

# Agenda

Council

## NOTICE OF MEETING

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

**Council Chamber - Glenelg Town Hall**  
**Moseley Square Glenelg**

27 February 2024 at 7.00pm



**Roberto Bria**  
Chief Executive Officer



**1. Opening**

*The Mayor will declare the meeting open at 7.00pm.*

**2. Kurna Acknowledgement**

*We acknowledge 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. 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 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**

**That the minutes of the Ordinary Meeting of Council held on 13 February 2024 be taken as read and confirmed.**

**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 - Nil**
- 12.        Motions on Notice - Nil**
- 13.        Adjourned Matters - Nil**
- 14.        Reports of Management Committees and Subsidiaries**
  - 14.1       Minutes - Jetty Road Mainstreet Committee – 7 February 2024 (Report No: 47/24)
  - 14.2       Minutes – Audit and Risk Committee – 14 February 2024 (Report No: 53/24)
- 15.        Reports by Officers**
  - 15.1       Items in Brief (Report No: 49/24)
  - 15.2       Monthly Financial Report – 31 January 2024 (Report No: 52/24)
  - 15.3       Holdfast Bay Music Centre Lease (Report No: 50/24)
  - 15.4       North Brighton Community Garden Licence (Report No: 51/24)
  - 15.5       Regulation of Personal Watercrafts (Report No: 44/24)
  - 15.6       Public Art and Monuments Policy (Report No: 23/24)
  - 15.7       Wayfinding for Brighton Beachfront Holiday Park (Report No: 55/24)
  - 15.8       Local Government Participation and Elections Review – Response to Office of Local Government (Report No: 43/24)
- 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.        Items in Confidence**
  - 18.1       Winter Activation (Report No: 46/24)

**Pursuant to Section 83(5) 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 considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:**



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

18.2 Sharing the National Collection (Report No: 48/24)

Pursuant to Section 83(5) 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 considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- j. Information the disclosure of which –
  - i. would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
  - ii. would, on balance be contrary to the public interest;

18.3 Jetty Road Mainstreet Committee Independent Member Nominations (Report No: 45/24)

Pursuant to Section 83(5) 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 considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

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

18.4 Jetty Road Masterplan Prudential Report (Report No: 54/24)

Pursuant to Section 83(5) 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 considers 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 –
  - i. would 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





ii. would, on balance, be contrary to the public interest;

j. Information the disclosure of which –

i. would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and

ii. would, on balance be contrary to the public interest.

19. Closure

  
Roberto Bria  
Chief Executive Officer

**Item No:** 14.1

**Subject:** **MINUTES – JETTY ROAD MAINSTREET COMMITTEE –  
7 FEBRUARY 2024**

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## Summary

The Minutes of the Jetty Road Mainstreet Committee meeting held 7 February 2024 are attached and presented for Council's information.

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

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## Recommendation

**That Council notes the minutes of the Jetty Road Mainstreet Committee meeting held 7 February 2024.**

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## Background

The Jetty Road Mainstreet Committee has been established to undertake work to benefit the traders on Jetty Road Glenelg, using the separate rate raised for this purpose. Council has endorsed the Committee's Terms of Reference.

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

## Report

Minutes of the Jetty Road Mainstreet Committee meeting held on 7 February 2024 are attached for member's information.

*Refer Attachment 1*

## Budget

Not applicable

## Life Cycle Costs

Not applicable

## Strategic Plan

Building an economy and community that is inclusive, diverse, sustainable and resilient.

**Council Policy**

Not applicable

**Statutory Provisions**

Not applicable

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**Written By:** General Manager, Community and Business

**General Manager:** Community and Business, Ms M Lock



# Attachment 1



## **Minutes of the Jetty Road Mainstreet Committee Held in the Mayor's Parlour, Glenelg Town Hall on Wednesday 7 February 2024 at 6.00pm**

### **ELECTED MEMBERS PRESENT**

Councillor R Abley

### **COMMITTEE REPRESENTATIVES PRESENT**

Attitudes Boutique, Ms G Martin  
Beach Burrito, Mr A Warren (via virtual connection)  
Glenelg Finance, Mr D Murphy  
Royal Copenhagen Glenelg and Brighton, Ms S Smith  
Yo-Chi, Ms B Millard  
Echelon Studio – Architecture and Design, Mr C Morley  
Ikos Holdings Trust, Mr A Fotopoulos

### **STAFF IN ATTENDANCE**

Chief Executive Officer, Mr R Bria  
General Manager, Community and Business, Ms M Lock  
Manager, City Activation, Ms R Forrest  
Jetty Road Development Coordinator, Ms A Klingberg

**1. OPENING**

The Chair, Ms G Martin, declared the meeting open at 6.07pm.

**2. KAURNA ACKNOWLEDGEMENT**

With the opening of the meeting the Chair, Ms G Martin stated:

*We acknowledge 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 Apologies Received: Mr A Chhoy, Mr T Beatrice, Councillor A Kane

3.2 Absent:

**4. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

**5. CONFIRMATION OF MINUTES**

**Motion**

**That the minutes of the Jetty Road Mainstreet Committee held on 13 December 2023 to be taken as read and confirmed.**

Moved D Murphy, Seconded Councillor Abley

**Carried**

**6. QUESTIONS BY MEMBERS**

**6.1 Without Notice: Nil**

**6.2 With Notice: Nil**



## 7. PRESENTATION

### 7.1 Jetty Road Mainstreet Committee 2024-25 Budget

The Jetty Road Development Coordinator provided a presentation on the 2024-25 Budget options for consideration.

C Morley joined the meeting at 6.12pm

A Fotopoulos joined the meeting at 6.14pm

## 8. REPORTS/ITEMS OF BUSINESS

### 8.1 Jetty Road Events Update (Report No: 27/24)

Jetty Road Mainstreet Committee (JRMCM) in partnership with the City of Holdfast Bay is responsible for implementing and managing a variety of major events to support economic stimulus in the precinct in accordance with the annual marketing and business plan. This report provides an overview of recent and upcoming events.

#### Motion

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

Moved S Smith, Seconded D Murphy

**Carried**

### 8.2 Sea to Shore Glenelg Seafood Festival 2023 (Report No: 28/24)

The Sea to Shore: Glenelg Seafood Festival was held for the second time on 28 October 2023. Total attendance at the event was 22,000 across the daytime Foreshore event and evening street party.

#### Motion

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

Moved C Morley, Seconded Councillor Abley

**Carried**

**8.3 Jetty Road Budget Recommendation** (Report No: 29/24)

The Jetty Road Mainstreet Committee (JRMCC) will consider the draft budget focused on high level expenditure groups, which has been prepared based on a Differential Separate Rate (levy) increase, to determine the change to be applied to the levy for 2024-25. A further workshop with the Committee will be held to refine project allocations prior to the commencement of the 2024-25 financial year.

**Motion**

**That the Jetty Road Mainstreet Committee endorses:**

- 1. The draft 2024-25 Budget and levy for Council consideration as part of the annual budget process as tabled at the meeting; and,**
- 2. That the increase applied to the Differential Separate Rate for Jetty Road, Glenelg is to be consistent with the increase to be applied to General Rates**

Moved A Fotopoulos, Seconded B Millard

**Carried**

**8.4 Monthly Finance Report** (Report No: 30/24)

This report provides an update on the Jetty Road Mainstreet income and expenditure as at 31 December 2023.

**Motion**

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

Moved Councillor Abley, Seconded A Warren

**Carried**

**8.5 Marketing Update** (Report No: 31/24)

This report provides an update on the marketing initiatives undertaken by the Jetty Road Mainstreet Committee aligned to the 2023-24 Marketing Plan.

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

Moved D Murphy, Seconded C Morley

**Carried**

**9. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING**



**10. REPORTS/ITEMS OF BUSINESS**

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

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 6 March 2024 to commence at 6.00pm in the Mayor's Parlour Glenelg Town Hall.

**12. CLOSURE**

The meeting closed at 7.14pm.

**CONFIRMED      6 March 2024**

**CHAIR**



**Item No:** 14.2

**Subject:** MINUTES – AUDIT AND RISK COMMITTEE – 14 FEBRUARY 2024

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## Summary

The minutes of the special meeting of the Audit and Risk Committee held 14 February 2024 are presented to Council for information.

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## Recommendation

**That Council:**

1. **notes the minutes of the special meeting of the Audit and Risk Committee of 14 February 2024;**

### RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Attachment 2 to Report No: 53/24 Minutes – Audit and Risk Committee –14 February 2024 in confidence under section 90(2) and (3) (b & j) 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 6 months and that this order be reviewed every 12 months.**
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## Background

The Audit and Risk Committee is established under section 41 of the *Local Government Act 1999*, and section 126 of the *Local Government Act 1999* defines the functions of the Audit and Risk Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council;
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan;
- proposing, and reviewing, the exercise of powers under section 130A;
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee;
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

## Report

The minutes of the special meeting of the Audit and Risk Committee held on 14 February 2024 are attached for Members' information.

*Refer Attachments 1 and 2*

## Budget

Not applicable

## Life Cycle Costs

Not applicable

## Strategic Plan

Statutory compliance

## Council Policy

Not applicable

## Statutory Provisions

*Local Government Act 1999, sections 41 and 126*

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**Written By:** Executive Assistant to the Chief Executive Officer

**Chief Executive Officer:** Mr R Bria

# Attachment 1



**Minutes of the special meeting of the Audit and Risk Committee of the City of Holdfast Bay held in the Mawson Room, Civic Centre, 24 Jetty Road, Brighton on Wednesday 14 February 2024 at 6:00pm.**

**PRESENT**

**Members**

Presiding Member – Councillor J Smedley  
Councillor R Snewin  
Ms P Davies  
Ms C Garrett  
Mr D Powell

**Staff**

Chief Executive Officer – Mr R Bria  
Project Director – Mr F Primerano  
Manager Finance – Mr C Blunt  
Manager Strategy and Governance – Ms A Karzek  
Project Manager – Ms C Armfield

**Guest**

Mr M Booth, BRM Advisory

**1. OPENING**

The Chairman declared the meeting open at 6.00pm.

**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. APOLOGIES**

- 3.1 Apologies Received
- 3.2 Absent

**4. DECLARATION OF INTEREST**

Members were reminded to declare their interest before each item.

## 5. CONFIDENTIAL ITEMS

### 5.1 Jetty Road Glenelg Masterplan Stage 2 Prudential Report (Report No: 37/24)

#### Motion – Exclusion of the Public (section 90(3)(b & j) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Audit and Risk Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 37/24 Jetty Road Masterplan Stage 2 Prudential Report in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Audit and Risk Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 37/24 Jetty Road Masterplan Stage 2 Prudential Report on the following grounds:

- b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; proposing to conduct business; or would prejudice the commercial position of the Council.

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.

- j. pursuant to section 90(3)(j) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, and Department of Infrastructure and Transport (not being an employee of the Council, or a person engaged by the Council).

The information in the prudential report will reveal information related to current confidential work that is proposed to be undertaken by the State Government regarding alternative locations for the Tram. This initiative has not yet been approved by the State Government but forms part of the project's planning and risk profile. As there is significant work to do regarding this initiative it is

currently only under consideration and not approved for public disclosure.

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 Audit and Risk 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 P Davies, Seconded Councillor Snewin

Carried

**RETAIN IN CONFIDENCE - Section 91(7) Order**

That having considered Agenda Item 5.1 37/24 Jetty Road Masterplan Stage 2 Prudential Report in confidence under section 90(2) and (3)(b & j) of the *Local Government Act 1999*, the Audit and Risk Committee, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months and/or the Chief Executive Officer is authorised to release the documents when reports to Council on this matter are released and that this order be reviewed every 12 months.

Moved D Powell, Seconded C Garrett

Carried

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

The next meeting of the Audit and Risk Committee will be held on Wednesday 13 March 2024 in the Kingston Room, Civic Centre, 24 Jetty Road, Brighton.

**7. CLOSURE**

The Meeting closed at 6.54pm.

**CONFIRMED 13 March 2024**

**PRESIDING MEMBER**

**Item No:** 15.1

**Subject:** ITEMS IN BRIEF

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## Summary

These items are presented for the information of Members.

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

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## Recommendation

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

1. **Summer Street Meets**
  2. **National Epilepsy Awareness Day**
  3. **Cancer Council SA - Marilyn Jetty Swim**
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## Report

1. **Summer Street Meets**

The Street Meets 2023-24 series returned for its third year, with its expanded Summer Street Meets offering residents the opportunity to host resident-run street parties across December and January. A total of 12 applications were received, with 11 proceeding engaging approximately 1,200 council residents across the events. Of those 12 applications, nine were identified as returning previous hosts and three newly engaged residents. One application was declined as it did not meet the road safety requirements for closure; alternative suggestions were presented to the resident to negotiate other opportunities ensuring a safe community event.

Since the initial launch of the Street Meets project in 2021, there has been a 140% increase in the number of applications. We continue to work in partnership with Play Australia, providing key data contributing to their 1000 Play Streets initiative, further demonstrating evidence of Street Meets being a key catalyst for increased social cohesion, establishment of social support networks and reduced social isolation.

To ensure a sustainable project moving forward, several changes were implemented to the project this year, including the shift to residents managing their own road closure (where applicable). This change resulted in the creation of an inhouse training video, assessment quiz and updated risk procedures and documentation. Resident feedback indicates this shift was well received and communicated accordingly. Ultimately, this procedural change allows for an increased number of events within the allocated budget, increased level of community leadership and aligns with other Local Government authorities' (LGA's) approaches. Street Meets

continue to present as a vital partnership approach for community members to lead their own small community events fostering community connectedness and improving social connections.

