under subsection (6) relating to land held from the Crown will not apply if the Minister responsible for the administration of the <i>Crown Lands Act 1929</i> grants his or her consent to the sale of land by public auction.</p> <p>(8) An auction under this section must be advertised on at least two separate occasions in a newspaper circulating throughout the State.</p> <p>(9) If, before the date of such an auction, the outstanding amount and the costs incurred by the council in proceeding under this section are paid to the council, the council must call off the auction.</p> <p>(10) If—</p> <p>(a) an auction fails; or</p>		

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(b) an auction is not to be held because the land is held from the Crown under a lease, licence or agreement to purchase, the council may sell the land by private contract for the best price that it can reasonably obtain.</p> <p>(11) Any money received by the council in respect of the sale of land under this section will be applied as follows:</p> <p>(a) firstly—in paying the costs of the sale and any other costs incurred in proceeding under this section;</p> <p>(b) secondly—in discharging any liabilities to the council in respect of the land;</p> <p>(c) thirdly—in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;</p> <p>(d) fourthly—in discharging any liabilities secured by registered mortgages, encumbrances or charges;</p> <p>(e) fifthly—in discharging any other mortgages, encumbrances and charges of which the council has notice;</p> <p>(f) sixthly—in payment to the owner of the land.</p> <p>(12) If the owner cannot be found after making reasonable inquiries as to his or her whereabouts, an amount payable to the owner must be dealt with as unclaimed money under the <i>Unclaimed Moneys Act 1891</i>.</p> <p>(13) If land is sold in pursuance of this section, an instrument of transfer or</p>		

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>conveyance (as appropriate) under the council's common seal will, on registration, operate to vest title to the land in the purchaser.</p> <p>(14) The title vested in a purchaser under subsection (13) will be free of—</p> <p>(a) all mortgages and charges; and</p> <p>(b) except in the case of land held from the Crown under lease, licence or agreement to purchase—all leases and licences.</p> <p>(15) An instrument of transfer or conveyance in pursuance of a sale under this section must, when lodged with the Registrar-General for registration, be accompanied by a statutory declaration made by the chief executive officer of the council stating that the requirements of this section in relation to the sale of the land have been observed.</p> <p>(17) A reference in this section to land or title to land is, in relation to land held from the Crown under lease, licence or agreement for purchase, a reference to the interest of the lessee, licensee or purchaser in the land.</p> <p>(18) This section does not authorise the sale of non-rateable land on account of the non-payment of a service charge.</p> <p>(19) This section does not apply where the payment of rates has been postponed under, or in accordance with, another provision of this Act (until the postponement ceases to have effect or unless the rates become rates in arrears under the terms of the relevant provision).</p>		

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
110	Alteration of road		
	<p>221—Alteration of road</p> <p>(1) A person (other than the council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the council.</p> <p>Maximum penalty: \$5 000.</p> <p>(2) A person makes an alteration to a public road if the person—</p> <p>(a) alters the construction or arrangement of the road to permit or facilitate access from an adjacent property; or</p> <p>(b) erects or installs a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the road; or</p> <p>(c) changes or interferes with the construction, arrangement or materials of the road; or</p> <p>(d) changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road; or</p> <p>(e) plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.</p> <p>(3) An authorisation is not required under this section for an alteration to a road if—</p> <p>(a) the person who proposes to make the alteration has some other statutory authorisation to make the alteration; or</p> <p>(b) the purpose of the alteration is to permit vehicular access to and from land adjoining</p>	<p>(1) Section 221(7)(a)—delete paragraph (a)</p> <p>(2) Section 221(7)(b)—after "with" insert: the chief executive officer of</p> <p>(3) Section 221—after subsection (7) insert:</p> <p>(7a) The chief executive officer of a council consulted under subsection (7)(b) may provide comments on the matter to the relevant authority within the period prescribed by the regulations and, if comments are not provided within that time, it will be conclusively presumed that the council does not intend to comment on the matter.</p> <p>(7b) However, comments provided by the chief executive officer may only relate to the proposed alteration to the public road (including works within the public road) and must not relate to any building of a dwelling on land adjoining the public road.</p> <p>(4) Section 221(8)—delete "does not extend to an assessment panel appointed by the council." and substitute:</p> <p>(a) does not extend to an assessment panel appointed by the council; and</p> <p>(b) does not apply to an alteration that complies with any relevant design standard under the <i>Planning, Development and Infrastructure Act 2016</i>.</p>	<p>(1) Section 221(7a3)(b)—delete paragraph (b) and substitute:</p> <p><u>(b) the alteration—</u></p> <p><u>(i) provides for vehicular access to and from land adjoining the road (including construction of a crossover or driveway and associated or ancillary works, other than works excluded by regulation from the ambit of this paragraph); and</u></p> <p><u>(ii) subject to subsection (7), is approved as part of a development authorisation under the <i>Planning, Development and Infrastructure Act 2016</i>; or</u></p> <p>(2) Section 221(7)(b)—delete subsection (7) and substitute:</p> <p><u>(7) A relevant authority under the <i>Planning, Development and Infrastructure Act 2016</i> may only grant an approval under subsection (3)(b)(ii) after "consultation with" insert: <u>the chief executive officer of the council.</u></u></p> <p>the chief executive officer of</p> <p>(3) Section 221—after subsection (7) insert:</p> <p>(7a) The chief executive officer of a council consulted under subsection (7)(b) may provide comments on the matter to the relevant authority within the period prescribed by the regulations and, if comments are not provided within that time, it will be conclusively presumed that the council does not intend to comment on the matter.</p> <p>(7b) However, comments provided by the chief executive officer may only relate to the proposed alteration to</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>the road and the alteration is approved as part of a development authorisation under the <i>Development Act 1993</i>; or</p> <p>(c) the alteration is of a kind classified under the regulations as a minor alteration.</p> <p>(4) Before the council authorises the erection or installation of a structure under subsection (2)(b), the council must give consideration to whether the structure will—</p> <p>(a) unduly obstruct the use of the road; or</p> <p>(b) unduly interfere with the construction of the road; or</p> <p>(c) have an adverse effect on road safety.</p> <p>(5) A council is not liable for injury, damage or loss resulting from anything done under the authority of an authorisation under subsection (2)(b).</p> <p>(6) An authorisation under this section—</p> <p>(a) may be granted for a particular act or occasion; or</p> <p>(b) may be granted for a term and if so granted is, subject to revocation for breach of a condition, to remain in force for a term (not exceeding 42 years) stated in the authorisation and, at the expiration of a term, may be renewed by the council for a further term (not exceeding 42 years) fixed by the council at the time of the renewal.</p>		<p>the public road (including works within the public road) and must not relate to any building of a dwelling on land adjoining the public road.</p> <p>(4) Section 221(8)—delete "does not extend to an assessment panel appointed by the council."<u>subsection (8)</u> and substitute:</p> <p><u>(8) The requirement to consult under subsection (7)—</u></p> <p>(a) does not extend to an assessment panel appointed by the council; and<u>or</u></p> <p>(b) does not apply to an alteration that complies with any relevant design standard under the <i>Planning, Development and Infrastructure Act 2016</i>.</p> <p>Check implications with Michael de Heus</p>
117	Location Rules - Disputes		
	225B (1) If the operator of a food business in a council area is directly adversely affected by the location rules of the council under section 225A, the operator may apply to the	(1)Section 225B(1)—delete subsection (1) and substitute:	<p>Repeal of section 225B</p> <p>Section 225B—delete the section</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>Small Business Commissioner for a review of the location rules by the Small Business Commissioner (who is conferred with the function of conducting such a review).</p> <p>(2) An application under subsection (1) must—</p> <p>(a) be made in a manner and form determined by the Small Business Commissioner; and</p> <p>(b) include any information required by the Small Business Commissioner.</p> <p>(3) The Small Business Commissioner may—</p> <p>(a) conduct a review under this section in such manner as the Commissioner determines to be appropriate; and</p> <p>(b) specify procedures and requirements that are to apply in connection with a review under this section.</p> <p>(4) The Small Business Commissioner may, in conducting a review under this section, exercise any power of the Commissioner that applies under the <i>Small Business Commissioner Act 2011</i> in relation to the performance of the Commissioner's functions under that Act.</p> <p>(5) After conducting a review under this section, the Small Business Commissioner may, if the Commissioner considers it appropriate to do so, recommend to the relevant council that the council amend its location rules.</p> <p>(6) In this section—</p>	<p>(1) If a business in a council area is unreasonably affected by—</p> <p>(a) activities conducted under 1 or more authorisations or permits granted by the council under this Division; or</p> <p>(b) the refusal of the council to grant an authorisation or permit under this Division,</p> <p>the operator of the business may apply to the Small Business Commissioner for a review of the matter by the Small Business Commissioner (who is conferred with the function of conducting such a review), unless the operator is entitled to apply to the Environment, Resources and Development Court for a review of the matter under section 234AA(2).</p> <p>(2) Section 225B(5)—delete "recommend to the relevant council that the council amend its location rules" and substitute:</p> <p>provide a report to the Minister on the matter</p> <p>(3) Section 225B—after subsection (5) insert:</p> <p>(5a) A report under subsection (5) may include recommendations to the relevant council in relation to—</p> <p>(a) the granting or refusal of authorisations or permits by the council (including in relation to any authorisations or permits that the Small Business Commissioner considers have been unreasonably granted or refused); and</p>	

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>food business means a business the primary purpose of which is the retail sale of food or beverages.</p>	<p>(b) policies, practices or procedures of the council relating to authorisations or permits under this Division.</p> <p>(4) Section 225B(6)—delete subsection (6)</p>	
118	Moveable Signs		
	<p>226— (1) Subject to this section, a person may place and maintain a moveable sign on a road without an authorisation or permit under this Part if (and only if)—</p> <p>(a) the design and structure of the sign complies with the requirements of the council's by-laws; and</p> <p>(b) the sign is placed in a position that complies with the requirements of the council's by-laws; and</p> <p>(c) any other relevant requirements of the council's by-laws are complied with; and</p> <p>(d) the sign does not unreasonably—</p> <p>(i) restrict the use of the road; or</p> <p>(ii) endanger the safety of members of the public.</p> <p>(2) However, a by-law cannot be made with the effect of prohibiting the placement of a moveable sign on a part of a road (other than a carriageway) unless the prohibition is reasonably necessary—</p> <p>(a) to protect public safety; or</p> <p>(b) to protect or enhance the amenity of a particular locality.</p> <p>(3) A person may place and maintain a moveable sign on a road without an</p>	<p>N/A</p>	<p><u>(1) Section 226</u>—after subsection <u>(5)</u> insert:</p> <p>(5a) A report under subsection (5) may include recommendations to the relevant council in relation to—</p> <p>(a) the granting or refusal of authorisations or permits by the council (including in relation to any authorisations or permits that the Small Business Commissioner considers have been unreasonably granted or refused); and</p> <p>(b) policies, practices or procedures of the council relating to authorisations or permits under this Division.</p> <p><u>(4) (2a) A person must not exhibit an electoral advertising poster relating to an election held under this Act or the Local Government (Elections) Act 1999 on a public road (including any structure, fixture or vegetation on a public road), except in circumstances prescribed by the regulations.</u></p> <p><u>Maximum penalty: \$5 000.</u></p> <p><u>(2) Section 226(3)(ca)—delete paragraph (ca)</u></p> <p><u>(3) Section 225B(6)—delete 226—after subsection (6)4) insert:</u></p> <p>116 (5) <u>In this section—</u></p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>authorisation or permit under this Part and without reliance on subsection (1) if—</p> <p>(a) the sign is placed there pursuant to an authorisation under another Act; or</p> <p>(b) the sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or</p> <p>(c) the sign is related to a State or Commonwealth election and is displayed during the period commencing at 5pm on the day before the day of the issue of the writ or writs for the election and ending at the close of polls on polling day; or</p> <p>(ca) the sign is related to an election held under this Act or the <i>Local Government (Elections) Act 1999</i> and is displayed during the period commencing 4 weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or</p> <p>(d) the sign is of a prescribed class.</p> <p>(4) No action lies against a council or an officer or employee of a council for injury, damage or loss resulting from the placement of a moveable sign on a road unless the council itself or some person acting on behalf of the council placed the sign on the road.</p>		<p><u><i>electoral advertising poster</i> means a poster displaying electoral advertising made of—</u></p> <p><u>(a) corflute; or</u></p> <p><u>(b) plastic; or</u></p> <p><u>(c) any other material, or kind of material, prescribed by the regulations.</u></p>
129	Council to deal with member behaviour		
	N/A	(3) Without limiting subsection (2), a behavioural management policy may contain other provisions relating to the processes and procedures for	(3) Without limiting subsection (2), a behavioural management policy may contain other provisions relating to the processes and procedures for receiving

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>receiving and dealing with complaints under this Division and may—</p> <p>(a) specify directions relating to behaviour that must be observed by members of the council; and</p> <p>(b) set out guidelines relating to compliance by members with Chapter 5 Part 4 Division 2 and directions under paragraph (a); and</p> <p>(c) include any other matter relating to behaviour of members considered appropriate by the council.</p> <p>(4) A behavioural management policy—</p> <p>(a) must not be inconsistent with the behavioural standards; and</p> <p>(b) must comply with any requirement specified by the behavioural standards.</p>	<p>and dealing with complaints under this Division and may—.</p> <p>(a) specify directions relating to behaviour that must be observed by members of the council; and</p> <p>(b) set out guidelines relating to compliance by members with Chapter 5 Part 4 Division 2 and directions under paragraph (a); and</p> <p>(c) include any other matter relating to behaviour of members considered appropriate by the council.</p> <p>(4) A behavioural management policy—</p> <p>(a) must not be inconsistent with the behavioural standards; and</p> <p>(b) must not be inconsistent with the <i>Public Interest Disclosure Act 2018</i> or a council procedure under that Act; and</p> <p><u>(c)</u> must comply with any requirement specified by the behavioural standards.</p>
129	Behavioural Standards Panel – Costs		
	N/A	<p>(1) The costs of establishing the Panel, and the ongoing administrative and operational costs of the Panel, are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA.</p> <p>(2) The Panel may recover reasonable costs incurred in relation to a complaint against a member of a council referred to the Panel under Subdivision 3 as a debt due from the relevant council.</p>	<p>(1) The <u>reasonable</u> costs of establishing the Panel, and the <u>reasonable</u> ongoing administrative and operational costs of the Panel, are to be paid by the LGA under an arrangement established by the Minister from time to time after consultation with the President of the LGA.</p> <p>(2) (2) The LGA may recover (from time to time) the costs payable by the LGA under an arrangement under subsection (1) as a debt from councils.</p> <p><u>(3)</u> The Panel may recover reasonable costs incurred in relation to a complaint against a member of a</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			council referred to the Panel under Subdivision 3 as a debt due from the relevant council.
129	Behavioural Standards Panel – Functions		
	N/A	<p>(1) The primary function of the Panel is to assess and deal with complaints referred to the Panel under Subdivision 3.</p> <p>(2) In addition, the Panel may—</p> <p>(a) publish guidelines for councils, members of councils and the community relating to the behavioural standards, behavioural management policies, behavioural support policies and other matters relating to behaviour of members; and</p> <p>(b) publish model behavioural management policies and behavioural support policies; and</p> <p>(c) publish practice directions relating to practices and procedures in respect of matters before the Panel; and</p> <p>(d) perform other functions conferred on the Panel by or under this or any other Act.</p>	<p>(1) The primary function of the Panel is to assess and deal with complaints referred to the Panel under Subdivision 3.</p> <p>(2) In addition, the Panel may—</p> <p>(a) publish guidelines for councils, members of councils and the community relating to the behavioural standards, behavioural management policies, behavioural support policies and other matters relating to behaviour of members; and</p> <p>(b) publish model behavioural management policies and behavioural support policies; and</p> <p>(c) publish practice directions relating to practices and procedures in respect of matters before the Panel; and</p> <p>(d) <u>(b) publish guidance material relating to the performance of its functions under this Division, including with respect to the interpretation or application of a provision of this Division; and</u></p> <p><u>(c)</u> perform other functions conferred on the Panel by or under this or any other Act.</p>
129	Behavioural Standards Panel – Referral		
	N/A	<p>(1) A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of a council may be referred to the Panel by—</p> <p>(a) resolution of the council; or</p>	<p>A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of a council may be referred to the Panel by—</p> <p>(a) resolution of the council; or</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(b) the principal member of the council; or</p> <p>(c) at least 3 members of the council; or</p> <p>(d) the Minister.</p> <p>(2) A person who is dissatisfied with a council's decision in relation to a complaint made by the person under Division 1 (including a decision of the council to refuse to deal with, or to take no further action in relation to, the complaint) may refer the subject matter of the complaint to the Panel.</p>	<p>(b) the principal member of the council; or</p> <p>(c) at least 3 members of the council; or</p> <p>(d) the Minister. (2) A person who is dissatisfied with a council's decision in accordance with a council's decision in relation to a complaint made by the person under Division 1 (including a decision of the council to refuse to deal with, or to take no further action in relation to, the complaint) may refer the subject matter of the complaint to the Panel. section 75G(3b). [the deputy or another member chosen by the council]</p>
129	Referral of complaint to OPI		
	N/A	<p>262Y—</p> <p>(1) If a council or the Panel reasonably suspects that a complaint before the council or Panel (as the case may be) under this Part relates to conduct that involves corruption in public administration within the meaning of the <i>Independent Commissioner Against Corruption Act 2012</i>—</p> <p>(a) the council or Panel (as the case requires) must refer the complaint to the Office for Public Integrity to be dealt with under that Act; and</p> <p>(b) consideration of the complaint under this Act is postponed until the Independent Commissioner Against Corruption notifies the council or Panel (as the case requires) that the Commissioner considers it appropriate that consideration of the complaint under this Act continue.</p>	Delete 262Y

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(2) The Independent Commissioner Against Corruption must give the council or Panel the notification referred to in subsection (1)(b) as soon as practicable after conducting the assessment required under section 23 of the <i>Independent Commissioner Against Corruption Act 2012</i> unless the matter is assessed as raising a potential issue of corruption in public administration that could be the subject of a prosecution.</p>	
132	Investigations by Ombudsman		
	<p>263A— (1) The Minister may refer to the Ombudsman for investigation and report under the <i>Ombudsman Act 1972</i> any matter alleged to constitute grounds for complaint under this Act against a member of a council.</p> <p>(2) Any person may make a complaint to the Ombudsman setting out matters alleged to constitute grounds for complaint under this Act against a member of a council.</p> <p>(3) The Ombudsman may, on his or her own initiative, carry out an investigation under the <i>Ombudsman Act 1972</i> of matters that may constitute grounds for complaint under this Act against a member of a council.</p> <p>(4) For the purposes of the <i>Ombudsman Act 1972</i>, all acts that may constitute grounds for complaint under this Act against a member of a council will be taken to be administrative acts.</p>	<p>(1) Section 263A(1) to (3)—delete "constitute grounds for complaint under this Act against" wherever occurring and substitute in each case:</p> <p>involve a contravention of, or failure to comply with, an integrity provision by</p> <p>(2) Section 263A—after subsection (3) insert:</p> <p>(3a) Subject to Part A1 Division 3, if a council or the Panel considers that the whole or part of the subject matter of a complaint before the council or Panel (as the case may be) under Part A1 relates to conduct that involves a contravention of, or failure to comply with, an integrity provision by a member of a council—</p> <p>(a) the council or Panel (as the case requires) must refer the subject matter (or relevant part of the subject matter) of the complaint to the Ombudsman for investigation and report under the <i>Ombudsman Act 1972</i>; and</p> <p>(b) consideration of the subject matter (or relevant part of the subject matter) of the complaint under Part A1 is</p>	<p>(1) Section 263A(1) to (3)—delete "constitute grounds for complaint under this Act against" wherever occurring and substitute in each case:</p> <p>involve a contravention of, or failure to comply with, an integrity provision by</p> <p>(2) Section 263A—after subsection (3) insert:</p> <p>(3a) Subject to Part A1 Division 3, if a council or the Panel considers that the whole or part of the subject matter of a complaint before the council or Panel (as the case may be) under Part A1 relates to conduct that involves a contravention of, or failure to comply with, an integrity provision by a member of a council—</p> <p>(a) the council or Panel (as the case requires) must refer the subject matter (or relevant part of the subject matter) of the complaint to the Ombudsman for investigation and report under the <i>Ombudsman Act 1972</i>; and</p> <p>(b) consideration of the subject matter (or relevant part of the subject matter) of the complaint under Part A1 is</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>postponed until the Ombudsman notifies the council or Panel (as the case requires) that the Ombudsman considers it appropriate that consideration of it under Part A1 continue.</p> <p>(3b) If the Ombudsman considers that whole or part of the subject matter of a complaint before the Ombudsman relates to conduct that involves a contravention of, or failure to comply with, Chapter 5 Part 4 Division 2 by a member of a council (other than a contravention or failure to comply that constitutes misbehaviour, repeated misbehaviour or serious misbehaviour (within the meaning of Part A1 Division 2)), the Ombudsman may refer the subject matter (or relevant part of the subject matter) of the complaint to the relevant council.</p> <p>(3) Section 263A(4)—delete "constitute grounds for complaint under this Act against" and substitute: involve a contravention of, or failure to comply with, an integrity provision by</p>	<p>postponed until the Ombudsman notifies the council or Panel (as the case requires) that the Ombudsman considers it appropriate that consideration of it under Part A1 continue.</p> <p>(3b) If the Ombudsman considers that whole or part of the subject matter of a complaint before the Ombudsman relates to conduct that involves a contravention of, or failure to comply with, Chapter 5 Part 4 Division 2 by a member of a council (other than a contravention or failure to comply that constitutes misbehaviour, repeated misbehaviour or serious misbehaviour (within the meaning of Part A1 Division 2)), the Ombudsman may refer the subject matter (or relevant part of the subject matter) of the complaint to the relevant council.</p> <p>(3) (2) Section 263A(4)—delete "constitute grounds for complaint under this Act against" and substitute: involve a contravention of, or failure to comply with, an integrity provision by</p>
135	Procedures for review of decisions and requests for service		
	<p>270 – (a1) A council must develop and maintain policies, practices and procedures for dealing with—</p> <p>(a) any reasonable request for the provision of a service by the council or for the improvement of a service provided by the council; and</p> <p>(b) complaints about the actions of the council, employees of the council, or other persons acting on behalf of the council.</p>	<p>(1) Section 270—after subsection (2) insert:</p> <p>(2a) In addition, the procedures must provide that—</p> <p>(a) an application for review must be made within 6 months of the making of the decision of which review is sought (the <i>reviewable decision</i>); and</p> <p>(b) the council may allow an application to be made more than 6 months after the making of the reviewable decision in appropriate cases.</p>	<p>(1) Section 270—after subsection (2) insert:</p> <p>(2a) In addition, the procedures must provide that—</p> <p>(a) an application for review must be made within 6 months of the making of the decision of which review is sought (the <i>reviewable decision</i>); and</p> <p>(b) the council may allow an application to be made more than 6 months after the making of the reviewable decision in appropriate cases.</p> <p>(2) Section 270(3)—delete subsection (3) and substitute:</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(a2) The policies, practices and procedures required under subsection (a1) must be directed towards—</p> <p>(a) dealing with the relevant requests or complaints in a timely, effective and fair way; and</p> <p>(b) using information gained from the council's community to improve its services and operations.</p> <p>(1) Without limiting subsections (a1) and (a2), a council must establish procedures for the review of decisions of—</p> <p>(a) the council;</p> <p>(b) employees of the council;</p> <p>(c) other persons acting on behalf of the council.</p> <p>(2) The procedures must address the following matters (and may address other matters):</p> <p>(a) the manner in which an application for review may be made;</p> <p>(b) the assignment of a suitable person to reconsider a decision under review;</p> <p>(c) the matters that must be referred to the council itself for consideration or further consideration;</p> <p>(ca) in the case of applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers—the provision to be made to ensure that these applications can be dealt with promptly and, if appropriate, addressed through the provision of relief or concessions under this Act;</p>	<p>(2) Section 270(3)—delete subsection (3) and substitute:</p> <p>(3) An application for review must be accompanied by the prescribed fee.</p> <p>(3a) A council may, as the council thinks fit, reduce, waive or refund (in whole or part) the fee under subsection (3).</p> <p>(3) Section 270(4)—after paragraph (c) insert:</p> <p>or</p> <p>(d) the council or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the council or an investigation, inquiry or review by another authority.</p> <p>(4) Section 270(4a)—delete subsection (4a) and substitute:</p> <p>(4a) The policies, practices and procedures established under this section—</p> <p>(a) must not provide for a review of a decision of a council to refuse to deal with, or determine to take no further action in relation to, a complaint under Part A1 Division 1 by a person who is dissatisfied with the decision; and</p> <p>(b) must be consistent with any requirement prescribed by the regulations.</p> <p>(5) Section 270(5)—delete subsection (5)</p>	<p>(3) An application for review must be accompanied by the prescribed fee.</p> <p>(3a) A council may, as the council thinks fit, reduce, waive or refund (in whole or part) the fee under subsection (3).</p> <p>(3) Section 270(4)—after paragraph (c) insert:</p> <p>or</p> <p>(d) the council or person (as the case requires) is satisfied that the subject matter of the application has been or is already the subject of a review by the council or an investigation, inquiry or review by another authority.</p> <p>(4) Section 270(4a)—delete subsection (4a) and substitute:</p> <p>(4a) The policies, practices and procedures established under this section—</p> <p>(a) must not provide for a review of a decision of a council to refuse to deal with, or determine to take no further action in relation to, a complaint under Part A1 Division 1 by a person who is dissatisfied with the decision; and—</p> <p><u>(i) to refuse to deal with, or determine to take no further action in relation to, a complaint under Part A1 Division 1 by a person who is dissatisfied with the decision; or</u></p> <p><u>(ii) relating to a recommendation of the Ombudsman under Part 1; and</u></p> <p>(b) must be consistent with any requirement prescribed by the regulations.</p> <p>(5) Section 270(5)—delete subsection (5)</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(d) the notification of the progress and outcome of an application for review;</p> <p>(e) the time frames within which notifications will be made and procedures on a review will be completed.</p> <p>(3) A council is not entitled to charge a fee on an application for review.</p> <p>(4) A council, or a person assigned to consider the application, may refuse to consider an application for review if—</p> <p>(a) the application is made by an employee of the council and relates to an issue concerning his or her employment; or</p> <p>(b) it appears that the application is frivolous or vexatious; or</p> <p>(c) the applicant does not have a sufficient interest in the matter.</p> <p>(4a) The policies, practices and procedures established under this section must be consistent with any requirement prescribed by the regulations.</p> <p>(5) A council must ensure that copies of a document concerning the policies, practices and procedures that apply under this section are available for inspection (without charge) and purchase (on payment of a fee fixed by the council) by the public at the principal office of the council. ...</p>		

Amendment of *Local Government (Elections) Act 1999*

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
153	Supplementary elections		
	<p>6 (1) Subject to this section, if— (a) an election (other than a supplementary election) wholly or partially fails or is declared void; or (b) a casual vacancy occurs in the office of a member of a council, a supplementary election will be held to fill the office or offices not filled by the election, or the office that has become vacant. (2) A supplementary election will not be held to fill a casual vacancy if— (a) the vacancy occurs— (i) on or after 1 January of a year in which a periodic election is due to be held and before the date on which nominations for that election are invited under section 18; or (ii) within 7 months before polling day for a general election (other than a periodic election) (the date of that polling day being known at the time of the occurrence of the vacancy); or (b) — (i) the vacancy is for an office other than mayor; and (ii) the area of the council is not divided into wards; and (iii) there is no other vacancy in the office of a member of the council; and (iv) it is a policy of the council that it will not fill such a casual vacancy until the next general election. (3) However, if— (a) a vacancy has not been filled due to the operation of subsection (2)(b); and (b) another vacancy occurs in the office of a member; and (c) the other vacancy has not occurred— (i) on or after 1 January of a year in which a periodic election is due to be held and</p>	<p>(1) Section 6(2)(a)—delete paragraph (a) and substitute: (a) the vacancy occurs within 12 months before polling day for— (i) a periodic election; or (ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy; or (2) Section 6(2)(b)(iii)—delete subparagraph (iii) and substitute: (iii) — (A) if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council; or (B) in any other case—there is no other vacancy in the office of a member of the council; and (3) Section 6(2)(b)(iv)—after "council" insert: at the time the vacancy occurs (4) Section 6(2)(b)(iv)—after "vacancy" insert: or vacancies (5) Section 6(2)—after paragraph (b) insert: or (c) the vacancy— (i) is for an office of a member of the council, other than—</p>	<p>(1) Section 6(2)(a)—delete paragraph (a) and substitute: (a) the vacancy occurs within 12 months before polling day for— (i) a periodic election; or (ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy; or (2) Section 6(2)(b)(iii)—delete subparagraph (iii) and substitute: (iii) — (A) if the council has 9 or more offices (excluding the office of mayor)—there is no more than 1 other vacancy in the office of a member of the council; or (B) in any other case—there is no other vacancy in the office of a member of the council; and (3) Section 6(2)(b)(iv)—after "council" insert: at the time the vacancy occurs (4) Section 6(2)(b)(iv)—after "vacancy" insert: or vacancies (5) Section 6(2)—after paragraph (b) insert: or (c) the vacancy—</p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>before the date on which nominations for that election are invited under section 18; or (ii) within 7 months before polling day for a general election (other than a periodic election) (the date of that polling day being known at the time of the occurrence of the vacancy), then a supplementary election must be held to fill the vacant offices. (4) If— (a) a casual vacancy has occurred; and (b) a supplementary election is not to be held by virtue of the operation of subsection (2)(b), any subsequent revocation or alteration of a policy of the council in force for the purposes of subsection (2)(b) cannot have effect so as to require the casual vacancy to be filled before the next general election. (5) Subject to this Act, a supplementary election must be held as soon as practicable after the occasion for the election arises. (6) The returning officer must, by public notice, fix a day as polling day for the supplementary election. (7) A notice under subsection (6) must also fix a day for the close of the voters roll for the purposes of the election (the closing date). (8) Voting at a supplementary election will close at 12 noon on polling day.</p>	<p>(A) mayor; or (B) a member who was declared elected under section 25(1); and (ii) occurs within 12 months after the conclusion of a periodic election (and can be filled in accordance with section 6A). (6) Section 6(3)(a)—delete "a vacancy has" and substitute: 1 or more vacancies have (7) Section 6(3)(c)—delete paragraph (c) and substitute: (c) the other vacancy has not occurred within 12 months before polling day for— (i) a periodic election; or (ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy, (8) Section 6(7) and (8)—delete subsections (7) and (8) and substitute: (7) A notice under subsection (6) must also fix— (a) a day for the close of the voters roll for the purposes of the election (the <i>closing date</i>); and (b) the time at which voting at the election will close on polling day.</p>	<p>(i) is for an office of a member of the council, other than— (A) mayor; or (B) a member who was declared elected under section 25(1); and (ii) occurs— (A) within 12 months after the conclusion of a periodic election <u>or a designated supplementary election; or</u> (B) <u>after the close of nominations for a designated supplementary election and before the conclusion of that election,</u> (and can be filled in accordance with section 6A) <u>(the subsequent vacancy)</u>. (6) Section 6(3)(a)—delete "a vacancy has" and substitute: 1 or more vacancies have (7) Section 6(3)(c)—delete paragraph (c) and substitute: (c) the other vacancy has not occurred within 12 months before polling day for— (i) a periodic election; or (ii) a general election (other than a periodic election) if the date of that polling day is known at the time of the occurrence of the vacancy,</p>