2. **National Epilepsy Awareness Day**

This year, National Epilepsy Awareness Day 'Purple Day' will be held on Tuesday 26 March 2024. In honour of this, council will be lighting up the Michael Herbert Bridge and Chapel Plaza in purple lights. By supporting 'Purple Day' we hope to bring awareness to epilepsy and the devastating effects it has on people's lives.

Any person at any time of their life can be diagnosed with epilepsy. There are over 114 different epilepsy syndromes and seizure types. 1 in 26 people will have a seizure in their lifetime and 1 in 100 will develop epilepsy permanently. 1 in 1,000 people with epilepsy die each year due to Sudden Unexpected Death in Epilepsy (SUDEP). 40% of people with epilepsy are under the age of 18 and 40% are over the age of 60.

Photos of the campaign will be shared on Epilepsy Australia's Facebook page where all of the Australian Epilepsy Organisations have come together to spread the word.

3. **Cancer Council SA - Marilyn Jetty Swim**

The Mayor received correspondence from the Cancer Council SA Chief Executive Kelly Rowlands acknowledging her support and participation in the 2024 Marilyn Jetty Swim. To date, the event this year has raised more than \$330,000.

*Refer Attachment 1*

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**Written By:** Executive Support Officer

**Chief Executive Officer:** Mr R Bria

# Attachment 1



09 February 2024

Her Worship the Mayor of Holdfast Bay, Ms Amanda Wilson  
City of Holdfast Bay  
PO Box 19  
BRIGHTON SA 5048

Via Email: [awilson@holdfast.sa.gov.au](mailto:awilson@holdfast.sa.gov.au)

**RE: Marilyn Jetty Swim**

Dear Mayor Wilson,

I am writing to thank you for your support, and participation in the 2024 Marilyn Jetty Swim.

The vision of over 660 Marilyn's taking to the beach, alongside the Brighton Jetty Classic participants, was fantastic and a testament to Sarah Tinney and her team and the Holdfast Bay community. To date the event has raised more than \$330,000, which is a testament to supporters such as yourself.

All South Australians will be impacted by cancer in some way through our lives. Your participation as a Marilyn ensures that Cancer Council SA can reduce the rate and impact of cancer through important prevention activities, research collaborations and support programs in our community.

Cancer Council SA would also like to take this opportunity to work with members of your team on cancer prevention programs. Advocacy Lead, Bronte McQueen can be contacted via email at [bmcqueen@cancersa.org.au](mailto:bmcqueen@cancersa.org.au) or (08) 8291 4116 if Council would like to engage in further collaboration with us in this area.

Thank you again for your fundraising efforts and support of the event over the years. I hope that we have the chance to continue to welcome you as a Marilyn in the future!

Yours sincerely,



Kerry Rowlands  
Chief Executive

**Item No:** 15.2**Subject:** MONTHLY FINANCIAL REPORT – AS AT 31 JANUARY 2024

## Summary

The financial report for Municipal activities to 31 January 2024 confirms that Council is on target to meet its estimated surplus of \$617,520 in 2023-24. Favourable minor variances indicate a positive financial position for the remainder of the year.

## Recommendation

**That Council receives the financial report for Municipal activities for the seven months to 31 January 2024.**

## Background

Applying the principles of good corporate governance, Council is provided with monthly reports detailing its financial performance compared to its budget.

## Report

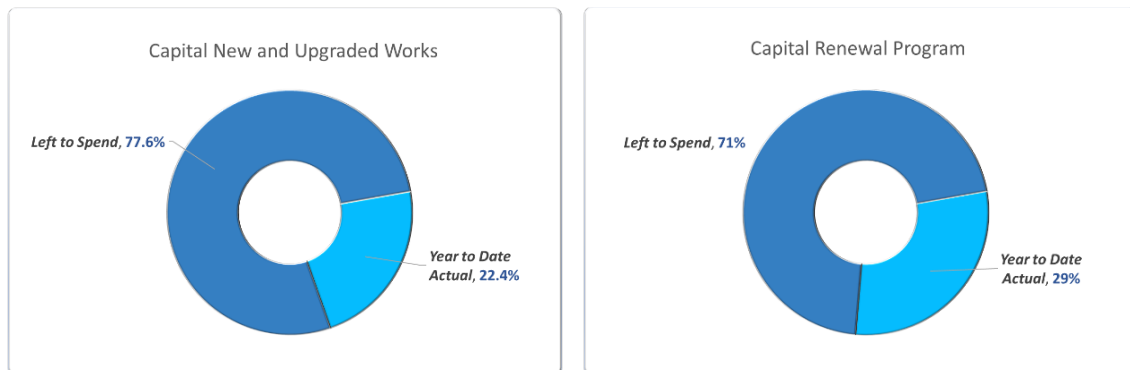
A summary of Council's financial performance to 31 January 2024 is provided in the following table.

All amounts in \$000	2023-24 Adopted Budget	2023-24 Year to date Budget	2023-24 Year to date Actuals	Variance	
Operating revenue	54,312	48,984	49,840	856	↑
Operating expenditure	(53,694)	(29,126)	(29,065)	61	↑
<b>Result from Operational Activities</b>	<b>618</b>	<b>19,858</b>	<b>20,775</b>	<b>917</b>	
Capital renewal Program (Net)	(12,609)	(4,668)	(3,601)	1,067	↑
Capital New and Upgraded Works (Net)	(16,065)	(3,422)	(1,272)	2,150	↑
Loan Repayments	(1,396)	(698)	(554)	144	↑
Loans repaid by community clubs	217	8	8	-	
<b>Result from Capital Activities</b>	<b>(29,853)</b>	<b>(8,780)</b>	<b>(5,419)</b>	<b>3,361</b>	
Add back non-cash items	7,628	5,411	5,430	19	↑
<b>Funding (Requirement)/Surplus</b>	<b>(21,607)</b>	<b>16,489</b>	<b>20,786</b>	<b>4,297</b>	

Operational activities are currently ahead of budget with additional revenue raised through car parking, cemeteries, and hoarding fees. Similarly, year to date expenditure is lower than budget due to a range of minor favourable variances. More detailed explanations of major variances by individual business units are provided in Attachment 1.

*Refer Attachment 1*

A detailed progress report on Council's program of works is provided each quarter, however, in the interim the following graphs represent the percentage of total capital works financially completed by 31 January 2024.



## Budget

The content and recommendation of this report indicates the effect on the budget.

## Life Cycle Costs

Not applicable

## Strategic Plan

Statutory compliance

## Council Policy

Not applicable

## Statutory Provisions

*Local Government (Financial Management) Regulations 2011, Regulation 9.*

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**Written By:** Management Accountant Lead

**General Manager:** Strategy and Corporate, Ms S Wachtel

# Attachment 1

**City of Holdfast Bay**  
**Municipal Funds Statement as at January 2024**

2023 - 2024 Original Budget \$'000	Year to Date				2023 - 2024 Adopted Forecast \$'000	Proposed Forecast Adjustment \$'000	Note
	Adopted Forecast \$'000	Actual \$'000	Variance \$'000				
169	194	284	(90)	Cemeteries	278	-	1
535	222	253	(30)	Commercial & Club Leases	468	-	
(1,265)	(750)	(731)	(19)	Council Administration	(1,265)	-	
(912)	(548)	(525)	(23)	Development Services	(935)	-	
1,672	490	490	-	- FAG/R2R Grants	2,127	-	
(2,087)	(1,417)	(1,415)	(2)	Financial Services	(2,019)	-	
(10,911)	(5,411)	(5,429)	19	Financial Services-Depreciation	(10,821)	-	
(280)	-	-	-	- Financial Services-Employee Leave Provisions	(280)	-	
(985)	(212)	(226)	15	Financial Services-Interest on Borrowings	(785)	-	
91	-	-	-	- Financial Services-SRWRA	91	-	
41,372	42,093	42,115	(22)	General Rates	41,372	-	
(2,992)	(2,155)	(2,202)	47	Innovation & Technology	(2,992)	-	
(717)	(340)	(314)	(26)	People & Culture	(722)	-	
(964)	(537)	(491)	(45)	Strategy & Governance	(964)	-	
(1,440)	(787)	(769)	(18)	City Activation	(1,494)	-	
(1,089)	(698)	(652)	(46)	Community Events	(1,078)	-	
1,502	779	702	77	Commercial - Brighton Caravan Park	1,502	-	2
35	25	23	2	Commercial - Partridge House	35	-	
-	213	225	(12)	Jetty Road Mainstreet	(115)	-	
(583)	(345)	(330)	(14)	Communications and Engagement	(583)	-	
(369)	(210)	(215)	5	Community and Business Administration	(369)	-	
831	776	1,233	(456)	Community Safety	999	-	3
(669)	(382)	(331)	(51)	Community Wellbeing	(673)	-	4
(570)	(328)	(315)	(13)	Customer Service	(570)	-	
(1,565)	(898)	(926)	28	Library Services	(1,655)	-	
(335)	(273)	(265)	(8)	Assets & Delivery Administration	(445)	-	
(1,532)	(711)	(695)	(15)	Engineering & Traffic	(1,707)	-	
(659)	(376)	(371)	(5)	Environmental Services	(725)	-	
(8,682)	(4,865)	(4,819)	(46)	Field Services & Depot	(8,841)	-	
(2,388)	(1,137)	(1,091)	(46)	Property Management	(2,388)	-	
(572)	(300)	(284)	(17)	Public Realm and Urban Design	(572)	-	
(726)	(324)	(261)	(64)	Street Lighting	(726)	-	5
(4,530)	(1,932)	(1,891)	(41)	Waste Management	(4,530)	-	
999	-	-	-	- Less full cost attribution - % admin costs capitalised	999	-	
<b>386</b>	<b>19,858</b>	<b>20,775</b>	<b>(917)</b>	<b>=Operating Surplus/(Deficit)</b>	<b>618</b>	<b>-</b>	
10,911	5,411	5,429	(19)	Depreciation	10,821	-	
189	-	-	-	- Other Non Cash Items	189	-	
<b>11,100</b>	<b>5,411</b>	<b>5,429</b>	<b>(19)</b>	<b>Plus Non Cash Items in Operating Surplus/(Deficit)</b>	<b>11,010</b>	<b>-</b>	
<b>11,486</b>	<b>25,269</b>	<b>26,204</b>	<b>(936)</b>	<b>=Funds Generated from Operating Activities</b>	<b>11,628</b>	<b>-</b>	
484	3,447	3,442	5	Amounts Received for New/Upgraded Assets	4,977	-	
201	375	365	10	Proceeds from Disposal of Assets	670	-	
<b>685</b>	<b>3,822</b>	<b>3,807</b>	<b>15</b>	<b>Plus Funds Sourced from Capital Activities</b>	<b>5,647</b>	<b>-</b>	
(8,170)	(5,043)	(3,966)	(1,077)	Capital Expenditure on Renewal and Replacement	(13,278)	-	
(7,560)	(6,869)	(4,714)	(2,154)	Capital Expenditure on New and Upgraded Assets	(21,042)	-	
<b>(15,730)</b>	<b>(11,911)</b>	<b>(8,680)</b>	<b>(3,232)</b>	<b>Less Total Capital Expenditure</b>	<b>(34,320)</b>	<b>-</b>	6
217	8	8	-	- Plus:Repayments of loan principal by sporting groups	217	-	
<b>217</b>	<b>8</b>	<b>8</b>	<b>-</b>	<b>Plus/(less) funds provided (used) by Investing Activities</b>	<b>217</b>	<b>-</b>	
<b>(3,342)</b>	<b>17,187</b>	<b>21,340</b>	<b>(4,152)</b>	<b>= FUNDING SURPLUS/(REQUIREMENT)</b>	<b>(16,829)</b>	<b>-</b>	
<b>Funded by</b>							
-	100	100	-	- Increase/(Decrease) in Cash & Cash Equivalents	-	-	
-	16,389	22,436	(6,047)	Non Cash Changes in Net Current Assets	3,382	-	
(4,738)	-	-	-	- Less: Proceeds from new borrowings	(21,607)	-	
-	-	(1,750)	1,750	- Less: Net Movements from Cash Advance Debentures	-	-	
1,396	698	554	144	Plus: Principal repayments of borrowings	1,396	-	
<b>(3,342)</b>	<b>17,187</b>	<b>21,340</b>	<b>(4,152)</b>	<b>=Funding Application/(Source)</b>	<b>(16,829)</b>	<b>-</b>	

Note 1 – Cemeteries - \$90,000 favourable

Cemetery fee revenue higher than forecast due to increased burials, purchased plots in perpetuity and maintenance requests of private sites.

Note 2 – Commercial - Brighton Caravan Park- \$77,000 unfavourable

Year to date revenue is behind forecast due to lower occupancy rates.

Note 3 – Community Safety - \$456,000 favourable

Employment cost savings due to temporary vacancies (\$44,000) along with higher than forecast revenue for car parking (\$368,000) and hoarding fees (\$33,000).

Note 4 – Community Wellbeing - \$51,000 favourable

Employment cost savings due to temporary vacancies.

Note 5 – Street Lighting- \$64,000 favourable

Year to date saving on electricity costs.

Note 6 – Capital Expenditure - \$3,232,000 favourable

There are positive variances on a number of capital projects mainly due to the timing of projects, including the following:

- Road reseal program
- Seacliff Plaza Upgrade
- Buffalo Site - Amenity Improvements

**Item No:** 15.3

**Subject:** **HOLDFAST BAY MUSIC CENTRE LEASE**

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## Summary

The Holdfast Bay Music Centre currently holds a five-year lease to occupy a section of the Kauri Community and Sports Centre, with an option to renew for a further five years to August 2027. Having exercised its right of renewal prior to the expiration of the current lease, this report seeks Council's endorsement for a lease extension to be issued to the Holdfast Bay Music Centre for a further five-year period.

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## Recommendation

**That Council enters into a Deed of Extension of Lease Agreement with Holdfast Bay Music Centre Incorporated over a portion of land comprised in Certificate of Title Volume 6184 Folio 142 until 4 August 2027 in accordance with the terms and conditions in the document provided as Attachment 1 to this report.**

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## Background

The Holdfast Bay Music Centre Incorporated was granted a lease on 5 August 2017 to occupy a section of the Kauri Community and Sports Centre for a five-year period. Under the terms of the lease, the Holdfast Bay Music Centre was afforded a right for a further five-year renewal, which it had exercised at the time. At its meeting held 14 June 2022, Council resolved in confidence to grant the Seacliff Sports Club (incorporating the Seacliff Tennis Club and the Seacliff Hockey Club) a five-year lease for the management of the first floor of the Kauri Community and Sports Complex (Resolution No. C140622/2636). Previously, the space was managed by a third-party commercial entity by way of a Management Agreement. Since then, Administration has worked with the Clubs to transition to a self-management model, while balancing the broader community needs for continued access to the facility. While not directly affected by the ongoing negotiations with the Seacliff Sports Club, the Music Centre's lease was being held over to ensure that the terms of its tenure aligned with those of the Seacliff Sports Club.

## Report

Administration and the Holdfast Bay Music Centre have been negotiating a Deed for extending the current lease at the Kauri Community and Sports Centre. A copy of the draft Deed is provided as Attachment 1 to this report.

*Refer Attachment 1*

Parallel negotiations have been occurring with the joint tenants of the Kauri Community and Sports Centre, being the Seacliff Sports Club (incorporating the Seacliff Tennis Club and the Seacliff Hockey Club). It is now opportune to extend the lease with the Holdfast Bay Music

Centre, which is satisfied with the terms offered for its continued tenure at the Kauri Community and Sports Centre.

The draft Deed has been developed in partnership with the Holdfast Bay Music Centre. The Deed offers the Holdfast Bay Music Centre a place at the Kauri Community and Sports Centre on substantially the same terms and conditions currently enjoyed, thereby securing the Music Centre's future in premises that were specifically designed for its needs, patronaged by members that highly value the facilities.

## **Budget**

Revenue from the Holdfast Bay Music Centre lease is reflected in Council's Annual Business Plan for 2023-24.

## **Life Cycle Costs**

There are no life cycle costs associated with renewing the licence for the Holdfast Bay Music Centre.

## **Strategic Plan**

Vision - creating a welcoming and healthy place for everyone.

## **Council Policy**

Sporting and Community Leasing Policy

## **Statutory Provisions**

*Local Government Act 1999*

*Retail and Commercial Lease Act 1995*

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**Written By:** Manager, Development Services

**General Manager:** Strategy and Corporate, Ms S Wachtel



# Attachment 1

# DEED OF EXTENSION OF LEASE

BETWEEN

CITY OF HOLDFAST BAY  
("Landlord")

and

THE CITY OF HOLDFAST BAY MUSIC CENTRE INCORPORATED  
("Tenant")

PORTION OF KAURI COMMUNITY AND SPORTS CENTRE,  
LIPSON AVENUE SEACLIFF SA 5049



# Deed of Extension of Lease

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## Parties

1. **City of Holdfast Bay** ABN 62 551 270 492 ACN 161 714 585 of Brighton Civic Centre, 24 Jetty Road Brighton SA 5048 (**Landlord**)
2. **The City of Holdfast Bay Music Centre Incorporated** ABN 60 597 553 473 of Lipson Avenue Seacliff SA 5049 (**Tenant**)

## Introduction

- A. The Landlord is the registered proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book Volume 6184 Folio 142 (**Land**).
- B. Pursuant to an undated Memorandum of Lease (**Lease**), the Landlord leased to the Tenant that portion of the Land delineated in red on the plan attached to the Lease as Schedule 3 and more particularly comprising portion of the Kauri Community and Sports Centre situate at Lipson Avenue Seacliff SA 5049 (**Premises**) for a term of five (5) years commencing on 5 August 2017 and expiring on 4 August 2022.
- C. At the request of the Tenant, the Landlord has agreed to grant to the Tenant an extension of the term of the Lease upon the terms and conditions contained in this deed.

## Operative clauses

1. In this deed, unless the context otherwise requires:
  - 1.1 **GST** means goods and services tax payable under the GST Law and an expression used in this deed in relation to GST will have the meaning used in or attributed to that expression by the GST Law from time to time;
  - 1.2 **GST Law** has the same meaning as the definition of "GST law" in A New Tax System (Goods and Services Tax) Act 1999;
  - 1.3 **Tenant** means the party hereinbefore so described and includes its executors, administrators, successors and permitted assigns;
  - 1.4 **Landlord** means the party hereinbefore so described and includes its executors, administrators, successors and permitted assigns;
  - 1.5 **RCL Act** means the *Retail and Commercial Leases Act 1995* (SA);
  - 1.6 singular includes plural and plural includes singular;
  - 1.7 words of one gender include both other genders;
  - 1.8 reference to a person includes a corporation, a firm and any other entity;

- 1.9 reference to a party includes that party's personal representatives, successors and permitted assigns;
- 1.10 if a party comprises more than one person, each of those persons is jointly and severally liable under this deed;
- 1.11 a provision must not be construed against a party only because that party put the provision forward;
- 1.12 a provision must be read down to the extent necessary to be valid; if it cannot be read down to that extent, it must be severed; and
- 1.13 the Introduction is correct.
2. The Tenant and Landlord acknowledge and agree that the term of the Lease is extended for a term of five (5) years commencing on 5 August 2022 and expiring on 4 August 2027 on the same terms and conditions as are expressed or implied in the Lease and subject to the provisions of this deed.
3. The annual rent to apply as and from 5 August 2022 will be Eight Hundred and Fifty Dollars and Ninety Six Cents (\$850.96) plus GST and otherwise subject to review in accordance with the Lease (as extended herein).
4. The Landlord and Tenant acknowledge and agree that hereafter the Tenant has no further right of renewal.
5. Each party shall bear their own costs in relation to the negotiation, preparation and completion of this deed.
6. In all other respects, the terms and provisions contained in or implied by the Lease (as varied) apply to this deed.

**Executed** as a deed on

The **Common Seal** of **City of Holdfast Bay**  
was hereunto affixed in the presence of:

.....  
Mayor

.....  
Chief Executive Officer

The **Common Seal** of **The City of Holdfast Bay Music Centre Incorporated**  
was hereunto affixed pursuant to the *Associations*  
*Incorporation Act 1985* in accordance with its constitution:

.....  
Chairperson

.....  
Committee / Board Member

.....  
Full Name (please print)

.....  
Full Name (please print)

DRAFT

**Item No:** 15.4

**Subject:** NORTH BRIGHTON COMMUNITY GARDEN LICENCE

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## Summary

The North Brighton Community Garden (under the auspice of Holdfast Bay Community Gardens Incorporated) currently holds a five-year licence to occupy a section of Bowker Oval Reserve until 2024, with an option to renew for a further five years. Having exercised its right of renewal prior to the expiration of the current licence, this report seeks Council's endorsement for a new licence to be issued to the North Brighton Community Garden for a further five-year period.

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## Recommendation

**That Council enters into a new Licence Agreement with Holdfast Bay Community Gardens Incorporated (North Brighton Community Garden) over a portion of land comprised in Certificate of Title Volume 5737 Folio 272 for a period of five years commencing on 1 March 2024 in accordance with the terms and conditions in the document provided as Attachment 1 to this report.**

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## Background

At its meeting held 12 February 2019, Council granted a licence to Holdfast Bay Community Gardens Incorporated, operating as the North Brighton Community Garden, to occupy a section of Bowker Oval Reserve, North Brighton, for a five-year period (Resolution No. C120219/1374). Under the terms of the licence, the North Brighton Community Garden was afforded a right for a further five-year renewal, which it has now exercised.

## Report

Bowker Oval Reserve is owned by the South Australian Department of Education. The land is leased by the City of Holdfast Bay until 2038. The lease outlines that the Reserve is to be used for the purposes of community sport and recreation. The Department of Education have advised that the use of this space for a community garden meets the permitted use as per Council's lease agreement with the North Brighton Community Garden, with formal approval previously provided for the current licence and further extension.

The new licence has been negotiated between council Administration and the North Brighton Community Garden on similar terms as the current licence (as required under the terms of the renewal clause). A copy of the licence, which is already signed by the North Brighton Community Garden, is provided as Attachment 1 to this report.

*Refer Attachment 1*

Based on the North Brighton Community Garden's popularity and success since its inception in 2019, it is recommended that a new five-year licence is granted to the licensee.

## Budget

Revenue from the North Brighton Community Garden Licence is reflected in council's Annual Business Plan for 2023-24.

## Life Cycle Costs

There are no life cycle costs associated with renewing the licence for the North Brighton Community Garden.

## Strategic Plan

Vision - creating a welcoming and healthy place for everyone.

## Council Policy

Sporting and Community Leasing Policy

## Statutory Provisions

*Local Government Act 1999*

*Retail and Commercial Lease Act 1995*

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**Written By:** Manager, Development Services

**General Manager:** Strategy and Corporate, Ms S Wachtel

# Attachment 1



**CITY OF HOLDFAST BAY**  
ABN 62 551 270 492  
(**Licensor**)

- and

**HOLDFAST BAY COMMUNITY GARDENS INCORPORATED**  
ABN 47 613 608 435  
(**Licensee**)

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**LICENCE**

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## LICENCE

### DATE

### PARTIES

**CITY OF HOLDFAST BAY** ABN 62 551 270 492 of PO Box 19 Brighton SA 5048 (**Licensors**)

**HOLDFAST BAY COMMUNITY GARDENS INCORPORATED** ABN 47 613 608 435 of 61 Bowker Street North Brighton SA 5048 (**Licensee**)

The Licensors grants to the Licensee a licence to use the Premises described in this Schedule on the terms and conditions contained in this Schedule and the attached Standard Licence Terms which form part of this licence.

### SCHEDULE

<b>Item 1</b>  (Land)  The whole of the land contained in Certificate of Title Volume 5737 Folio 272 known as 61 Bowker Street North Brighton SA 5048
<b>Item 2</b>  (Premises)  That portion of the land contained in Certificate of Title Volume 5737 Folio 272 and known as 61 Bowker Street North Brighton SA 5048 as delineated in red on the plan attached as Annexure B
<b>Item 3</b>  (Commencement Date)  1 March 2024
<b>Item 4</b>  (Expiry Date)  28 February 2029
<b>Item 5</b>  (Licence Fee)  \$277.00 plus GST per annum
<b>Item 6</b>  (Review Date)  1 March each year during the Term

**Item 7**

(Services)

All Services used or consumed by the Licensee on the Premises.

**Item 8**

(Outgoings)

Water usage only

**Item 9**

(Licensee's Share)

100%

**Item 10**

(Permitted Use)

**Permitted Use** means activities for developing and maintaining a community garden for non-commercial purposes and/or for such other lawful use as the Licensor may consent to

**Item 11**

(Times of Use)

**Times of Use** means:

- from 7.00am to 5.30pm on days when daylight saving is not observed in South Australia
- from 7.00am to 8.00pm on days when daylight saving is observed in South Australia
- such other times as otherwise agreed in writing between the parties from time to time.

**Item 12**

(Licence Fee Review)

The rental hereby reserved will be reviewed by CPI as at 1 March each year of the term and the extended term (if any) and any period of holding over calculated in accordance with the following formula:-

$$A = \frac{R \times C1}{C2}$$

where:

'A' is the revised annual rental.

'R' is the annual rental payable during the year immediately preceding the relevant review date.

'C1' is the Index Number for the quarter ending immediately prior to the relevant review date.

'C2' is the Index Number for the quarter ending immediately prior to the date the annual rental being

reviewed first became payable

The words "Index Number" used above mean the Consumer Price Index all groups for Adelaide as published by the Australian Bureau of Statistics but if the Australian Bureau of Statistics ceases to publish the Consumer Price Index before the end of the term or any extended term or if there should be any significant change in the manner of calculation of the same, the words "Index Number" shall mean some index reflecting fluctuations in the cost of living in Adelaide upon which the parties agree, but in default of such agreement, such index as shall be determined by the President for the time being of the Australian Property Institute (South Australian Division) or his nominee as reflecting fluctuations in the cost of living in Adelaide, and such person's decision shall be final and binding on the parties. In making such determination the President or his nominee shall be deemed to be acting as an expert and not as an arbitrator. The cost of any such determination will be borne equally by the Lessor and the Lessee.