			<p>(8) Section 6—after subsection (4) insert:</p> <p><u>(4a) If, before the close of nominations for a designated supplementary election, another vacancy (the subsequent vacancy) occurs in the office of a member of the council (other than in the office of mayor), the subsequent vacancy may be filled by the designated supplementary election.</u></p> <p><u>(4b) If the subsequent vacancy is to be filled by the designated supplementary election—</u></p> <p><u>(a) the returning officer must give public notice that the vacancy will be filled by that election; and</u></p> <p><u>(b) the material accompanying the voting papers to be issued under section 39 for the designated supplementary election must advise voters that the vacancy will be filled by that election.</u></p> <p><u>(9) Section 6(7) and (8)—delete subsections (7) and (8) and substitute:</u></p> <p><u>(7) A notice under subsection (6) must also fix—</u></p> <p><u>(a) a day for the close of the voters roll for the purposes of the election (the closing date); and</u></p> <p><u>(b) the time at which voting at the election will close on polling day.</u></p> <p>151<u>(8) _____ In this section—</u></p> <p><u>designated supplementary election means—</u></p> <p><u>(a) if the area of the council is not divided into wards—a supplementary election held to fill an office or offices of the council; or</u></p> <p><u>(b) if the area of the council is divided into wards—a supplementary election held to fill an office or</u></p>
--	--	--	--

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
			<u>offices of the ward in which the subsequent vacancy has occurred.</u>
156	Failure or avoidance of supplementary election		
	(1) If a supplementary election wholly or partially fails or is declared void, the council must appoint a person or persons (being an elector or electors for the area) to the office or offices not filled by the supplementary election. (2) A council must not appoint a person to an office in pursuance of subsection (1) unless the person— (a) would, if an election were held to fill the office, be eligible to stand as a candidate for election to the office; and (b) has made a declaration of eligibility in the prescribed form.	N/A	<p><u>(1) Section 8—after subsection (1) insert:</u></p> <p><u>(1a) If the returning officer declares the nominated candidate or candidates elected under section 25 but not all vacancies are filled, the council must appoint a person or persons (being an elector or electors for the area) to the office or offices that remain unfilled.</u></p> <p><u>(2) Section 8(2)—after "subsection (1)" insert:</u></p> <p><u>or (1a)</u></p>
157	Council may hold polls		
	(1) A council may hold a poll whenever the council considers that it is necessary, expedient or appropriate for a poll to be held. (2) A poll may be held on any matter within the ambit of the council's responsibilities, or as contemplated by the Local Government Act 1999. (3) The council must, by notice in a newspaper circulating in its area, fix a day as polling day for the poll. (4) A notice under subsection (3) must also fix a day for the close of the voters roll for the purposes of the poll (the closing date). (5) The returning officer of a council will conduct all polls of the council. (6) Voting at a poll will close— (a) subject to paragraph (b)—at 12 noon on polling day; (b) in a case	<p>(1) Section 9(3)—delete subsection (3) and substitute:</p> <p>(3) The council must fix a day as polling day for the poll by notice published on the council website.</p> <p>(2) Section 9(6)(b)—delete "and voting at the election closes at 5 p.m.—at 5 p.m. on polling day" and substitute:</p> <p>—at the time at which voting at the election closes</p>	<p>(1) Section 9(3)—delete subsection (3) and substitute:</p> <p>(3) The council must fix a day as polling day for the poll by notice published on the council website.</p> <p>(2) Section 9(6)(b)—delete "and voting at the election closes at 5 p.m.—at 5 p.m. on polling day" <u>subsection (6)</u> and substitute:</p> <p><u>(6) Voting at a poll will close at the time at which voting is determined by the election closes returning officer.</u></p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	where the poll is being held in conjunction with an election under this Act and voting at the election closes at 5 p.m.—at 5 p.m. on polling day.		
163	Uncontested Elections		
	(1) If, after nominations have closed, it appears that the number of candidates nominated to contest the election does not exceed the number of persons required to be elected, the returning officer must declare the nominated candidate or candidates elected. (2) If a candidate is declared elected under subsection (1)— (a) in the case of a supplementary election—the election of the candidate takes effect immediately; and (b) in other cases—the election of the candidate takes effect at the conclusion of the relevant elections (see section 4(2) of the Local Government Act 1999).	N/A	<p><u>(1) Section 25—after subsection (1) insert:</u></p> <p><u>(1a) If—</u></p> <p><u>(a) after the close of nominations for a designated supplementary election and before the commencement of the issue of voting papers under section 39(1) for that election, another vacancy occurs in the office of a member of the council (other than in the office of mayor) (the subsequent vacancy); and</u></p> <p><u>(b) it appears that the number of candidates nominated to contest the election does not exceed the number of persons required to be elected,</u></p> <p><u>the returning officer must declare the nominated candidate or candidates elected.</u></p> <p><u>(2) Section 25(2)—after "subsection (1)" insert:</u></p> <p><u>or (1a)</u></p> <p><u>(3) Section 25—after subsection (2) insert:</u></p> <p><u>(3) In this section—</u></p> <p><u>designated supplementary election has the same meaning as in section 6.</u></p>
165	Publication of misleading material		

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>(1) If— (a) electoral material contains a statement purporting to be a statement of fact; and (b) the statement is inaccurate and misleading to a material extent, a person who authorised, caused or permitted the publication of the material (the publisher) is guilty of an offence. Maximum penalty: \$5 000.</p> <p>(2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove— (a) that he or she took no part in determining the contents of the material; and (b) that he or she could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading. (2a) If the Electoral Commissioner is satisfied that published electoral material contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Electoral Commissioner may request the publisher to do 1 or more of the following: (a) withdraw the material from further publication;</p> <p>(2) (b) publish a retraction in specified terms and a specified manner and form, (and in proceedings for an offence against subsection (1) arising from the material, the publisher's response to a request under this subsection may be taken into account in assessing any penalty to which the publisher may be</p>	<p>Section 28—after subsection (1) insert:</p> <p>(1a)A person (the <i>relevant person</i>) is not taken to have authorised, caused or permitted the publication of electoral material if it is published by a person other than the relevant person on an Internet site or other platform established or controlled (or partly established or controlled) by the relevant person unless the relevant person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.</p>	<p><u>(1)</u> Section 28—after subsection (1) insert:</p> <p>(1a)A person (the <i>relevant person</i>) is not taken to have authorised, caused or permitted the publication of electoral material if it is published by a person other than the relevant person on an Internet site or other platform established or controlled (or partly established or controlled) by the relevant person unless the relevant person authorised, whether directly or indirectly, the publishing of the material on the Internet site or other platform.</p> <p>161 <u>(2) Section 28—after subsection (2a) insert:</u></p> <p><u>(2b) If the Supreme Court is satisfied beyond reasonable doubt on application by the Electoral Commissioner that published electoral material contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Court may order the publisher to do 1 or more of the following:</u></p> <p><u>(a) withdraw the material from further publication;</u></p> <p><u>(b) publish a retraction in specified terms and a specified manner and form.</u></p>

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
	<p>liable). (3) This section applies to material published by any means (including radio or television). (4) No action under this section lies against the returning officer with respect to the publication of material provided to the returning officer by a candidate for election under section 19.</p>		
Lost Clause	Assisted Voting		
		<p>After section 41 insert:</p> <p>41A—Assisted voting</p> <p>(1)The regulations may make provision in relation to voting in an election or poll by prescribed electors by means of an assisted voting method.</p> <p>(2)Without limiting the generality of subsection (1), regulations made for the purposes of this section may—</p> <p>(a) determine, or provide for the determination of, the following:</p> <p>(i) the assisted voting method;</p> <p>(ii) matters related to voting using the assisted voting method, including the provision of assistance to electors using the method, requirements to be followed after an elector has used the method and matters of privacy and secrecy;</p> <p>(iii) the number of places where the assisted voting method is to be available, the location of those places and the days and times at which the method is to be available;</p> <p>(iv) which electors may use the assisted voting method; and</p>	Delete 41A

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(b) require the making of a record of each person who has voted using the assisted voting method; and</p> <p>(c) specify the information that is to be included in a record; and</p> <p>(d) provide for the production of a record of the vote each person has cast, which must not contain any means of identifying the person who cast the vote; and</p> <p>(e) provide for the appointment by the returning officer of officers in relation to the conduct of the assisted voting method; and</p> <p>(f) provide for the application of this Act, or provisions of this Act, in relation to votes cast using the assisted voting method, including the modification of the application of this Act or a provision of this Act in relation to such votes; and</p> <p>(g) make provision for any other matters related to assisted voting.</p> <p>(3) To avoid doubt, nothing in this section (or in regulations made for the purposes of this section) authorises any elector to vote in more than 1 capacity at an election or poll.</p> <p>(4) The prescribed assisted voting method must be such that an elector using the method in relation to an election or poll—</p> <p>(a) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the election or poll that the elector would be given if the elector were voting by postal vote under this Part; and</p>	

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
		<p>(b) is able to indicate a vote in a way that, if the elector were marking a ballot paper, would not be an informal ballot paper.</p> <p>(5) Subject to this section, if an elector votes using the assisted voting method (an <i>assisted vote</i>)—</p> <p>(a) this Act applies (subject to any modifications prescribed under subsection (2)(f)) in relation to an assisted vote as if it were a vote delivered to an electoral officer for the relevant council in a sealed envelope; and</p> <p>(b) the record of the assisted vote produced in accordance with the regulations is to be taken to be a ballot paper for the purposes of this Act; and</p> <p>(c) the requirements of this Act in relation to the elector's right to receive a ballot paper are to be taken to have been satisfied.</p> <p>(6) The returning officer may, by notice in the Gazette, determine that the prescribed assisted voting method is not to be used either generally or at 1 or more specified places.</p> <p>(7) A notice under subsection (6) must specify the election or poll in respect of which the determination applies.</p> <p>(8) In this section—</p> <p><i>prescribed elector</i> means a sight-impaired elector or an elector of a class prescribed by the regulations for the purposes of this definition;</p> <p><i>sight-impaired elector</i> means an elector whose sight is impaired such that the elector is unable to vote without assistance.</p>	

Amendment of the *Independent Commissioner Against Corruption Act 2012*

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
201	Corruption, misconduct and maladministration		
	<p>(3) Misconduct in public administration means— (a) contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or (b) other misconduct of a public officer while acting in his or her capacity as a public officer. (4) Maladministration in public administration— (a) means— (i) conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or (ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and (b) includes conduct resulting from impropriety, incompetence or negligence; and (c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions. (5) Without limiting or extending the conduct that may comprise corruption, misconduct or maladministration in public administration, this Act applies to conduct that— (a) occurred before the commencement of this Act; or (b) occurs outside this State; or (c) comprises a failure to act; or (d) is conduct of a person who was a public officer at the time of its occurrence but who has since ceased to be a public officer; or (e) is conduct of a person who was not a public officer at the time of its occurrence but who has since become a public officer. (6) A reference in subsection (3) to a code of conduct does not include any statement of principles applicable in relation to the conduct of members of Parliament.</p>	N/A	<p><u>Amendment of section 5—Corruption, misconduct and maladministration</u></p> <p><u>Section 5(6)—delete subsection (6) and substitute:</u></p> <p><u>(6) A reference in subsection (3) to a code of conduct does not include—</u></p> <p><u>(a) any statement of principles applicable in relation to the conduct of members of Parliament; or</u></p> <p><u>(b) the behavioural standards, a behavioural management policy or behavioural support policy, or the employee behavioural standards under the <i>Local Government Act 1999</i>.</u></p> <p><u>(7) To avoid doubt, the integrity provisions of the <i>Local Government Act 1999</i> (within the meaning of section 4(1) of that Act) will—</u></p> <p><u>(a) as they relate to members of councils, be taken to be a code of conduct for members of councils for the purposes of this Act; and</u></p> <p><u>(b) as they relate to employees of councils, be taken to be a code of conduct for employees of councils for the purposes of this Act.</u></p>

Amendment of *Public Finance and Audit Act 1987*

Bill Clause	Current Act	June 2020 Bill	October 2020 Bill
206	Examination of publicly funded bodies and projects and local government indemnity schemes		
	<p>(1) The Auditor-General may—</p> <p>(a) examine the accounts of a publicly funded body and the efficiency, economy and effectiveness of its activities; or</p> <p>(b) examine accounts relating to a public funded project and the efficiency, economy and effectiveness of the project; or</p> <p>(c) examine accounts relating to a local government indemnity scheme and the efficiency, economy and effectiveness of the scheme.</p>	<p>(1) Section 32(1)—delete subsection (1) and substitute:</p> <p>(1) The Auditor-General may—</p> <p>(a) audit the accounts of a publicly funded body; or</p> <p>(b) examine or review the accounts of a publicly funded body; or</p> <p>(c) review the efficiency, economy and effectiveness of the activities of a publicly funded body; or</p> <p>(d) examine or review accounts relating to a publicly funded project and review the efficiency, economy and effectiveness of the project; or</p> <p>(e) examine or review accounts relating to a local government indemnity scheme and review the efficiency, economy and effectiveness of the scheme.</p>	<p>(1) Section 32(1)—delete subsection (1) and substitute:</p> <p>(1) The Auditor-General may—</p> <p>(a) audit the accounts of a publicly funded body <u>and the controls exercised by a publicly funded body in relation to the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities</u>; or</p> <p>(b) examine or review the accounts of a publicly funded body; or</p> <p>(c) review the efficiency, economy and effectiveness of the activities of a publicly funded body; or</p> <p>(d) examine or review accounts relating to a publicly funded project and review the efficiency, economy and effectiveness of the project; or</p> <p>(e) examine or review accounts relating to a local government indemnity scheme and review the efficiency, economy and effectiveness of the scheme.</p>

Attachment 2



38—Substitution of Chapter 5 Part 4 Division 3

Chapter 5 Part 4 Division 3—delete Division 3 and substitute:

Subdivision 4—Conflicts of interest

73—Preliminary

In this Subdivision—

agency or instrumentality of the Crown includes—

- (a) an administrative unit of the Public Service; and
- (b) a body corporate comprised of or including, or having a governing body comprised of or including, a Minister or Ministers of the Crown or a person or persons appointed by the Governor or a Minister or other agency or instrumentality of the Crown;

conflict of interest means—

- (a) a general conflict of interest; or
- (b) a material conflict of interest;

general conflict of interest—see section 74;

material conflict of interest—see section 75.

74—General conflicts of interest

- (1) Subject to section 75A, for the purposes of this Subdivision, a member of a council has a *general conflict of interest* in a matter to be discussed at a meeting of the council if an impartial, fair-minded person would consider that the member's private interests could result in the member acting in a manner that is contrary to their public duty.

- (2) For the purposes of subsection (1)—

private interests means any direct or indirect interest of a member that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief;

public duty means the responsibilities and obligations that a member has to members of the public in their role as a member.

75—Material conflicts of interest

Subject to section 75A, for the purposes of this Subdivision, a member of a council has a *material conflict of interest* in a matter to be discussed at a meeting of the council if any of the following persons would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting:

- (a) the member;
- (b) a relative of the member;

- (c) a body corporate of which the member is a director or a member of the governing body;
- (d) a proprietary company in which the member is a shareholder;
- 5 (e) a family company of the member (within the meaning of Schedule 3);
- (f) a family trust of the member (within the meaning of Schedule 3);
- 10 (g) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee;
- (h) a partner of the member;
- (i) the employer or an employee of the member;
- (j) a person with whom the member has entered into, is seeking to enter into, or is otherwise involved in a negotiation or tendering process in connection with entering into, an agreement for the provision of professional or other services for which the member would be entitled to receive a fee, commission or other reward;
- 15 (k) a person or body from whom the member has received a gift of a kind required to be disclosed in a return under Part 14 of the *Local Government (Elections) Act 1999* relating to the last election at which the member was elected;
- 20 (l) a person of a prescribed class.

75A—Exemptions and other matters

- 25 (1) A member of a council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the council—
 - 30 (a) if the interest is held in common with a substantial proportion of the ratepayers, electors or residents of the council area and does not exceed the interest held by the other ratepayers, electors or residents; or
 - (b) if the interest in the matter is that of an employer or employee of the member, and the member does not know, and could not reasonably be expected to know, of that interest; or
 - 35 (c) if the interest in the matter is that of a relative of the member, other than the member's spouse or domestic partner, and the member does not know, and could not reasonably be expected to know, of that interest; or
 - (d) if—
 - 40 (i) the interest arises in relation to a prescribed matter or in prescribed circumstances; and

(ii) the member complies with the requirements of the regulations (if any) relating to dealing with the matter.

5 (2) Without limiting subsection (1), a member of a council will not be regarded as having a general conflict of interest in a matter to be discussed at a meeting of the council by reason only of—

(a) an engagement with a community group, sporting club or similar organisation undertaken by the member in their capacity as a member; or

10 (b) membership of a political party; or

(c) membership of a community group, sporting club or similar organisation (if the member is not an office holder for the group, club or organisation); or

15 (d) the member having been a student of a particular school or their involvement with a school as parent of a student at the school; or

(e) a nomination or appointment as a member of a board of a corporation or other association, if the member was nominated for appointment by a council.

20 (3) A member of a council who is a member, officer or employee of an agency or instrumentality of the Crown, will be regarded as having a conflict of interest in a matter before the council if the matter directly concerns that agency or instrumentality but otherwise will not be regarded as having an interest in a matter by virtue of being a member, officer or employee of the agency or instrumentality.

25

(4) Regulations under subsection (1)(d)—

(a) may be limited to material conflicts of interest or general conflicts of interest, or may relate to conflicts of interest generally; and

30 (b) may make different provision according to the matter or circumstances to which they are expressed to apply.

75B—Dealing with general conflicts of interest

35 (1) If a member of a council has a general conflict of interest in relation to a matter to be discussed at a meeting of the council, the member must deal with the interest in a transparent and accountable way and, in particular, must inform the meeting of—

(a) the member's interest in the matter; and

(b) whether or not the member proposes to participate in the meeting in relation to the matter; and

40 (c) if the member proposes to participate in the meeting in relation to the matter—

- (i) how the member intends to deal with the general conflict of interest, including whether the member intends to abstain from voting on the matter; and
- (ii) the member's reasons for participating (and, if relevant, voting) in relation to the matter.

- 5
- (2) If a quorum at a meeting cannot be formed because a member of a council proposes to exclude themselves from the meeting in order to comply with subsection (1), the member will not be taken to have contravened subsection (1) by participating (including by voting, for example) in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.
- 10
- (3) If a member of a council discloses a general conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:
- 15
- (a) the member's name;
 - (b) the nature of the interest, as described by the member;
 - (c) the manner in which the member dealt with the general conflict of interest;
 - (d) if the member voted on the matter, the manner in which the member voted;
 - (e) the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.
- 20
- (4) To avoid doubt, it is declared that non-participation in a meeting of a council is not the only way in which a member of the council may appropriately deal in a transparent and accountable way with a general conflict of interest of the member in a matter to be discussed at the meeting.
- 25

75C—Dealing with material conflicts of interest

- 30
- (1) If a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council, the member must—
- (a) inform the meeting of the member's material conflict of interest in the matter; and
 - (b) leave the meeting room (including any area set aside for the public) such that the member cannot view or hear any discussion or voting at the meeting, and stay out of the meeting room while the matter is being discussed and voted on.
- 35
- (2) However, a member of the council does not contravene subsection (1) by taking part in the meeting if the member—
- (a) has been granted an approval under subsection (3); and
 - (b) complies with the conditions of the approval.
- 40

- 5
- (3) The Minister may grant an approval in writing to a member of the council to take part in the meeting if—
- (a) because of the number of members subject to the obligation under this section, conduct of the meeting would be obstructed if the approval were not given; and
 - (b) it appears to the Minister to be in the interests of the council's community and area.
- (4) The Minister may grant an approval under subsection (3) subject to any conditions determined by the Minister.
- 10
- (5) If a member of a council discloses a material conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:
- (a) the member's name;
 - (b) the nature of the interest, as described by the member;
 - (c) if the member took part in the meeting under an approval under subsection (3), the fact that the member took part in the meeting.
- 15

75D—Application of Subdivision to members and meetings of committees and subsidiaries

- 20
- (1) The provisions of this Subdivision extend to committees and to members of committees established by councils as if—
- (a) a committee were a council; and
 - (b) a member of a committee were a member of a council.
- 25
- (2) The provisions of this Subdivision extend to subsidiaries and to board members of subsidiaries as if—
- (a) a subsidiary were a council; and
 - (b) a board member of a subsidiary were a member of a council.
- (3) However—
- (a) a member of a council committee, or a board member of a council subsidiary, who is also a member or employee of the council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the committee or subsidiary (as the case requires) by reason only of the fact that the member is a member or employee of the council or constituent council; or
 - (b) a board member of a regional subsidiary who is also a member or employee of a constituent council will not be regarded as having a conflict of interest in a matter to be discussed at a meeting of the regional subsidiary if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils.
- 30
- 35
- 40

Attachment 3



39—Insertion of Chapter 5 Part 4 Division 2

Chapter 5—before Part 5 insert:

Division 2—Member behaviour

75E—Behavioural standards

- 5 (1) The Minister may, by notice published in the Gazette and on a website determined by the Minister, establish standards (the *behavioural standards*) that—
- (a) specify standards of behaviour to be observed by members of councils; and
- 10 (b) provide for any other matter relating to behaviour of members of councils.
- (2) The behavioural standards may also specify requirements applying to behavioural support policies and behavioural management policies of councils.
- 15 (3) A member of a council must comply with the behavioural standards.
- (4) The Minister may, by further notice published in the Gazette and on the website referred to in subsection (1), vary or substitute the behavioural standards.
- 20 (5) The Minister must, before establishing, varying or substituting the behavioural standards—
- (a) consult with the LGA; and
- (b) undertake such other consultation as the Minister thinks fit, on the behavioural standards, variation or substitute behavioural standards (as the case may be).
- 25 (6) A notice published under subsection (1) or (4) may come into operation on the day on which it is published in the Gazette or on a later day or days specified in the notice.
- 30 (7) Sections 10 (other than subsection (1)) and 10A of the *Subordinate Legislation Act 1978* apply to a notice published under subsection (1) or (4) (and a reference in those provisions to a regulation will be taken to be a reference to a notice published under subsection (1) or (4) (as the case requires)).

75F—Council behavioural support policies

- 35 (1) A council may prepare and adopt policies designed to support appropriate behaviour by members of the council (*behavioural support policies*).
- (2) A behavioural support policy may—
- (a) specify directions relating to behaviour that must be observed by members of the council; and

- 5
- (b) set out guidelines relating to compliance by members with the behavioural standards and directions under paragraph (a); and
 - (c) include any other matter relating to behaviour of members considered appropriate by the council.
- (3) A behavioural support policy—
- (a) must not be inconsistent with the behavioural standards; and
 - (b) must comply with any requirement specified by the behavioural standards.
- 10
- (4) A member of a council must comply with the council's behavioural support policies.
- (5) A council may from time to time alter a behavioural support policy, or substitute a new policy.
- (6) Before a council—
- 15
- (a) adopts a behavioural support policy; or
 - (b) alters, or substitutes, a behavioural support policy,
- the council must undertake public consultation on the behavioural support policy, alteration or substituted policy (as the case may be).
- (7) A council must, within 6 months after the conclusion of each
- 20
- periodic election—
- (a) in the case of a council that has 1 or more behavioural support policies in effect under this section—review the operation of the behavioural support policies and consider whether it should adopt additional behavioural support policies; or
 - 25
 - (b) in any other case—consider whether it should adopt behavioural support policies.

Division 3—Health and safety duties

75G—Health and safety duties

- 30
- (1) A member of a council must—
- (a) take reasonable care that the member's acts or omissions do not adversely affect the health and safety of other members of council or employees of the council; and
 - 35
 - (b) comply, so far as the member is reasonably able, with any reasonable direction that is given by a responsible person for the purposes of ensuring that the member's acts or omissions do not adversely affect the health and safety of other members of the council or employees of the council.

- (2) For the purposes of subsection (1)(b), the *responsible person* is—
- (a) if the person whose health and safety may be adversely affected is an employee of the council—the chief executive officer of the council; or
 - (b) if the person whose health and safety may be adversely affected is the principal member of the council—the deputy or another member chosen by the council; or
 - (c) if the person whose health and safety may be adversely affected is another member or the chief executive officer of the council—
 - (i) unless subparagraph (ii) applies, the principal member of the council; or
 - (ii) if the relevant acts or omissions are those of the principal member of the council—the deputy or another member chosen by the council.
- (3) Without limiting subsection (1)(b), a reasonable direction may include a direction that a member of a council not attend a meeting of the council or a council committee (and a member the subject of such a direction will be taken to have been granted leave of absence from attending council meetings for the duration of the direction).
- (4) This section is in addition to and does not limit the operation of the *Work Health and Safety Act 2012*.
- (5) In this section—
health has the same meaning as in the *Work Health and Safety Act 2012*.

40—Amendment of section 76—Allowances

- (1) Section 76(1)—delete "section" first occurring and substitute:
Act
- (2) Section 76(9)—delete "under a scheme prescribed by the regulations"
- (3) Section 76(13)—delete "under an arrangement established by the Minister from time to time after consultation with the President of the LGA and the President of the Tribunal"

41—Amendment of section 77—Reimbursement of expenses

Section 77(3) and (4)—delete subsections (3) and (4)

42—Amendment of section 79—Register of allowances and benefits

Section 79(3) and (4)—delete subsections (3) and (4)

Item No: **15.7**

Subject: **MAWSON OVAL – RENEWAL OF JOINT USE AGREEMENT**

Date: 10 November 2020

Written By: Property Officer

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

Pursuant to a Joint Use Agreement dated 16 February 2004, Council granted to The Catholic Church Endowment Society Incorporated (**CCESI**) a licence over Mawson Oval for a term of twenty one (21) years to enable the adjoining registered non-government school (now known as McAuley Community School - having previously been known as Marymount College) to utilise Mawson Oval for both school curriculum and recreational sporting activities during specified times.

Whilst the initial term of the Joint Use Agreement expires on 31 December 2020, Clause 4 of the Joint Use Agreement contains a right of renewal in favour of CCESI for a further term of twenty one (21) years.

CCESI has written to Council advising that it wishes to exercise their right of renewal and this report seeks Council's approval to extend the Joint Use Agreement for a further term of twenty one (21) years commencing on 1 January 2021 and expiring on 31 December 2041 in accordance with clause 4 of the Joint Use Agreement.

The right of renewal is only exercised at CCESI's sole discretion. The Joint Use Agreement does not permit Council to refuse the exercise of the option or to change any of the conditions of agreement (except where agreed in writing between CCESI and Council).

RECOMMENDATION

That:

- 1. Council, as landowner, approves an extension of the Joint Use Agreement with The Catholic Church Endowment Society Incorporated over Mawson Oval for a term of twenty one (21) years commencing on 1 January 2021 but otherwise on the same terms and conditions as the Joint Use agreement; and**
- 2. the Mayor and Chief Executive Officer be authorised to execute and seal any documents required to give effect to the extension of Joint Use Agreement.**

COMMUNITY PLAN

Placemaking: Creating vibrant and safe places

Community: Fostering an engaged and contributing community

Economy: Supporting and growing local business

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Local Government Act 1999.

Retail and Commercial Leases Act 1995.

BACKGROUND

Pursuant to a Joint Use Agreement dated 16 February 2004, Council granted to The Catholic Church Endowment Society Incorporated (**CCESI**) a licence over Mawson Oval for a term of twenty one (21) years to enable the adjoining registered non-government school now known as McAuley Community School (having previously been known as Marymount College) to utilise Mawson Oval for both school curriculum and recreational sporting activities during specified times.

The Joint Use Agreement notes a commencement date of 16 February 2004, however, by way of a Deed of Variation dated 13 December 2010, the parties agreed to amend the commencement date of the Joint Use Agreement to 1 January 2000 with the effect that the initial 21 year term of the Joint Use Agreement (as varied) expires on 31 December 2020.

Pursuant to Clause 4 of the Joint Use Agreement, CCESI have exercised their right of renewal for a further term of twenty one (21) years by way of email dated 21 October 2020.

REPORT

Clause 4 of the Joint Use Agreement provides that:

“Upon the request of Marymount made at any time prior to the expiration of the initial term and PROVIDED ALWAYS there is not at the time of such request any existing breach or non-observance of any of the covenants or conditions herein contained and on Marymount’s part to be observed and performed the Council will grant an extension of this agreement for a further term of twenty one (21) years (“the renewed term”) subject to and upon the same terms and conditions as are herein contained”.

As CCESI exercised their right of renewal before 31 December 2020 and is not in breach of any of the terms and conditions of the Joint Use Agreement, Council is required to grant CCESI an

extension of the Joint Use Agreement for a further term of twenty one (21) years commencing on 1 January 2021 and expiring on 31 December 2041. A deed of extension is required to formalise the right of renewal as exercised by CCECSI so that McAuley Community School can continue using Mawson Oval in accord with the agreement.

As required by Clause 4 of the Joint Use Agreement, the deed of extension of Joint Use Agreement will be on the same terms and conditions as the Joint Use Agreement (as varied) save for the commencement and expiry dates and that the references to “*Marymount*” within the document will be changed to “*McAuley*”. A copy of the Joint Use Agreement and the original Deed of Variation are annexed hereto as Attachment 1.

Refer Attachment 1

It should be noted that the proposed extension is not a new agreement. It is simply an extension of the original term of the Joint Use Agreement as contemplated by Clause 4 of the same which Council is obligated to grant subject to CCECSI’s compliance with the terms of the Joint Use Agreement. As such, Council is not required to undertake community consultation in accordance with Section 202(2) of the *Local Government Act 1999* (SA) as this provision relates only to new lease/licence agreements.

BUDGET

An annual budget allocation is provided to City Assets & Services for the review and implementation of property agreements. This budget includes the engagement of legal advice and services when and where necessary.

LIFE CYCLE COSTS

Under the terms of the Joint Use Agreement, Council is already responsible for forty four per centum (44%) of alterations, additions and replacement of shared facilities at Mawson Oval. Council is also responsible for emptying the oval’s rubbish bins. These costs are included in the Long Term Financial Plan.

Attachment 1



COPY

CITY OF HOLDFAST BAY

("Council")

and

THE CATHOLIC CHURCH ENDOWMENT SOCIETY INCORPORATED

("Marymount")

JOINT USE AGREEMENT – MAWSON OVAL

HYND & CO PTY LTD

Solicitors
66 Wyatt Street
Adelaide SA 5000

Telephone: (08) 8223 6499

Facsimile: (08) 8223 4679

Email: hyndco@camtech.net.au

TABLE OF CONTENTS

1.	DEFINITIONS & INTERPRETATION.....	1
	1.1 Definitions	1
	1.2 Interpretations	2
2.	GRANT OF LICENCE	3
3.	SUB LICENCES	3
4.	RENEWAL.....	4
5.	HIRE BY MARYMOUNT	4
6.	ACKNOWLEDGMENT	4
7.	SHARED FACILITIES MAINTENANCE ACCOUNT.....	4
8.	MANAGEMENT COMMITTEE.....	4
9.	MAINTENANCE	5
10.	ALTERATIONS ADDITIONS AND REPLACEMENT TO SHARED FACILITIES.....	6
11.	RELOCATION	7
12.	DISPUTE RESOLUTION	7
13.	RELEASES.....	7
14.	INDEMNITIES	8
15.	INSURANCE	8
16.	NATURE OF RIGHTS CREATED PURSUANT TO THE AGREEMENT.....	8
17.	CAVEAT	8
18.	TERMINATION.....	9
19.	TIME OF THE ESSENCE	9
20.	EMPLOYEES & AGENTS	9
21.	FURTHER ASSURANCES	9
22.	ENTIRE AGREEMENT	9
23.	WAIVER	9
24.	MODIFICATION	10
25.	READING DOWN AND SEVERANCE.....	10
26.	CUMULATIVE RIGHTS.....	10
27.	RELATIONSHIP BETWEEN THE COUNCIL AND MARYMOUNT	10
28.	NOTICES.....	11
29.	COSTS	11
30.	STAMP DUTY	11
31.	LAW APPLICABLE.....	11

JOINT USE AGREEMENT – MAWSON OVAL

THIS AGREEMENT is made

16th FEBRUARY 2004

2003

BETWEEN

CITY OF HOLDFAST BAY of 24 Jetty Road, Brighton 5048 in the State of South Australia (hereinafter called "the Council")

AND

THE CATHOLIC CHURCH ENDOWMENT SOCIETY INCORPORATED of 39 Wakefield Street, Adelaide in the said State (hereinafter called "Marymount")

RECITALS

- A. The Council is the registered proprietor of the Council Land upon which playing fields and other facilities are situated known as Mawson Oval.
- B. Marymount is the registered proprietor of the Marymount Land upon which Marymount conducts a registered non government school known as Marymount College.
- C. The Council Land and the Marymount Land are adjacent and Marymount desires to have the use of certain of the facilities situated on the Council Land on an exclusive basis during certain hours to amongst other things satisfy the requirements of the Non Government School Registrable Board in respect of Marymount College.
- D. Marymount desires to access the bore situated on the Council Land for the purpose of watering grassed areas on the Marymount Land.
- E. The Council wishes to ensure the Council Land on which the facilities are situate are adequately maintained and utilised at times when not used by Marymount.
- F. Council and Marymount wish to record their agreement as to this joint use and maintenance of the Shared Facilities.

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS & INTERPRETATION

1.1 Definitions

In this Agreement unless a contrary intention appears;

Commencement Date means the 16th day of FEBRUARY 2004
July 2003.

Council Land means the whole of the land comprised in Certificates of Title Registered Book Volume 5530 Folio 730 and Volume 5663 Folio 228.

Marymount Land means the whole of the land comprised in Certificate of Title Registered Book Volume 5530 Folio 728.

Shared Facilities means the land delineated and outlined in red on the plan in Schedule 1 and the grassed oval and play space, cricket nets and tennis courts established and erected thereon and the bore situated thereon.

Parties means the parties to this Agreement.

Schedule 1 means Schedule 1 to this Agreement.

Schedule 2 means Schedule 2 to this Agreement.

1.2 Interpretations

In this Agreement, unless the context shall otherwise require;

- (a) words importing the singular include the plural and vice versa
- (b) words importing a gender include any gender;
- (c) an expression importing a natural person includes any company, partnership, joint venture, association, corporation or other body corporate and any Governmental Agency;
- (d) a reference to any thing (including but not limited to any right) includes a part of that thing;
- (e) a reference to a statute, regulation, proclamation, ordinance or by-law includes all statutes, regulations, proclamations, ordinances or by-laws amending, consolidating or replacing it, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute;
- (f) a reference to a document includes all amendments or supplements to, or replacements or novations of, that document;
- (g) a reference to a party to a document includes that party's successors and permitted assigns;
- (h) no provision of this Agreement will be construed adversely to a party on the ground that the party was responsible for the preparation of this Agreement or that provision;
- (i) a covenant or agreement on the part of two or more persons binds them jointly and severally;

- (j) a reference to an agreement other than this Agreement includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing;
- (k) a reference to an asset includes all property of any nature, including, but not limited to, a business, and all rights, revenues and benefits;
- (l) a reference to a document includes any agreement in writing, or any certificate, notice, instrument or other document of any kind;
- (m) where any term covenant or condition of this Agreement or the practical application thereof is or shall become invalid or unenforceable the remaining conditions terms and covenants of this Agreement shall not be affected thereby. In so far as any term covenant or condition shall be or become invalid or unenforceable for any reason the whole or any portion of such term or condition as may be invalid or unenforceable may at the option of either party be severable and severed from the remainder of this Agreement to the extent that this may be permitted by law leaving all other terms covenants and conditions intact and enforceable; and
- (n) the headings contained herein are for convenience only and shall not affect the construction of this Agreement.

2. GRANT OF LICENCE

The Council hereby grants and Marymount hereby accepts an exclusive licence to use the Shared Facilities on the provisions of this agreement and at the times and on the days identified in the timetable in the Schedule 2 for a term of twenty one (21) years commencing on the Commencement Date for an annual licence fee of \$1.00 per annum receipt whereof is acknowledged by the Council.

3. SUB LICENCES

Marymount may agree to enter into a sub-licence agreement with a third party or third parties in relation to the use by such third party or third parties of the Shared Facilities at times during which Marymount has an exclusive licence to use the Shared Facilities. If Marymount agrees to enter into such an agreement any sub-licencee shall pay such fees and charges in relation to the sub-licence as may be levied by Marymount from time to time. Sub-licence fees paid pursuant hereto shall be paid into the Account established pursuant to clause 7 hereof. Before entering into a sub-licence agreement pursuant hereto Marymount shall do all things to establish that the licencee has effected a public risk insurance policy in accordance with the provisions of clause 15 hereof.

4. RENEWAL

4.1 Upon the request of Marymount made at any time prior to the expiration of the initial term and PROVIDED ALWAYS there is not at the time of such request any existing breach or non-observance of any of the covenants or conditions herein contained and on Marymount's part to be observed and performed the Council will grant an extension of this agreement for a further term of twenty one (21) years ("the renewed term") subject to and upon the same terms and conditions as are herein contained

4.2 The parties acknowledge that the agreement to extend the term of the licence provided for in clause 4.1 is subject to the Council having power in that regard pursuant to the provisions of the Local government Act 1999 and if not then clause 4.1 shall be severed.

4.3 Upon the expiration of the term (if clause 4.1 is severed) or any renewed term (if clause 4.1 is not severed) the Council will negotiate exclusively with Marymount for a period of six months about a new licence of the Council Land premised on fundamentally the same terms and conditions as this licence.

5. HIRE BY MARYMOUNT

The Council will subject to availability (and Marymount shall be the preferred hirer in that respect) enter into a hire agreement with Marymount on the same terms as offered to members of the local community from time to time should Marymount wish to the use the Shared Facilities at times and on days not referred to in Schedule 2. Hire fees paid pursuant hereto and pursuant to any other hiring by the Council of the Council Land shall be paid into the Account established pursuant to clause 7 hereof.

6. ACKNOWLEDGMENT

The parties acknowledge that the Council shall at all times have exclusive use of that portion of the Council Land outlined in green on the plan in Schedule 1.

7. SHARED FACILITIES MAINTENANCE ACCOUNT

As soon as possible after the commencement of this agreement the parties shall establish a Shared Facilities Maintenance Account ("the Account"). The account shall be operated by Marymount and any sum credited thereto shall be used by Marymount to discharge its obligations pursuant to clause 9 hereof.

8. MANAGEMENT COMMITTEE

8.1 As soon as possible after the commencement of this agreement the parties shall establish a Management Committee ("the Management Committee") comprising:

- (a) Two (2) representatives of the Council (one of which shall be chairperson) and
- (b) Two (2) representatives of Marymount who until otherwise determined by Marymount and advised to the Council will be the nominees of the Marymount College Board.

8.2 The Management Committee shall oversee and monitor the performance by the Parties of their obligations and in this regard the Management Committee may make and amend rules relating to the use of the Shared Facilities and make such recommendations to the parties as the Management Committee thinks fit.

8.3 The Management Committee shall meet as often as it considers necessary and, in any event, at least once in each year during the term of this agreement and each and every renewal thereof.

8.4 The members of the Management Committee shall each be appointed for a term of two (2) years and shall be eligible for re-appointment. If a casual vacancy shall occur the party who was responsible for appointing the person to the position which has become vacant shall promptly appoint another person to fill the vacancy.

8.5 If the chairperson of the Management Committee is not present at a meeting then the Management Committee shall appoint a chairperson for that meeting from any of the members present.

8.6 The Council shall appoint a person to act as secretary to carry out the secretarial requirements of the Management Committee.

8.7 The Management Committee shall on at least one (1) occasion in each year during the term of this agreement and each and every renewal thereof provide to the parties a report concerning the matters considered by the Management Committee in the year immediately preceding such report.

9. MAINTENANCE

9.1 Subject to subclause 9.2 and 9.5 Marymount shall during the term of this agreement keep the Shared Facilities in good and tenable repair and condition (fair wear and tear excepted) provided that nothing in this subclause 9.1 will render Marymount liable in respect of replacement of the Shared Facilities or any part thereof unless the requirement for replacement arises out of a default by Marymount of the terms hereof...

9.2 Each party shall remove any litter or rubbish from the Shared Facilities or cause the same to be placed in receptacles provided for that purpose by the Council at the end of each period the relevant Party has the use of or has available to them for use, the Shared

Facilities. In particular the Council will regularly empty receptacles for rubbish generated on the Council Land and ensure the grassed oval is clear of rubbish each Monday morning during term time.

9.3 Each party shall pay the whole cost of repair or replacement of any damage to the Shared Facilities to the extent that such damage is caused or contributed to by any willful act, neglect, default or omission of the party, its agents, contractors, employees, students or invitees.

9.4 The parties shall not do or permit to be done any act matter or thing nor shall they bring onto or into the Shared Facilities anything (included, but not limited to, any dangerous substance) which may in any way increase the risk of damage to the Shared Facilities or any part thereof.

9.5 Without in any way limiting the generality hereof the parties agree that the portion of the Shared Facilities comprising grassed areas will be:

(a) mowed by Marymount once every three weeks in autumn and winter and once every two weeks in spring and summer during the term of this agreement and each and every renewal thereof.

(b) cored by Marymount at such times as are mutually agreed between the parties.

9.6 In the event that the Council resolves to ensure that the Shared Facilities are maintained to a standard greater than that detailed in clause 9.1 hereof the Council shall bear sole responsibility for the cost of providing the further and better level of maintenance.

9.7 The parties agree that Marymount will keep the bore situated on the Council Land in good and tenable repair and condition (fair wear and tear excepted) provided that nothing in this subclause 9.7 will render Marymount liable in respect of replacement of the bore or any part thereof.

10. ALTERATIONS ADDITIONS AND REPLACEMENT TO SHARED FACILITIES

In the event that the Council and Marymount agree to alter, add to or replace the Shared Facilities including the bore or any part thereof and without limiting the generality hereof in the event that the bore casing or pump, irrigation equipment, goal posts, court backs tops and surface and cricket pitch and nets require replacement the cost of same shall be shared by the Council and Marymount in the following percentages:

The Council	44%
Marymount	56%
	<hr/>
	100%

or such other percentages as the parties may from time to time agree in writing.

11. RELOCATION

If at any time within five (5) years after the date of commencement of this Agreement the Council wishes to relocate the hockey field and tennis courts which form part of the Shared Facilities to a position to the south of their present site Marymount will enter into negotiations with the Council in relation thereto in good faith PROVIDED HOWEVER that such relocation of the hockey field and tennis courts results in minimal encroachment upon and disturbance to the Marymount Land and FURTHER PROVIDED HOWEVER that the total cost of any work whatsoever involved in the relocation and without limiting the generality hereof any site and construction work and work involved in reinstating and making good the Shared Facility is borne solely by the Council

12. DISPUTE RESOLUTION

If a dispute arises between the parties as to the terms of or operation of this agreement or as to the rights and obligations of the parties under this agreement, then:

- 12.1 The dispute may be referred to the Management Committee with a view to the Management Committee making a recommendation to the parties for the purposes of resolving the dispute;
- 12.2 Failing resolution of the dispute by the Management Committee within fourteen (14) days, the dispute may be referred to the Chief Executive of the Council and the delegate of Marymount who until otherwise determined and notified to the Council will for the purposes of this sub-clause be the person holding the position of Chief Executive of Catholic Education S.A. (or his nominee) with a view to the Chief Executives making a recommendation to the parties for the purposes of resolving the dispute;
- 12.3 Failing resolution of the dispute by the Chief Executives within twenty eight (28) days, the dispute may be referred to an independent mediator mutually agreed by the parties for resolution.

Failing resolution of the dispute by any of the means set out in subclauses 12.1, 12.2, 12.3, the Council and Marymount may have the dispute determined according to law (including, if appropriate by reference to a court).

13. RELEASES

Subject to clause 14 hereof each party shall use and occupy the Shared Facilities at their own risk in all things and they shall each release and discharge, to the extent permitted by law, the other parties in the absence of any neglect, default or omission by those other parties or by their agents, employees, students or invitees, from claims of every kind resulting from any loss of life, accident, injury to persons or loss of or damage to property

whatsoever or howsoever occurring in, upon or in any way connected with the use of the Shared Facilities by the party giving the release (including any loss or damage to any of the party's fixtures and fittings or to any personal property of the party or of any person lawfully authorised by the party to use the Shared Facilities pursuant to this agreement).

14. **INDEMNITIES**

Each party shall indemnify and keep indemnified the other parties hereto from and against all and any claims of any nature whatsoever which the other party hereto may suffer or incur in connection with any loss of life, personal injury and/or loss of or damage to property arising from or out of any occurrence in, upon or about the Shared Facilities or arising out of or in connection with the use by the party giving the indemnity of the Shared Facilities or any part thereof but only to the extent that such loss of life, personal injury and/or loss of or damage to property is occasioned by any neglect, default or omission by the party giving the indemnity, its agents, employees, contractors, students or invitees.

15. **INSURANCE**

15.1 The Council and Marymount shall at its respective cost and expense in all things, effect and maintain throughout the term of this agreement and each and every renewal thereof public risk insurance or indemnity cover in respect of the Shared Facilities in which the limits of public risk shall not be less than ten million dollars (\$10,000,000.00) in respect of one event or such further sum as either party may demonstrate to the other party is reasonably necessary in all the circumstances and give thirty days notice to the other party.

15.2 The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme which satisfies its requirements with respect to clause 15.1.

15.3 Marymount warrants that it is insured through the Catholic Church Insurance Limited for the purposes of clause 15.1.

16. **NATURE OF RIGHTS CREATED PURSUANT TO THE AGREEMENT**

The parties intend that the rights and obligations contained in this agreement shall, during the term of this agreement and each and every renewal thereof, create interests of a proprietary nature and constitute an encumbrance on the Land.

17. **CAVEAT**

The Council agrees and consents to Marymount registering a caveat over the Council Land at the Lands Titles Registration Office protecting Marymount's rights and interests in relation to the use of the Council Land pursuant to this Agreement.

18. **TERMINATION**

If either party breaches any of the terms and conditions of this agreement, then the other party may give notice in writing to the party committing the breach to rectify such breach within three (3) calendar months of the date of such notice and if the party committing the breach fails to rectify such breach or make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited then and in any of the said cases the other party may at any time thereafter terminate this Agreement by notice in writing to the party committing the breach but without prejudice to the rights of the other party in respect to any breach antecedent to such termination.

19. **TIME OF THE ESSENCE**

Time shall of the essence in respect of any time, date or period specified either in this agreement or in any notice served under or pursuant to the provisions of this agreement.

20. **EMPLOYEES & AGENTS**

Any act, matter or thing which either is required to be performed or done by a party or is permitted to be performed or done by a party may be performed or done by a party's duly authorised employees, agents, delegates or contractors.

21. **FURTHER ASSURANCES**

The parties shall do all acts, matters and things and sign all documents and shall cause to be done all acts necessary to give full effect to the terms of this agreement.

22. **ENTIRE AGREEMENT**

This agreement contains the entire agreement between the parties in respect of the subject matter of this agreement and the parties agree that this agreement supersedes and extinguishes any prior agreement or understanding (if any) between the parties in respect of this subject matter. Further, no other agreement, whether collateral or otherwise, shall be taken to have been formed between the parties by reason of any promise, representation, inducement or undertaking (if any) given or made by one party to the other prior to the date of this Agreement.

23. **WAIVER**

23.1 A waiver of a provision of this agreement must both be in writing and be signed by each party or by a person duly authorised to execute such a document on behalf of a party.

23.2 No waiver by a party of a breach of a provision of this agreement shall operate as a waiver of another breach of the same or of any other provision of this Agreement.

23.3 No forbearance, delay, indulgence or partial exercise by a party in enforcing the provisions of this agreement shall be a waiver of or prejudice or restrict the rights of that party in any way.

24. **MODIFICATION**

This agreement shall not be amended or varied other than by a written instrument expressed both to be a deed and to be supplemental to or in substitution for the whole or a part of this agreement. Further, any such instrument shall be signed by each party or by a person duly authorised to execute such an instrument on behalf of a party.

25. **READING DOWN AND SEVERANCE**

25.1 If a sentence, subparagraph, paragraph, subclause, clause or other provision of this agreement is reasonably capable of an interpretation which would render that provision not be unenforceable, illegal, invalid or void and an alternative interpretation which would not have one or more of those consequences, then that provision shall be interpreted or construed, so far as is possible, to be limited and read down such that its meaning is that which does not render it unenforceable, illegal, invalid or void.

25.2 Subject to subclause 25.1, if a provision of this agreement is for any reason, illegal, void, invalid or unenforceable, then that provision shall be severed from this agreement without affecting the legality, validity or enforceability of the remainder of this agreement..

26. **CUMULATIVE RIGHTS**

A right, power or remedy granted to a party under or pursuant to this agreement is cumulative with, without prejudice to and not exclusive of any other right, power or remedy either granted under or pursuant to this agreement or granted by law.

27. **RELATIONSHIP BETWEEN THE COUNCIL AND MARYMOUNT**

27.1 No party has the authority to act for or to incur any liability or obligation pursuant to this agreement as agent for and on behalf of any other party except as expressly provided in or contemplated by this agreement.

27.2 Each party shall indemnify and keep indemnified the other from and against all claims arising as a consequence of one party incurring any obligations or liabilities for and on behalf of the other party otherwise than pursuant to this agreement or with the express written consent of the other party.

28. NOTICES

28.1 Any notice to be given or made pursuant to this provision of this agreement shall be in writing and may be signed by the authorised agent of the party giving the same.

28.2 Notices may be served by delivery or by certified mail to the address of the party as detailed herein.

28.3 All such notices and communications shall be effective and be deemed to have been received in the following circumstances:

- (a) If delivered, upon delivery; or
- (b) If sent by certified mail, upon posting;
- (c) If sent by facsimile, upon the sender's facsimile machine producing a transmission report that the notice was sent to the addressee's facsimile number specified pursuant to this clause.
- (d) A party may modify its address or facsimile number, from time to time, by a written notice served on the other party .

29. COSTS

Each party shall bear their own costs incurred in and incidental to the preparation, perusal, negotiation and execution of this Agreement.

30. STAMP DUTY

The parties shall be responsible for and pay one half of any stamp duty assessed or charged in respect of this Agreement or any other instrument to be executed pursuant to this agreement or to give effect to its provisions.

31. LAW APPLICABLE

This Agreement shall be construed and take effect in accordance with and the rights and obligations under this Agreement of the parties hereto shall be governed by the law of the State of South Australia. Each of the parties hereby submit to the jurisdiction of the Courts of the State of South Australia including all Courts of appeal therefrom.

32. FIRST RIGHT OF REFUSAL

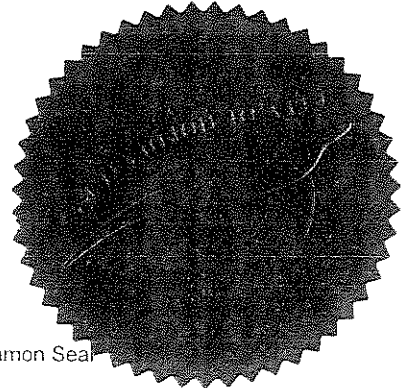
In the event that the Council Land cease to be classified as community land pursuant to the Local Government Act 1999 at any time during the term of tis agreement he College shall have first right of refusal to purchase the Council Land. The Council may not sell the

Council Land unless it has first offered to sell it to the College. The Council's offer is to remain open for a period of fourteen days. Following expiration of the Council's offer the Council agrees that it will not sell the Council Land to any third party on terms less favourable than terms previously rejected by the College.

EXECUTED as an agreement.

THE COMMON SEAL OF CITY OF
HOLDFAST BAY was affixed in the
presence of:)
)
)

Kenneth Rollond
.....
Kenneth Rollond
Mayor
Steven Gawler
.....
Steven Gawler
Chief Executive Officer



Common Seal

THE COMMON SEAL of CATHOLIC)
CHURCH ENDOWMENT SOCIETY)
INCORPORATED was hereunder)
affixed by PHILIP EDWARD WILSON,)
Archbishop of Adelaide, sole trustee, in)
the presence of:)
)

+ *Philip Wilson*
.....
SCVice
.....

Corporate Seal

SCHEDULE 1

THE PLAN

SCHEDULE 1

THE PLAN

WATTLE AVENUE

DEDICATED RESERVE

CRICKET
NETS

LOT 103
LOT 100

LOT 102
LOT 101

BORE
& PUMP

BUILDING B
RESOURCE CENTRE

ADMIN/
STAFF

EXISTING
CARPARK

EXISTING
CARPARK

COMMUNITY
CENTRE
CARPARK

BUILDING A
2 STOREY CLASSROOM BLOCK

BUILDING D
MUSIC
ART
CENTRE

BUILDING C
PHYS. EDUC/
DRAMA

3 BASKETBALL/NETBALL COURTS

EXISTING
COMMUNITY FACILITIES

CANTEEN

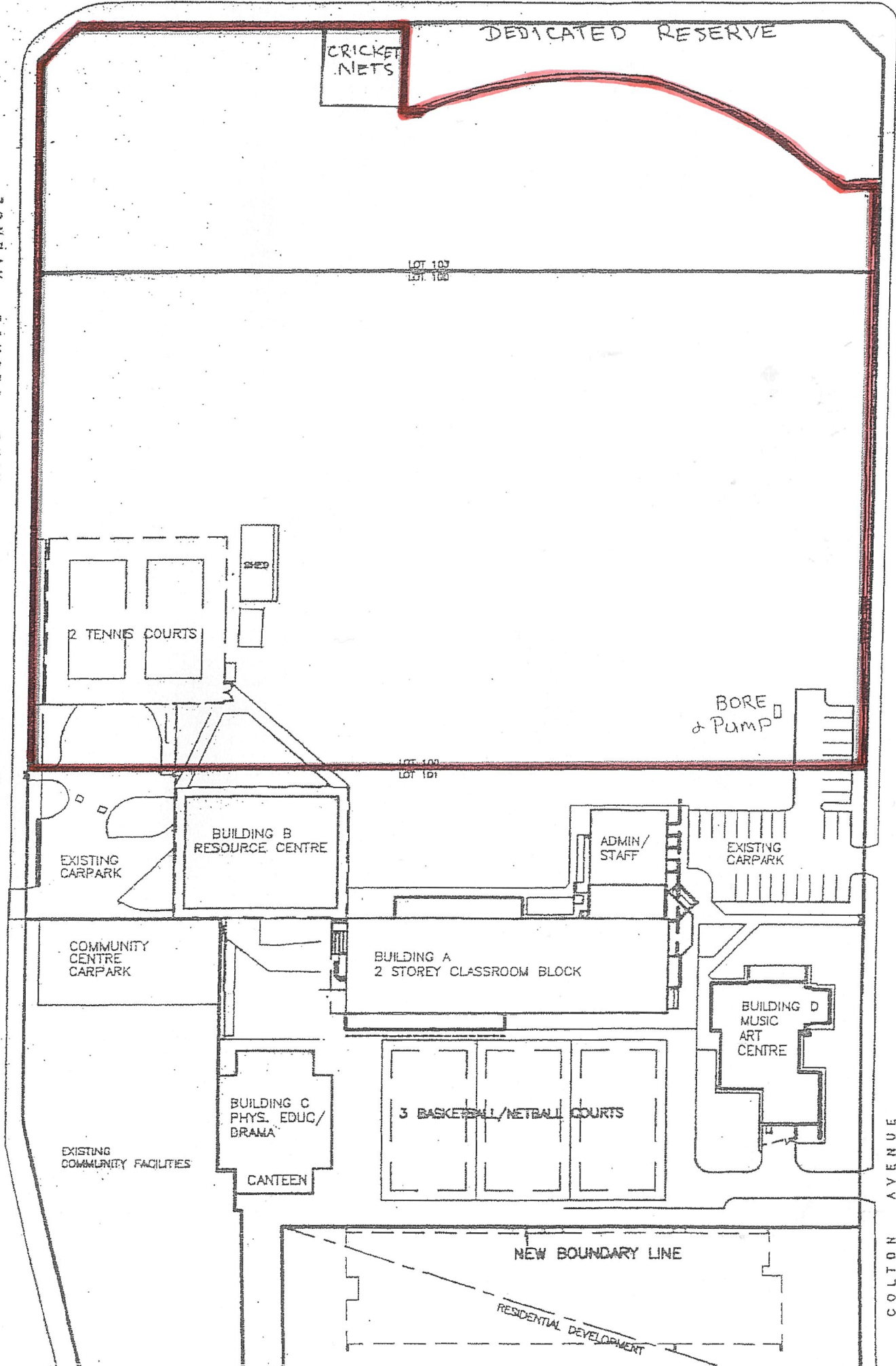
NEW BOUNDARY LINE

RESIDENTIAL DEVELOPMENT

KING GEORGE AVENUE

COLTON AVENUE

1/2



SCHEDULE 2

The Timetable

	Weekdays		Weekends	
	0745-1715 hrs	1715-0745 hrs	0745-1200 hrs	1200-0745 hrs
School Terms	Marymount	Council	Saturday Marymount Sunday Council	Council
School Holidays	Council	Council	Council	Council

THIS DEED is made the

13th

day of

December

2010

BETWEEN:

CITY OF HOLDFAST BAY of 24 Jetty Road Brighton SA 5048 ("the Council")

and

THE CATHOLIC CHURCH ENDOWMENT SOCIETY INCORPORATED of
39 Wakefield Street Adelaide SA 5000 ("Marymount")

BACKGROUND:-

- A. The Council and Marymount entered into a Joint Use Agreement in relation to the Mawson Oval on the 16th day of February 2004 ("the Agreement").
- B. The Council had resolved on the 8th day of April 2003 (and communicated to Marymount on the 15th day of April 2003) that the commencement date for the Agreement would be the 1st day of January 2000.
- C. Marymount incorrectly and unilaterally inserted by hand a commencement date of the 16th day of February 2004 into the Agreement.
- D. The parties now wish to rectify the error and insert the correct commencement date into the Agreement.

IT IS AGREED as follows:-

- 1. The parties acknowledge the accuracy of the Background of this Deed and agree that in so far as they are capable they shall form part of and be read with this Deed.
- 2. The parties hereby acknowledge and agree that the commencement date for the Agreement is the 1st day of January 2000 and the exclusive licence to use the shared facilities as defined in the Agreement will run for a term of twenty one (21) years from the 1st day of January 2000.
- 3. The parties acknowledge that in all other respects the terms of the Agreement are unchanged subject to any incidental variation resulting from the change to the commencement date of the Agreement.
- 4. Each party shall bear their own costs of an incidental to the preparation of this Deed.

EXECUTED as a Deed.

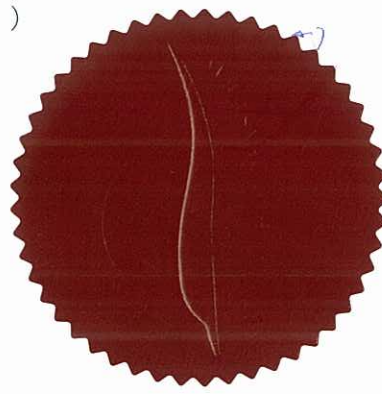
The Common Seal of **CITY OF HOLDFAST BAY**)
was affixed in the presence of:)



Mayor



Chief Executive Officer



THE CORPORATE SEAL OF CATHOLIC)
CHURCH ENDOWMENT SOCIETY)
INCORPORATED (ABN 29 608 297 012) was)
hereunto affixed by Most Reverend Philip)
Wilson DD JCL, Archbishop of the Archdiocese)
of Adelaide:)


.....
Archbishop Wilson's Signature

In the presence of:


.....
Witness Name


.....
Witness Signature

CITY OF HOLDFAST BAY

("the Council")

and

**THE CATHOLIC CHURCH ENDOWMENT
SOCIETY INCORPORATED**

("Marymount")

DEED OF VARIATION

Item No: **15.8**

Subject: **BRIGHTON CARAVAN PARK REBRANDING**

Date: 10 November 2020

Written By: Team Leader, Commercial and Leasing

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

At its meeting on 9th September 2020 Confidential Agenda), Council approved a new Management Agreement (**Agreement**) with Innoviv/AAPR Ltd (**the Manager**) to manage the Brighton Caravan Park (**the Park**) for an initial term of 5 years commencing from 01 November 2020 with an option to renew for a further 5 years.

As per the Agreement, the Manager is tasked to develop, market and operate the Park which involves applying their professional expertise to all operational matters, including marketing activities.

As such, key objectives are to attract and retain customers and to sustainably increase turnover. To this end, the Manager is proposing a rebranding of the Park, including a new derivation of the name and logo. Administration has reviewed the proposal and recommend that one option be accepted.

RECOMMENDATION

That Council:

- 1. endorses the renaming of the Brighton Caravan Park to *Brighton Beachfront Holiday Park*; and**
 - 2. endorses the change of Park's logo and proposed new style guide as presented in Attachment 1.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Economy: Boosting our visitor economy
Culture: Providing customer-centred services

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

At its meeting on 22 September 2020 (Confidential Council Report No: 288/20 Item No. 18.4, *'Brighton Caravan Park – New Management Agreement'* - Resolution No. C220920/2065), Council endorsed the engagement of Innoviv/AAPR Ltd (*the Manager*) to develop, market and operate the Park for an initial term of 5 years with an option to renew for a further 5 years. The transition from the previous operator Free Spirit has progressed smoothly throughout October and the new management agreement effectively commenced on 01 November 2020.

In its Expression of Interest (EOI) proposal, Innoviv identified some early improvements which they believed would increase exposure and visitation and which would assist to increase turnover. These short term measures can be implemented ahead of longer term strategic redevelopment proposals.

As part of the transition process, the first three (3) improvement measure proposed by the new Manager are as follows:

- 1) Replace the existing online booking system (currently RMS) to a more sophisticated, efficient system. The new booking software (Newbook) will allow more automation and flexibility. It will also gather valuable guest data and will improve customers' experience. The Manager wishes to implement the new booking system as soon as practical to avoid a transition to the new system during the pressure of the Christmas high season.
- 2) Improvements to the Park's website. The purpose of the website upgrade is to improve exposure and visual appeal (the site has not been updated for several years) as well as to improve customer experience and site usability. A more modern website is also required to improve the traffic from search engines (SEO) enquiries and to support the new booking system.
- 3) Rebranding the Park to refresh its image, strengthen focus on the Park's proximity to the beach (a clear marketing advantage) and to strengthen the emphasis that it is a holiday park rather than a traditional old-school caravan park.

In terms of delivery, any digital marketing require branding elements to be effective. With this in mind, the approval of the rebranding proposal is a priority in order not to delay the implementation of the website upgrade and the new booking system. It would also allow time to 'train' Google to find the Park as soon as possible, creating more exposure, resulting in more sales.

REPORT

Process and consultation:

The Manager and Council's Commercial, Tourism, Creative Services and City Activation staff initially discussed the purpose to the rebranding, the target audiences and marketing objectives. After agreeing basic principles, a graphic designer (Zonzi Design) was contracted by the Manager to develop a number of possible playful, modern park names and logos with strong brand which built on the strong recognition currently enjoyed by the Park.