Until the rent is determined or agreed in accordance with this provision, the Lessee must continue to pay to the Lessor rental at the rate applicable immediately prior to the review date. On the first day for payment of rent after the rent is determined or agreed in accordance with this provision the Lessee must pay the new rent to the Lessor together with an adjustment (if any) in respect of the period from the date of the rental review until the date of such payment.

#### **Item 13**

*(Renewal)*

One (1) further term of five (5) years commencing 1 March 2029 and expiring 28 February 2034 (if properly exercised in accordance with the requirements of clause 14)

#### **Item 14**

*(Insurance)*

The Licensee must effect and keep current during the Term:

##### **1. Public Risk Insurance**

A policy of public risk insurance applicable to the Premises and the Permitted Use in the name of the Licensee (but noting the Council's interest) for an amount not less than \$20,000,000.00 per claim and unlimited in the annual aggregate, or such higher amount as the Licensor may reasonably required from time to time.

#### **Item 15**

*(Additional Conditions)*

##### **1. CHILD SAFE ENVIRONMENT**

- 1.1 The Licensee acknowledges that the City of Holdfast Bay is committed to providing a child safe environment (as defined by the *Children's Protection Act 1993* (SA)) at all times. A child safe environment is 'an environment, which is both child-safe and child-friendly, where children are valued and feel respected and encouraged to reach their full potential.
- 1.2 The Licensee represents to the Licensor that it has fulfilled and will ensure that it continues to fulfil its requirements under the *Children's Protection Act 1993* (SA) in relation to occupying the Premises for the Permitted Use.
- 1.3 The Licensee must act in the best interests of the community at large.
- 1.4 The Licensee must at the request of the Licensor provide a current police clearance or

the relevant criminal history screening certificate under relevant legislation for the Licensee or any of the Licensee's officers, volunteers, members, employees, contractors, tenants and agents who provide recreation & education services from the Premises.

- 1.5 If the Licensor makes a request of the Licensee under this additional condition, the Licensee must provide the requested documents within 10 business days of such request. Failure to do so will be considered a breach of an essential term of this licence.

## **2. OTHER**

- 2.1 The Licensee must not undertake any alterations, additions or modifications to any structure, path or anything built within the Premises without the prior written consent of the Licensor.
- 2.2 The Licensee must contribute \$300.00 per annum towards the cost of water, such amount to be indexed on 30 June each year in accordance with the CPI.
- 2.3 The Licensee will not be responsible for payment of council rates levies against the Premises.
- 2.4 Only "green" waste is to be composted on the Premises.
- 2.5 Any surplus funds received by the Licensee from sales of produce from the Premises are to be re-invested in the community garden on the Premises.
- 2.6 The Licensor must be acknowledged in all the Licensee's written materials and online communications by use of the Licensor's official logo.
- 2.7 There must not be any smoking on the Premises.
- 2.8 All garden plots are to be laid out with a minimum distance of 900mm from other objects and fences on all four sides.
- 2.9 Two accessible plots must be constructed in accordance with the Australian Design for Access and Mobility – specifically Sections 6.4 (Passing Space for Wheelchairs) and 6.5 (Circulation Space for Wheelchairs).
- 2.10 A minimum of 25% of plots are to be shared amongst members of the Licensee and not allocated to individuals.
- 2.11 The Licensee acknowledges the consent of the Minister for Education and Child Development to this licence (attached as Annexure C). In the event that the Licensor's occupancy agreement for the Premises is terminated then this Lease will terminate at the same time, and the Licensor's will use its best endeavours to find alternative accommodation for the Licensee. The Licensor will provide as much forewarning as possible to the Licensee in the circumstances.
- 2.12 The Licensee must invite a representative of the Licensor to attend the Licensee's Committee meetings. Such invitation must be in writing and given not less than 14 days prior to the date of the proposed meeting.
- 2.13 The Licensee must provide access to the "Shared" plots 2-3 times per year for the purpose of holding workshops for the general public, in consultation with the Licensor. The Licensor must provide 14 days written notice of such required access.
- 2.14 A breach of any of these special conditions will constitute a breach of this licence.
- 2.15 The Licensee must keep the Chief Executive Officer of the Licensor advised at all times of the names, addresses and telephone numbers of at least two (2) current contact

persons.

- 2.16 Any dispute arising between the parties will be referred to the Chief Executive Officer of the Licensors and in any case where the Chief Executive Officer is unable to achieve an acceptable solution, the matter will be referred to a meeting of the Licensors for a decision which will be final.
- 2.17 The Licensee must leave the Premises in a clean and tidy condition at the end of each day.
- 2.18 For the avoidance of doubt, the Licensee acknowledges that the Licensors have no liability or responsibility for any fixtures, fittings and/or other items installed, owned or otherwise brought onto the Premises by the Licensee.
- 2.19 The Licensee must provide to the Licensors:
  - 2.19.1 a copy of its constitution;
  - 2.19.2 a copy of any rules or by-laws of the Licensee in existence at the Commencement Date;
  - 2.19.3 within 28 days of any amendments being made to the Licensee's constitution, rules or by-laws, a copy of those amendments;
  - 2.19.4 by 30 November in each year a copy of the annual report of the Licensee including the balance sheets and reviewer's report;
  - 2.19.5 upon request from the Licensors a schedule of all sublicences or other tenancies relating to the Premises;
  - 2.19.6 any other documents that regulate the Licensee's governance and operations.

## STANDARD LICENCE TERMS

### 1. INTERPRETATION

#### 1.1 Definitions

- 1.1.1 In this licence, unless the context otherwise requires:
- 1.1.2 **Authority** means any governmental, semi-governmental or other authority having jurisdiction or authority in respect of the Premises;
- 1.1.3 **Commencement Date** means the date in **Item 3**;
- 1.1.4 **Expiry Date** means the date in **Item 4**;
- 1.1.5 **Default Rate** means the rate which is two per centum (2%) per annum greater than the published annual rate of interest charged from time to time by Westpac Banking Corporation on overdraft facilities of more than \$100,000.00 and if there is more than one rate published the highest of those rates;
- 1.1.6 **Land** means the land described in **Item 1**;
- 1.1.7 **Licence Fee** means the fee in **Item 5**;
- 1.1.8 **Licensee's Agents** means each of the Licensee's agents, contractors, subcontractors, employees, officers, sublessees, licensees, invitees, or any other person claiming through or under the Licensee;
- 1.1.9 **Licensee's Share** means the proportion specified in **Item 9**;
- 1.1.10 **Licensor's Agents** means each of the Licensor's agents, contractors, subcontractors, employees, officers, sublessees, licensees (excluding the Licensee or the Licensee's Agents), invitees, or any other person claiming through or under the Licensor;
- 1.1.11 **Outgoings** means the outgoings described in **Item 8**;
- 1.1.12 **Permitted Use** means the use described in **Item 10**;
- 1.1.13 **Premises** means the premises described in **Item 2**;
- 1.1.14 **Renewal Term** means the term (if any) of renewal or extension specified in **Item 13**;
- 1.1.15 **Review Date** means the dates in **Item 6**;
- 1.1.16 **Schedule** means the schedule attached to this licence;
- 1.1.17 **Services** means electricity, gas, water, oil, telephone and other like services together with the services described in **Item 7**;
- 1.1.18 **Term** means the term commencing on the Commencement Date and expiring on the Expiry Date and any extension or renewal of this licence or any period during which the Licensee uses the Premises;
- 1.1.19 **Times of Use** means the times set out in **Item 11**;

## 1.2 General

In this licence, unless the context otherwise requires:

- 1.2.1 a reference to any document is a reference to that document as varied, novated or replaced from time to time;
- 1.2.2 the singular includes the plural and vice versa;
- 1.2.3 a reference to a gender includes all genders;
- 1.2.4 the use of the word "including" does not limit what else might be included;
- 1.2.5 a reference to a thing includes all or any part of it;
- 1.2.6 where a word or phrase is defined, its other grammatical forms have a corresponding meaning;
- 1.2.7 a reference to a person or entity includes a natural person, a partnership, corporation, trust, association, unincorporated body, authority or other entity;
- 1.2.8 a reference to a party includes that party's legal personal representatives, successors and permitted assigns;
- 1.2.9 a term which purports to bind or benefit two or more persons binds or benefits them jointly and severally;
- 1.2.10 headings are inserted in this document for convenience only and are not intended to affect its interpretation;
- 1.2.11 a reference to a statute, ordinance, code or other law includes regulations and other instruments issued under it and consolidations, amendments, re-enactments or replacements of any of them; and
- 1.2.12 a reference to an **Item** means an Item in the Schedule.

## 2. GRANT OF LICENCE

The Licensors grants to the Licensee a non-exclusive licence to use the Premises for the Permitted Use and during the Times of Use. The Licensors will permit the Licensee and the Licensee's Agents access for the purpose of ingress and egress to and from the Premises without hindrance over across and along all such parts of the Land as are reasonably necessary to access the Premises.

## 3. TERM

This licence commences on the Commencement Date and continues until the Expiry Date or the prior surrender or termination of this licence.

## 4. LICENCE FEE

- 4.1 The Licensee must pay to the Licensors or as the Licensors directs the Licence Fee without demand, set-off, counterclaim, withholding or deduction annually in advance on the Commencement Date and each anniversary of the Commencement Date in accordance with Item 5.
- 4.2 The Licence Fee will be reviewed on each Review Date in the manner described in Item 12.



- 4.2.1 Until the new licence fee has been determined, the Licensee must continue to pay the licence fee paid before the Review Date.
- 4.2.2 Any variation in the licence fee takes effect on the Review Date and within fourteen (14) days of determination the Licensor must refund any overpayment or the Licensee must pay any shortfall.

## 5. SERVICES

The Licensee must pay charges for all Services supplied by any Authority to the Licensee.

## 6. OUTGOINGS

- 6.1 The Licensee must pay or reimburse to the Licensor, or as the Licensor directs, the Licensee's Share of all Outgoings levied, charged or assessed in respect of the Premises or the Land.
- 6.2 The Outgoings will be adjusted between the Licensee and the Licensor as at the date of commencement, expiry or termination (as the case may be) and the Licensor's proportion will be so much of any Outgoing that is referable to any period of time not included in the Term of this licence.

## 7. POWER AND OTHER UTILITIES

- 7.1 The Licensee must pay as and when they are due for payment, all costs for the use of the consumption of electricity supplied to or used from the Premises.
- 7.2 If there is no separate meter for recording or measuring the services and utilities consumed on or from the Premises, then the Licensee must, if required by the Council, install the necessary meters at its own cost.
- 7.3 Without limiting the generality of this clause 7, the Licensee will comply in all respects with the *Electricity (General) Regulations 2012* (SA) and any other applicable electricity laws.

## 8. PERMITTED USE

- 8.1 The Licensee must only use the Premises for the Permitted Use and during the Times of Use.
- 8.2 The Licensee must:
  - 8.2.1 not carry on any offensive or dangerous activities on or from the Premises;
  - 8.2.2 not create a nuisance or disturbance for the Licensor or for the owners or occupiers of any adjoining property;
  - 8.2.3 ensure at all times that activities conducted on or from the Premises do not discredit the Licensor; and
  - 8.2.4 not transfer, sublicense, charge or otherwise part with his, her or its interest in this licence or otherwise part with possession of the Premises.

## 9. LICENSOR'S RIGHTS AND OBLIGATIONS

- 9.1 Subject to the Licensor's rights and to the Licensee complying with the Licensee's obligations under this licence, the Licensee may occupy the Premises during the Times of Use during the Term without interference from the Licensor.

- 9.2 The Licensor may enter the Premises at any time and without notice for any purpose including inspection or to carry out maintenance, repairs or building work which are the responsibility of the Licensor as set out in Annexure A.

## 10. LICENSEE'S OBLIGATIONS

The Licensee must at its cost:

- 10.1 keep and maintain the Premises, the Licensee's belongings and any Services situated within the Premises and which exclusively service the Premises in good and substantial repair and condition and where appropriate in good working order, which includes an obligation to ensure that all electrical wiring and appliances are at all times in a safe condition and undertake all maintenance, repairs and replacements of the Licensee as outlined in Annexure A.
- 10.2 obey any law that requires the Licensee to do, or to refrain from doing anything concerning the Premises, the Licensee's use of the Premises, or this licence;
- 10.3 obtain and keep current all consents, authorities, permits and licences necessary for the lawful conduct of the activities conducted by the Licensee in the Premises;
- 10.4 ensure that the Premises are used carefully and responsibly and in accordance with any directions that may be given by the Council from time to time.
- 10.5 immediately repair or make good any damage to the Land and/or the Premises which caused or contributed by the Licensee.
- 10.6 only use the Premises for the Permitted Use specified in the Schedule;
- 10.7 keep the Premises clean and tidy and free from animals, vermin and pests;
- 10.8 comply with all laws, requirements and reasonable directions of the Licensor in relation to occupational health and safety, public health, fire safety and safety generally
- 10.9 comply with all laws relating to:
- 10.9.1 the Licensee's use and occupation of the Premises;
- 10.9.2 the Permitted Use.
- 10.10 obtain the Licensor's consent before the Licensee alters, installs any equipment or signage, re-designs the Premises or does any other building work in or on the Premises;
- 10.11 comply with the reasonable rules, requirements and directions of the Licensor regarding the use of the Premises and the Land;
- 10.12 following each Time of Use the Licensee must remove all rubbish and other items brought onto the Premises, and promptly make good any damage caused by the Licensee;
- 10.13 upon the expiration or earlier cancellation of this licence make good any damage it has caused to the Premises during the Term.