Several candidate names and logo designs were presented to relevant staff within Council Administration, including the Tourism Coordinator, Manager City Activation, Creative Services Advisor and Digital Engagement Partner.

A clear stand out was favoured by all, with a design brief refined based on the feedback provided by Council's communication and tourism specialists. Details are presented below.

Name change:

The Manager and Administration are proposing that the name of the Park be change from Brighton Caravan Park to ***Brighton Beachfront Holiday Park***.

- Changing the name of the park is the first step of the rebranding to improve the professional image of the park. There are some negative connotations to the term 'Caravan Park' as it is largely considered by consumers to be a location full of deteriorating vans and annexes occupied by permanent tenants. Rebranding provides an opportunity to abandon a name that no longer fits the park's image and is no longer attractive in the competitive landscape. It also maintains customer's interest over time.
- Moving to 'Holiday Park' modernises the image of the park and reflects its tourism focus and our intention to deliver high quality service to existing and future visitors, including a new generation of customers. The name 'tourist park' was also considered but not proposed as somehow outdated and less frequently searched on Google.
- The incorporation of the word "beachfront" into the park's name/logo clearly identifies the park's main selling point - its premium beachfront location. The word 'Beachfront' paints an attractive picture and has the potential to draw customers in when searching for a holiday or considering various options, without them knowing the site. It also enables direct comparison with our main competitors, Adelaide Beachfront (Semaphore Park) and West Beach Parks.
- Finally, consideration was given to the name 'Brighton' and whether it should be changed to Kingston Park to reflect its actual locality. However, most South Australians would have a better awareness of where Brighton is compared to Kingston Park as suburbs, with a stronger touristic profile. In addition, the Park currently benefits from

valuable brand recognition and keeping the Brighton element will help customers to identify and recognise the park in the future.

It is proposed to register the web domain name Brightonholidaypark.com.au which will apply to the Park if the rebranding is approved. In order to minimize the online traffic loss that may temporarily occur in the transition to the new name, the Manager will continue to host the previous domain <https://www.brightoncaravanpark.com.au>, indefinitely. This means that any customer enquiry to the old name will be redirected imperceptibly to the new site Brightonholidaypark.com.au.

Logo and brand identity:

The proposed new logo and brand identity are presented in Attachment 1 which provides full details of the creative brief as well as rebranding proposals such as website design, phone app, advertising, stationary, signage and corporate clothing brands.

The selected logo has a fresh, relaxed and happy look whilst incorporating elements of the City of Holdfast Bay's logo.

Note that the colour of the word 'Brighton' will be changed to the darker blue so that it stands out better in several of the applications, such as the tee-shirts.

Refer Attachment 1

For information and comparison, the logo used by Free Spirit was:



BUDGET AND LIFE CYCLE COSTS

As part of the new agreement, the manager is responsible for all operational expenses. As such, all costs associated with the rebranding process will be carried by the Manager, not Council.

Attachment 1



ZONZI
DESIGN

BRIGHTON BEACHFRONT CARAVAN PARK

CONCEPT 2A

LOGO BRIEF

Create a playful, modern logo with an underlying corporate feel for the Brighton Caravan Park – to be known in the future as the Brighton Beachfront Holiday Park.

The logo should draw attention to the Caravan Parks enviable beachfront location, using shades of blue and yellow to capture the sun, surf and sand – one of the main attractions of the area.

In addition to a new brand identity, the new logo needs to reflect the change in the parks name – moving from Caravan Park to Holiday Park to reflect the move from a traditional caravan park which often is considered by consumers to be a location full of deteriorating vans and annexes occupied by permanent tenants, to a holiday park, reflecting the parks tourism focus. The incorporation of the word “beachfront” into the parks name/logo will allow the name to simply sell the parks premium location when used in promotional material without a potential guest even having to visit.

Whilst a standalone business unit of the City of Holdfast Bay, the Holiday Park logo should tie design elements from the City’s logo into the design to align the two logos/business in a subtle way. The City’s own logo illustrates the two brand elements which are closely associated with the City of Holdfast Bay by both residents and visitors being the water/sea and the sunset.

In addition, the logo should seek to capture the core values of the Holdfast Bay Tourism and Events brand positioning statement – “I want to stay”. Core elements of this brand statement include the water, water activities and families – all relevant to the Holiday Park too. The personality of the “I want to stay” brand is focussed such that the brand is youthful, social and fresh – again, values that should be considered when creating the look and feel of the new Brighton Holiday Park logo.

LOGO LOCKUP



COLORS

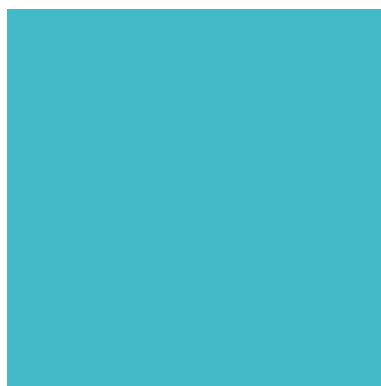
BBHP BLUE



PMS 2935 CP
Process C100 M52
HEX 006fba



BBHP AQUA



PMS 7709 CP
CMYK C63 Y18 K5
HEX 48b9c7



BBHP SUN



PMS 123 CP
CMYK M15 Y90
HEX 535b61



←
*Body copy
text 90K*

BUSINESS CARD



CABIN NAMES

**SEASIDE
VILLA**

12



The logo for Brighton Beachfront Holiday Park, featuring a stylized sun with rays above two blue waves, with the text "BRIGHTON Beach front HOLIDAY PARK" below.

**SEABREEZE
VILLA**

8



The logo for Brighton Beachfront Holiday Park, featuring a stylized sun with rays above two blue waves, with the text "BRIGHTON Beach front HOLIDAY PARK" below.

**WATERVIEW
VILLA**

22



The logo for Brighton Beachfront Holiday Park, featuring a stylized sun with rays above two blue waves, with the text "BRIGHTON Beach front HOLIDAY PARK" below.

**BUDGET
CABIN**

15



The logo for Brighton Beachfront Holiday Park, featuring a stylized sun with rays above two blue waves, with the text "BRIGHTON Beach front HOLIDAY PARK" below.

PARK SIGN



AREA SIGNS



WHAT'S ON SIGN

BRIGHTON Beachfront
HOLIDAY PARK

Welcome to the
Brighton Beachfront
HOLIDAY PARK

RECEPTION HOURS 8:00AM TO 6:00PM

CHECK-IN FROM 2PM

CHECK-OUT BEFORE 10AM

Mail / Messages

Weather Outlook & Tides

Tours & Attractions

Latest News & Activities

APPAREL BRANDING



APPAREL BRANDING



APPAREL BRANDING



Item No: **15.9**

Subject: **HERITAGE CONTRIBUTORY ITEMS – HERITAGE TRANSITION DEVELOPMENT PLAN AMENDMENT**

Date: 10 November 2020

Written By: Business Partner – Transition & Policy Planning (Development Services)

General Manager: City Assets & Services, Mr H Lacy

SUMMARY

In May of 2019, the then Minister of Planning announced that all Heritage Contributory Items listed in Development Plans would not be carried over to the new Planning and Design Code, and would no longer have any heritage status. The Minister offered Councils an option to lodge a Development Plan Amendment (DPA) to change worthy Contributory Item within existing Historic Conservation Areas into Local Heritage Places.

At the Council meeting on 28 November 2019, Council voted to commence a Heritage DPA by lodging a Statement of Intent (SOI) with the Department of Planning, Transport and Infrastructure (DPTI). At that meeting, Council also approved a heritage consultant to review of the 534 heritage contributory items with a view to listing them as Local Heritage Places. Upon completion of that review, it was recommended that 29 Contributory Items be nominated as Local Heritage Places.

On 28 October 2020, Council received confirmation from the Minister of Planning the Statement of Intent (the first step in the Development Plan Amendment process) had been approved, allowing the DPA to progress.

On 29 October 2020 the Minister for Planning then announced that all existing heritage contributory items would be carried over into the Planning and Design Code. Contributory Items will now be known as Representative Buildings in the new Planning Code.

This report recommends that Council continue with the current DPA process which will ensure 29 high heritage value properties receive Local Heritage Place status. In line with the State Government's recent announcements, the remaining 505 properties would be designated as Representative Buildings under proposed amendments to the new Planning and Design Code.

RECOMMENDATION

That Council endorses:

- 1. to proceed with the Development Plan Amendment;**

2. **to prepare the Development Plan Amendment report; and**
 3. **to move to public consultation.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

COUNCIL POLICY

N/A

STATUTORY PROVISIONS

Planning Development Infrastructure Act 2016

Development Act 1993

Development Regulations 2008

Heritage Places Act 1993

BACKGROUND

The State Planning Commission announced in May 2019 that Heritage Contributory items would not be listed in the Planning and Design Code. As offered by the then Minister for Planning, the City of Holdfast Bay commenced a review of the 534 Contributory items in the Glenelg area. Upon completion of that review, it was recommended that 29 of the Contributory Items should be changed to Local Heritage places.

Refer Attachment 1

Given the recent announcement of the change to the Planning and Design Code which will now include all of the 534 heritage contributory items in Holdfast Bay as Representative Buildings, there are two options for Council to consider in regards to how to proceed with the Local Heritage DPA.

Option 1 - the first option is to not proceed any further with the DPA, withdraw the Statement of Intent (SOI) and rely on the contributory items being protected in the Planning and Design Code as Representative Buildings. This option is reliant on contributory items remaining in the Planning and Design Code in the future.

Option 2 - the second option is to continue with the DPA now that the heritage review has been completed and the Minister has approved the SOI. The next stage in the process would be to write the DPA report, and then commence the eight week public consultation process. This would protect the 29 high value heritage properties as Local Heritage

Places with the remaining 505 properties being designated as Representative Buildings under proposed amendments to the new Planning and Design Code.

REPORT

Council staff undertook an initial review of the 534 heritage contributory review items, with each site having been visited, photograph and an initial data sheet written for each property. This initial review allowed staff to gain an appreciation of the range of the contributory items across council. From that initial review it was considered that a large percent of the heritage contributory items have a design and character that is well represented throughout the Council area, and would be suitably protected as Representative Buildings. These heritage data sheets and all relevant information were forwarded onto Council's Heritage Advisor who reviewed all of the information and made their recommendation of which properties are considered suitable to be Local Heritage Places.

The Heritage Consultant recommended that 29 places (or 34 if semi-detached properties are taken as two premises) would be suitable to be included in this DPA. As part of the review, there was one additional property (31C Broadway Glenelg) that was not included in the initial assessment by staff and is not currently listed as a heritage contributory item but was considered by the consultant to be an exemplary property in excellent original condition. Council requested that this property be added to the list of recommended Local Heritage Places, but this was rejected as part of the Minister's approval of the SOI.

The recommendations from the Heritage Advisor includes a church on Hastings Street in Glenelg South as the only non-residential property recommended for Local Heritage status. The 29 properties in the DPA includes several properties that were not recommended by staff in the initial report presented to Council in November 2019. The heritage data sheets of the selected properties, along with a thematic history of Glenelg, and the SOI was sent to the Minister in March 2020.

The State Planning Commission (SPC) wrote to Council on 27 May 2020 to advise that the information Council provided with the SOI was lacking in detail and did not full justify why the recommended properties satisfy the requirement of Section 23 of the *Development Act 1993*. Further documentation was provided to SPC on 21 August 2020, which included the amended heritage data sheets, as well as an amended SOI. The amended heritage data sheets provided more justification of the proposed heritage places against the requirements of Section 23 of the *Development Act 1993*, and also additional reference to the thematic history of Glenelg.

Given the amount of changes that were requested by the heritage sub-committee, and the time that it took for the Heritage Review Committee to be formed, there has been significant delays to the process that was meant to be completed by the end of 2020. The Minister for Planning has extended the time frame of the DPA to mid-2021.

With the recent announcement from the Minister for Planning regarding the inclusion of Heritage Contributory Items into the Planning and Design Code, Council needs to evaluate whether to proceed with the DPA given that contributory items will be listed in the Planning and Design Code.

Option 1 – Withdraw SOI and not proceed with the DPA

Given the recently announced changes, there is the option for Council not to proceed any further with the DPA. This would mean that no further Council resources are spent on this matter, and that Council is satisfied with the Heritage Contributory Items being listed as Representative Buildings under the Planning and Design Code. As the final heritage policy is yet to be released, Administration cannot confirm the level of heritage protection afford to Representative Buildings, so there is a risk that high value local heritage places may not be adequately protected.

Whilst this option would mean that no additional money is spent on this project, there could be implications at a later date. The risk is that Council has undertaken a heritage review, determined that 29 properties warrant Local Heritage status and have an approval from the Minister for the SOI for the DPA. Should the heritage listing for any of these properties come into question in the future, questions would be raised as to why the DPA didn't proceed given all the information we have now. This options also devalues the \$17,600 spent in consultant fees spent on the heritage review, along with the amount of Council staff time spent on this matter, recommending places as worthy of Local Heritage listing, only to not proceed. It is also noted that due to the significant delays in the process, the DPA report has already been written in preparation of progressing to the consultation process. This is the non-preferred option.

Option 2 – That Council administration to proceed with the DPA

The major cost associated with this DPA has already been spent, that being the heritage consultant undertaking a review of the contributory items. The next stage of the DPA process is to write the DPA document, which is near completion. Once the DPA has been finalised, Council will need to undertake public consultation including impacted land owners who will have an opportunity to comment, and appear before a public meeting in support of their representation.

Given the significant amount of work and costs that have already gone into this project, withdrawing the SOI at this stage would mean all work is lost. The work already completed with this project demonstrate that there are properties within the City of Holdfast Bay that warrant Local Heritage Status, but are not currently listed. By continuing with the DPA, Council will ensure that high heritage value properties within the existing historic conservation area are appropriately assigned local heritage status and will remain listed should the status of contributory items be reviewed in the future.

In accord with recent State Government announcements, the remaining 505 properties which are currently listed as Contributory Items will be designated as Representative Buildings under proposed amendments to the new Planning and Design Code.

Refer Attachments 2 and 3

Option 2 is the recommended option.

BUDGET

There is no additional budget requirement for the consultation process. All costs will be absorbed in normal business costs.

LIFE CYCLE COSTS

There are no ongoing costs once the DPA is finalised.

Attachment 1



Hon Vickie Chapman MP

Deputy Premier
Attorney-General
Planning and Local Government Minister

Thursday 29th October 2020

Contributory Items will count.

Attorney-General and Planning Minister Vickie Chapman has welcomed today's decision by the State Planning Commission to include existing contributory items in the draft Planning and Design Code.

“Contributory items are specific building design elements that represent a particular period or architectural character, and provide visual reminders of our history,” Ms Chapman says.

“Councils and the community have been united in their call to have them included in the Code - as concerns were raised that the existing protection of these items would be diminished.”

The Commission's revised draft Planning and Design Code will be released for six weeks for a final round of public consultation in early November.

It will include changes to ensure the vast majority of existing contributory items are transitioned into the Code and individually identified under the new category of Representative Buildings.

These Representative Buildings will be referred to in both Historic Area and Character Area Statements, and mapped in the South Australian Planning and Property Atlas.

“Most contributory items are located within a Historic Area Overlay and will already be afforded a level of protection due to the demolition controls that apply to that Overlay,” Ms Chapman said.

“In most cases where this does not apply, existing Historic Area Overlays will be expanded, or new Character Area Overlays will be created to capture them.

“As is the case today, properties within the Character Area Overlay will not have demolition control, while those in the Historic Areas Overlay will.

“I believe it is important that many decades of local council efforts in assessing and acknowledging the values that contributory items offer to the local character of an area should be preserved.

“Both as a local MP and in my new role as Minister for Planning and Local Government, I am aware of concerns from local councils and others in the community about removing all references to contributory items in the new planning system.

“I’m pleased to see the State Planning Commission has acted on those concerns and agreed to reflect contributory items in the draft code.”

The Code is in place in outback and regional areas, and is set to be implemented in large regional towns and metropolitan areas next year – delivering a simpler, more effective planning system across the State.

“This final consultation on the draft Code will be a chance for the community to see how the State Planning Commission has incorporated feedback from the initial consultation, before finalising its recommendations to Government,” Ms Chapman said.

“I encourage all South Australians with an interest in planning and the ‘look and feel’ of their local neighbourhoods to have their say.”

Attachment 2



The Hon Vickie Chapman MP



Government
of South Australia

Deputy Premier

Attorney-General

Minister for Planning
and Local Government

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723
Fax 08 8207 1736

#16147227

27 October 2020

Mr Roberto Bria
Chief Executive Officer
City of Holdfast Bay

By email: rbria@holdfast.sa.gov.au

Attention: Michael Gates, Business Partner – Transition and Policy Planning

Dear Mr Bria

Request to consider the Local Heritage in Transition Statement of Intent

I write in response to Council's request seeking my authorisation of a Statement of Intent (SOI) in relation to the Local Heritage in Transition Development Plan Amendment (DPA).

I note that Council's SOI includes a proposal to list one property, 31C Broadway, Glenelg South that is not currently a contributory item within Council's Development Plan. As Council is aware, the intention of this heritage review process is to solely review existing contributory items against the criteria in section 23 (4) of the *Development Act 1993* (the Act) and as such, the inclusion of non-contributory items is not supported. Council may wish to consider this, and other properties as part of any future Local Heritage Code Amendment process.

However, I advise that I support the proposed intent of the SOI and agree that this SOI forms an appropriate basis for the preparation of the proposed DPA pursuant to section 25(1) of the Act, subject to the exclusion of the property at 31C Broadway, Glenelg South. A copy of the endorsed SOI is attached.

In accordance with the requirements of section 25(12) of the Act, Council is required to undertake direct notification with the owner of any property proposed to be listed as a Local Heritage Places in the DPA at or before the time that the DPA is released for public consultation.

Council is reminded that the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 allow for Heritage in Transition DPAs to be lodged up to 1 July 2021. If the DPA is not lodged for my approval by this time, the DPA will lapse.

If you require any assistance or additional information, please contact Abi Coad of the Attorney-General's Department on 7109 7039 or by email at abi.coad@sa.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Vickie Chapman'.

VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Attachment 3



Statement of Intent

By the Council

Heritage DPA

Local Heritage Development Plan Amendment

by the

City of Holdfast Bay

SOI_September 2020

Pursuant to section 25 (1) of the *Development Act 1993* this Statement of Intent forms the agreed basis for the preparation of the proposed Development Plan Amendment.



Roberto Bria
CHIEF EXECUTIVE OFFICER

Date: 01 September 2020



Vickie Chapman
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date: 27.10.20

Table of Contents	
1. Introduction	1
1.1 Statement of Intent	1
1.2 Chief Executive Statement.....	1
1.2.1 Council Contact Person	1
2. Scope of the Proposed DPA	2
2.1 Rationale	2
2.2 Potential Issues.....	2
3. Strategic and Policy Considerations	3
3.1 The Planning Strategy.....	3
3.2 Council Policies.....	3
No changes to Council Development Plan Policies are proposed.....	3
3.2.1 Council's Strategic Directions (Section 30) Report.....	3
3.2.2 Infrastructure Planning	3
3.3 Minister's Policies	3
4. Investigations and Consultation	3
4.1 Investigations Previously Undertaken.....	3
4.2 Investigations Initiated to Inform this DPA	4
4.3 Consultation	4
5. Proposed DPA Process	4
6. Professional Advice and Document Production	5
6.1 Professional Advice	5
6.2 Document Production	5
6.3 Mapping	5
7. Proposed DPA Timetable	6
Process B2 - Heritage Timetable.....	6

1. Introduction

1.1 Statement of Intent

Pursuant to section 25(1) of the Development Act 1993 (the Act) the City of Holdfast Bay (the Council) has reached agreement with the Minister on this Statement of Intent (SOI) prepared by the Council in accordance with the Development Regulations 2008 (the Regulations).

The SOI details the scope, relevant strategic / policy considerations, nature of investigations to be carried out, the consultation process and timeframes to be followed in preparing the DPA.

1.2 Chief Executive Statement

The Chief Executive Officer of the Council confirms the following:

- The proposed DPA will assist in implementing the Planning Strategy.
- The proposed DPA has been endorsed by Council.
- All procedures, documentation and mapping will accord with relevant statutory requirements of the Act and Regulations.
- Sufficient Council resources will be devoted to completing the DPA within the agreed timeframe. Council acknowledges that the Minister can lapse the DPA if key timeframes are not met by Council pursuant to section 25(19) of the Act.
- Council may use the outcome of investigations and other information produced by external sources which will be reviewed by a qualified, independent professional advisor (pursuant to section 25(4) of the Act).

1.2.1 Council Contact Person

The key Council contact person who will be responsible for managing the DPA process and who will receive all official documents relating to the DPA is:

- Michael Gates – Business Partner – Transition & Policy Planning (Development Services) –
8229 9957 mgates@holdfast.sa.gov.au

2. Scope of the Proposed DPA

2.1 Rationale

This heritage DPA is being prepared as a result of the changes proposed in the Planning and Design Code that will mean that Heritage Contributory Items listed in the current Development Plan will have no heritage status.

There are 534 Heritage Contributory Items located within the City of Holdfast Bay in the suburbs of Glenelg, Glenelg East and Glenelg South. These properties are considered to be important to the historic character of the Glenelg area and tell the story of how the area has evolved over time. The character of the dwellings that form part of this DPA range between the Victorian era of the 1880s to the inter war period of the 1930s.

The Glenelg area has been a prominent part of the early history of South Australia, with the first settlement of the state occurring in this region. As part of that the built form of the locality is characteristic of that era, with many properties being integral to the lives of prominent South Australians of that time. The range of buildings in the Glenelg range from grand houses of notable people of that era, dwellings with stables at the rear and row dwellings.

The suburb of Glenelg East is an excellent example of a 'garden city design' that was accepted practice of city design in the 1920s. The area remains largely undeveloped from that era, with the original pattern of division still retained, with very few replacement dwellings having been constructed in the area since the original dwellings were constructed in the 1920s and 1930s. Whilst only a few dwellings have been selected from this area, they are notable dwellings that are worthy of local heritage status.

The range of places to be reviewed as part of this DPA also includes a place of worship that is currently listed as a Heritage Contributory Item.

Council is committed to maintaining the heritage character of the Glenelg area and the important part it has to the local community. With the loss of their heritage contributory status, the individual properties will not be listed in the Planning and Design Code. The properties selected for this DPA are considered to satisfy the requirement of Section 23 of the *Development Act 1993*, as to warrant Local Heritage status and be retained as important elements within the Historic Conservation Areas. With heritage properties listed in the Planning and Design Code, it gives everyone greater clarity on properties considered to be of particular heritage character for that area.

Council has reviewed their contributory items and determined to proceed with the consideration of 40 properties to be listed as local heritage places. Each place will be assessed against the local heritage criteria (prescribed in Section 23 (4)(a) of the *Development Act, 1993*).

2.2 Potential Issues

Potential issues associated with the proposed listings:

- The identification of any incentives that Council may offer landowners of local heritage places.
- Managing community expectations and understanding of the implications of any changes of listing from Contributory Item to a Local Heritage Place.

3. Strategic and Policy Considerations

3.1 The Planning Strategy

The DPA will support the relevant volume of the Planning Strategy (or draft Strategy) by implementing the following targets and policies:

Target	How the target/policy will be implemented:
The 30 Year Plan for Greater Adelaide (2017 Update)	
Target 6: Greater Housing Choice – Increase housing choice by 25% to meet changing household needs in greater Adelaide by 2045	Clarifying the heritage value of properties currently listed as contributory items, provides greater certainty as to the housing that will be sought to be retained in Local Heritage areas. This provides context for housing development and choice across the balance of the Council area.
Policy 34 – Ensure heritage places and areas of heritage value are appropriately identified and their conservation promoted	The DPA will review existing contributory items against the local heritage places criteria and seek to list those that meet this criteria in order to ensure their ongoing recognition and conservation.

3.2 Council Policies

No changes to Council Development Plan Policies are proposed.

3.2.1 Council's Strategic Directions (Section 30) Report

Council's recent Strategic Directions Report does not make mention or recommendation for local heritage Development Plan Amendments.

3.2.2 Infrastructure Planning

The DPA will not be affected by nor affect current infrastructure planning (both social and physical) by Council, the Minister or by a relevant government agency as it relates only to the listing of heritage properties.

3.3 Minister's Policies

The DPA is seeking to list local heritage places only, it will not amend policy and therefore no amendment to the Planning Policy Library or existing Ministerial Policies will occur. The listing process will not affect any existing Ministerial DPAs.

4. Investigations and Consultation

4.1 Investigations Previously Undertaken

- 38 contributory items, and 1 dwelling not currently listed have been reviewed by David Brown – BB Architects against the criteria for Local Heritage Places as prescribed in section 23 (4)(a) of

the *Development Act, 1993*. In reviewing the place consideration was given to the themes of activities and historical forces.

- In doing so the following Council heritage survey/s were reviewed:
 - *Glenelg Heritage Policies Review – Final Report to the Reference Group March 1997 by McDougall & Vines*
 - *Glenelg Heritage Survey – February 1983 – by Hignett & Company*
 - *Glenelg Central Area and Foreshore Strategy Heritage Analysis & Recommendations March 1988 by McDougall & Vines.*
- The extent of the building/structures that are to be included in the proposed listings have been reviewed.
- Places that are considered to be structurally unsound, have public safety issues or are irredeemably beyond repair have been removed from the proposed listing.

4.2 Investigations Initiated to Inform this DPA

There are no additional investigations that will form part of this DPA.

4.3 Consultation

The following key stakeholders will be consulted during the investigations stage for input into the proposed DPA:

- Department for Planning, Transport and Infrastructure

The following agencies, State Members of Parliament, interested parties, individuals and Councils will be consulted during the consultation stage of the DPA:

- Department for Planning, Transport and Infrastructure
- Department for Environment and Heritage
- Local Heritage Advisory Committee
- Heritage SA
- Member for Morphett – Mr Stephen Patterson
- Member for Gibson – Mr Corey Wingard
- Member for Black – Mr David Speirs
- Minister for Planning Stephan Knoll

Consultation with the public will be undertaken in accordance with the requirements of the Act and Regulations. This will include:

- A notice in the Government Gazette (mandatory).
- A notice in Coast City Messenger.
- The scheduling of a Public Meeting at which any interest person may appear to make representations on the proposed amendment.
- Notices to the owners of any land that is proposed to be listed as Local Heritage Places.

5. Proposed DPA Process

Council intends to undertake **Process B2 (consultation approval not required)**. A copy of the DPA will be released for concurrent agency and public consultation (not more than 8 weeks for agency comment and not less than 8 weeks for public comment).

As Council has provided the assessment of the proposed local heritages listing to DPTI, consultation approval is not necessary. 8 week consultation is appropriate for a heritage DPA.

6. Professional Advice and Document Production

6.1 Professional Advice

The professional advice required will be provided by:

- Caroline Chapman – Strategic Planner City of Holdfast Bay

This person satisfies the professional advice requirements of the Act and Regulations and will provide advice to the council prior to the preparation of the DPA. This person is not considered to have a conflict of interest or perceived conflict on interest in the DPA.

6.2 Document Production

The DPA (including the structure, amendment instructions and mapping) will be prepared in accordance with the Heritage in Transition Practitioner Guide and the Technical Guide to Development Plan Amendments issued by the Department for Planning, Transport and Infrastructure (the Department) and any templates, except as mutually agreed.

To ensure certainty as to the correct version of the DPA, the DPA will contain a date in the footer (eg version 5 July 2007). The footer will be located on every page of the DPA, including the proposed amendments (including mapping).

The Chief Executive Officer of the council will ensure that the policies implement the Planning Strategy, all procedures have been completed within the statutory requirements, and that mapping is correct prior to issuing a certificate in accordance with the Act. If this is not the case, the council will take responsibility for the DPA until the matter has been resolved.

6.3 Mapping

Council will obtain electronic copies of all the affected maps and/or figures from the Department prior to the commencement of mapping amendments to ensure all mapping is amended based on current map bases.

Council will liaise with the Department to prepare the mapping requirements and put into the Heritage database. Local Heritage Places must be correctly identified as inaccuracies can cause invalid listings.

Amendments to maps will be provided in the required format to the Planning Division of the Department.

7. Proposed DPA Timetable

Process B2 - Heritage Timetable

The following timetable is proposed for this DPA based on the selected process. Council will take steps to update this timetable if it appears at any stage that Council will require an extension to complete a task.

Consultation will be completed prior to **31 March 2021** to ensure it is completed prior to the replacement of the Development Plan with the Planning and Design Code on 1 July 2021.

Steps	Responsibility	Agreed Timeframe from Minister's Approval
Development Plan Amendment (DPA)		
Investigations conducted; DPA prepared	Council	12 weeks
Agency and public consultation concludes	Council	8 weeks
Summary of Consultation and Proposed Amendment (SCPA)		
Public Meeting held; submissions summarised; DPA amended in accordance with Council's assessment of submissions; SCPA prepared and lodged with the Department	Council	10 weeks
SCPA assessed and considered by the Local Heritage Hearing Panel and State Planning Commission (SPC). Approval DPA prepared for Minister.	Department	16 weeks
Minister considers report on DPA and makes decision (If amendments are proposed the Minister must consult with Council prior to finalising the DPA)	Minister	8 weeks
Approved DPA gazetted	Department	2 weeks

Following Ministerial approval of the proposed amendment, it is forwarded to the Environment, Resources and Development Committee of Parliament for review.

Item No: **15.10**

Subject: **DOVER SQUARE RESERVE – IMPROVING EQUITY OF USE**

Date: 10 November 2020

Written By: Team Leader, Sport and Recreation Planning

General Manager: Community Services, Ms M Lock

SUMMARY

Dover Square Reserve is a popular space for passive recreation and it is highly used by the local community. Over time, petitions, reports, and anecdotal feedback regarding conflict of use between dog owners and other recreational users have been submitted to Council. As a result, minor works such as installation of gates and fences has occurred to separate dogs off lead and others users of the reserve. Due to the high level of interest from the community, a community engagement process was undertaken with four options with the aim to provide improved safety and achieve equity of use between all recreational users at Dover Square Reserve.

Feedback received from the engagement process identified opportunities to improve Dover Square without displacing any user groups of the space. Whilst majority of respondents support Option D 'Extend Current Playground Fence', a significant number of respondents also support Option C 'Connect Dover Square Reserve to the Almond Grove'. Whilst not one option will resolve all concerns, implementing a combination of the two options in a staged approach is recommended.

RECOMMENDATION

That Council:

- 1. notes the findings from the consultation 'Improving equity of use at Dover Square Reserve;**
 - 2. endorses the preferred option and proceeds with Stage 1, minor fence alterations, landscaping and additional amenities; and**
 - 3. considers financial support for Stage 2 and maintenance program for turf improvements in 2021-22 budget**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods
 Community: Building a healthy, active and resilient community
 Community: Fostering an engaged and contributing community
 Environment: Fostering an environmentally connected community

COUNCIL POLICY

Dog Management Policy
 Customer Feedback and Complaints Policy
 Community Consultation and Engagement Policy

STATUTORY PROVISIONS

Dog and Cat Management Act 1995.

BACKGROUND

The Open Space and Public Realm Strategy 2018-2030 outlines a long term vision for the provision of high quality, distinctive and vibrant open spaces and public realms across the City that support active and connected communities and visitors.

Over time, petitions, reports, and anecdotal feedback regarding conflict of use between dog owners and other recreational users have been submitted to Council. As a result, minor works such as installation of gates and fences has occurred to separate dogs off lead and others users of the reserve.

At the Council meeting on 12 November 2019, a Question on Notice was raised requesting limiting hours for dogs off their leads in Dover Square (Report No: 430/19).