## **11. RISK AND INSURANCES**

- 11.1 The Licensee must effect and keep current during the Term the insurance policies specified in Item 14.
- 11.2 The Licensee must:
  - 11.2.1 whenever the Licensor asks, give the Licensor a copy of each insurance policy or a certificate of currency for the insurance; and
  - 11.2.2 notify the Licensor immediately if any such policy is cancelled or an event occurs which may allow a claim or affect rights under the policy.
- 11.3 The Licensee occupies and uses the Premises at the Licensee's own risk.

## **12. RELEASE AND INDEMNITY**

- 12.1 The Licensee indemnifies the Licensor and the Licensor's Agents against any action or demand due to any damage, loss, injury or death caused or contributed to by:
  - 12.1.1 the Licensee's act, omission, default or negligence;
  - 12.1.2 the Licensee's use or occupation of the Premises and/or the Land;
  - 12.1.3 any breach of this licence by the Licensee;
  - 12.1.4 damage to property or injury or death to any person; or
  - 12.1.5 any fire on or from the Premises, and the overflow or leakage of water or any other harmful substance or thing into or from the Premises.
- 12.2 The Licensee indemnifies the Licensor against any action or demand due to any damage, loss, injury or death caused or contributed to by the Licensee doing anything which the Licensee must do under this licence, but has not done or has not done properly.
- 12.3 Each indemnity in this clause is independent from the Licensee's obligations under this licence and does not end when this licence ends.
- 12.4 The Licensee releases the Licensor and the Licensor's Agents from, and agrees that the Licensor and the Licensor's Agents will not be liable for liability or loss arising from, or costs incurred in connection with:
  - 12.4.1 damage, loss, injury or death; and
  - 12.4.2 anything the Licensor is permitted or required to do under this licence,except to the extent that the Licensor causes this by a negligent act or negligent omission.

## **13. BREACH**

- 13.1 The Licensee breaches this licence if:
  - 13.1.1 the Licence Fee or any part of it is unpaid, it disobeys or otherwise fails to perform any term of this licence and such noncompliance continues for a period of fourteen (14) days following service of a written notice of such default; or;

- 13.1.2 an order is made or a resolution passed that the corporation be wound up;
- 13.1.3 an order is made or a meeting is called for the appointment of a provisional liquidator, a liquidator or an administrator to the Licensee;
- 13.1.4 an administrator, a receiver, a manager or an inspector is appointed in respect of the Licensee or any of the assets of the Licensee;
- 13.1.5 the Licensee is insolvent within the meaning of the *Corporations Act 2001* (Cth); or
- 13.1.6 execution is levied against the Licensee and is not discharged within one (1) calendar month.

13.2 If the Licensee is in default of this licence under clause 13.1 then Licensors may, without prejudice to any other right it has, terminate this licence and re-enter the Premises without further notice to the Licensee.

#### 14. RENEWAL

- 14.1 If a right of renewal has been granted to the Licensee as described in Item 13 and the Licensee wishes to exercise that right of renewal, then the Licensee must serve a written notice on the Licensor not less than 6 and not more than 12 months before the expiry of the then current term stating it requires a renewal of this Licence.
- 14.2 The Licensee will not be entitled to a right of renewal if:
  - 1.1.1 the Licensee has been in breach of this Licence at any time before giving notice of the Licensee's exercise of the right of renewal;
  - 1.1.2 the Licensee is in breach of the Licence at the time of giving that notice; or
  - 1.1.3 the Licensee is in breach or commits a breach of this Licence after giving notice but before commencement of the Renewal Term.

#### 15. NATURE OF LICENCE

- 15.1 The rights under this licence rest in contract only and do not create in or confer upon the Licensee any tenancy or any estate or interest in the Premises.
- 15.2 The rights granted shall not confer upon the Licensee or any person claiming through or under the Licensee any rights of exclusive occupation.

#### 16. ADDITIONAL CONDITIONS

The Licensor and the Licensee acknowledge and agree that the additional conditions described in **Item 15** will apply to this licence and to the extent that there is any inconsistency between the terms of this licence and these additional conditions, the additional conditions will prevail.

#### 17. GST

- 17.1 For the purposes of GST levied or imposed on or in respect of any supply by the Licensor to the Licensee made under this licence, the amount payable for that supply will be increased by the amount necessary to ensure that the payment made by the Licensee net of GST is the same as it would have been before the GST was levied or imposed and the Licensee must pay that amount as increased.

- 17.2 Words or expressions used in this licence, which are defined in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*, have the same meaning in this licence.

**18. INTEREST ON OVERDUE AMOUNTS**

If the Licensee does not pay an amount when it is due, it must pay interest on that amount on demand from when the amount becomes due until it is paid in full. Interest is calculated on outstanding daily balances at the Default Rate.

**19. MISCELLANEOUS**

- 19.1 If the Licensee continues in occupation of the Premises after the Expiry Date with the consent of the Licensor the Licensee will thereupon become or be deemed to be a monthly tenant of the Licensor at a rent determined in accordance with this Item 6, and such tenancy will be subject to such of the conditions and covenants contained in this licence as are applicable to a monthly tenancy.
- 19.2 The Licensor and the Licensee acknowledge and agree that this licence contains and represents the entire agreement reached between them with regard to the Land and that no promises, representations or undertakings, other than those contained in this licence, were made or given or relied upon.
- 19.3 The Licensor makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose.
- 19.4 If any part of this licence is found to be invalid or void or unenforceable, then that part will be severed from this licence and the remainder of this licence will continue to apply.
- 19.5 Each party will pay its own costs and expenses in relation to the negotiation, preparation and execution of this licence. The Licensee must pay all stamp duty (if any) assessed or chargeable in respect of this licence.
- 19.6 In addition to any other means of giving notice, any notice will be taken to have been given if it is in writing and signed by or on behalf of the party giving the notice and either delivered or sent by ordinary pre-paid post to the other party at the address set out in this licence or such other address as may be advised in writing. A notice will be taken to have been given at the time of delivery or on the day following the date of posting (whether actually received or not).
- 19.7 This licence is governed by the laws of South Australia. The parties submit to the jurisdiction of the courts of South Australia and agree to issue any proceedings relating to this licence in those courts.
- 19.8 Every provision of this licence is independent of the other. Any provision which is prohibited or unenforceable in any jurisdiction will be ineffective to the extent only of such prohibition or unenforceability, and the other provisions will remain in force.
- 19.9 Any variation of this licence must be in writing and signed by each party.
- 19.10 Unless otherwise stated, the Licensor may in its discretion give (conditionally or unconditionally) or withhold any approval or consent under this licence.

**EXECUTED** as an agreement

**Licensor**

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

.....  
Mayor

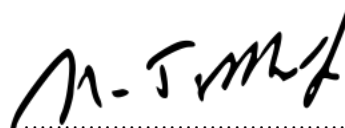
.....  
Chief Executive Officer

**Licensee**

**THE COMMON SEAL** of )  
**HOLDFAST BAY COMMUNITY** )  
**GARDENS INCORPORATED** )  
was affixed pursuant to the *Associations* )  
*Incorporation Act 1985* in accordance with )  
its constitution:- )

.....  
Chairperson/Vice Chairperson  
(Please delete as applicable)

.....  
Full Name



.....  
Signature of Committee/~~Board~~ Member  
(Please delete as applicable)

TREASURER

.....  
Full Name

## Annexure A - Maintenance Schedule

This schedule outlines the particular responsibilities of Licensor and the Licensee, where applicable, and must be read in conjunction with relevant provisions within this licence including **clause 9.2 and 10.1**.

### 1. Building External

Item	Licensee	Licensor
Stormwater system	<ul style="list-style-type: none"> <li>• Clean gutters, downpipes and stormwater drains - keep free of debris to prevent blockages</li> </ul>	<ul style="list-style-type: none"> <li>• Repair/replace as required (based on Licensor's capital works programme and budget priorities).</li> </ul>
Windows	<ul style="list-style-type: none"> <li>• Clean glazing</li> <li>• Replace damaged windows, panels or glazing</li> <li>• Repair and repaint as required</li> </ul>	<ul style="list-style-type: none"> <li>• Repair replace frames and opening/closing mechanisms.</li> </ul>
Solar panels	<ul style="list-style-type: none"> <li>• Full responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• Nil responsibility</li> </ul>
Roof and guttering	<ul style="list-style-type: none"> <li>• Keep guttering clean and free of debris at all times</li> </ul>	<ul style="list-style-type: none"> <li>• Repair leaks to the roof and repair or replace roof covering (based on Licensor's capital works programme and budget priorities)</li> </ul>
Doors/locking mechanisms	<ul style="list-style-type: none"> <li>• Key replacement</li> <li>• Keep doors operational - repair (e.g. If door hinge/lock broken, repair replace locks, door coverings</li> <li>• Replace damaged locks</li> <li>• Replacement of damaged doors</li> </ul>	<ul style="list-style-type: none"> <li>• Replace at end of natural life.</li> </ul>
Walls	<ul style="list-style-type: none"> <li>• Wash, clean periodically</li> <li>• Repair and repaint periodically</li> <li>• Remove graffiti.</li> </ul>	<ul style="list-style-type: none"> <li>• Maintain structural stability</li> </ul>
Stairwells/staircase	<ul style="list-style-type: none"> <li>• Keep free of rubbish and debris</li> <li>• Keep access/egress area clear</li> <li>• Repair and replace as required including balustrades, treads, risers and landings</li> </ul>	<ul style="list-style-type: none"> <li>• Nil responsibility</li> </ul>

Paint finishes	<ul style="list-style-type: none"> <li>• Touch up where damaged. Repaint as required</li> </ul>	<ul style="list-style-type: none"> <li>• Nil responsibility</li> </ul>
Retaining Walls	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Signs	<ul style="list-style-type: none"> <li>• Maintain and replace (observing Licensor's requirements for installation of signage)</li> </ul>	<ul style="list-style-type: none"> <li>• Nil responsibility</li> </ul>
Security lights	<ul style="list-style-type: none"> <li>• Replace globes, maintain and replace</li> </ul>	<ul style="list-style-type: none"> <li>• Nil responsibility</li> </ul>
Floodlighting	<ul style="list-style-type: none"> <li>• Replace globes, maintain and replace</li> </ul>	<ul style="list-style-type: none"> <li>• Replace at end of natural life.</li> </ul>
External Pipes	<ul style="list-style-type: none"> <li>• Remove blockages and repair damage</li> </ul>	<ul style="list-style-type: none"> <li>• Replace at end of natural life.</li> <li>• Remove tree roots if damaged caused by trees on Licensor's reserves</li> </ul>
General Cleaning	<ul style="list-style-type: none"> <li>• Full responsibility</li> </ul>	<ul style="list-style-type: none"> <li>• Nil responsibility</li> </ul>



## Building Internal

Item	Licensee	Licensor
Water, sewer and gas piping	<ul style="list-style-type: none"> <li>Keep free from blockages – unblock drains.</li> <li>Repair damage.</li> </ul>	<ul style="list-style-type: none"> <li>Replace at end of useful life.</li> </ul>
Hot water system	<ul style="list-style-type: none"> <li>Full responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Fire extinguishers and exit lights	<ul style="list-style-type: none"> <li>Full responsibility to maintain and repair when damage caused by the Licensee</li> </ul>	<ul style="list-style-type: none"> <li>Full responsibility to repair and replace at end of natural life</li> <li>Undertake statutory service compliance testing as required and/or when contracted by the Licensee to do so (at the cost of the Licensee)</li> </ul>
Water/waste services - associated fittings.	<ul style="list-style-type: none"> <li>Clean fittings, e.g. taps, toilet, sinks - replace washers</li> <li>Replace tapware, sinks, drains and toilets.</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Grease Arrestors	<ul style="list-style-type: none"> <li>Full responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Telecommunications-phone/PABX systems	<ul style="list-style-type: none"> <li>Full responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Air conditioning units/thermostats, ducting etc (installed by Licensor)	<ul style="list-style-type: none"> <li>Maintenance and repair including all testing and servicing</li> </ul>	<ul style="list-style-type: none"> <li>Repair and replace as required (based on Licensor's capital works programme and budget priorities unless urgent or a safety hazard)</li> </ul>
Air conditioning units/thermostats, ducting etc (installed by the Licensee)	<ul style="list-style-type: none"> <li>Maintenance and repair including all testing and servicing</li> <li>Full responsibility for repair and replacement</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Electrical services, switchboards, distribution boards, and power lighting circuits.	<ul style="list-style-type: none"> <li>Full responsibility to maintain and repair when damage caused by the Licensee</li> </ul>	<ul style="list-style-type: none"> <li>Full responsibility to repair and replace at end of natural life</li> <li>Undertake statutory service compliance testing as required</li> </ul>
Lighting fixtures	<ul style="list-style-type: none"> <li>Replace lights and globes, ballast's and fuses.</li> <li>Repair / replace wiring connections.</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Smoke detectors	<ul style="list-style-type: none"> <li>Full responsibility to maintain and repair</li> </ul>	<ul style="list-style-type: none"> <li>Full responsibility for replacement at end of</li> </ul>

	when damage caused by the Licensee	natural life <ul style="list-style-type: none"> <li>Undertake statutory service compliance testing as required and/or when contracted by the Licensee to do so (at the cost of the Licensee)</li> </ul>
Carpets	<ul style="list-style-type: none"> <li>Clean - remove all stains</li> <li>Repair/replace to appropriate finish</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Vinyl/concrete/tiled/other floors.	<ul style="list-style-type: none"> <li>Clean/polish</li> <li>Repair replace to appropriate finish</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Internal walls/screens	<ul style="list-style-type: none"> <li>Clean. Keep free of mould/grime</li> <li>Repair damage caused by use.</li> <li>Repair cracking, replace, repaint</li> </ul>	<ul style="list-style-type: none"> <li>Replacement responsibility for structural walls only.</li> </ul>
Ceilings	<ul style="list-style-type: none"> <li>Clean, keep free from cobwebs etc Repair, repaint periodically</li> </ul>	<ul style="list-style-type: none"> <li>Replace due to structural failure, or repair damage caused by roof leaks</li> </ul>
Stairwells, staircases	<ul style="list-style-type: none"> <li>Clean, keep free from cobwebs, debris etc Repair; replace e.g. balustrades, treads, risers and landings</li> </ul>	<ul style="list-style-type: none"> <li>Replace due to structural failure</li> </ul>
Loose furniture	<ul style="list-style-type: none"> <li>Full maintenance responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Replacement of lights and globes	<ul style="list-style-type: none"> <li>Full maintenance responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Electrical Tagging and Testing	<ul style="list-style-type: none"> <li>Full responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
General cleaning	<ul style="list-style-type: none"> <li>Full responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>
Security Alarms (Maintenance and call-outs)	<ul style="list-style-type: none"> <li>Full maintenance responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Nil responsibility</li> </ul>