On 25 February 2020, a Motion on Notice requested (Motion C250220/1774):

That administration provide a report to Council by 30 April 2020 on Dover Square Park including:

1. *current condition of the amenities and their life expectancy;*
2. *any plans a for upgrading the facilities, including the turf/grass;*
3. *options to achieve equitable use of the reserve by dog owners and other recreational users; and*
4. *the condition and maintenance schedule for the Heritage listed Almond Grove adjacent to the Dover Square Reserve, alongside the Tennis Courts*

At a Council meeting on 28 April 2020, it was resolved (Report No: 97/20, Motion C280420/1885):

1. *That Council endorses Administration to undertake a community engagement process with options to resolve/reduce user conflict at Dover Square Reserve, and provide equitable access to the reserve for all user groups;*

2. *Include the Dover Square Kindergarten and the Dover Square Tennis Club in the Community Engagement Process; and*
3. *Include an "Option D" which extends the current playground fence west and encloses the BBQ, the picnic table adjacent to the BBQ, and one entry into the "Recreation Zone" - separating it from the Dog off lead area.*

Administration undertook community engagement 'Improving Equity of Use at Dover Square Reserve' from 25 August until 20 September 2020. The community were asked to provide feedback on four options to improve equity of use and rank their order of preference with one being their most preferred and four being their least preferred option. They were also asked to provide additional options to improve the equity of use for all users if they wished. Views were collected via Council's website, email submissions, written submissions, hard copy surveys and in person at drop in sessions.

Drop-in sessions were held on Wednesday 2 September 2020 between 4pm-6pm and Saturday 12 September between 10am-11:30am. The options were displayed to allow the community to discuss their views and provide feedback.

This engagement was promoted through:

- Registered user update via email to 371 residents living in South Brighton, Seacliff and Brighton.
- A mailbox drop to 650 residents and properties within a 350m radius including Dover Kindergarten and Dover Square Tennis Club was undertaken.
- In addition, four corflute signs were installed onsite and engagement packs were available in the Brighton Civic Centre and Council's Brighton and Glenelg Libraries.

Refer to Attachment 1

On 27 October 2020, a Council workshop was undertaken to discuss and evaluate engagement results and identify a preferred solution that addresses the needs of the community. At this workshop, Elected Members discussed a number of design solutions and variations to the four options that were consulted with the community. Based on the community engagement feedback and discussions at the Elected Member workshop, a combination of Option C and D is being recommended for implementation.

REPORT

Existing Site Layout

Dover Square Reserve currently has four seating nodes in each corner, a barbecue, seating, shelter, water fountain, footpath along the southern side of the reserve and a small playspace in the southeast corner. The reserve has a low fence around the perimeter and playspace. Further detail provided in Attachment 2.

Refer to Attachment 2

The small playspace has a condition rating of 2.5 (mid-life), however, an independent condition assessment report was undertaken by Kid Safe Australia in April 2020 which identified there are a number of non-compliance and safety hazards that could bring forward the playspace replacement, or at least lead to replacement of particular pieces within the next 3 years.

Essentially, there are certainly grounds from a safety perspective for incorporating all or most playspace components into the 2022-24 3-year capital renewal program. Currently there is \$53,397 allocated to equipment replacement on a like for like basis.

In addition, the 2019-29 Playspace Action Plan highlights the need to increase the fenced playspace area to include some grassed open space or kick about space for families.

The Almond Grove located across the road from the playspace in the southeast corner of the square currently has the last remaining Almond grove trees, some native vegetation and an unofficial dirt bike track constructed by the local community. A paved pedestrian walkway runs against the tennis court fence line and joins Dover Square and Folkestone Road.

Engagement Results

191 submissions were received during the engagement period. Participants were asked to choose their preferred option to improve equity of use for all users of the reserve.

Option A

Option A, 'Minor Works and Fencing Alterations', included extending the playspace fence to include half the eastern side of the square. 51 respondents selected this option as first preference, which highlights the desire for a section of turfed open space to be dog free. The opposition to this option indicated that significant reduction of dog off-leash space would displace dog exercisers.

Option B

Option B, 'Implementing dog off-leash restrictions' was the least supported with 15 respondents selecting this as a first option. Reasons include inconvenience for dog exercisers who would be limited to strict times, increased volume of dogs using the reserve at the same time, impracticality of enforcing this model and concerns that this option still would not provide an area that is always free of dogs and dog waste.

Option C

Option C, 'Connect Dover Square Reserve to the Almond Grove' received positive feedback (38 selected this as a first preference and highest second preference scores) to increase the open space. Comments opposed highlighted issues with traffic flow. In addition, initial assumptions indicate that the costs associated to change road conditions to link Dover Square Reserve and the Almond Grove exceeds the Annual Business Plan 2020-2021 budget for Dover Square Reserve Improvements.

The positive feedback on this option included providing additional passive, nature open space for walking and respite away from the other recreational opportunities within the square. This would also achieve equity by connecting additional open space to Dover Square Reserve where people

can recreate without dogs off-leash. This option also joins the Almond Grove to Dover Square and makes for a larger, useable open space.

Option D

A clear majority of responses (81 selected this option as a first preference) support Option D to 'Extend Current Playground Fence', which would extend the fence to include the existing BBQ and shelter. This information should be considered with the extensive qualitative data that was also received to understand the full picture. There is a large community of dog exercisers who regularly use Dover Square Reserve and feel a very strong connection to this space who are worried about being displaced and the lack of other spaces they have to exercise dogs off-leash in a safe fenced environment. There is also a significant number of local residents who have already been displaced from this reserve, this is due to the large number of dogs utilising the space, dog urination/facies and the poor condition of the turf due to high dog use.

Many dog exercisers understand the need to increase the opportunities available at this space for families and children, and are open to an increase the play and recreation area which includes a separate entrance, supporting amenities (drink fountain, BBQ, picnic tables and mall open space), which also allows for adequate dog exercise space. Option D to 'Extend Current Playground Fence' as a solution on its own does not meet all of these needs.

Other feedback

In addition to providing feedback on the options, the community were asked for comments or suggestions to improve Dover Square Reserve. Key themes included:

- Provision or repairs of extra amenities e.g. water fountains, shelters, benches, toilets.
- Improving the quality of turf and landscaping.
- Including break out areas on each side of the fence and moving the BBQ inside the fenced playspace area.
- Turning Dover Square into a designated dog park.
- Providing a separate entrance into the playspace area from outside the reserve.
- Increasing the playspace area to provide adequate open space for dog off-leash exercise.
- Creating accessible paths around the reserve and playspace for wheelchairs and prams.
- Improving signage for awareness, correct use and effective control of animals.

Whilst Option D to 'Extend Current Playground Fence' was the most popular preference, not one option sufficiently addresses all the feedback received for of all user groups. Option C provides the opportunity to address additional needs however would require further consideration for consultation and budget to implement any changes to the road conditions. For this reason, it is recommended that improvements to Dover Square Reserve should be undertaken in a staged approach.

Stage 1

The scope of works in Stage 1 will be a combination of Option D and C and achieves a number of desired outcomes from the community engagement, including:

- Removal of the fence separating the playspace from the rest of the reserve

- Installing a new fence to enclose the playspace, shelter, bbq area and a small kick about space on the eastern end of the reserve with additional access gates and signage at entry points
- Installation of new turf in worn sections, landscaping and additional paving around infrastructure and pathways
- A new shelter and drink fountain in the dog off lead area.

Refer to Attachment 3

The allocated budget for the 2020-21 Annual Business Plan is \$60,000, which will allow implementation of stage 1 to occur this financial year.

Costs

Below is a summary of estimated costs associated with implementing recommended improvements as Stage 1. Figures are approximate and will be further refined when size and quantity of materials are refined through product selection process.

Item	Specifications	Cost
Fencing alterations	90m	\$15,000
Gates	\$600 per gate x 2	\$1,200
Shelter 3x6m	1 shelter	\$12,000
Dog bubbler / tap / fountain	Replacement and one additional	\$10,000
Additional bins / dog dispensers		\$3,000
Paving	North east corner (new path) South west corner (new path) Paving around shelters / taps	\$3,000 \$2,000 \$1,800
Landscaping / turf		\$10,000
Signage		\$2,000
Total		\$60,000

Turf and Maintenance

Currently staff accrue approximately 104 hours per year of programmed maintenance works at Dover Square Reserve, excluding playground or tree maintenance. Work has been performed over the last 6-12 months to improve turf quality include aeration, over-sowing and re-seeding, top dressing and fertilising.

Although there is a high level of maintenance undertaken, this is delivered under a general reserves operating budget for open space across Council. Feedback results from the engagement demonstrated that the community has a strong desire to improve the turf quality to withstand the impacts of the heavily used space. As a result of the high use, despite general maintenance being undertaken regularly, potholes, turf deterioration and general wear has resulted in accessibility and safety issues.

Community feedback and expectations are that a no dog area have higher quality turf than what is currently provided. This will enable ball sports to be played and running with reduced risk of tripping on uneven ground. In addition, the turf in the dog off lead area also was the subject of numerous complaints.

The costs required to maintain this turf at a higher quality would require its own budget line, estimated at \$40,000 to \$50,000 per year. It is recommended consideration be given towards additional visits for removal of waste, maintenance of high wear areas and increase of visits to weekly instead of fortnightly.

Stage 2

Option C, 'Connect Dover Square Reserve to the Almond Grove' requires alterations to the small section of the south eastern section of The Broadway, kerb and gutters, car park and overall improvements to the Almond Grove. In addition, consultation and further work to develop designs and associated costs are yet to be investigated. A full and permanent road closure will require consultation as per the guidelines for *Roads (Opening & Closing) Act 1991*.

Refer to Attachment 4

Administration recommends coordinating the Stage 2 design with the renewal of the playspace, and it is anticipated that planning and design for stage 2 and the playspace can be undertaken simultaneously in 2021-22. This will allow budget to be finalised in the next financial year, prior to implementation and construction in 2022-23. The new playspace would be designed to fall within the same footprint of the current playspace and may incorporate more natural play equipment, which is aesthetically in keeping with its natural setting amongst the trees. The proposed playspace renewal would be limited to the current location, as to maximise unstructured kick about space in the no dog area. There is currently \$52,397 allocated to playspace renewal in the asset management plan.

BUDGET

The 2020-2021 budget includes \$60,000 for Dover Square Reserve Improvements – to facilitate shared use for dog owners, playground/park users. This will be fully expended as per the scope of works outlined previously.

To improve turf quality, an ongoing operational budget of approximately \$40,000 - \$50,000 allocated per year.

A new initiative to be developed as part of the draft 2021/22 budget for \$15,000 to commence investigations and concept design for Stage 2. This will include traffic and safety analysis, concept designs, integrating the playspace renewal and a cost estimation for the scope of works. A capital budget new initiative will then be submitted for the 2022/23 financial year to undertake the stage 2 works, along with the playspace renewal.

As with other open space renewal and upgrade projects, opportunities to partner with community clubs to co-fund pieces of infrastructure is also possible and will be explored to possibly reduce the total cost for Council.

LIFE CYCLE COSTS

Maintenance: Weekly inspections and general maintenance by two staff members.

Renewal: At the end of its useful life (approximately 10-15 years)

Attachment 1





ENGAGEMENT SUMMARY REPORT

DOVER SQUARE RESERVE

Report prepared for the Recreation and Youth Coordinator by
the Digital Engagement Partner - October 2020

INTRODUCTION

On Tuesday 25 August 2020, Council commenced engagement around improving the equity of use at Dover Square Reserve for all users.

Background

Dover Square Reserve is a popular public space and is highly used by the local community. Over time there have been concerns raised regarding issues between different users groups of the reserve. Due to the high level of interest from the community, Council undertook community engagement on four new options that aim to provide safety and achieve equity of use between all users at Dover Square Reserve.

This report provides a summary of the engagement methodology and engagement outcomes.

BRIEF DESCRIPTION OF ENGAGEMENT METHODOLOGY

This 27 day community engagement ran from 25 August to 20 September.

The views of the community were collected via:

- Council's website.
- Email submissions.
- Written submissions.
- Hard copy surveys – 85 were collected.
- In person at the Drop In sessions:
 - 4pm-6pm Wednesday 2 September 2020.
 - 10am – 11.30am Saturday 12 September 2020.

And promoted through:

- A registered user update to residents living in South Brighton, Seacliff and Brighton - via email to a 371 database on 21 August 2020.
- Four corflute signs at Dover Square.
- Mail box drop to residents
 - 650 letter drops to properties
- Brighton Civic Centre, Brighton and Glenelg Libraries.

SURVEY FORMAT

Participants were asked how they currently use Dover Square Reserve. They were then asked to review four options that aimed to improve equity of use at the reserve and to specify their preference from one to four with one being their most preferred and four being their least preferred option. Participants also had the opportunity to provide comments around their rankings and suggest alternative options to improve equity of use.

Survey Results

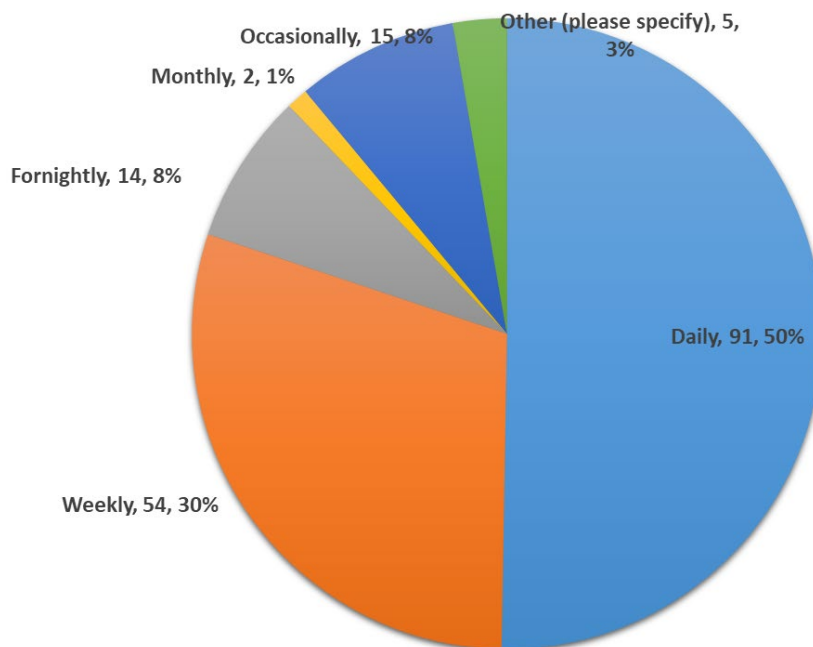
191 submissions were received during the engagement period. Below are the results

1. Do you currently Use Dover Square Reserve, South Brighton?



- 181 participants said yes they do use the park.
- 10 participants said that don't currently use the park for the following reasons:
 - 7 said it was because of the dog problem that they don't visit.
 - 1 said it was because they only have one dog.
 - 1 said they neither had children or dogs.
 - 1 said they take short walks to the edge of the park.

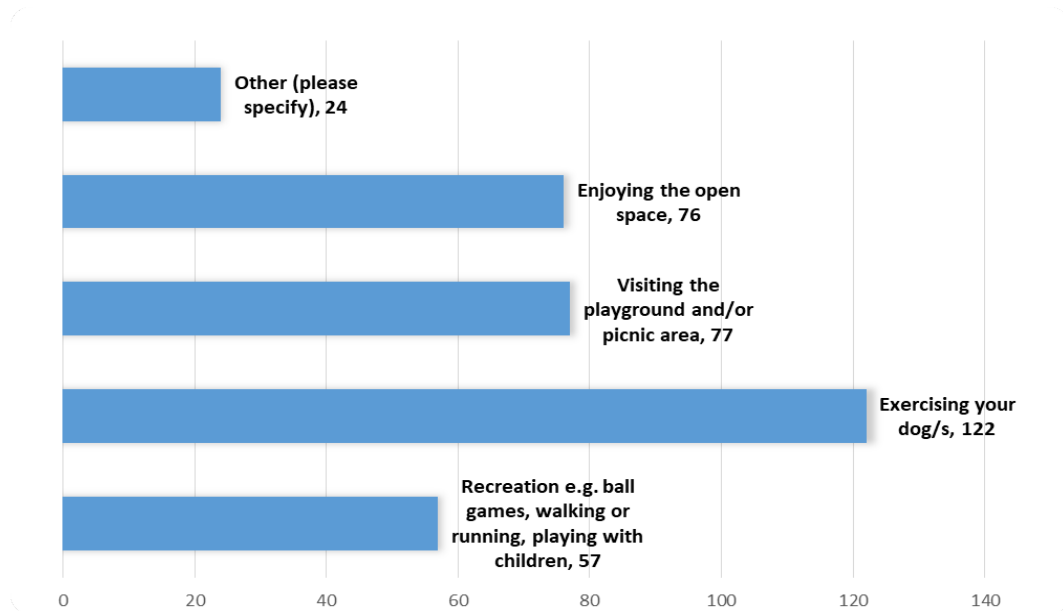
2. How frequently do you use Dover Square Reserve?



- 91 participants (50%) use the reserve daily.

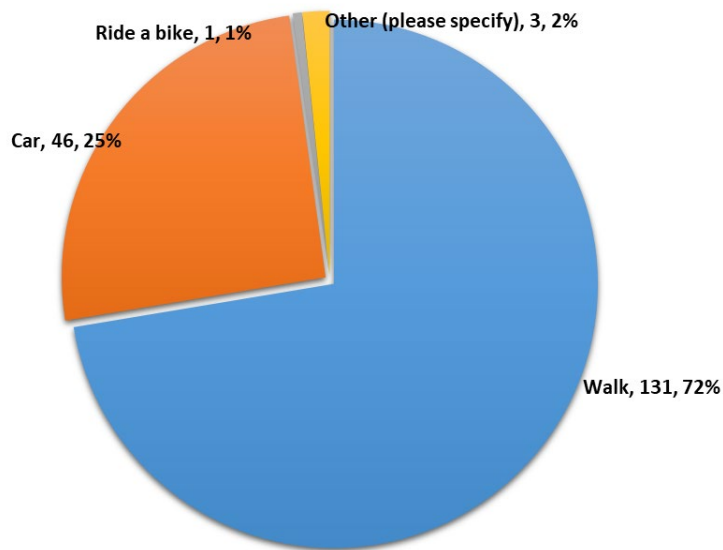
- 54 participants (30%) use the reserve weekly.
- 5 participants said other: two people said several times a week, three participants said they can't use it due to the dog issue.

3. For what purpose do you use Dover Square Reserve? (participants were able to select multiple options)



- 122 participants said they use the area for exercising the dog.
- 77 participants visit the reserve to use the playground and or picnic area.
- 24 participants said other: for socialising, such as carols in the square, meeting other people/dog owners, networking, community spirit, catching up with the neighbours etc.

4. How do you normally travel to Dover Square Reserve

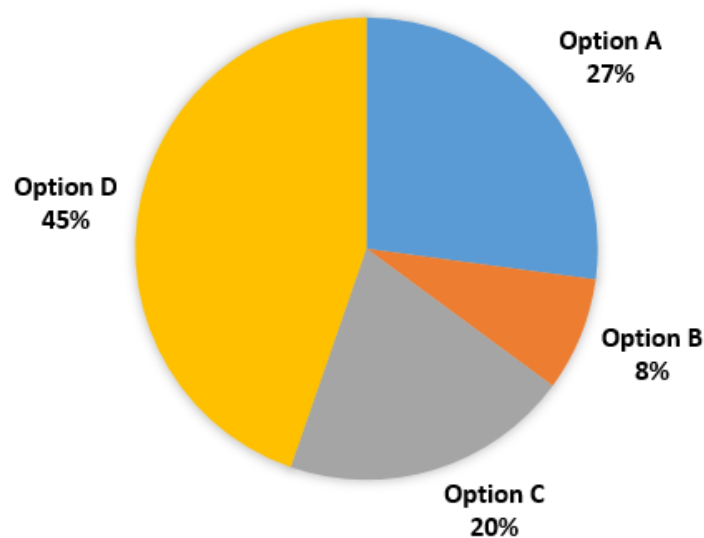


- 131 participants (72%) walk to the reserve.
- 3 participants (2%) said other: a combination of both or visit the playground with grandchildren.

Participants were then asked to choose their preferred option to improve equity of use for all users of the reserve. The options were as follows:

- Option A – Minor works and fencing alterations.
- Option B – Implementing dog off leash restrictions.
- Option C – Connect Dover Square Reserve to the Almond Grove.
- Option D – Extend current playground fence.

Below shows how people ranked their first preference:



- 84 participants (45%) chose Option D - Extend current playground fence.
- 51 participants (27%) chose Option A- Minor works and fencing alterations.
- 38 participants (20%) chose Option C- Connect Dover Square Reserve to the Almond Grove.
- 15 participants (8%) chose Option B- Implementing dog off leash restrictions.

The total results are shown in table 1.

Table 1.

Preferences	Option A	Option B	Option C	Option D
First Preference	51	15	38	84
Second Preference	44	32	75	52
Third preference	56	37	41	40
Fourth Preference	26	104	21	20
Weighted Preferences	Option A	Option B	Option C	Option D
1P x 4 points	204	60	152	336
2P x 3 points	132	96	225	156
3P x 2 points	112	74	82	80
4P x 1 point	26	104	21	20
Total weighted scores	474	334	480	592

Q4. Please explain your choice in rankings

180 comments were recorded, below are the key themes that were highlighted by participants:

Participants (42) felt that there wasn't currently any issue relating to equity of use at Dover Square Reserve and/or requesting that Council leave the reserve as it is due to lack of other similar community spaces suitable for off leash dog exercise within the community. It was also raised by 17 participants that the reserve plays an important role in facilitating social connection between dog owners, dog lovers and their pets; for some this is their main regular social outing.

Request were made by 27 participants for a dog exclusion area where children, families and adults could spend time catching up with friends to enjoy a picnic and/or recreation activities, without being disturbed by dogs or worrying about stepping in dog waste. In addition there was the requests (21) for a BBQ be included within the play/dog exclusion area to allow for patrons to prepare food without animal interference. 14 participants stressed the importance of the area having its own entrance/s that allowed people to access the space without having to interact with dogs.

Twenty participants were not in support of dog off-leash times for a number of reasons including; inconvenience for dog exercises who would be limited to strict time frames, increased volume of dogs using the reserve at the same time, impracticality of enforcing this model and the fact that this model still wouldn't provide an area that is always free of dog waste and urine.

19 participants requested an increased play and recreation area that provided more opportunities for children, families and adults without dogs but that still had adequate open space for large dogs to run around.

Q5. Do you have any other comments or suggestions to improve equity of use at Dover Square Reserve?

144 further comments were recorded:

The majority of comments (36) were requesting extra amenities to support reserve users including; water fountains, taps to refill dog water containers, shelters and picnic settings, benches and public toilets.

A common theme throughout the engagement was issues with the current quality of turf and how they would appreciate this being improved to reduce tripping hazards and improve accessibility (19 comments in this section).

Comments (15) were recorded relating to requests for recreation equipment outside of the project scope, including; upgrades to the current playspace, sporting rings and goals and fitness equipment.

The same issues were raised again around there being no issues between users of the reserve and requests to leave the reserve as it is and requests for the creation of a larger dog exclusion zone where children and families can recreate.

COMMUNITY DROP-IN SESSIONS

2 community drop-in sessions were held on site at Dover Square Reserve, allowing the community to discuss the options 1:1 with staff project member. During these sessions community members had the opportunity to speak to Council staff about the four options that had been proposed to improve equity of use at the reserve and suggest their own alternative options or modifications to the existing options.

Drop-In Session 1 – 4-6pm Wednesday 2 September

Staff present: Julia Wallace, Melissa Priest, Matthew Rechner, Elena Pereia, Marnie Lock

83 people attended the drop-in session

Approx. 40-50 dogs in attendance

42 hard copy surveys were submitted

Discussions were had with many community members about the need for direct entrance into the playspace and provision of supporting amenities (picnic, BBQ, water fountain, open space) within this space that allow for community events and gatherings that won't be disturbed by dogs.

Many participants expressed that whichever of the options council decides to proceed with, there needs to be clear signage about picking up after your dog and having your dog under control.

Participants suggested that a bin should be positioned away from the playspace for dog waste to as the current bin is located alongside the playspace fence.

Many complaints were received from participants about the poor quality of the reserve turf, holes, lumps, weeds, dirt and tripping hazards. It was expressed by participants that these issues regarding the poor quality of turf were not being caused by high dog use.

Drop-In Session 2 – 10-11.30am Saturday 12 September 2020

37 people attended drop-in session

Approx. 30 dogs in attendance

20 hard copy surveys received

Participants were in general, more open to a shared use arrangement for dog exercisers and other reserve users and spoke about the importance of creating a dog exclusion zone for children and families.

There was talk from several community members about creating a play and recreation area fence from the eastern gate just outside of playground straight through to western reserve fence, making the southern end of the reserve a dog free area.

A lot of comments were received again about the poor turf quality and how this effects how participants can use the reserve.

Participants expressed a want for extra shelters and break out spaces on either side of any fence that is established so that there are shelters and seating and water available for dog owners and recreational users.

A few comments were received requesting more public awareness that the toilets adjoining the Dover Square Tennis Club are public amenities for all users and open seven days a week.

NB: Several comments were recorded that out of scope of the project. For the purpose of this report these have not been included in the analysis

HOW THE FEEDBACK WAS RECEIVED

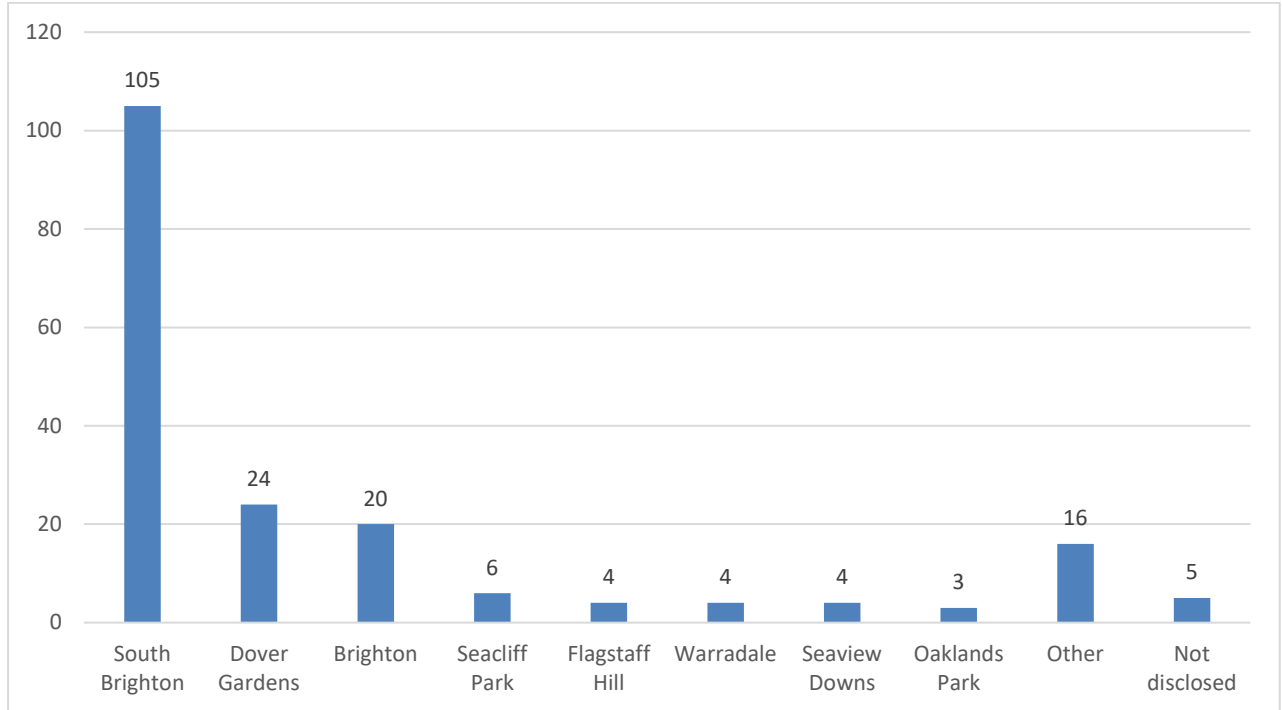
- 5 phone calls received
- 7 email submissions
- 85 hard copy survey submissions
- 106 submissions via Your Holdfast online survey.
 - The project page was visited 509 times.
 - Traffic to the site came from the engagement newsletter, directly, Google, and a private Facebook group.
 - 156 people downloaded the four proposed options.
 - 82 people viewed the FAQs.
 - This engagement acquired 90 new registrations.

PARTICIPANT TYPE

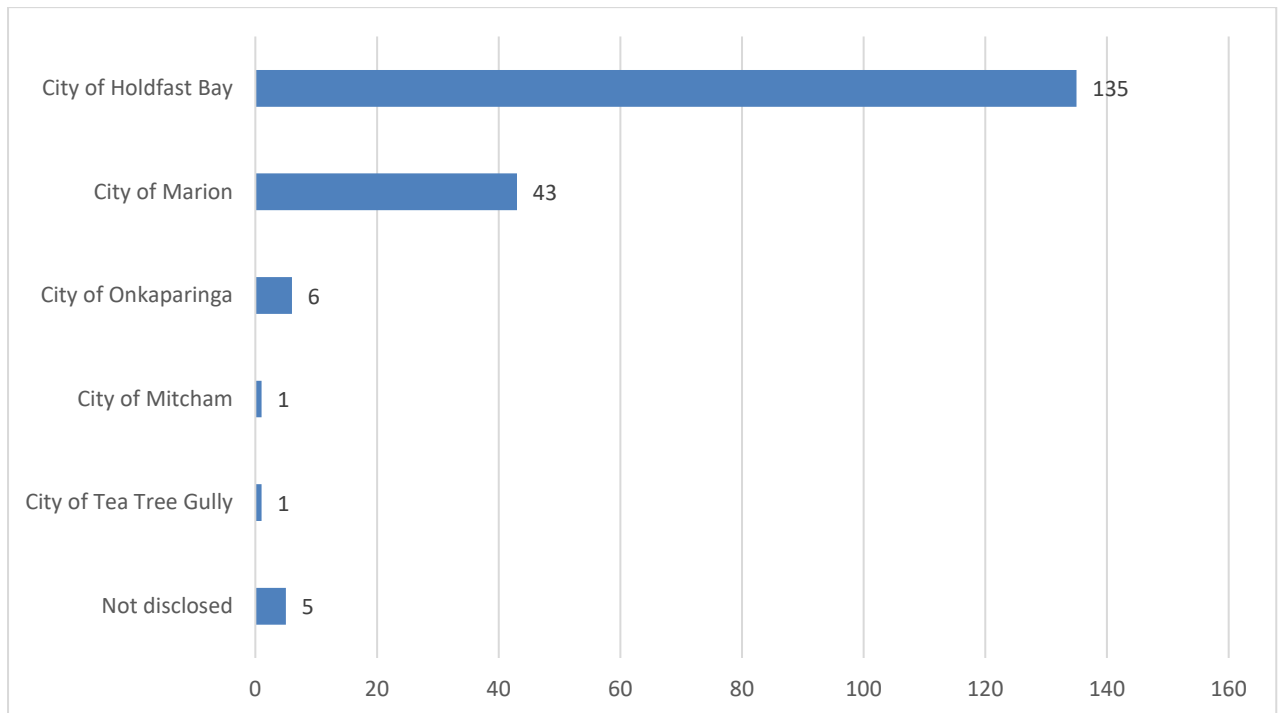
- 119 identified as residents of the City of Holdfast Bay.
- 46 identified as visitors.