## External Surfaces

Item	Licensee	Licensor
External Fences	<ul style="list-style-type: none"><li>• Nil responsibility</li></ul>	<ul style="list-style-type: none"><li>• Schedule upgrades and replacement (based on capital works programme and budget priorities)</li></ul>
Carpark surfaces	<ul style="list-style-type: none"><li>• Not applicable</li></ul>	<ul style="list-style-type: none"><li>• Not applicable</li></ul>
Carpark Linemarking	<ul style="list-style-type: none"><li>• Not applicable</li></ul>	<ul style="list-style-type: none"><li>• Not applicable</li></ul>
Garden areas	<ul style="list-style-type: none"><li>• Keep clean and unobstructed</li><li>• Keep maintained</li></ul>	<ul style="list-style-type: none"><li>• Nil responsibility.</li></ul>
Storage shed	<ul style="list-style-type: none"><li>• Maintain and repair in good repair and watertight condition</li></ul>	<ul style="list-style-type: none"><li>• Nil responsibility</li></ul>
Entrance feature	<ul style="list-style-type: none"><li>• Not applicable</li></ul>	<ul style="list-style-type: none"><li>• Not applicable</li></ul>
Internal Roads	<ul style="list-style-type: none"><li>• Not applicable</li></ul>	<ul style="list-style-type: none"><li>• Not applicable</li></ul>
Internal Roads Linemarking	<ul style="list-style-type: none"><li>• Not applicable</li></ul>	<ul style="list-style-type: none"><li>• Not applicable</li></ul>

## Annexure B - Plan of Premises



**Item No:** 15.5

**Subject:** REGULATION OF PERSONAL WATERCRAFTS

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## Summary

Every summer, council receives nuisance and safety complaints about the use of jet skis (personal watercrafts) along the City of Holdfast Bay's coast.

A Motion on Notice was endorsed by Council at the 24 October 2023 meeting (Resolution No. C240123/7581) to explore what enforcement mechanisms were available to mitigate resident concerns.

In November 2023, the Department of Infrastructure and Transport commenced a review on the myriad of current restrictions for recreational watercrafts, along the South Australian coastline, with a view to simplify and strengthen the laws and to improve safety.

This report highlights the Department of Infrastructure and Transport's review as an opportunity to influence enforcement mechanisms to address the jet ski's complaints received.

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## Recommendation

**That Council endorses the response provided as Attachment 2, subject to minor amendments and typographical errors, to the Department of Infrastructure and Transport's review of current restrictions and controls contained in *Schedule 5 of the Harbors and Navigation Regulations 2023*.**

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## Background

In 2023, several complaints were received regarding excessive noise of jet skis and proximity to swimmers in the water.

On 24 October 2023 Council endorsed the following Motion on Notice:

*Motion*

*C241023/7581*

*That Administration investigates enforcement mechanisms available to manage safety and nuisance complaints associated with the use of personal watercraft along the City of Holdfast Bay coastline.*

*Administration to submit a report to Council for consideration by December 2023 outlining investigation findings.*



## Report

While investigating the current legislation that applies to jet skis (personal watercrafts) in the City of Holdfast Bay area, it was brought to Administration's attention that the Department for Infrastructure and Transport ("the Department") were about to review the existing restricted areas and controls that apply to council areas within Schedule 5 of the *Harbors and Navigation Regulations 2023*.

As part of this process, the Department asked relevant councils to review the current restrictions and controls contained within Schedule 5 of the *Harbors and Navigation Regulations 2023*, which currently exist within their council electorate.

The SA Recreational Boating Safety Strategy provided to Administration by the Department details five areas from Glenelg to Kingston Park which have different controls for each.

*Refer Attachment 1*

With a complex array of controls, communicating the changing restrictions along the coast to recreational watercraft users is a challenge. Furthermore, the City of Charles Sturt has an Aquatic Activity Licence (AAL) to restrict personal watercraft within defined areas of their council's electorate, which is not the intention of the AAL.

AALs are commonly issued for recreational events, such as swimming, regattas, and fireworks events for new year's celebrations etc. When an AAL is granted, the applicant then takes full responsibility for the control of the waterways.

*"...releases, indemnifies and discharges the Minister for Infrastructure and Transport and the Crown in the right of the State of South Australia and their employees and agents (those indemnified) from and against any loss (including legal costs and expenses) or liability incurred or suffered by any of those indemnified as a result of any suit, demand, action, claim or proceeding brought by any person against those indemnified arising from the issue of this exemption for the above event."*

*Quote provided by Aquatic Activity License condition - Marine Safety SA - Department of Infrastructure and Transport)*

Officers can be authorised for this AAL option and general marine compliance however it is resource intensive and takes officers away from other duties increasing Council's liability.

The review from the Department is an opportunity to simplify the restriction across the coast, taking into consideration common problems, such as safety and noise complaints, which can then be communicated and enforced by the Department.

Therefore, rather than exploring new expiation mechanisms such as an AAL, which is time consuming and costly, the City of Holdfast Bay is in a fortunate position to take advantage of this review, voice any concerns to develop legislation that is consistent across the coast and can be enforced by the appropriate enforcement agency. If after the review the problems still exist, council can explore additional controls.

In addition to the *Harbors and Navigation Act 1993*, which is the mechanism to enforce problems associated with personal watercrafts, Administration also explored the *Local Nuisance and Litter Control Act* regarding noise complaints. Whilst reviewing this legislation,

it was determined that vehicle noise is outside the council's remit. Therefore, moving personal watercrafts further away from the shore, under the *Harbors and Navigation Act* appears to be the best enforcement tool to treat noise and safety complaints.

The recommendation is for Administration to provide feedback to Marine Safety SA of the following themes:

- Noise complaints
- Swimmer safety
- Increased patrols/enforcement from the Department.

*Refer Attachment 2*

Currently jet skis (personal watercrafts) can operate their vehicle within 200 metres from the beach (sand) however must travel at four knots. Part of Administration's feedback will include exploring the feasibility of preventing personal watercraft from approaching less than 200 metres from popular swimming areas along the coast. If these changes do not deliver improved safety and noise control, Administration can explore alternative mechanisms.

In the interim, while the review is in progress, the Department has offered to increase patrols and commence discussions around installing CCTV cameras into our existing infrastructure. This will enable them to identify offenders by using the watercraft's registration plates.

## Budget

Not applicable

## Life Cycle Costs

Not applicable

## Strategic Plan

Wellbeing – safer environment for residents and visitors

## Council Policy

Not applicable

## Statutory Provisions

*Harbors and Navigation Act 1993*  
*Harbors and Navigation Regulations 2023*  
*Local Nuisance and Litter Control Act 2016*

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**Written By:** Manager, Community and Safety

**General Manager:** Community and Business, Ms M Lock

# Attachment 1





Government  
of South Australia

Department for Infrastructure  
and Transport

In reply please quote #21009237  
Enquiries to Simon Schwerdt 0481 908 749

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**MARINE SERVICES**

GPO Box 1533  
Adelaide SA 5001  
DX 171

[marinesafetysa.sa.gov.au](http://marinesafetysa.sa.gov.au)

ABN 92 366 288 135

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City of Holdfast Bay  
Governance Team

**Build. Move.  
Connect.**

Dear City of Holdfast Bay,

SA Recreational Boating Safety Strategy

As part of the initial consultation to develop the SA Recreational Boating Safety Strategy ([South Australian Recreational Boating Safety Strategy \(marinesafety.sa.gov.au\)](http://marinesafety.sa.gov.au)). The Department for Infrastructure and Transport ("the Department") is in the process of reviewing the existing restricted areas and controls applying to council areas within Schedule 5 of the *Harbors and Navigation Regulations 2023*. As part of this process, we are asking relevant councils to please review the current restrictions and controls contained within Schedule 5 of the *Harbors and Regulations 2023*, that currently exist within their council electorate.

The restrictions and controls applying to the City of Holdfast Bay electorate are detailed below.

Brighton Area 1-5. (pg. 161-162 Regulations)

➤ Control(s)

- #9 - a person must not operate a vessel fitted with an engine in the specified waters.

**Area 1:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the north boundary of the City of Brighton adjoining the sea coast and its production seaward;
- on the south by a straight line being the production seaward of the north alignment of Whyte Street;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 2:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the production seaward of the south alignment of Harrow Road;
- on the south by a straight line extending seaward of the High Water Mark and being 200 m north of and parallel to the north alignment of Gladstone Road;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 3:** the portion of the waters of Gulf St. Vincent bounded as follows:

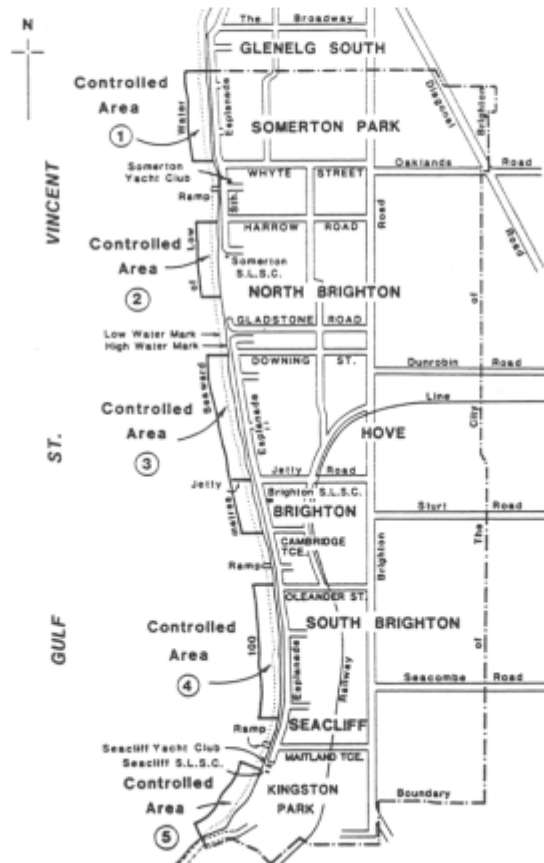
- on the north by a straight line being the production seaward of the south alignment of Downing Street;
- on the south by a straight line being the production seaward of the south alignment of Cambridge Terrace;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 4:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line being the production seaward of the north alignment of Oleander Street;
- on the south by a straight line extending seaward of the High Water Mark and being 200 m north of the centre of the boat ramp at Maitland Terrace and parallel to the north alignment of Maitland Terrace;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.

**Area 5:** the portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a straight line extending seaward from the south extremity of the Seacliff Surf Life Saving Club building;
- on the south by a straight line, being the south boundary of the City of Brighton adjoining the sea coast, and its production seaward;
- on the east by the High Water Mark;
- on the west by a line approximately 100 m seaward of and parallel to the Low Water Mark.



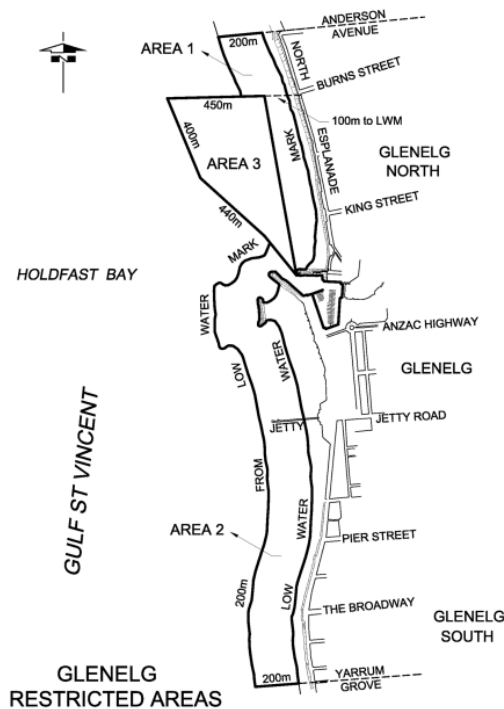
Glenelg Area 1. (pg. 172 Regulations)

➤ Control(s)

- #3 - a person must not operate a vessel in the specified waters at a speed in excess of 4 knots or in a planing attitude
- #5 - a person must not ski, aquaplane or be towed in any other manner by a vessel in specified waters at a speed in excess of 4 knots.