- 3 identified as community or sporting club member.
- 1 identified as a business owner.
- 22 did not disclose.

Suburb



Council Area



SUMMARY

While quantitative data shows a majority support for Option D- Extend Current Playground Fence, this information must be read alongside the extensive qualitative data to understand the full picture. There is a large community of dog owners who regularly use Dover Square Reserve and feel a very strong connection to this space. There is a clear theme of concern around displacement and about the lack of spaces there are to exercise dogs off leash in a safe fenced environment. There is also a significant number of local residents who already feel they have been displaced from this reserve due to the large number of dogs utilising the space, dog urination and faeces and the poor condition of the turf due to high dog use.

Many dog owners understand the need to increase the opportunities available at this space for families and children and are open to an increase to the play and recreation area that includes a separate entrance, supporting amenities (drink fountain, BBQ, picnic tables and small open space) and also allows for adequate dog exercise space. Option D on its own does not currently meet all of these needs and requires additional considerations for the space to be equitable.

DOVER SQUARE ENGAGEMENT SUMMARY REPORT – APPENCICIES

Appendix 1. Comments (all comments are written verbatim) - Is there any reason why you don't currently use Dover Square Reserve?

It has become a dog park by default full of dog poo. Can no longer kick the ball around with out fear of a dog chasing your ball or treading in dog poo because the dog owners fail to clean it up.
Because of the dog problem.
Too many dogs and too much doggy doo (and wee).
The reserve is usually full of dogs and their owners.
Too many dogs, majority of them off leashes
yes, the dogs run the show now. we still use the playground however we used to play games/ picnic/ bbq in there but not anymore because the dogs tend to intrude/ steal food/ risk of poos! not always safe for little ones and never are they on a lead
I used to go there with my dogs but don't have one at present. I am hoping to get another dog soon though.
I don't have children, but will consider bringing my nieces and nephew to visit the playground, nor am I dog owner. I do take short walks from my house to Dover Square and around the edge of the park and back home.

Appendix 2. Comments (all comments are written verbatim) (information has been redacted to protect privacy)

we thoroughly enjoy the park in it's current condition
Providing more dog free space for my kids to run is important. Having the dog off leash restrictions may just lead to conflict and additional council resources. Keeping almond Grove for the bike jumps would be ideal, keeping it separate from the playground and small kids in important and safer
A fence down the middle so children can play in an area where dogs arent and dont have to worry about landmines. This would leave ample room for dog lovers and families.
Number 1 seems like an interesting idea, I am against a dog off-leash zone here as the playground is already fenced off and away from dogs.
If you implement dog off leash restrictions then I won't be able to let my dog run around my local reserve and that will probably upset a lot of the community
Dogs have taken over this space and most other activities are no longer possible, Balls are taken by the dogs, dog owners don't seem to care, most dog owners think its a dog park and treat it as if they own it. Unusable for other people.
option 2 divides the dog off leash area but gives more space for a no dog area for children and families to play in a safe environment. option 4 would have been no. 1 but it does not allow anyone walking dogs to dover square through almond grove unless a divided path is included in the plans.

<p>The park is shared by many users as it is and is a great please for people to be able to take their dogs for exercise. There aren't many areas like this that are close and accessible for residents in this area. The community has plenty of existing play spaces for users to use across the foreshore and surrounding parks of Holdfast bay and surrounding councils.</p>
<p>The dover square park is a positive space for dog owners in the local area. It would be a major loss to locals of all ages to restrict dog owners and reduce the space allocated for dogs to be off the leash. There are many parks, bbq areas and public play grounds in the Brighton/Dover Gardens area for others seeking that activity, however dog parks where there are no leash restrictions are rare. I would prefer no changes at all.</p>
<p>Dover Square park is a wonderful community space where dogs play nicely with others including adults and children. In my experience this is the best dog park I have been too given the wonderful nature of the dogs and community. It would be a major loss to dog owners if this space were restricted given the amount of dogs who visit each day, it can get quite busy within the current space available. There are many parks, playgrounds and bbq spaces in the area, however dog owners don't have as many options available without leash restrictions.</p>
<p>Great place for dogs and owners, provides social connection</p>
<p>████████████████████ in actual fact do not agree with any of the above but if there is no choice then these are my rankings. The consulting process is flawed, with all due respect. Four choices does not cover our concerns and the process is only on "safety and equity". It does not include concerns of all residents around the park and nearby vicinity regarding noise (dog barking) which is spoiling our ambience and peace. Also, it will not fix the problem of too many dogs in the park. It will actually exacerbate the situation by pushing all the dogs down to the western end ██████████ or option B will force people to bring their dogs down at unrestricted times and cause a large amount of dogs at any one time ie; during unleashed times... this is not " equity ".</p>
<p>The majority of people use this space as a safe and friendly park to exercise their dogs, train their dogs, and meet other dog owners in a fenced area. There is already a great community established here. It's great to have a dog park in Brighton as the dog park on Oakland's Road (although in Marion Council) is already overcrowded at peak times. I truly believe that people with dogs will always make use of and appreciate this space more than people without.</p>
<p>This order best suits the requirements for visiting the square</p>
<p>We wish to keep the park as open as possible When we had a dog , we used the park responsibly at least once a day for over 30 years Always being very aware of all other park users and their usage of the park for their particular pursuits</p>
<p>Dogs off leash have cause problems for our children. It is a small play area.</p>
<p>I love the idea of incorporating the almond grove as it is space that isn't utilized well at the moment. I do exercise my dog at the park and have found it to be a place where the community come together and chat. I often see groups of older citizens down there with their dogs regularly meeting friends, so I would love to see the dog off lead area to be maintained. I fear that the option b would not create a change and would result in another area that the council would need to manage enforcement.</p>

The playground should be a safe area, for toddlers, whether dogs are there or not, a fenced area is a better choice, there are no other fully fenced area for dogs to play and socialize, but there are quite a number of other parks within close vicinity to sit at a park bench, and most of those that do this arrive in cars, so can drive to another location if they don't like the other users.

We [REDACTED] reserve and have two toddlers who are terrified of dogs. Currently to access the playground we lift them over the wire fence running past the carpark, then climb over ourselves, to avoid the dogs. It would be great to have an expanded play area and grass that is actually usable for families! The Christmas events just show how great the park would be if people could actually sit down, have a picnic, enjoy it etc if it wasn't overrun by dogs and dog poo.

I have been a resident [REDACTED] for 30 years and have seen the park become overrun with dog users. The dog owners come from far and wide and make it impossible to comfortably take my grandchildren to the park after work to kick the footy. I like the dogs being able to run off lead and most owners are responsible and clean up the mess of the dogs. I have counted in excess of 30 dogs some evenings. However I strongly believe the park can be shared by the whole community. The closing of the road to allow the almond grove to be incorporated in the park is an excellent idea as the southern side of the road adjacent to the tennis courts is used infrequently by through traffic.
Kids come from around the area to ride over the jumps on their bikes in the almond grove.

Due to the large number of dogs my kids are now too scared to be in the open space so extending the playground space would help - the dogs have ruined our family time with our young children at the park. We [REDACTED] yet some of the dog people drive from far and wide including flagstaff hill and glenelg north to take over the space

Currently playground entrance is through the dog park. It is unsafe for my children in pram or walking, when dogs are off lead. Need dog-free entrance to playground, larger playground area, with seating in the playground (not in dog park)

Option A ensures equity in use that is controlled by fencing. Option B would be fine in theory if careful consideration was given to the times to ensure the division of times are suitable and equitable. The risk with this option is control. It requires dog owners to do the right thing. We feel that Option C is the least preferred because it will cause inconvenience to kindy users with regard to parking, is an imposition for traffic flow and Almond Grove is a popular spot with kids and bikes and shovels to encourage creative play which may be under threat if it becomes a shared space with young children. Option D is not overly appealing either as it doesn't address the current issues however it does at least provide the opportunity for an undisturbed BBQ.

I use this with my dog and also with my daughter after kindy. I love that I can go to one place and have the kids play while I'm there keeping an eye on my dog running around.
My daughter is scared of other dogs and the only issues I see with the playground fencing is that it doesn't incorporate the bench and table setting and there's no gate to get into the playground directly.
I'd like to still see a large expanse so you can kick a footy. Making either space too small defeats the point of this reserve. If you don't like the dogs around, go to another reserve.

<p>I have been a resident [REDACTED] 10 years and brought up my 2 children in this time. Over the last few years I have no longer been able to use the park to kick the ball with my kids as the dog always get the ball and put holes in them - much to my sons disappointment. We are dog people but find that it's been tough sharing the space with the many dogs that use the park.</p> <p>I think the third proposal with the bike track area included would be an excellent solution that my kids would love!</p>
<p>There are countless other parks in the council area that people can use. This is the only one with proper fences that dogs can go. You would be letting a lot of people down by restricting the access and space the dogs can play.</p>
<p>It would be good to have some grassed area for children to run around and play without worrying about dogs.</p>
<p>I have small children who are scared of dogs which massively limits how much we can use the space. Even though I am not scared, there can be many dogs and because they are unknown, it is unpredictable and I don't feel safe having the kids run around in the dog park. In addition, The playpark is small and there is no sitting area if you want to be away from the dogs. We cannot use the park frequently despite it being around the corner for this reason. We would love to spend more time here, give the children an opportunity to run around freely in open space without fear of dogs.</p>
<p>I am not to see the 4 proposed options in any detail, beyond the "listings" above at question 3.</p>
<p>Maybe upgrade the fencing as it looks quite old - but this is a minor issue. If dogs need to be on a leash it defeats the purpose of them being taken there to run free for a while.</p>
<p>The only way for non-dog owners to use the park is for the dogs to be separate. There are plenty of outdoor spaces to take pets - or get smaller dogs and larger gardens. Dog owners should take more responsibility with regards pets' needs when they acquire them. Walking or sitting on heavily wee-d and poo-ed land is not agreeable. Or sanitary.</p>
<p>More outdoor space the better. Would be nice to see it connected to the Almond Grove.</p>
<p>It is important for young children and parents to have access to the reserve as well as dog owners. The current arrangements do not allow this to happen.</p>
<p>With the changes in housing density in the area residents need an area to exercise dogs of leash.</p>
<p>Since the link to the descriptions didn't work I can't really comment and I am only guessing about the options.</p>
<ul style="list-style-type: none"> Gives decent open space to non dog owners - Safer for children using the playground - Blocking drive-thru car park will slow cars down, making it safer for families - Quiet on almond grove side for tennis court users (kids using the bmx track are typically very noisy and distracting)
<p>Option C is the only option, BUT with the extended play /Rec area the dog park should NOT be reduced in size. We have a huge need for more space for dogs and this is one of the few dog parks. Whoever is complaining needs to go to one of MANY unfenced parks in the area. As dog owners we are limited, not them. Not happy at all about these changes</p>

<p>I [REDACTED] park for 25 years and worked from home for 18 of those. I see all the happenings at the park. The last 5 years it has been rare to see kids kicking balls. 95 percent are young children and enjoying the wonderful playground. The dogs started to increase in volume only last year when the other park in glengowrie was shut for maintenance. The dogs haven't scared kids off the open area as they were not really using it much before! The extension on the area for kids is long overdue but they don't need to have as much space as the dogs based on the current needs of the community.</p>
<p>Utilise the park for both visiting the playground and taking the dog as well. By extending the current playground fence this still allows all users to be happy (although by putting in a gate on the carpark side of the playground would allow kids and families to access the playground without interacting with the dogs off leash.)</p>
<p>Playground area too small, No picnic area.</p>
<p>I like that I can take my dog anytime that suits me & let him off the leash when appropriate. In a good sized area</p>
<p>I use the area everyday both for my dog and I. There aren't many other areas which are safe for dogs off lead in Holdfast bay. This is the only place during the lock down that I was able to go, it was also the only socialising I did during covid. To make the area a child zone when there are plenty of other areas for children and families would just add to an already abundant source of spaces for families. There aren't many if at all any spaces for adults to socialize in a community setting. I'm really disappointed that the minority of complainers are getting more of a voice then the many people who frequent the park every day. Since frequenting the park I have only seen less than 5 families come to the park and do recreational activities. 2 of the families brought their dogs off lead.</p>
<p>Given the fact that there is a fenced off play area designated for children that is under-utilized, I don't believe that encroaching on the highly utilized dog park area will benefit the community in the slightest. Additionally, Option C provides a huge area for children that will be under-utilized if current use continues. In my opinion, the best option would be a modified option C, without encroaching on the dog park area.</p>
<p>Should fence off dogs , small dogs in one area, and large in another</p>
<p>The park is an extremely popular location for people to exercise their dogs. This is also an important area for the local community to meet in an informal area and get to know each other and build a community spirit as they walk their dogs. Having the 'dog off leash restrictions' would ruin this atmosphere and remove the ability for the dogs to run around and burn off energy which is why Option B is the least favorable. Option C is the most ideal as it increases the available space for non-dog related activities while still maintaining an area for a dog area.</p>
<p>There are so few local facilities where dogs can run off leash in a contained area and socialise with other dogs which are key to being a responsible dog owner in the local community. You need to be improving facilities for dog owners rather than implementing restrictions on dogs being off leash. Fences keep both dogs and kids safe. If there were more local parks with fences then there would be less density of dog owners visiting this park to exercise their dogs off lead. For example both nearby Jack Chaston park and Gregory reserve are lovely green parks but our dog must remain on leash there because there are no fences which keep her and others safe.</p>

Fencing alterations to split the park into designated dog park/dog free play space seems like the ideal solution to me. Kids and families need a decent space to kick a ball and run around uninterrupted by dogs. I do not feel that dog owners will do the right thing if off leash restrictions are in place. Off leash restrictions will require regular policing and a trust that people will do the right thing - so not the most desirable. If the option is there to extend into Almond Grove I think that is great!!! The only reason I didn't put that at number one is that I'm concerned that by doing that, there might be a delay in facilitating change in the park and I really want to change to happen as soon as possible. It is becoming increasingly more difficult for us to use the park due to it being overrun by dogs and dog owners, some of whom actually believe Dover Square is, in fact, a designated dog park and that if the dogs interfere with our games in the park then that is our problem. (I have had altercations/discussions with people about this on several occasions in the park - dogs taking our balls/frisbies and dog owners doing nothing to retrieve said items for us, instead leaving us to try and cajole their dogs into giving up the items for us).

I have ranked according how closely the option reflects the current use of Dover Square - particularly with regard to no off leash restrictions.

The adjoining Almond Grove is delightful and would be a pleasant addition if made more accessible to the public. I would like to see a bike/walking track through this area to connect the southern & northern border streets. Dogs off leash can sometimes be threatening to the public wishing to pass through the park. The play area is popular.

We use both the playground and the dog park. Our son loves both running around with the dogs and the use of the playground . We like the use of both.
The playground fencing could be better extended to include the tables and chairs and a drink fountain where dogs can't access.

I think the fencing is a bit rusted, the locks sometimes stick or hurt little fingers. The fences aren't wonderful. I would not like off leash restrictions. I would never have a dog off the leash if an angry dog. I do agree there should be signage to say if your dog is aggressive keep on leash. This is for the safety of children and other dogs. Ollie is fine off leash and the whole reason for going is for exercise and for him to run around. I think extending to the Almond Grove is a great idea if could be done and then yes extending the playground fence would too be great idea. Big project

Our main priority is to have access to the playground without having to walk through the dog area. We like the extension to the almond grove so that the kids can access that and the playground without a road in between. We definitely don't want restrictions for off leash dog times. It's nice to know you can take the dog off the lead at any time. Especially in daylight savings periods.

I would welcomed an improved area fir the playground to exclude entry to the dog park. The combining of Almond Grove would be great if funds permit but I don't see it as essential. However it would be a great space that we would welcome.

I don't believe keeping the dogs on a lead should be implemented, it's an important time for dogs to run and rendered somewhat pointless if they cannot roam free. It's a great dog park and my children enjoy watching them. Let's get the entry separated to avoid issues.

We have three young children and a Labrador in our household.

I would love to walk to the park with my kids and be able to play on the grass with them without dogs around, I would love for my kids to be able to explore the area with pine cones etc without dogs invading their personal space.

We also take lunch or snacks with us if we are going for a while and there are no picnic tables for us to use without the fear of dogs jumping on the table. So that would be nice to be able to eat without the fear of dogs coming to steal the kids snacks.

On separate times we take our dog to the park, it's a massive park and could easily be separated to suit multiple park goers.

Any improvements to making the area bigger would be great

MY RANKING MEANS NOTHING! : BECAUSE..

i have tried to see these options but the link isnt working. without seeing the options i guess i'd just suggest another area/ maybe the bbq area and picnic bench in the south west cnr being fenced off from the canines

Option D doesn't provide very much change at all to those who use the park without dogs. A waste of time. Option B has no guidelines for anyone to access what it would look or be like so again its really crazy to even have it in the options. Option C has the most merit but the working plan is simply wrong. Option A is the only feasible option as its clear and gives both dog owners a chance to exercise their dogs and others space to explore without walking in dog crap. Really there are just room any dogs for the size of the park and too many lazy owners either letting their dogs crap all over the place or leaving dog chewed balls etc all over the park, or simply letting their dogs run riot. My 2 year grand daughter simply wants to run but cant as she's been bowled over by large and small dogs and their owners simply look at us as if we shouldnt be there. Not happy at all

Would be great to have a grassed area where kids can play, we can have picnics etc. and not have dogs run up to us. We have a lab ourselves and use the park almost daily and this would be a perfect dual use of the space. Currently when the kids want to sit down for lunch dogs always run up. Again we have a lab that uses the space so love the concept of a dog off leash area, just would be good for a dual space.

My main concern with C is this is a significant dog exclusion zone... could it be reduced slightly if incorporating Almond Grove as it gains a lot of space?

Currently we only rarely visit our own local playground/park facility because there are dogs running around everywhere - I have seen children bowled over by dogs as they play! This should not be a dog park - it is not suitable. There are specific dog parks built for purpose in Glengowrie and other places. Children and parents should have the right to enjoy their local play ground and park without the disruption caused by dogs. It is impossible to have a picnic with dogs coming up trying to eat your food and cause stress, and owners not picking up after their dogs!! We are dog lovers, and have a dog ourselves - we simply choose to take our dog to places where children are not prevented from play. The rules here need to change and change a great deal if local families are to enjoy the environment. It has the potential to be a perfect family park, and coupled with the tennis courts, should be providing a great facility for recreation, fitness and play. There are so many options for dog owners that are not at a playground.

As there are many parks within walking distance of Dover Square that are not suitable for dogs to safely run off lead and socialise (socialising is of great benefit to the community as it results in less anxious and potentially aggressive dogs) I believe it is best to leave more room for larger dogs and distance runners, to run. This does not exclude people from playing ball games and having picnics as is evidenced weekly at the park in it's current state of accessibility. I currently have a small puppy who likes to run very fast so the beach is quite a hazardous place to take him as are the many unfenced parks in our area.

Not being totally aware of the history of Dover but I would assume that it initially thought of being a family/children recreation park designed leisure & picnics, BBQ's as such.

Well let's look at what has happened:

- 1- It is now primarily a dog park, pissing & shitting all over the place.
- 2- Children's playground has diminished to a small fenced off corner. I suspect to protect them from the dogs & excrement?
- 3- Family leisure value park is now non existent for adults to cook BBQ & children to play freely like running & playing ball sports.

My thoughts are turn this park back to what it was designed to be, plus at certain times daily allow dog owners in for doggy recreation & doggy training events. They would be expected to clean up after these times.

The same as the other users such exercise & tai chi classes that do not take up the whole area.

Improve the playground to cover more children age groups (Not adult children) & make it an attraction again for all.

I would prefer an Option E (See attached)= Option D + an extension across the road/ car park up to Folkestone Road to include the BMX track. This would create a whole of family option for children and young people as well as them being able to bring the family dog.

Although funds need to improve drinking fountain/ area and gates of park.

<p>My first choice, Option D would still allow for large Community gatherings like the annual Neighbourhood Watch Christmas function. By extending the existing fence it would allow for a larger children's play area and allow the parents to utilise the BBQ facility.</p> <p>This would also be the cheapest option for the the council but provision must be made for water for the dogs in the dogs area.</p> <p>Currently the dogs area is also utilised by people who do not own dogs but love to socialise with them and their owners and by parents who want to teach their children about safe dog socialising.</p> <p>It is also used by people who do walking laps around the park. There is a close community of dog owners that feel strongly about the park and hope that the council will acknowledge their concerns.</p>
<p>Larger playground area needed for families but still maintaining a good area for dogs</p>
<p>Don't change it at all its perfect the way it is</p>
<p>Option A is unfair to the dog community. There are lots of playgrounds and picnic grounds in Holdfast Bay but only one fenced area that we can use to exercise our dogs. By cutting the park this way it will not be suitable for large community use i.e. Neighbourhood Watch Christmas Party.</p> <p>Option B is the 2nd worst of the options as bringing the dog early or late is not the best for the elderly dog owners.</p> <p>Option C Is the best option because incorporating the wasteland park next to the tennis courts allows the park to be enlarged and the kids and families that use it have a larger dog free zone plus access to the BBQ and water. Another water point should be added into the dog area. A bubbler is not really suitable as the big dogs need larger amounts of water. The downside is that this would be the most expensive option.</p> <p>Option D is the cheaper of the better 2 options. Still leaving a reasonable sized park for the dogs and large Community Events but giving the BBQ area to the families and giving the children a grassed area and picnic facilities and a dedicated gate to enter. Water for the dogs area must still be addressed.</p>
<p>None of this work is needed, wanted or asked for.</p> <p>However, some shelter for the senior citizens who gather there with their dogs every day, would be greatly appreciated. These older Australians value the community contact they have with each other in this park so much, that they meet in all weather.</p>
<p>I think for you to extend the playground whiteout impacting the dog area, because dogs need room.</p>

PLEASE NOTE, 'TO VIEW THE FOUR PROPOSED OPTIONS CLICK HERE' did not work on my computer and I had to go to Your Holdfast and search for Dover Square, then download the pdf.

When I was a COHB councillor and managed to get the reserve fully fenced with secure gates, people with children especially wanted the playground fenced off so their children couldn't exit the reserve gates and run onto the road. Dog owners wanted the gates able to be securely closed for the same reason. Option D seems the simplest way to expand the area for children as long as gates to the road are securely self-closing and childproof. If the dogs-excluded zone then includes the picnic area, elderly dog owners who can't stand long may need extra seats elsewhere while families with children and dogs may need extra picnic facilities.

Option C means cars can no longer use the square as a roundabout and travel all the way round it, which is an inconvenience especially when events eg. Neighbourhood Watch Christmas Concert are held there and people are trying to find parking in the square. The disruption seems excessive for the benefit achieved. That said, the almond grove is currently under-used, but children have set up an informal bike path with dips and jumps through there. If used as part of the children's play area it could be a nature play zone with minimum attention but can be used that way as it currently stands ie. separate too. I don't approve of the historic almond grove being altered by tree removal and change of the natural surfaces. I would rather see it planted with native vegetation and kept as a fairly natural area for nature play (see later comments at 5).

I strongly disagree with Option B as there are no formal dog parks in HB and the whole point of this park has been to effectively act as an informal dog park, allowing dogs to be let off lead under effective control in a fully fenced area (the major cost for a dog park).

Option A puts a fence right across the reserve open space which restricts its use for ball games and is not aesthetically appealing either so I don't approve of that.

As I equally dislike Options A and B I left them unranked, but you have forced a choice which is annoying as I do not like either so it gives a wrong impression. When you collate the results you will give 4 points for 1st and 1 for 4th which distorts the ranking in my case as I would accept D, tolerate C but protest at both A and B. B especially goes against the work done over many years by council to fence the park, fence off the playground and add gates so that dogs and children can play freely in separate areas if desired.

I like the mix of extending the playground fence and perhaps putting in some different items for play. Also including a dog exclusion area is good for workouts etc to utilise the grass without worrying about dogs and their poop.

C is my preferred option as I think it's vital to offer safe and engaging recreation spaces, especially for children. More needs to be done to encourage outdoor play. The almond grove is an under utilised space with so much potential. We have two young children and use the playground regularly and would love to see the space transformed to make it more interesting for both young and older children.

We also exercise our dog here once or twice a week. We have noticed in the last year an increase in popularity of dogs at the park but find it to be crowded at times. There is an unspoken sense of park "ownership" by some dog owners which is misplaced. While we love dogs and will continue to bring our dog here, we agree it must be overwhelming and intimidating for members of our community who don't like dogs or don't wish to have their children playing near them. It's also impossible to use the bbq area for its intended purpose due to dogs hanging around and its proximity to the bins which are full of dog poo and smell pretty awful. Not very pleasant for sitting and enjoying a meal.

We are excited to see what changes will be made and thank you for the opportunity to put forward our views.

I am in favour of an option that allows dogs adequate space to be off the lead (but provides families with sufficient space to play) - I feel that Option C would best allow this and also make good use of current unused land. I am opposed to any arrangements that places timing restrictions on when dogs can use the reserve off the lead.

First of all, my wife and I would like to thank the Holdfast Bay Council for excellent care of Dover Square Reserve. Secondly, I would like to state that [REDACTED] Reserve, and there is no other fenced area for dogs near our place to exercise our large dog. Although there is a beach near our place, where in principle our dog could be put off leash, but my wife has an injured knee, and she should avoid walking on sand. Also, there is a vibrant community of dog owners using the Reserve on the daily basis allowing our dogs to acquire great social skills and the owners to share their experience and enjoy each other's company. The justification for our ranking is as follows: Rank 1 (Option D) - this option is relatively inexpensive, provides for children more (than currently) space, an independent gate and BBQ, while still preserving a reasonable area for dogs off leash without time limitation. Rank 2 (Option B) - same justification as for Option D above, except dogs would have limited time access. Rank 3 (Option C) - less area available for dogs (although without time restriction) but requires higher cost of fencing and closing the road. Rank 4 (Option A) - considerably smaller area for dogs than for the other options, so important for medium and large size dogs.

I believe a separate fenced area for dogs and other activities will be most effective to achieve equity of the space.

<p>1. Holdfast rate paying dog owners do not have a dog park in the council area and the closest off-leash dog park is 5 km away. Whereas according to the council's Playspace Action Plan we have "an extensive network of 30 playspaces" resulting in 1 playspace per 160 children. I don't see "equity" in that.</p> <p>2. For all intents and purposes the Dover Square Reserve is a "dog park" and has been used as such by many people every day for many years for off leash exercise.</p> <p>3. Many are elderly and unable to take their animals for walks. It is a very important community resource which has brought together a diverse group of people and resulted in many valued long term relationships.</p> <p>4. I don't like any of the proposed plans for the reasons explained above but to complete this survey I am forced to do so. All of them take away use of the park for off-leash dog exercise which is not provided by the council for it's dog owning residents which shows there is no equity in any of these plans.</p> <p>5. The council is planning to spend \$60,000 on upgrading the playground and in addition wants to take away valuable space and use of the only off-leash dog exercise area in the council area. I repeat this is not equitable for rate paying dog owners.</p>
<p>I take my dog and children to the reserve and don't like the separation with dog exclusion zones.</p>
<p>I would love off leash at all times to remain in this park, as it is a unique place where many people from the local community take their dogs to exercise and interact. Extending the playground fence is a good idea, as it would allow people to access the playground without entering the main part of the park.</p>
<p>It is good to have some open space where dogs can't go, so you can relax if you are not a dog lover. Linking the space between Broadway and Folkestone Road, closing off part of Broadway, will make these spaces feel more connected and promote pedestrian walkthrough. This divides the space for all the different uses. In Option C, it would be great to have the extended fence to also include BarBQ and picnic area. In which ever option, I think it needs to be tasteful/blended well-designed landscaping solution, perhaps including nature play as part of the solution, with the fence bending in so it does not look like a "sore thumb" dividing 2 x spaces. Stones or native bushes could conceal fence or be part of fence. Angus Neil Reserve has been well done, although no fence had to be erected.</p>
<p>I think there is a strong desire community to improve the equity of use of Dover Square, which in its current state is considered to be a dog park by many. The first option is a fair balance between improving equity of use and costs to the Council. I don't think many people would follow leash restrictions, and an extension of the current fence (Option D) is non-economical for what it changes.</p>
<p>I think it is a good idea to allow better access for recreational use while still allowing the community of dog owners to enjoy meeting at the park.</p>
<p>I use the park daily with my dog for exercise and don't want that to change</p>

<p>There should be no fence running through the middle of the park, we have several events during the year that require the whole park use. This park should be here for people, families, kids. not dogs. Remove the gates, all they do is allow dog owners to let their dogs roam without consequence. The dogs only became prolific and the dog owners only became a problem when the original chicane gates were changed to closing gates. Save yourselves a lot of money and change the gates back and make it dog on lead during peak times.</p>
<p>There are numerous other playgrounds without fencing where children can play, whereas Dover Square is the only park with fencing suitable for dogs. My dogs are well trained, fully vetted and friendly and enjoy socialising with other dogs, and I enjoy connecting with other local dog owners.</p>
<p>This is the only park I take my dog too in this area unless I want to drive all the way to oaklands road. If you are going to change this one can you please make another one for my dog to play and mingle in. My 2 dogs absolutely love it and I'm not really sure why it needs changing the playground is fenced off anyways.</p>
<p>The fence should be strengthened for the safety of dogs. Dogs deserve to be safe as much as children do.</p>
<p>I think that there is enough space for families/children as there is already 3 playgrounds accessible for families but no dogs allowed. I would just like to continue to walk my dogs in a friendly neighbourhood area, and one of the only places we can still meet with our dogs.</p>
<p>One of the only off-leash dog useable spaces within walking distance to the residents of Dover Gardens. There are multiple other playgrounds for families and children to use if the dogs are disturbing the families.</p>
<p>The park configuration works very well as is and does accommodate a range of activities in a harmonious environment. However, given that an option to retain the status quo was not offered I agree with option D as it gives access to the playground from outside the boundary and gives the users of the playground the option to have use of the bbq and table.</p>
<p>I believe that the use of the reserve is not equitable at the current time. I often have my 6 Grandchildren visit and many a time we would dearly love to go over and simply kick a football or play chasey. This is not possible at the moment. There is limited use of the BBQ as dogs are always running off-leash and to be honest many of them (despite what their owners say) are not under effective control. The BBQ seems to be a storage area for dog's water and equipment and often dogs can be seen sitting on benches and even tables!. I recall before the reserve became a defacto dog park, many families used the area for picnics, birthday parties. I haven't seen this for years. Even recent Real Estate advertising for a property in Folkestone Road uses the reserve as an attraction for dog lovers.</p> <p>'You're walking distance from popular Brighton beach, Brighton Central shopping centre and Brighton railway line. Also close by is a dog park, reserve and public tennis court.'</p> <p>I can't see from the picture but proposal A should incorporate the BBQ area. It is pointless having a BBQ in a dog area. This will leave the useful drinking fountain and drinking dog bowl in the dog area. I also think the area for families should be increased to take in the gate at the northern boundary. I have attached a photo of my suggestion.</p>

Low cost for the change and allows access to the children's playground and BBQ area while still leaving enough room for dogs to be off leash.

I welcome this initiative because the growing popularity of off-leash dog use at this park has made it effectively useful only for dog owners (even though it is not a designated "dog park"). I have a toddler daughter who is very keen on learning ball sports, however it is not safe or enjoyable to do so at Dover Square Reserve for three reasons: 1) over enthusiastic dogs have knocked her over previously (owners do not often have effective control) 2) the lawn surface is damaged by too much dog traffic leaving a bumpy surface making soccer impractical 3) elevated faecal contamination risk at dog parks (refer attached links below).

Ferreira et al 2017 Urban Dog Parks as Sources of Canine Parasites_Portugal
<https://www.hindawi.com/journals/jeph/2017/5984086/>

Duncan et al 2020 Prevalence of intestinal parasites_dog parks in central Oklahoma
<https://www.sciencedirect.com/science/article/pii/S2405939019302679>

There should not be a fence cutting through the middle of the park, as it will reduce the area for ball games. I grew up next to this park, spending countless hours kicking a football and playing cricket. The park needs to retain enough space for ball games, so at least 50m length for a good screw punt. I now like to take my dog and kids to the park and still enjoy a kick of the footy. Dog owners need to respect other users of the park and not claim it as their own. Keep dogs quiet, large/aggressive dogs on lead, watch and pick up after them. Council rangers need to attend more regularly to keep an eye on it.

My observation is that the most frequent users of the park are dog owners. We want to retain an off-lead exercise area given that Dover Square is the only fenced park in the city of Holdfast which permits this activity.

1 is the least invasive to the current main use of the park ie dog exercising. Holdfast Bay currently has no dedicated off leash exercise area and the Dover Square park has become the unofficial park for dogs. If the council were to provide another dedicated dog park I would be happy to agree to an extension of the play space in Dover square. Currently there are 30 play parks for children in Holdfast Bay and no official dog park. Surely this has to be addressed before altering the Dover Square park.

Dog exclusion zone should be implemented, with young kids I want them to be able to run around on the grassed area without fear of getting bitten by a dog

<p>Having used the park for almost 7 years, the current set up seems good, and would be better with the addition of a fence from the outer edge into the playground and improving the grass surface which has been come dangerous for humans and dogs after a 'patch' planting last year which has had mixed success. I don't want to see any fencing changes, the successful mix of well-behaved animals (good owners) and human recreational use makes my heart sing. I have not seen any behavior that indicates exclusion zones are required (except for two cranky residents in 7 years, who have their own personal issues to resolve. The park is a delightful blend of mixed use and commonsense community sharing of assets, which I believe is something to be encouraged. To access morning shade in summer months, dog walkers need access to the kindy end of the park for both humans and dogs.</p>
<p>I think the dog zone needs to be reduced and the across the road zone could be improved with council upgrade</p>
<p>Many dogs attacked my children and their play equipments. Boys needs grass to run around and eating facilities blocked off from dogs. Very very dangerous as it currently stands. My children are now scared of dogs and dog owners extremely defensive. Kindy kids are unable to run and play without apprehension.</p>
<p>Option B unfairly excludes dogs at certain times. Option D doesn't 'open up' grass area for families/children Option C gives a large area fenced for kids to play and blocking off road is good for safety as kids often cross between the playground and almond grove. Option A gives areas to both dogs and children/families which seems fair.</p>
<p>I have a dog</p>
<p>There are many elderly & widowed users of this park whose dog is their only family member who is not restricted from visiting them under COVID rules</p>
<p>I think adding the almond grove will be best option and making playground fence bigger</p>
<p>Option D most suits me as the BBQ will be more accessible and continue providing a big space for dogs and owners</p>
<p>More room for dogs. Dogs off leash worst - as really restricted in the summer with the beach having lead hours - especially when working early and late. There is nowhere to take dog during the day if you leash them here</p>
<p>It is a wonderful place for dogs & I'd be disappointed to see off-leash restrictions applied</p>
<p>Works best for dog needs as well as separating area for children and family groups. Seems also to be a good option in keeping costs to a minimum</p>
<p>D gives the best space for the ball throwing for dogs</p>
<p>C next larges space</p>
<p>Some small children are scared off Big Dogs!! and they don't mean to jump, but they knock down Toddlers etc.! with friendliness</p>
<p>Option D - improved entry to play equipment whilst still ensuring space for dogs to run Option C - greater use of the bmx bike track for children</p>

<p>A - Dog exclusion zone too big B - Dogs should not be on leash C - least disruption D - least disruption</p>
<p>We would like to see a combination of all 4 options used to enhance our open space</p>
<p>It's a beautiful park The people are friendly Everyone gets on well and is great with my dog - he loves being there</p>
<p>1. Option D - this is the best option which will mean the least change & cost 2 Option C - would satisfy most people to cover people who want segregation from dogs & people 3 Option B - might as well close park. Who would monitor the attendance at the park 4 This would be the most expensive option plus the loss of two access points</p>
<p>Personally the park should not be altered in any ways. Dogs should be free to come and go at anytime to enjoy the park. I have ranked my options to the best way I feel the space is optimised</p>
<p>By separating the BBQ area residents can use the facility without dogs licking the BBQ and keeping another area for both parties to use</p>
<p>I think you all are over-reacting this cause all kids love dogs and if they don't they can walk up the road to a park with no doggies at all. It also is a waste of money that you could be spending on Dover school rebuilding or making something new. Defently not Option C this cause the teens will either have no bike and park then they will come here and use drugs so smoke and kids will get to them</p>
<p>Will like to have this park to be utilized as off leash park all the times of the day</p>
<p>Dogs need contact with other dogs also human contact The square needs to have a BBQ to be of use, no locked away in the children's area. Also the park needs a shelter for humans to use when needed</p>
<p>1. least change to current use</p>
<p>Because we'd like a bigger park</p>
<p>Because we like a bigger dog park</p>
<p>There should be 4th option of No Change. This is the only possible dog exercise park within reasonable distance of Seacliff/South Brighton</p>
<p>Making the BBQ area will help people that want to use the park enjoy it better while keeping the park the same for the dogs</p>
<p>Better facilities for playground is a good idea. Option D also provides least impact on area for dogs. Park is very busy at night and as much area as possible should be retained for dogs. Option B - least practical. Dogs are brought to the park to run! Not be on leash</p>
<p>I use this park once if not twice a day to run my dogs. Not only is this park great for that it is a good social place to meet new people especially over COVID as I am new to the area, State and country most times I have seen families down here playing, kicking the ball without any issues. There is no other fenced area to run my dogs in Holdfast Bay</p>
<p>Would like to see more family friendly. Would like children to have areas to play without dogs</p>
<p>Good balance between recreation & dog exercise</p>

<p>1. Extend fence & direct entry to playground less disruption to majority of users. All year access.</p> <p>2. Connection of Almond Grove would still allow a reasonable area open to dogs & walking (I like to walk laps with friends while my friends dog also gets exercise. All year access. Lovely to socialise with other like-minded people. Option B - not at all, have that at the beach!</p>
<p>Enjoy bringing dogs here - good for neighborhood to socialise - extends child play area</p>
<p>This is the only fully enclosed park in the area, making it suitable for dogs. There are plenty of other parks which are not suitable for dogs in the area</p>
<p>I believe D is the best option allowing areas that can be utilized evenly. Option B is not only restricting the area dogs can play but also with changing times you will increase the amount of dogs in a smaller area</p>
<p>More space for recreation, closes the road for increased safety</p>
<p>Option E - leave as is dedicated dog park. Opt B is a bad idea. If anything it should be leash laws opposite those of the beach! Opt D gives children's parents place to sit & BBQ area out of and curious dog's space Opt C Reduce the amount taken away from dog's play area Opt A reduce dog area too much, looks to be one third of area</p>
<p>BBQ would get more use if not in dog area. Entry to play area without entering dog area is better for some families</p>
<p>Option A - dog exclusion zone is way too big. The best lawn is in this area slo. Option B - No point having a dog on a leash in a fenced park. Can't go to the beach between 10 & 8 for all those daylight saving months - need park area to be able to run your dog. If expected to run off leash after 8pm it will be dark for much of the time. People won't be able to see to pick up after dog. Exercised (running etc.) dogs are quieter when at home - less neighbourhood disturbance. Option C - Uncertain as to how the 'Grove' would be utilised. Concerned for wellbeing of existing and newly planted trees. Dog Exclusion zone unnecessary if you incorporate grove as an extra play area. Outside gate entrance needed to playground. Option D - Possible but the bins would need to be moved. Drinking fountain would need to be moved. Shelter from rain would be inaccessible to people with dogs. Option E - We already have a well used and well loved area where many people exercise their pets. It is already fenced. Make it a dedicated dog park!</p>
<p>Having coming here for the last 4 years with my dog I feel it's the only safe place to exercise my pet since the area is fenced.</p>
<p>As well as being the more economic choices being a dog owner (a widow) since moving to this area I have found the social aspect at this park amazing & one of the few places I can take my dog in a safe & secure environment, the children who also use this park have great enjoyment in the many dogs.</p>
<p>Option A -Western side of park restricted. Parents play with children in this area, e.g. soccer, football and games. Option C - Road closure not a good idea. Many people, adults and children use this area. Road needs to be open for cars and bicycles</p>
<p>Option C - Meets most expectations Option A - Meets many expectations Option D - Meets improves BBQ area Option B - Least expectations</p>

<p>Option D is useless. It achieves nothing</p> <p>Option B is also useless. Dog owners aren't picking up their dog's crap, so they won't obey any rules, whatever they could be</p> <p>Option A is good but needs to be bigger</p> <p>Option C is good but don't connect it</p>
<p>Children need to have large amounts of open space to engage with nature and to run and play freely. At present little amount of space. So dangerous with the amount of different dogs and other around in the shared park</p>
<p>Option D - good to increase area for children & BBQ area and their own 2 gates to enter away from dogs. Still a large area for dogs to retrieve balls & run.</p> <p>Option C - could work also, with more area for families & bike riders also</p> <p>Option A - o.k. but not a lot of room for dogs to chase & retrieve</p> <p>Option B - too restricting for dog owners & who work odd hours and many won't adhere to it possibly</p>
<p>I think there should be more room for ball games for young children. I take my dog there but also take my grand-children there and the area could be more shared. The grass needs to be better looked after if children can play in there, it's ok for dogs but very rough for the kids and there is the occasional dog faeces to be avoided. If the kids' area were separated, the lawn could be improved.</p>
<p>All the other options are unacceptable.</p> <p>Option A - cuts off too much of the reserve</p> <p>Option B - has restrictions on dogs off leash</p> <p>Option C - again, too much room taken from exercising area</p>
<p>If we must have dogs, who by the way even are put on top of the tables, then Option A is only fair proposal. People need the bigger area. They should have 1st priority.</p>
<p>Been using park with small/med dogs for 5 yrs following my dogs attack & injuries occurring at Oaklands Rd dog park from thoughtless owners. Dover Square is a friendly meeting place for elderly small dog owners who have lost spouses. Been invaluable for companionship & alleviating depression in a lovely outdoor area. Friendships & support for lonely people. Monday-Friday mornings have not been attended by families kicking a ball or using BBQ facility.</p> <p>Most dog owners pick up dog toileting. When not, other responsible owners will clean up on their visits. It's unfortunately a fact of life as dog poo is found at the beach, ovals & footpaths & cannot be eradicated anywhere 100%</p>
<p>Wish to have dog free area for meeting with friends & family for BBQ</p>
<p>I think this would be the fairest, provided 'Almond Grove' is retained for older children on bikes</p>
<p>This park is available for all users. No fence should be changed or added. If the dog's behaviour has caused this review then dog owners need to control their dogs. I no longer use the park because of the dog behaviour including having been bitten by an aggressive dog.</p>
<p>I feel this place is the safest place for my dogs off leash as fully fences and I feel my dogs need lots of exercise</p>
<p>This is a very social dog friendly dog park for people who live along, come to socialize with their dogs</p>

<p>I prefer Option C because it gives more room for recreation for people to enjoy this park without having dogs running up and dog poo being left in the grass.</p> <p>Also the playground area needs upgrading & more exciting play equipment for our grand-children to use. At the moment they don't want to stay long because it gets boring very quickly.</p> <p>I chose Option A 2nd as it has more recreational fenced area than D & B</p> <p>B & D will still have too many dogs running around the majority of the park</p>
<p>Equitable use of space between non dog & dog users - defined spaces, physically separated, no danger to children</p>
<p>Option D would be ok, plenty of room for kids but I do not agree with any of the others</p> <p>Option C (closing portion of the road, is so wrong - Saturdays with tennis etc it is very busy & the other entrance is so narrow. The reserve should be left as it is, there are 5 other reserves within 5 min of Dover with nothing on it. Please think of the elder people that really need this. Most of the day there is never anyone there</p> <p>Option A cutting down the size will only make more problems as it will be busy & by the 2 houses next to the hall.</p> <p>Option B A lot of the older people come when friends pop in to take them & they should be able to come anytime. Also include gate by Kindy (eastern gate) as this gate is always left open!!</p>
<p>Equal space for dogs & non dogs</p> <p>Don't want the road blocked</p>
<p>Trying to be fair to all users</p>
<p>Time restrictions will affect our use of being able to visit</p> <p>A small park is useless to a dog that runs - maybe fine for small dogs. Extended fence would be good</p>
<p>Te way the park is builded and the way people use it gives the idea that the grass area is only for dogs. Adding a soccer goal would send the message that the park is for everyone</p>
<p>Option D with extension to Western edge would future proof park. Currently BBQ can't be use because dogs use BBQ (pee on, hop on). Like to see more play in rest on fenced side</p> <p>Don't use amenities as not fenced off from dog use area, e.g.. park benches & BBQ. Would like to use these amenities</p> <p>Option D with play/rec area & rectangle out to Western side, leave large space for dogs, unique park</p> <p>Option B wouldn't work because dog pee & poo all over the reserve & therefore children can't play on it anytime.</p>
<p>Dog need space but recognised need to share space. The BBQ area should not be put up 'dog zone' as too tempting for dogs and also too disruptive for ppl trying to enjoy peaceful BBQ</p>
<ol style="list-style-type: none"> 1. To be fair on everyone 2. Good size for dogs to run 3. Less room for dogs to run 4. Makes it fair for people & children to have a separate area from the dogs
<p>Option A should have the BBQ on the dog exclusion side to allow all families especially with young children, to use the table & BBQ</p> <p>Option C - I don't want the road around the square blocked (closed)</p>
<p>Allows for best of both worlds</p>

<p>Extra area Easy to drive either other way Fair equitable for all users</p>
<p>To allow families/children access to playground and BBQ without having to come past dogs or risk dogs exiting park</p>
<p>It the way it should have been fence</p>
<p>The only chance I have to let my dog off the lead. The people here are lovely & it's a lovely culture here at the delightful park. Been coming here since 1993</p>
<p>4. Time restrictions would be limiting & difficult for me with both a dog & young child. 3. Restricts the amount of space for dogs too much. At times the park is already extremely busy. Plus my dog likes to run. 2. I don't mind either option C or D & feel that Almond Grove is under utilised at the moment so this would make better use of the space, so hence putting this as Option 1.</p>
<p>I do not choose any of the above. There should be a 5th option of no change to the reserve. It works very well not. There is not a thing causing some people to claim they cannot use it because dogs are there. The park is not used much during the day. Even at weekends you can drive past and no-one is there except for one or two dog owners. Certainly no-one is playing football. Perhaps the state of the grass is keeping them away. The grass is difficult to walk on not because of the use by the dog as was suggested by one council representative, but because of the type of grass the way it was planted. The use of the park is harmonious as it is now but it has been better. The dog users are being spied upon, sworn at & every little nit-picking moment (no matter how small) reported to council</p>
<p>A- Would allow dogs to attend while leaving room for other activities C- Would be good to utilise Almond grove - would water/shelter be available for all? D- Good- but bins, drinking water and shelter are behind fence. B- Dogs do not need to be on a leash in a fenced park. The best thing about Dover Park is that dogs and people are free to socialise</p>
<p>I need as large an area as possible to exercise my dog - to walk with her and allow a good size area to run around and play with other dogs.</p>
<p>We like to train guide dogs during the day when the park is quiet in a fenced secure area. (B) Would not allow us access when there are no other dogs there. We think the BBQ area would be better separated from dog area. (D) Keep area cleaners. (C) utilises whole area better. I would like to see a small fenced area for smaller breed dogs in north corner (NE). Option A would mean very busy area west end with more wear to lawn and minimal use of dog exclusion zone.</p>
<p>Friendly dogs can upset small (grand) children</p>
<p>There is only one choice and that is for dogs to be on a leash at all times. The Square is not big enough to be divided by a fence. If people want off leash time they can go to the beach. (but that might mean they might get some exercise as well.) An added suggestion is for an adventure type playground under the trees and shade</p>
<p>Simple, practical. Families have access to the BBQ, play ground and seating. Lawn surface is uneven and can cause injury. Suggest replacing grass to make surface user friendly.</p>

<p>1) This fence will give a larger grassed play area which includes the barbecue for parents with young ones able to enjoy grassed area free from animal urine/droppings etc. and enable picnics games etc. and older ones just to sit and enjoy and have a cup of tea if they wish without animals etc. 2) This 2nd choice still gives families/children clean grassed area and the other blocked area for the older children to build mounds to ride their bikes over. Although I would like to see more grassed area for families to enjoy.</p>
<p>Option A. This option would make access from east gate very difficult when wanting to use west area. Also for cutting lawn etc, and when N.H.W holds Christmas get together reducing the size of the area needed. B. If dogs were limited to the times available, would give children more access to be able to run around, also families who once has a picnic there, no longer come due to dogs always in the Square. C. This option would for 1. take the square out of Dover Square. and reduce traffic access. Maybe the almond grove could be fenced and dogs could use it. D. This would allow the BBQ to be used as it is unable to be at the moment, with dog water etc on it and dogs on the table too</p>
<p>Our preferred option is A so long as the land is divided equally and the BBQ and table is in the Dog Exclusion Zone. In the Dog Exclusion area there will need to be at least another table to use for food. If there are breaches by dog owners there needs to be consequences ie fines</p>
<p>Currently no space for children to run at the park without being chased by dogs. Currently no area for children to sit and eat lunch/snacks without being approached by dogs. We have had several incidents where our children have been jumped on by dogs so we now only use the small fenced playground area.</p>

<p>I think having more space for my kids to play without the threat of other dogs is important. Possibly more room for a dog free area for option 1 would be great.</p>
<p>Something needs to be done to monitor owners picking up after their dogs. Owners also have their dogs in the park when its dark making it very hard to see where the dogs are doing their business. Most owners are too busy chatting to watch and clean up after there dogs. I notified council of a dog owner and his registration of that persons vehicle who never picks up after his dog and they did nothing.</p>
<p>Can you please add a basketball ring? My younger brother and his friends have been saying for a very long time how disappointing it is that there isn't one. People like to play more than just tennis and you will be encouraging a lot more people to get out and shoot a couple hoops.. I even personally would get out there with my younger brother and play a bit of basketball with him if there was one installed.</p>
<p>KEEP THE DOG OFF LEASH AREA AS IT IS!! There are many, many other areas that children/other users can play in and around the same location</p>
<p>The quality of the grass could be improved or new seed planted more regularly as the type used is clumpy and hazardous for people walking in the park. There are pot holes throughout the park which is not caused by dogs but rather the type of grass planted.</p>
<p>The quality of grass is quite uneven.</p>
<p>Add some fitness equipment, small workout circuit</p>
<p>Remove all gates and cyclone wire to fencing at the southern end of the park to reduce the amount of dog use... this is the main problem, overuse of the park by dog owners! This fact is why the turf is degraded, noise pollution, injuries to people and dog poo are a major issue. Discouragement for large</p>

<p>amounts of dog use is the key. Please see attached photo of one park (like many others) that do not have a dog problem.. the answer is obvious.</p>
<p>Make this a designated dog park with higher fencing and double gates for the safety of the community already using this park.</p>
<p>More bins and dog do collection bags. Drinking facilities that dogs can not access.</p>
<p>What has prompted this desire for change so soon after your last push failed when one group of LOCAL users successfully raised an all time record for signatories on a partition to alter this park only 2 years ago ?</p>
<p>There is no issue of equity of the use of the park, people do control their dogs, they are also entitled to enjoying the large social group that use that space.</p>
<p>Thank you for considering families in the area in creating this survey</p>
<p>The park used to be frequented by families for barbeques and family picnic groups (we have used it for grandchildren birthday parties etc) however we now have to go elsewhere due to the large number of dogs that run free and make it impossible to safely enjoy a picnic or barbeque. The fence across the park is something I have spoken to Corey Wingard about and also emailed council. This measure is long overdue for the safe and enjoyable use of the park by all residents (including dog owners). The large number of dogs I believe has prevented the upgrade of the play equipment because of lack of use. There are no tables in the fenced off area for example. When we first moved to the area we were drawn to the area because of this park and the numerous play areas, which have since been removed and replaced with "safe" boring equipment.</p>
<p>Remove fencing altogether to discourage dogs being off the lead - our shoes are covered in dog faeces anytime we have attempted to use the open space for ball games etc</p>
<p>Gate entrances to playground should be dog free. Seating/picnic area should be available within the gated playground (dog free). Gated playground enlargement. Addition of paths or rubber ground to improve mobility within the playground for prams - bark does not allow movement of prams. Footpaths around the reserve are currently gravel, with no sloped entrances for prams - concrete paths should surround the reserve.</p>
<p>We would like to see a slightly alternate option to A as per attached file. That is to extend the proposed fence around the bbq and shelter area and keep all other conditions. There are seating options in the proposed dog zone and its much more enjoyable to have a bbq without dogs sniffing around the food.</p>
<p>Fenced playground to include a direct access gate and the adjacent table/bench seating. And bins accessible from within the playground area.</p>
<p>Leave it as is. So many other parks so close by that people can use as well but dogs can't.</p>
<p>Play park could do with a bit of an upgrade. More nature play, shared use is the most important thing. Area for dogs, and area without.</p>

<p>The only option that will allow all residents, adults and children, to comfortably use Dover Square Reserve is to not allow dogs therein. My wife and then toddler children have in the past been threatened by dogs on 2 separate occasions, my son while with me on another occasion, and my neighbour and her 2 small sons also were threatened by a dog which I witnessed by chance. I've had a resident [REDACTED] approach my son and me while playing ball on the road (the reserve is no longer an option for us) and ask us why we were doing that, herself not able to understand the nonsense of dogs having priority over people. We did report our personal instances to the Council but it would seem the dog problem/numbers have only perpetuated. I make some effort to keep our front footpath lawn mowed and trimmed but am regularly frustrated by dog owners who leave their pets droppings behind; you can call it what you will but it is simply disgusting. As a family, we rarely go to the beach anymore because of, not just the increase in dogs present, but also due to the careful steps we have to make to ensure we don't run in to or set up camp on dog droppings; we have experienced close calls with this. Finally, as someone who uses public transport during the week, I am mindful to walk on roads instead of footpaths after dark or before dawn due to the not so rare encounter of dog droppings left right on the concrete itself. The City of Holdfast has transformed somewhat in to the City of Dog-S__t. I have pets, I always have, and they're nobody's business or responsibility rather but mine, and I keep them happy in my property, and my neighbours undisturbed by them. I would have expected the same courtesy from others but dog-owners seem to have a feeling of entitlement that extends well beyond the considerations of the rest of society. All councils including the City of Holdfast are at fault here for allowing this. Please think about all of your ratepayer residents, young and old, and not about your money-making (by way of registration) dog owner constituents, in regard to parks and beaches; these open spaces used to be for everyone. When will you wake up?</p>
<p>Perhaps better lighting at night.</p>
<p>More seating, especially if the non-excremental area were to be increased. Could the almond grove be made more usable by strollers (rather than the rutted dirt trap it is now)? Better plantings, a bench seat or two. Bring back the almond trees?</p>
<p>I would prefer for dog owners to have a limited number of days per week in the reserve. No weekend use. Only 2 weekdays. Dog owners exercise their dogs elsewhere. There is a kindergarten close by and the children and parents should be allowed access on a regular weekly basis. If the playground was extended this would allow for ball games and exercise for younger and older children. This would encourage use of the reserve by more young and older children.</p>
<p>The childrens playground should be accessible without walking through the dog friendly area</p>
<p>It is not a dog park and I would like to play with my grandchildren with out dogs pestering us. The dogs should only be allowed off the lease at certain times eg early morning and late afternoon.</p>
<p>More tennis courts would be nice...</p>
<p>See above. Option c but with no exclusion zone for dogs in the existing park</p>
<p>There will be a need for drinking fountains to be on both sides if dogs are excluded.</p>

<p>By extending the fence in Option B and also covering the road over to the almond grove would also be a great change (as in Option C). This would also slow the movement of vehicles between the tennis courts and park where kids ride bikes and dogs are. Noting that there are some drivers that do not slow down in that area.</p> <p>The current BBQ area needs an upgrade. A larger shelter/roof area (similar to the park next to Patriti Wines). Place this inside the playground area/new fenceline to keep the dogs away whilst families are cooking or using the BBQ's - using Option D including the almond grove. This area could be grassed as well where the road currently is to allow families to have picnics etc.</p> <p>On an average night (weather permitting) there are approximately 30-50 people in the park (not just dog owners either). A number of these are retired people and this is a great part of their interaction with the outside world (especially during the COVID situation.)</p> <p>Place an access gate on the outer fence of the playground on the Southern side of the park (Tennis court side). This would allow families and kids that are not confident with dogs to be able to enter and leave without interacting with the dogs.</p>
<p>I do like extending the playground area & accessibility for people & families to come in the gate, use the bbq & seating areas in that southern corner but still have a large area for dogs to play off lead</p>
<p>Make a gate that attaches directly to the child play ground if they don't like walking near dogs</p>
<p>The dog park was a major selling point for myself and my partner when we moved into the area approximately 14 months ago. Without the use of the dog park, we will likely have to start driving to Hazelmere dog park, or using the oval at the Seaview High School.</p>
<p>separate small dogs from large dogs, put up signs on how to handle dogs (like the dog park on oaklands road)</p>
<p>If the issue is around the dogs running around, then extending the fence to include the bbq area is a good idea so that families can hang out in a dog exclusion area.</p>
<p>Improve other local parks to have grass areas and fences to reduce the density of dog visitors to this square.</p>
<p>Perhaps interim signs in place to highlight the fact that Dover Square is not a designated dog space but a shared space and that dog owners behave accordingly. Also, perhaps signage indicating that dogs are not to be encouraged to drink from the human water fountain (I have seen it happen on several occasions - there is a great dane who frequents the park and drinks from the higher, human fountain. also reminders that the tables are for humans to picnic and eat at, not for dogs to climb onto and sit on. (I sound like a bitter resident who dislikes dogs. I am not, I am a dog owner myself. I would never allow my own dog to do those things....)</p>
<p>Dover Square is a rare, much loved and needed space where responsible dog owners can allow their dogs to run, play and socialise off leash without worrying about their dogs, or kids, running into traffic. I have never witnessed anyone being excluded or complaining about not having equitable access. Probably most importantly, Dover Square provides a venue for a significant number of people (including some who don't have dogs) to interact with their community in an informal and highly beneficial way. There are a number of older people who rely on being able to take their dog to Dover Square safe in the knowledge their dog won't run onto while they get to interact socially with others. Some very close friendships have been formed in this way and it would be devastating to see this close-knit, dog-loving community group jeopardised by changing how Dover Square can be used. Thank you.</p>

<p>The park is not only enjoyed by children. It's a place where people meet if all ages. The dogs bring people together. People who wouldn't normally have the ability or the confidence to socialise. The elderly, the lonely, the young, the singles. The kids frequently visit the park to play with the dogs. It's lovely to see the elderly and the young socialising together with a common love and appreciation of animals</p>
<p>More bins and dog poo facilities. Picnic table and chairs included in playground area as well as a drink fountain dogs can't access.</p>
<p>I extending the park to the Grove, this would be fantastic for dog exercise, and also children wh are scared of dogs or need more room in playground, the could also be achieved.</p>
<p>I've seen dog owners letting their dogs use the human part of the drinking fountain! Could a drinking fountain be in the dog exclusion area for hygiene. And a dog drinking station in the dog area. Thank you</p>
<p>Great space we are lucky to call our local park.</p>
<p>A new public toilet for the amount of people that visit the space & for community events</p>
<p>it would be lovely if we could all share it yes! I haven't seen anyone able to use that bbq in a long time!</p>
<p>Limit the number of dogs allowed. Only have smaller dogs there as the larger dogs are simply not able to run and do what they need to do. Extend the playground. Every afternoon and every weekend children are there and want to play but cant either because the playground is too small or because there are too many dogs in the park and the owners think its their park. South Brighton is changing demographically with more and more families moving in. It's time we did something to support those families and not just the dogs.</p>
<p>If connecting Almond Grove would be great to continue to incorporate the bike track as kids love it... use it all the time and its been there since we were kids!</p>
<p>I think the above outlines our feelings and many other families that we talk to :)</p>
<p>I am empathetic toward parents/carers of children and those community members who are not comfortable with dogs and so I have a proposal that does not reduce the size of the run for our dog owning community but provides space for both. As there are a vast majority of open areas/parks in Holdfast Bay that cater to the public but do not allow secure off-lead environments for dogs I believe, in this case, 'equitable' can not mean 'the same' with reference to square metres specifically at Dover Square, or else the benefits gained from running dogs is lost, so I look at the use of the word in relation to Holdfast bay and indeed more specifically South Brighton. There are around 47 parks (excluding the beach) in Holdfast Bay (well done) but only two are fully fenced. The second park is 5 klms away in South Glenelg and is quite small being a less than adequate place to run dogs. Consequently Dover Square is the only park available to your dog-owning southern Holdfast Bay members who want a safe and secure spot to adequately exercise with their dog. I love Dover Square and as I live in a unit with a small back yard I rely on it to adequately exercise and socialise my dog so he can learn appropriate, community safe behaviours.</p>

It is common for families with a dog to utilise the park.

This is the only fully fenced park available for dogs to be off leash in the City of Holdfast and direct surrounds and is particularly important for the elderly and disabled where the beach is not an option. Other users have plenty of other options available to them such as Scarborough Terrace Reserve only 2kms away.

The park addresses social isolation for older people and those with a disability.

The community that gathers around dogs strengthens our community and provides invaluable supports (away from the park) to one another. Especially important whilst COVID is restricting peoples movements more and more this is inline with Our Place 2030 Strategic Plan goal of supporting community connection.

There should be a dedicated access gate into the children's play area so they don't need to walk through the dog area unless they want to. This option does not currently exist.

Dover Square is the only fenced safe off leash dog area in the Holdfast Bay Council area and it's highly regarded and used by the many dog owners in the area.

DONT CHANGE IT

This reserve is a valued meeting place for Senior citizens and their dogs. They have had to fight for their rights in this park before, and it is heartbreaking to have to do it again.

My parents are in their late 70s, they have no grandchildren, but two loved and well trained dogs. They go to this park to meet other senior citizen friends EVERY DAY. It is their only social group and the highlight of their day. They make a huge contribution to this community, with both practical and emotional support. Some of these older people have no where else to gather, and no one else to turn to. Seeing their rights being disregarded because they do not have grandchildren is very saddening. They are deeply tired of this kind of treatment. At their stage of life, access to the park with their pets seems very little to ask. Having this access threatened (again) is extremely traumatic.

To increase space for children, the almond grove could be upgraded sympathetically as a natural nature play area (retain trees and natural surfaces, add native plants where possible eg. near boundaries with climbers on boundary fencing, don't add plastic play equipment) and fenced for child safety, leaving Dover Sq Reserve as it currently is. There have been instances of kids on bikes cycling onto busy Folkestone Road from the almond grove so proper separation from the road is needed there anyway. I do not believe that there is generally much conflict between the various users of the reserve. Occasionally an unruly dog or child causes problems but many families have both children and dogs and I think it is important that children are familiarised with pets from an early age so as to lose any fear of animals, realise the pleasure pets can give and benefit from the strengthened immune system interacting with animals gives. As a child I loved playing where I could pat dogs as we couldn't have one of our own. Keeping dogs and children separated seems rather a wasted opportunity to me, although I accept that some children (and often in these cases, their parents) are afraid of dogs and need a careful introduction to them.