**Area 1:** the portion of the waters of Gulf St. Vincent at Glenelg bounded as follows:

- commencing at a point being the production seaward of the northern alignment of Anderson Avenue, Glenelg North, for a distance of 200 m from the Low Water Mark;
- then generally southerly along a line 200 m from and parallel to the Low Water Mark to the intersection of a line between the St. Andrews Cross navigational marker at latitude 34°58'01.08" South, longitude 138°30'28.92" East and the West Cardinal navigational marker at latitude 34°58'01.08" South, longitude 138°30'11.28" East;
- then generally easterly along that line to the St. Andrews Cross navigational marker;
- then generally southerly to the Port hand navigational marker at latitude 34°58'28.11" South, longitude 138°30'33.94" East;
- then generally easterly to the intersection of the Low Water Mark on the northern breakwater;
- then generally northerly along the Low Water Mark to the production of the northern alignment of Anderson Avenue;
- then generally westerly to the point of commencement.



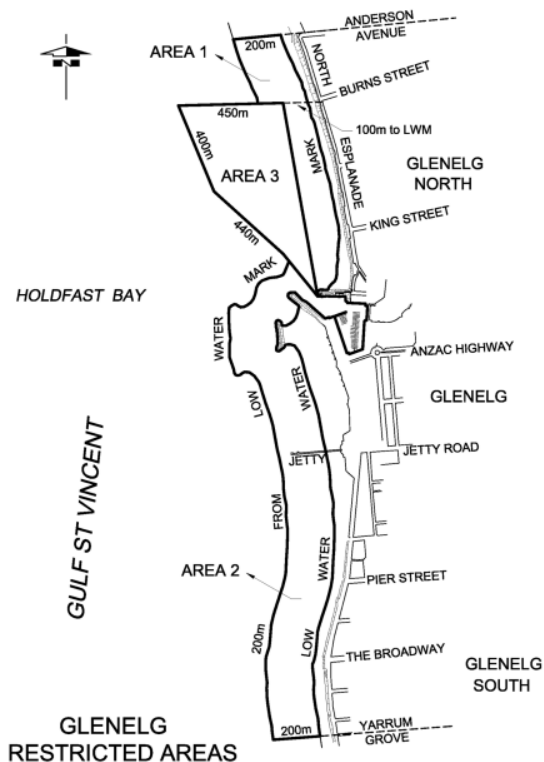
#### Glenelg Area 2. (pg. 172 Regulations)

##### ➤ Control(s)

- #3 - a person must not operate a vessel in the specified waters at a speed in excess of 4 knots or in a planing attitude
- #5 - a person must not ski, aquaplane or be towed in any other manner by a vessel in specified waters at a speed in excess of 4 knots.

**Area 2:** the portion of the waters of Gulf St. Vincent at Glenelg bounded as follows:

- commencing at a point being the production seaward of the northern alignment of Yarrum Grove, Glenelg South, for a distance of 200 m from the Low Water Mark;
- then generally northerly along a line 200 m from and parallel to the Low Water Mark to the Port hand navigational marker at latitude  $34^{\circ}58'22.07''$  South, longitude  $138^{\circ}30'28.30''$  East;
- then generally south-easterly to the Port hand navigational marker at latitude  $34^{\circ}58'28.11''$  South, longitude  $138^{\circ}30'33.94''$  East;
- then generally easterly to the intersection of the Low Water Mark on the northern breakwater;
- then generally easterly, southerly and north-westerly along the Low Water Mark around the Holdfast Shores Marina and the southern breakwater;
- then generally southerly along the Low Water Mark to the production of the northern alignment of Yarrum Grove;
- then generally westerly to the point of commencement.



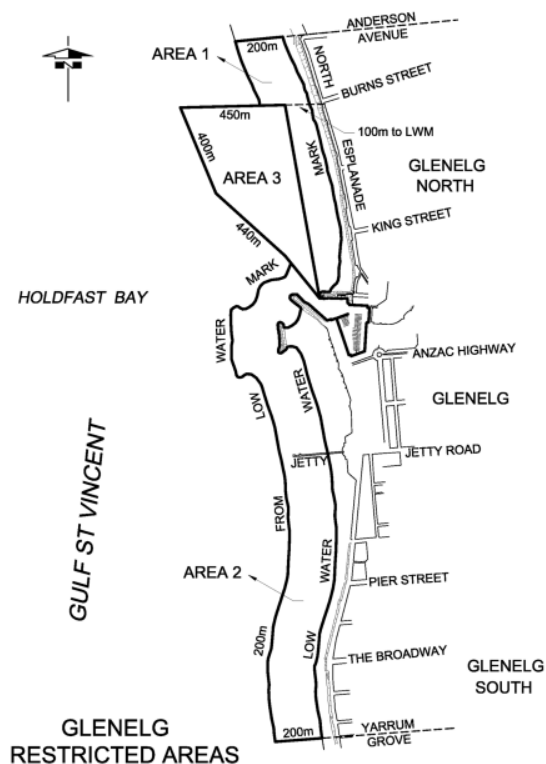
### Glenelg Area 3. (pg. 173 Regulations)

#### ➤ Control(s)

- #1 - a person must not take a vessel into the specified waters or cause or permit a vessel to enter or remain in the specified waters
- #4 - a person must not ski, aquaplane or be towed in any other manner by a vessel in the specified waters
- #9 - a person must not operate a vessel fitted with an engine in the specified waters

**Area 3:** the portion of the waters of Gulf St. Vincent at Glenelg bounded as follows:

- commencing on the north approximately 150 m from the High Water Mark of the coast to the St. Andrews Cross navigational marker at latitude 34°58'01.08" South, longitude 138°30'28.92" East and extending seaward in a westerly direction for approximately 450 m to the West Cardinal navigational marker at latitude 34°58'01.08" South, longitude 138°30'11.28" East;
- on the west by a straight line drawn in a generally southerly direction from latitude 34°58'01.08" South, longitude 138°30'11.28" East, to the West Cardinal navigational marker at latitude 34°58'13.14" South, longitude 138°30'16.92" East, then south-easterly to the Port hand navigational marker at latitude 34°58'22.07" South, longitude 138°30'28.30" East;
- then continuing from latitude 34°58'22.07" South, longitude 138°30'28.30" East in a south-easterly direction to the Port hand navigational marker at latitude 34°58'28.11" South, longitude 138°30'33.94" East;
- on the east by a straight line drawn in a generally northerly direction and approximately parallel to the shore from latitude 34°58'28.11" South, longitude 138°30'33.94" East to the point of commencement at the St. Andrews Cross navigational marker at latitude 34°58'01.08" South, longitude 138°30'28.92" East.



Can you please review the current restricted areas and controls in Schedule 5 and consider the following:

- Whether the current controls are still necessary/required?
- Whether the current boundaries of the restricted areas need to be extended/amended?
- Whether there are any additional restricted areas you would like to investigate?
- Whether any additional controls are required to address any safety concerns or regulate an on-water activity within your council area?
- Whether there are any on water activities that council has currently regulated/included within its By-Laws which may be more appropriately regulated under the *Harbors and Navigation Regulations 2023*.

If there are additional restricted areas your council would like to explore further, a community consultation led by council will be necessary. This involves engaging both land and water-based stakeholders, as well as the local community. The submission can then be presented to the Department for consideration.

It would be appreciated if you could please provide comment on these, along with any other areas of concern where heightened risk for public safety may exist **by COB Thursday 29 February 2024.**

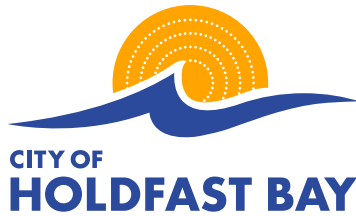
Please feel free to contact me if you have any questions.

Kind Regards,

Marine Services,  
Marine Safety and Compliance.

# Attachment 2





21 February 2024

Marine Safety  
GPO Box 1533  
Adelaide SA 5001 DX 171

Dear Simon Schwerdt

**SA Recreational Boating Safety Strategy – Reference #21009237**

Thank you for writing to Council requesting feedback on the SA Recreational Boating Safety Strategy.

Council supports the need for a more consistent set of laws across the coast to assist with communication to all recreational boat users, which should improve compliance.

The main concerns raised from our residents are noise and swimmer safety. Both concerns are related to the proximity of personal watercrafts to the foreshore / swimmers.

Residents, visitors, and staff regularly observe personal watercrafts (Jet skis) travelling at high speeds near swimmers and the foreshore.

We are proposing prohibited zones, within 200 metres of the foreshore at key swimmer hubs for example Glenelg Jetty, Brighton Jetty, Somerton and Seacliff Surf Clubs, with a North / South range of 200 metres of any jetty or surf club.

Currently these watercrafts can travel within 200 metres of the foreshore at 4 knots and park on the beach. They are not complying with the speed limit, travelling at faster speeds and putting swimmers at risk.

We understand this will require additional enforcement, therefore we are happy to work with your department to explore ways to assist, for example sharing our CCTV infrastructure (Brighton and Glenelg) for Marine Safety's enforcement cameras.

Thank you for considering our feedback.

Yours sincerely

**Roberto Bria**  
Chief Executive Officer

**Item No:** 15.6

**Subject:** PUBLIC ART AND MONUMENTS POLICY

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## Summary

Monuments in the form of plaques, commemorative busts or other installations are valued in the community as evidenced by at least one being commissioned each year over the past six years. At the moment there is no dedicated policy or procedure outlining a strategic and structured approach to the selection of monuments including identification of suitable locations, budget allocation, asset management and maintenance. It is proposed that Council's Public Art policy be updated and expanded to specifically address the selection and management of monuments, with an associated procedure outlining processes and selection criteria for the purchase, commissioning or receipt of donated monuments.

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## Recommendation

**That Council approves the new Public Art and Monuments Policy subject to minor revisions of a typographical nature.**

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## Background

Each year, Council endorses the installation of a number of memorial plaques and/or memorials dedicated to honouring public figures and events of historical importance across the City of Holdfast Bay. Currently there are an estimated 300-600 plaques across the City of Holdfast Bay, installed between 1940 to the present, and an unknown number of memorials (streets, reserves, buildings, artworks etc) dating from the 1920s through to the present.

Council has an existing Public Art Policy, which is provided for information, however the current policy does not cover commemorative monuments.

*Refer Attachment 1*

This gap means that there is currently no guidance to support Administration when considering proposals for monuments, or administering their development, delivery, maintenance, management and deaccessioning.

## Report

In the past six years, at least one monument or plaque has been dedicated in the City of Holdfast Bay each year. This indicates that our community still values these forms of memorialisation. Monuments help create Holdfast Bay's unique identity and history and create a tangible link to the past. Council should therefore continue to maintain these memorials to continually better understand and honour what past generations have valued, whilst keeping our City and assets presentable.

The last public monument endorsed by Council was the Jimmy Melrose bust, installed in 2022. Over the last six years, Council has endorsed a number of plaques and memorials and/or in collaboration with the community, including:

- Hug Here Plaque, Kingston Park (2023)
- Foot Constable Albert Ring Plaque, Moseley Square (2022)
- Robert Bungey Memorial Plaque, Somerton Park (2020)
- Susan Grace Benny Memorial Bust (2019)
- Mary Thomas Plaque, Old Gum Tree (2018)

This does not include plaques dedicated to new buildings and infrastructure across the City. Though all the named plaques and memorials have been entered into council's Asset Register, the majority of plaques and memorials have not been. Currently, 396 plaques and memorials are listed in Council's Asset Register, however, it is believed this represents just half of all plaques that have been installed in various locations across the City of Holdfast Bay. This has meant that operational costs for the upkeep of these assets have not been able to be tracked or adequately budgeted for.

### ***Public Art and Monuments Policy and Procedures***

Commemorative plaques, busts and other installations can be considered as a form of public art. While several have been commissioned as artworks in accordance with Council's Public Art Policy and Guidelines, the existing policy is silent on how commemorative installations will be selected, managed and maintained.

It is therefore recommended that the existing Public Art Policy (Attachment 1) be revised to specifically encompass commemorative monuments. A revised policy, provided as Attachment 2, provides a strategic and structured approach to the management of public art and monuments, including identification of suitable locations, annual budget allocation, quality asset management and maintenance protocols. The new policy addresses new commissions for memorials and plaques and assists in the management and maintenance of the 396 plus assets currently identified as memorials and plaques within the City of Holdfast Bay. Endorsement of the policy will bring the City of Holdfast Bay in line with other South Australian local governments, including City of Adelaide, City of Onkaparinga and City of Charles Sturt.

*Refer Attachment 2*

For clarity, it is recommended that the term 'monument' is used to identify artworks, plaques and other installations to commemorate a noteworthy individual or event. This is to distinguish them from 'memorials', a term also used for commemorations of private individuals which more typically take the form of benches, tree plantings, etc.

An audit is required to consider and assess the condition of plaques and monuments to inform prioritisation for maintenance and any required deaccessioning. Though physical plaques and memorials are expected to highlight a schedule of maintenance that will incur cost, survey of all other forms of memorialisation is expected to be an exercise in procuring information only.

## **Budget**

Maintenance costs identified as an outcome of the audit will be identified as part of the annual budgeting process.