Some dog parks have separate areas for large and small dogs as some large dogs may attack smaller ones but this gets difficult to police and I think it better that aggressive dogs are just kept on leash so I am glad you have not raised that here.

We strongly suggest to move the rubbish bins for dogs as far as possible from the playground.

I think the dog exercising area needs some further regulation. The community members who use it are very attached to the space which is positive. However I have seen many instances where owners do not have effective control over their dogs.

Yes upgrade the playground as planned, leave the fences as they are and make the reserve a dog park, which is basically what it is.

I am a mother with two small children and a dog. Whilst we are not residents of the City of Holdfast Bay ([REDACTED]), Dover Square Reserve is our favourite place to visit and we do so on nearly a daily basis. It is an incredibly special place with the most amazing community feel. We have felt so welcomed by everyone who uses the Reserve, and in particular, the many people who come to exercise their dogs there, but also, who come for a chat and companionship with others in the area. My children love to play in the playground and it is the only place that I feel I can safely bring both my young children and my dog, and know that they are all close enough for me to keep an eye on all of them (eg the children have a safe play space in the playground, and my dog can safely run around a fully fenced area on the reserve). We attend the reserve on different days and times and always find someone keen for a chat. My sons adore all of the elderly community members who come, mostly with their dogs, for company and to let their dogs socialise as well. There are many parks and playgrounds around this area, and it would be a terrible shame for this one to lose it's unique and special feel as a place for dogs and children to be able to play. We have also met a number of people who don't have dogs (because they live in rental accommodation or can't look after a dog themselves), who visit the park purely for the purpose of meeting and playing with dogs.

I do understand that equity of use is important, however, please also take into consideration that a unique and much loved park is also vital to so many. Please approve a change that does not remove the uniquely safe play space for our pets and children.

Solar Panels/Water Tanks/Communal Veggie Garden.

Public Toilets

Native Trees/Shrubs/Plant to any new landscaping.

More Nature Play type approach/look

More Tables/Chairs

Encourage people to pick up their dog poo

I have called Dover Square my local park for 46 years, I [REDACTED] and have had many great days in that park as a child and now with my own children. We used to go there with many other local families for picnics, birthday parties, kicking a footy, learning to ride bikes, dinners on a hot summer evening. Since council changed the gates I have seen over the last few years the dog issue become out of control with 20+ dogs there each evening from about 4pm. No local families go there anymore, kids get jumped on and balls stolen, bitten or popped by the dogs anyone sitting on the grass or even at tables are continually harassed while the owners watch and laugh it off. Dog owners tell the kids "don't come to a dog park to play" Local residents pay good money to live near a lovely park only to find they cannot use it, the grass was once thick and lush, it is now absolutely trashed and there is dog poo everywhere.

Dog owners let their dogs hop onto picnic tables for petting and grooming, one man lets his Great Dane drink from the human water fountain, actually pressing the button for it! The BBQ has become a table for water bottles to fill up the dog bowls. People let their dogs run around un-supervised while they socialise, look at their phones or in some cases even stay in their cars! Some bring their dogs down at night and would have no idea on whether their dog has crapped or not as its pitch black, but because its fully fenced.

I have had several run in's with dog owners there and have had a pile of dog crap left on my front door mat as well as having photo's of myself and my kids taken while trying to play there. I won't go there anymore in case things escalate further. I have spoken to many other local families and residents and they all feel the same way. It is time for council to show leadership on this and return this family reserve to it's former state whilst finding a long term solution for dog exercise in a more suitable location, without displacing local children and families.

J Webb Broadway South Brighton

I don't understand why it needs changing money can be spent elsewhere

Don't change it from a dog reserve. There are plenty of places for children to play nearby, yet there's not many dog parks that dogs can safely play off leash.

Please don't put animals at a disadvantage, they deserve to get out and exercise just as much as children and adults deserve to, why should people who have animals have to go out of their way to make room for another family space when Holdfast Bay is mostly about family attractions anyway, please keep one reserve for the locals and their pets

Dover Square provides many dog owners and their pets with a special environment where small and large dogs, families with dogs and small children and senior citizens can enjoy the facilities in a friendly cohesive manner that cater for all groups. It has been evident that ball activities with families have also been successfully conducted in this environment.

I would also stress that the many users of the park need to be provided with adequate shelter for summer/winter, appropriate water facilities for dog and human as currently water is transported from the tap adjacent to the tennis courts to ensure the large quantity of dogs are able to have a drink. The only water facility currently provided for humans and dogs is inadequate and it would be highly desirable for health reasons to have separate water fountains.

As the present bbq facility would come within the confines of the playground an additional bbq should be established in proximity to a shelter to house a number of persons - the only shelter at present barely covers the bbq so is completely inadequate for protection from the elements.

This park has been a huge benefit to many dog owners to enjoy their pets and the company of others given that many of the regulars are seniors and are living on their own. A strong and supportive community spirit has developed and the opportunity to meet regularly has promoted a caring environment. Myself and another regular attender have developed and maintain a facebook page "Friends of Dover Square Dogs" for the park which keeps users informed and adds to the spirit of togetherness and community - a vital commodity in these challenging times.

I greatly value the opportunity to provide feedback. During 2017 I wrote to Council and then Mayor Stephen Patterson after my little Grandson was attacked by a dog whilst playing on the equipment. I was so pleased when council quickly put a fence around the playground to provide security. However, the result of this meant that dog owners then felt they had the right to allow dogs to roam free over the rest of the reserve. This is not equitable and so there needs to be greater community access for families. I really feel that option A (with my recommendations) provides this.

Thanks again for the chance to comment.

There is currently no allocated dog park in the Holdfast Bay Council and this is the only fenced park where dogs can have off leash time. The Council is quickly increasing in density with large blocks being split into 2 or 3 dwellings with each dwelling causing an increase in people and pets with no further green areas being established or a designated dog park available. Future budgets should be allocated to create a dedicated dog park.

<p>It is all about carrying capacity - the state of the turf (completely barren near the gate) is a good indicator that dog use at the park is at unsustainable levels. I dread to think what you might find if you did some soil sampling of ammonia levels, faecal contamination and zoonotic parasites. I notice also the shrubs and other plantings around the site are looking worse for ware and there is little prospect of establishing new plants with the current intensity of dog activity. There is clearly a high demand in the community for a dog park - perhaps the abandoned Dover Gardens Primary School site can provide an opportunity in partnership with City of Marion? When I moved ██████████ 10 years ago it was common to see families and friends using the reserve for tennis-ball cricket, footy, soccer and picnics. I cannot recall seeing that happening in recent years. I'd like to see my council rates prioritise people seeking to be active. As for the Almond Grove - there is an opportunity for an environmental project: 'Reconstruct a She-oak Grassy Woodland Patch-Park'</p> <p>This under-utilised park is located alongside the the Dover Kindergarten and would make a great little nature reserve show-casing the original She-oak Grassy Woodland of the area. Features could include replacement of weedy Casuarina trees (NSW/Qld) with local Drooping She-oaks, swards of low-growing wallaby grasses and native wildflowers with 'nature-play' opportunities for local kids. Separate bike and pedestrian tracks could be defined. Once established, the vegetation will provide habitat for beneficial insect pollinators and birdlife and will provide the only example of the original vegetation of South Brighton.</p> <p>I am a restoration ecologist with 20 years experience and can provide Pre-European Plant Lists for the site to aid in planning and am happy share my experience for what its worth on the topic of reconstruction of grassy woodlands for a project such as this.</p>
<p>Look to other good examples of reserves where dogs off lead share the space well with recreational users. Bowker Street is a good example. Perhaps remove some of the gates to reduce the sense of enclosure and ensure dog owners take more responsibility for unruly dogs.</p>
<p>I think it is reasonable to come up with a solution that allows an opportunity for kids to kick a footy around the park with no dogs off lead. I'm not convinced however that we need a Berlin Wall to make this happen! And the potential cost involved seems a bit crazy!</p>
<p>It would be great if a basketball hoop could be installed on the tennis court. The nearest hoop in the area is at Crown St and there's only 1 hoop for the entire catchment area.</p>
<p>Addition of a fence from the outer edge into the playground and improving the grass surface which has been come dangerous. A compost bin collection option for dog poo (at least a trial). Some Bee Hotels, a Butterfly Garden (see Bringing Back the Butterflies project) and maybe seasonal sessions with Local Living Smart groups to share local initiatives would be great. Apart from the bobbly grass blobs, it is my favourite local park across Hodfast and Marion councils. Let's keep it great :)</p>
<p>A disabled access car park closer to the kindergarten to provide a more accessible option for the kindy as well.</p>
<p>Not just bbq area fenced off as it's useless for kids to help play</p>
<p>Update playground at the same time as the upgrade/changes?</p>
<p>Please fix the lawn - it is very dangerous for frail, elderly visitors</p>
<p>Make it a dedicated dog park or leave it as is. Plenty of unfenced parks in the area</p>

<p>A tap Shade for dog area More seated areas</p>
<p>You could also finish the fencing at Scarborough Terrace Reserve which would make this area more dog friendly</p>
<p>Maybe make after 3pm! till 5pm! Dogs on leads/when school come out and small children are around! Dogs can be off leads 7am to 3pm school holidays off leads 7am till 10am and then on leads in school holidays 10 to 5pm</p>
<p>I believe Dover Sq Reserve is a great, well kept area for both families and dogs. Please remember dogs have fewer off leash areas that they can be exercised in, children have an abundance of playgrounds provided to them</p>
<p>Grassed area is very rough and needs replacing Very good park area as is</p>
<p>Path all the round the park (inside)</p>
<p>How will you have access to the water source as the BBQ area shelter and fountain will be closed. A new shelter area would be appreciated plus a tap (just a tap) that's all we asked for in the first place. The people who use the area to exercise their dogs all keep the area clean and tidy up after their animals. We have a lovely social feeling towards each other and look out for each other and the animals</p>
<p>"Keep it the same" Don't ruin a good park by changing it. Put up some sun shelters and more benches around the park so more can utilise and enjoy</p>
<p>I Run a BBQ for the residents of Broadway during the summer at minimal cost to residents, with the current conditions. The residents sat in the playground area whilst I used a portable masonic BBQ to cook the food</p>
<p>In winter it rains a lot and I get soaked so we need way more shelter so we don't get COVID cause we stand too close together also for me and my friends and vb lovers I would love a vb net please More lights</p>
<p>Leave everything alone, huge as is, top soil dressing to make it easier to walk. Very hard in walker bumping along between clumps of grass</p>
<p>Make a designated dog park, have lived in Broadway 61 years have raised 3 dogs using this park. Have never seen any problems between dogs, runners and children playing football etc.</p>
<p>A path around the park</p>
<p>Having a tap Having a path going through the dog area</p>
<ol style="list-style-type: none"> 1. Fix the lawn 2. Provide shade/shelter
<p>Option D suits the park the best</p>
<p>There are so many other parks that humans can use but dogs can't. Restricting hours or the space would be an absolute tradgedy for so many people. So many people use this park compared to any other one</p>
<p>What is wrong with Status Quo. People jointly use the park for dogs, ballgames, la crosse etc. Can't see why it should change other than making facilities larger for children</p>

Have a look around today 2/9/2020 5pm there is kids all ages, people with dogs, kids, families kicking balls, kids on playground and there is no issue or complaints, so where is the problem with equity or inclusion?
I would like to suggest to combine the options A & C. This would increase the family area
Toilet facilities in play area open area
If the playground fence is extended, I would suggest no bikes/scooters etc. in the area with dogs
I love the parks open space and would like to see it remain as it is. I believe fencing it off in any way, other than extending the play area for kids, will spoil the lovely open space feel. If the dogs present a problem perhaps having exclusive times for general activities and separate one for dogs would be a more satisfactory option without destroying the open space. It would also be a much cheaper option. A time for kids to play after school without dogs would be good
Community garden
What has brought this inquire on? Entire park lawn is in poor condition - 'grass wise' for any sort of play
Better water access This is a lovely community for locals to exercise their dogs
Equity of use is available now Plenty of families etc. seem to be able to successfully combine playing ball games or kids just running around. While there are dogs present and there are many times when the park is completely empty so it obviously isn't in demand a great deal of the time
The owners of large dogs do not keep their dogs under control, large dogs can be very intimidating to smaller dogs. Small dogs need a safe area. On hot days the birds in the park are very thirsty. The bird life creates an interest for families visiting the park.
A does meet equity currently B lacks proper shelter All extends children's play area too much
Have you thought about just making it a reserve without dogs. I mean, it's virtually impossible to have a picnic, walk around it, relax and enjoy the park, bring children there, kick a footy without either being barked at, stepping into dog's poo, or having your ball, blanket, toy taken by a dog whose owner doesn't care. They just stand around talking not caring that their dog is destroying it for everyone else. And this rant is from a dog owner.
A small toilet block would be handy here & another shelter in dog area also
As 98% of people who use the reserve are dog owners, I would prefer the status quo to remain as it is now. Plenty of other reserves where families can kick a ball. No other options in the council area to exercise dogs off leash
Park for dogs. Gates taken off so owners more responsible & look after their dogs. Not all people pick dog poo up. They look the other way. In summer the numbers are over the top. Best option, get a proper Dog Park. Doesn't have to be large

<p>Young mums with children using fenced playground say it's only park they can combine children's play & exercise dog while supervising both. Yes, I agree the BBQ facility should be incorporated with playground. The water fountain needs paving around base. Becomes very muddy. If possible, a water tap would be needed in dog run area or, we could easily bring our own H2O & bowl which many dog owners do already. The current fountain should not be used for dogs as not hygienic for humans & is slimy in bottom bowl & muddy access</p>
<p>Did not believe Dover Sq was a 'dog park'. Seems to be more area for their activity than for children to play at the moment</p>
<p>Another BBQ area Top dressing the grass would be an improvement, it's very uneven & difficult to walk on</p>
<p>Dog behaviour should be controlled by council if dog owners are not controlling their dogs. At the moment dogs are controlling the park from sunrise to midnight. Changing fences will not solve problems created by dogs</p>
<p>To restrict dogs to unleash would be unfair to the ppl that use the part the most</p>
<p>Larger area for play equipment Upgraded play equipment Fenced area for recreation with no dogs allowed Nicer picnic area</p>
<p>Dogs off the leash & children throwing balls or running ensures safety of children through Option A</p>
<p>Most reserves have some form of shelter, usually similar to a Gazebo. This has been mentioned many times & would be very useful, as there is no protection from sun or rain. If the BBQ is enclosed may be a shelter over the table further down would be good by the hall. Also a tap was promised 2 years ago before & after the drinking fountain but it never came. The Almond Grove area could be fenced & used for ball games etc. But separate NOT closing of the road & leave the reserve untouched</p>
<p>Put the BBQ inside the non-dog area</p>
<p>Plan D Modified Option Run dog boundary fence from East to West along Southern side of Park DOG FREE RANGE</p>
<p>A double gate to stop dogs running out would be useful. A gate on the outside or the kids playground would allow kids to not be around dogs More shelter to protect from the sun/rain would be very useful</p>
<p>Connect the park to the BBQ area with a fence</p>
<p>Don't mind sharing space but need to monitor use as of the park is not used for kids after then need to review. Suggest blended option but block road but extend fence</p>
<p>Grass needs attention Could put some exercise stations around park In the dog area could put a tunnel or a obstacle course for them</p>
<p>More dog bag dispensers on other entrances</p>
<p>I would only mention in the 2 years I have been attending daily, there is a wonderful, large community of dog owners that attend regularly</p>
<p>Need shelters over tables</p>
<p>The service is very hard & nobby bad for walking on let alone running or playing ball</p>

<p>Need an external gate for children to access their play space. No matter what option more shade should be considered for all children, adults or dogs. Whilst at it why not improve water facilities so dogs & people don't share! I have seen some disgusting shared use by dogs & humans & the ability to tip out the dog bowls. More patrols by council staff may also help I need to use both spaces so have by 2yr old in with the dogs area anyway, so better controlled dog would still be good. This is such a well used space by dog owners which I think we strongly need to protect & not impact too much.</p>
<p>In this day & age many people are on their own & their dog is their main companion in life. It is the only safe park around, being fenced & gated. There is great comraderie & friendship between the dog owners but, as I said before, we do not feel at ease thanks to the spying from nearby properties. There needs to be tolerance & not a vendetta until every dog is removed. If you buy a house near a park (and one where dogs are allowed) you must accept you will hear some noise. It is only for a few hours each day, mainly 4-6.30pm. No-one is stopping other users than themselves. All users of the park need better shelter, a tap & the grass fixed. The grass is dangerous to all users. That is where the money should be spent not on unnecessary fencing.</p>
<p>If it were possible to alter the lawn surface to make it smoother it would be safer for adults and children</p>
<p>This reserve has been established for the community as a dog exercising area - it has all the required amenities as such. It is a badly grassed area and would have little other use in its current state.</p>
<p>Extend playground past BBQ area</p>
<p>When our children were small the whole Square was for children and the occasional dog. If the gates were removed or the fence on the tennis court side replaced with bollards then only controlled dogs and children would use the park</p>
<p>No alcohol (ie alcohol free zone) toilets not req. Improving BBQ facilities I am elderly and find park lawn uneven and difficult to walk on (as previously mentioned) more seats in both areas</p>
<p>This park when we first came here was tennis courts, a clubroom surrounded by play equipment. The courts were shifted where they are now. The lawns were planted and the park has been beautifully looked after (for many year by Mr Ron Smith Holdfast Bay Council). it was a familiar sight to see wedding groups having photos etc as well as many picnics, engagement parties, birthday parties held on the grass. Cricket/ball games. it was lovely. We do love dogs but unfortunately at times there are so many big ones (lots of squabbles too at times) and it does mess up the lawns especially when we have the xmas police band and carols night I would hate to see the lawns go. I don't want dogs to have most of the square. There are plenty of parks around especially for dogs.</p>
<p>The children from Dover Kindy like to run around and ride bikes after kindy, but at times are unable due to dogs chasing them - some children are afraid of dogs. The Square is there for all to use, it seems to be dominated by dogs these days. Like I said before maybe Almond Grove could be made into a dog area.</p>







Attachment 2





Dover Square Reserve - Existing Site

Key

-  5 x Bench seating nodes
-  1 x BBQ and shelter
-  1 x Water fountain
-  Fence
-  Gate
-  Footpath



This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Holdfast Bay. This information is provided for private use only. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property Boundary line network data is supplied by State Government.

10/29/2020

1:748








Attachment 3







Dover Square Reserve – Stage 1

Key

-  Bench seating nodes
-  1 x BBQ and shelter
-  1 x Water fountain
-  Fence
-  Gate

Improvements

-  New fence (length 90m)
-  New water fountain
-  New turf & landscaping
-  New 3 x 3m shelter

4,200m² - Dog off-leash space
 1,500m² - Playspace & dog free open space



This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Holdfast Bay. This information is provided for private use only. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property Boundary line network data is supplied by State Government.

10/29/2020

1:748



Attachment 4





Dover Square Reserve – Stage 2

Investigations to be undertaken:

- Traffic analysis
- Safety analysis
- Concept design
- Cost estimate



This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Holdfast Bay. This information is provided for private use only. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property Boundary line network data is supplied by State Government.

10/29/2020

1:748



Item No: **15.11**

Subject: **CHRISTMAS DECORATIONS UPDATE**

Date: 10 November 2020

Written By: Manager, City Activation

General Manager: Community Services, Ms M Lock

SUMMARY

The purpose of this report is to provide an update on the Christmas Decorations project.

RECOMMENDATION

That Council note this report.

COMMUNITY PLAN

Community: Fostering an engaged and contributing community
Economy: Supporting and growing local business
Economy: Boosting our visitor economy

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

Previously, Christmas decorations in the City of Holdfast Bay has been limited and at the discretion of groups/committees such as the Jetty Road Mainstreet Committee. In the planning for the 2020/21 budget process, a New Initiative was submitted for Council led Christmas decorations in Glenelg and Brighton with the aim to “create a cohesive atmosphere and capture the Christmas spirit”.

Local resident Sarah Davies of The Merchandiser has been engaged to design the decorations. Sarah has worked extensively within the retail sector, Councils and precincts with clients such as Westfield, Adelaide Central Markets, Adelaide City Council and locally, The Broadway retailers

and undertakes the Home Basics window display monthly. Sarah is a passionate local resident which has also influenced the designs for the precincts.

REPORT

The brief to The Merchandiser was:

“The focus for both precincts is local community fostering a sense of pride and Christmas spirit in the area.

Whilst Glenelg also attracts significant out of precinct visitation, they are a secondary consideration for this project.

The designs should be sympathetic and cohesive with our beachside locations.”

With this in mind, elements include subtle nautical elements into the designs, as this is what differentiates from most other major precincts. Stars will also play a major role in the displays, by their links to Christmas and the Southern Cross (as a nautical directional tool).

Glenelg

Blue and white is the main colour palette for Glenelg.

The centre piece to Glenelg will be a display in Moseley Square which will incorporate 5 stars of varying sizes, from 3m to 1.8m in diameter. There will also be 2 small boats, raised above the ground level on plinths and filled with Christmas trees. All items in this display will be secured to the ground to allow for wind and human behaviour. A blue and white lighting display will be strung between the palms in the square.

Along Jetty Road the existing wreaths will be utilised but decorated within the theme. On the balcony of the Jetty Bar, Council will install a large Merry Christmas sign, Christmas trees and star (approx. 1.5m in size). Two large Christmas trees will be installed at the front of St Andrew’s Church.

In Hindmarsh Lane a canopy of umbrellas will be strung, with large candy canes as the handles. These will be hung high enough to not be grabbed by pedestrians.

Three “selfie” points will be created. At the Jimmy Melrose Park a large “present” box will be installed which will allow photo’s within and the beach visible in the background (similar to the heart sculpture on the northern side). In Hindmarsh Lane, two lifesaver chairs will be installed with “Naughty & Nice” printed above them. Three Christmas themed beach huts will be installed – location TBD. These elements will provide an interaction point for the public, and are accessible for people of all ages to interact with.

Refer to Attachment 1

Installation for Glenelg is scheduled for the week beginning 23 November 2020 and will be removed the week beginning 8 January 2021. This installation will coincide with “Christmas at the Bay” event on 28 and 29 November 2020.

Brighton

Red and white is the main colour palette for Brighton.

The centrepiece for Brighton will be a collection of 5 large stars installed surrounding the Arch of Remembrance. The RSL has been included in the consultation process for this installation and supportive of the designs in this space. A Christmas themed compass decal will be installed on the round-a-bout pointing north to the North Pole.

Decorated white life preservers will be installed on the light posts and the existing Brighton street banners will be replaced for this period with Christmas banners. Large gift tags will be tied around the trees directly adjacent the businesses moving through to the round – a - bout.

Christmas themed surfboards will be installed under the large trees at the mid-point of the precinct as a “selfie” space for the community.

Refer to Attachment 2

At the Brighton Civic Centre a boat filled with Christmas trees (same as Glenelg) and large star will be installed on the corner lawns. On the small external balcony two Christmas trees will be installed.

Refer to Attachment 3

Installation for Brighton is scheduled for the week beginning 16 November and will be removed the week beginning 8 January 2021.

Risk Assessment

- Potential exposure to vandalism damaging displays resulting in removal.
Risk Mitigation: Consideration has been afforded for location selection with regards to pedestrian traffic, CCT surveillance and Community Safety Officer regular patrols which includes after hours patrols.
Risk Mitigation: Materials selected for manufacturing along with the height and weight of displays have been designed to minimise vandalism and damage caused by anti-social behaviour.
- Potential damage to council/community/private property.
Risk Mitigation: Depot staff are working collaboratively with the contractor and City Activation to damage to council/community/private property is minimised and or avoided.
- Potential injury to public caused by accidental contact made with displays.

Risk Mitigation: Materials selected for manufacturing along with the height and weight of displays have been designed to minimise accidental contact causing injury. A risk assessment will be undertaken of the displays during installation.

Maintenance

Materials have been chosen with consideration for the proximity of displays to the seaside and coastal weather conditions. All displayed will be weighted and secured for public safety. Further to this depending on the annual themes established all decorations can be adapted, repainted and or redecorated to keep displays renewed.

BUDGET

The 2020/21 budget has \$250,000 for the Christmas Decorations project.

LIFE CYCLE COSTS

Future budget will need to be allocated for the installation and removal of the Christmas decorations for their lifespan of up to 5 years. In addition consideration for ongoing storage costs is currently being considered as space is limited throughout existing council assets.

Expanding Christmas decorations to other precincts citywide has not been considered as part of this project.

Attachment 1



Christmas Decorations – Jetty Road Glenelg Precinct Examples

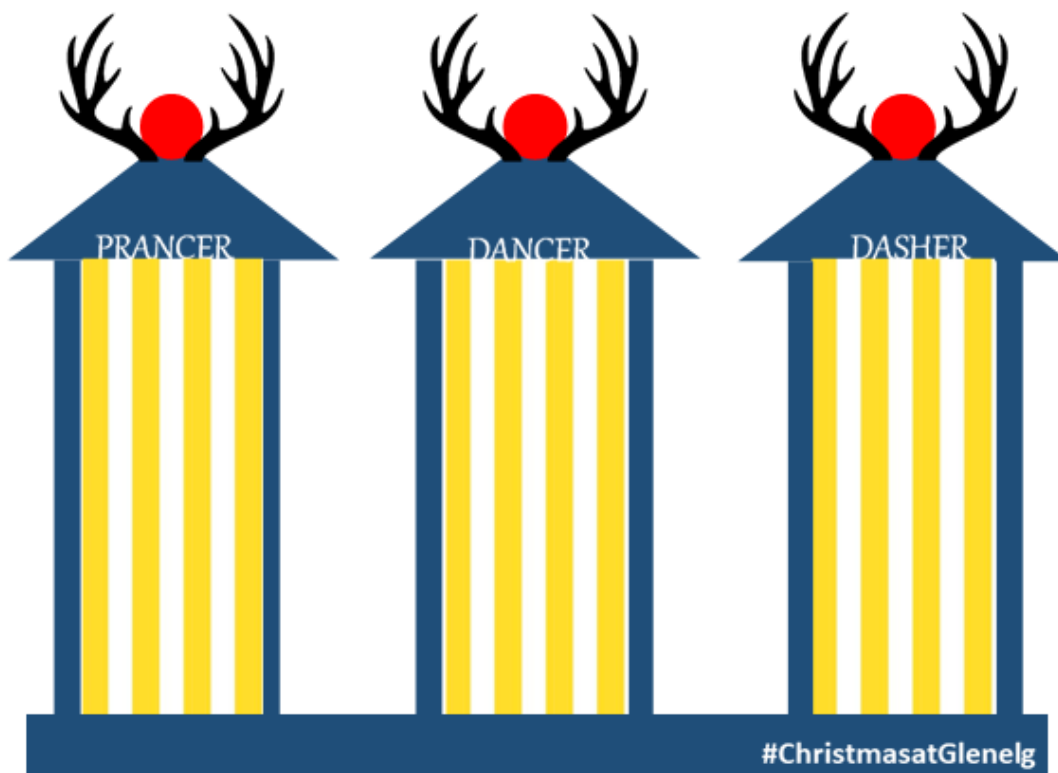
Blue and white is the main colour palette for Glenelg.

Light Pole Posts - Corflutes



“Selfie” points will be located in Glenelg:

Christmas themed bathing boxes (location TBC)



Naughty & Nice Wall which will have beach deck chairs set up in front of the wall, which will be located on Hindmarsh Lane



Christmas Trees and Merry Christmas sign to be installed on the balcony roof of the Jetty Bar



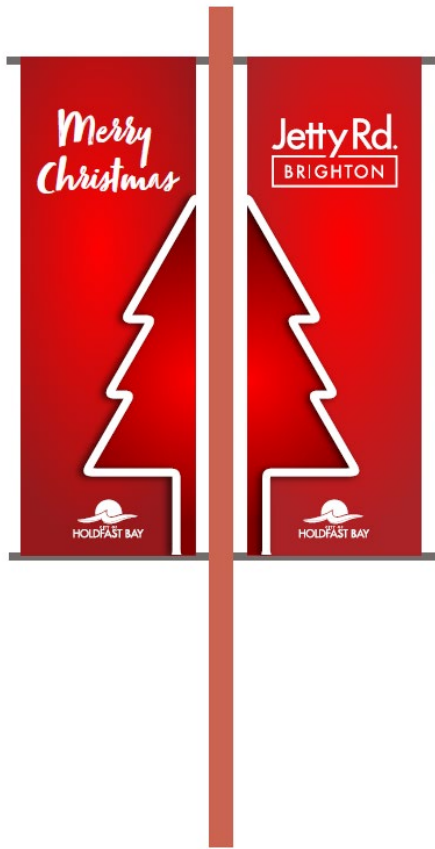
Attachment 2



Christmas Decorations – Jetty Road Brighton Precinct Examples

Red and white is the main colour palette for Brighton.

Street Banners



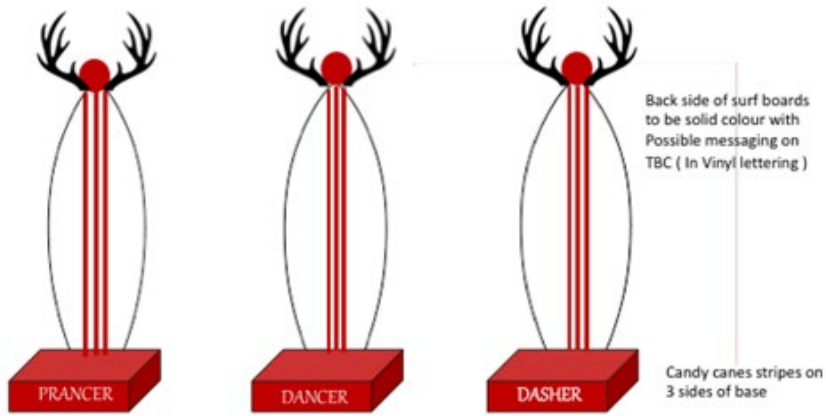
Tree tags



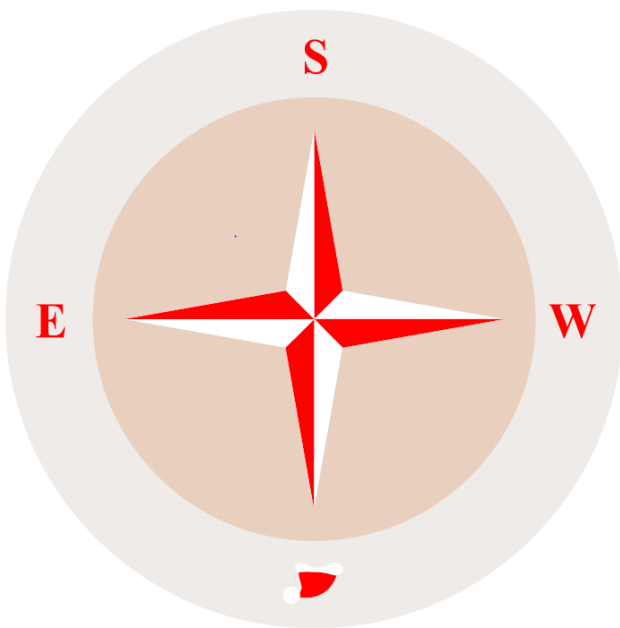
Bike Rack Corflutes



Selfie Stands: Will be a surf board with reindeer ears to be positioned within the Brighton Precinct



Roundabout Image



5 Star to be installed at the Arch of Remembrance



Attachment 3



Nautical Examples of the Wreaths and Christmas Trees in boats.

**Please note these designs are examples of the themes only and not the final design, as this will vary with actual product used. The boats will be mounted on plinths, have multiple trees installed in each and a sail.*

Nautical Wreath



Boat with Christmas Tree