**Life Cycle Costs**

Not applicable

**Strategic Plan**

Wellbeing: Arts and Culture create vibrancy, celebrate creativity, and encourage people to connect with country, place, and each other.

**Council Policy**

Public Art Policy

**Statutory Provisions**

Not applicable

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<b>Written By:</b>	Manager City Activation
<b>General Manager:</b>	Community and Business, Ms M Lock

# Attachment 1

Trim Container	<b>FOL/20/801</b>
Trim Document Number:	<b>DOC/20/47113</b>
First Issued / Approved:	<b>1/9/2020</b>
Last Reviewed:	<b>1/9/2020</b>
Next Review:	<b>1/9/2025</b>
Responsible Officer:	<b>Public Art and Culture Coordinator</b>
Date Placed on Intranet::	<b>11/9/2020</b>

## **1. PREAMBLE**

### **1.1 Background**

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

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

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

### **1.2 Purpose**

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

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

The objectives of the Public Art Policy are:

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

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

### **1.3 Scope**

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

### **1.4 Definitions**

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

### **1.5 Strategic Reference**

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

Community: Building a healthy, active and resilient community

Community: Celebrating culture and diversity

Community: Providing welcoming, accessible facilities

Community: Fostering and engaged, contributing community

Placemaking: Creating lively and safe places

Placemaking: Developing walkable, connected neighbourhoods

Placemaking: Building character and celebrating history

## 2. PRINCIPLES

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

## 3. REFERENCES

### 3.1 Legislation

- *Local Government Act 1999*

### 3.2 Other References

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



# Attachment 2

# Public Art and Monuments

Council Policy

## 1. Purpose

The purpose of this policy is to direct the future of public art and monuments into public spaces and capital projects for the City of Holdfast Bay.

## 2. Scope

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

In the context of this policy, the term "monument" pertains to objects like commemorative busts and plaques honouring notable individuals and events. This distinction is important to clarify its separation from the term "memorial," which can also encompass plaques, tree plantings, benches, and similar items dedicated to the memory of private individuals. Memorials are subject to a separate policy and procedures.

## 3. Roles and Responsibilities

Council Members	Adoption of the policy principles, and adherence to them when making investment and other decisions about public art and monuments.
Chief Executive Officer	Allocation of resources and ensuring that all public art/monument activities are consistent with the objectives of Council's strategic plan, the budget process and the long-term financial plan.
All General Managers and Managers	Accountable for the management of public art and monuments within their areas of responsibility (as determined under the public art and monument procedures).
Employees	Awareness of this policy and compliance when relevant.
Manager City Activation	Is accountable for the procedures, procurement, commissioning, maintenance and decommissioning of public art and monuments, providing professional advice and comment to other departments of Council in relation to public art/monument management and developing and maintaining a public art/monument register.

## 4. Policy Statement

4.1 This Policy affirms Council's commitment to:

- Increasing the liveability and cultural richness of the City of Holdfast Bay
- Commemorating a historical event or person of significance who has lived in or contributed to the local community

- Recognising that an event may result in a spontaneous community reaction, which may be one of grief or celebration
- Creating distinctive places and precincts
- Strengthening our rich cultural heritage
- Developing and growing creative and cultural industries
- Ensuring that Kaurna heritage and culture is considered at the inception of the project and ongoing
- Ensuring that public art reflects the diversity of the community, both in the range of artists whose works are featured and the types/styles/topics of artworks selected, commissioned or purchased.
- Ensuring that inclusivity and universal access are considered at the initial stage of the project conception through to delivery.

4.2 Funding for the commissioning and maintenance of public art will be prioritised through Council's annual budget cycle and as part of capital works projects, leveraging where possible additional support through grants or private sector contributions.

4.3 Public art that is commissioned, purchased or otherwise acquired by Council will be guided by the following criteria:

- The installation adds to the character and distinctiveness of the site chosen
- The work is sufficiently high quality, robust and safe for installation in the public realm
- Suitable opportunities are offered to local and emerging artists as well as established artists
- The capacity for public art to prompt public engagement and dialogue will be encouraged
- A diversity of artists, artistic styles and media will be encouraged to the extent that is practicable
- Artistic experimentation will be encouraged where appropriate
- The costs of commissioning and maintenance of the work (where applicable) are reasonable in relation to the prominence and impact of the proposed artwork.

4.4 Preference will be given to monuments that can meet the following criteria:

- The monument pertains to an individual and/or event with a clear link to the City of Holdfast Bay
- There is evidence of community sentiment in support of memorialising the individual/event
- Consent can be sought from descendants (where applicable)
- The contribution of the individual /event is noteworthy on a local, state or national level
- The individual / event is not commemorated in existing ways (e.g. existing installations or the naming of a place or reserve)
- The monument adds to the diversity of representation of all community groups across the City of Holdfast Bay
- A suitable and sympathetic location for the monument can be identified
- The costs of commissioning and maintenance of the monument (where applicable) are reasonable in relation to the prominence and impact of the proposed monument
- The quality of the monument contributes to the overall amenity of the area.

4.5 The selection of a suitable location for a piece of public art or monument will be guided by the following criteria:

- Sympathetic relationship of the site to a proposed artwork's/ monument's subject
- Sufficient space to accommodate installation while maintaining public safety and access
- Installation will not unduly limit use of community spaces
- Location is conducive to the artwork / monument being appreciated by passers by
- Site conditions are appropriate for the care and maintenance of the installation.

4.6 Cultural mapping and site sensitivity analysis is to be conducted prior to the finalisation of any installation in a given site.

4.7 Selection and location of artworks will consider environmental impacts, urban greening and life cycle impacts of materials used.

- 4.8 Where applicable, the creation of artworks will respect Indigenous Cultural and Intellectual Property (ICIP) protocols.
- 4.9 Commissioning and acquisition of artworks and monuments will be in accordance with selection and procurement processes that are documented in organisational procedures.
- 4.10 The location, distribution and density of public artwork across the City of Holdfast Bay will be subject to periodic review. This may result in recommendations for relocation or deaccession of specific works as appropriate.
- 4.11 Decommissioning and/or disposal of public art and monuments will be subject to approval of the General Manager Community and Business in accordance with relevant procedures.

## 5. Definitions

Key term or acronym	Definition
Public art	Public art is broadly defined as work activity designed by artists for public space and accessible to the general public. The work can be temporary or permanent installations or forms of public entertainment which provides opportunities for audiences to engage through visual, auditory or physical interaction.
Monument	Pertains to objects like commemorative busts and plaques honouring notable individuals and events.

## 6. Administration Use Only

Reference Number:	
Strategic Alignment:	<p>This policy supports the:</p> <ul style="list-style-type: none"> <li>- 2030s Wellbeing Aspiration &gt; Local arts and culture are celebrated and supported, while barriers to participation (such as costs, infrastructure, access to audiences, etc) are lowered, to encourage typically excluded demographics to participate</li> <li>- 2040s Wellbeing Aspiration &gt; The City of Holdfast Bay is recognised as the most vibrant arts and culture hub outside of Adelaide city centre</li> <li>- 2030s Innovation Aspiration &gt; The Kaurna people's cultural and spiritual relationship to the area is honoured in meaningful, collaboratively agreed ways.</li> </ul>
Strategic Risk:	<p>This policy assists in mitigating:</p> <ul style="list-style-type: none"> <li>- Strategic Risk CB05 - Poor or inadequate Economic Development and Tourism Management</li> <li>- Strategic Risk SC05 - Lack of strategic alignment</li> <li>- Strategic Risk AD02 - Insufficient or ineffective Asset Management Planning</li> </ul>
Responsible Officer(s):	Manager, City Activation
First Issued / Approved:	
Minutes Date & Council Resolution Number:	
Last Reviewed:	
Next Review Date:	
Applicable Legislation:	
Related Policies:	Council's Memorials Policy
Other Reference Documents:	Public Art Procedure Monument Procedure

**Item No:** 15.7

**Subject:** WAYFINDING FOR BRIGHTON BEACHFRONT HOLIDAY PARK

---

## Summary

At its meeting on 10 October 2023, Council moved a Motion on Notice tabled by Councillor Lindop relating to wayfinding to the Brighton Beachfront Holiday Park and the Kingston Park precinct. This report outlines an audit undertaken and makes recommendations on improvements to wayfinding to the Holiday Park, with associated costs.

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## Recommendation

The Council approves:

1. the unofficial naming of the access road to Brighton Beachfront Holiday Park, with Administration to bring back to Council options for names;
  2. consideration of a new initiative of \$8,000 for a precinct sign for the Kingston Park Precinct in the 2024-25 budget process; and
  3. consideration of a new initiative of \$80,000 for electronic car park signage for the Kingston Park car park, and \$10,000 for annual on-going costs, in the 2024-25 budget process.
- 

## Background

At its meeting on 10 October 2023, Council moved a Motion on Notice tabled by Councillor Lindop relating to wayfinding to the Brighton Beachfront Holiday Park and the Kingston Park precinct. The motion (Resolution No. C101023/7574) was:

*That Administration conduct an audit of the signage and other “way finding” for the location and directions to the “Brighton Beachfront Holiday Park” and provide a report, including recommendations and costings, back to Council by December 2023. This report should also include an investigation into:*

1. *Naming the road from Burnham Road down to the car park, new kiosk and entrance to the caravan park;*
2. *Brighton Beachfront Holiday Park is able to be found (using satellite navigation) with this new road name as its address; and*
3. *New directional signage at the entrance to the road down to the carpark/kiosk/caravan park, from the Burnham Road/Kingston Crescent corner, which also includes the new kiosk/cafe location and the Brighton Beachfront Holiday Park. This sign to be in keeping with the natural area i.e. stone wall with sign on it.*

## Report

Administration conducted an audit of wayfinding, including signage, to the Brighton Beachfront Holiday Park. Detailed below are the areas that were included in the audit and the recommendations.

### ***Naming of the Access Road***

The access road into the Holiday Park is currently unnamed. It is not a road reserve and is within the parcel of land under the Council's care and control. The address of the Holiday Park is 4 Burnham Road. This appears to be creating confusion for patrons of the Holiday Park. The access road to the Park is located on Strickland Road. We have received feedback from residents that have indicated vehicles towing caravans are often reaching the T-Junction of Strickland and Burnham Roads, and turning right on to Burnham Road, missing the access road just prior to the junction. Given the close proximity of the access road and Burnham Road, it is understandable that patrons could miss the access road and see the street sign for Burnham Road and turn right on to it, given the address for the Park is Burnham Road. The map below shows the location of the access road in relation to Burnham and Strickland Roads.



A way to resolve this issue is to name the access road. This would assist both patrons using geographical positioning systems (GPS) to locate the Park, and those that are using the directional signage.

Given the access road is not a road reserve, a process would need to be undertaken to portion part of the parcel of land as a road reserve, which would require gazettal. Once gazetted as a street, the street would be named in accordance with Council's Naming of Public Places Policy, requiring consultation. Once named a street sign would be installed as required.

A simpler process would be naming the access road unofficially and registering that name on Google Maps. This would be akin to naming a driveway for improved wayfinding.



In this instance, it is Administration's view this would not require following the process set out by the Council's Naming of Public Places Policy. However, Council could choose to follow the Policy if they felt consultation with the community was required. Once named, a sign identifying the name of the access road would be installed to improve wayfinding. The Holiday Park could use the name as its location address. Registering the name on Google Maps would also result in the name appearing on GPS maps. This is a commonly used practice.

It is recommended that Council unofficially name the access road. If approved, Administration will undertake a process to identify options for naming the road and bring that back to Council for approval.

### ***Precinct Signage***

An assessment was made of signage at the entry of the access road, to indicate the key attractions within the precinct, being the Holiday Park, Kiosk and Tjilbruke Spring. Within the motion, Councillor Lindop had suggested the construction of a stone wall, with signage, in keeping with the area. This was investigated and determined not to be appropriate from a safety perspective given the nature of the corner and the type of vehicles turning into the access road from both directions. It is recommended that a precinct sign, as seen in other precincts within the City, such as Brighton Oval, would be more appropriate for the location. An example of the sign can be found in Attachment 1. The sign would include the various attractions within the precinct. The cost of installation of the sign is \$8,000.

*See Attachment 1*

### ***Directional Signage***

An audit was undertaken of directional signage to the Holiday Park from various entry points. The directional signage is a blue sign with a caravan icon and an arrow providing direction. From the audit, it was found that directional signage was sufficient in the key entry points into the Holiday Park. However, it is recommended that a further directional sign be placed on the verge opposite the access road, facing both directions, to better indicate the access road for cars following the directional signage. The cost of these signs will be covered from existing operational budgets.

*See Attachment 2*

### ***Traffic Signs***

An audit was undertaken of traffic signs on the roads leading to the access road. It is recommended a modified T-Junction sign is installed along Strickland Road. This sign will indicate that a T-Junction is approaching with another road located just prior to the T-Junction. This sign will require approval from the Department of Infrastructure and Transport. In addition, chevron alignment markers will be installed along the curve of Burnham Road, to better indicate the curve in the road. The cost of these signs will be covered from existing operational budgets.

*See Attachment 2*

### ***Car Parking Signage***

Located within the Kingston Park precinct, between the Holiday Park and the Reserve, is a car park with approximately 30 spaces. Access to the car park is via the access road from Strickland Road. Given the topography of the area, the availability of the car park spaces can

not be seen from Strickland Road, and therefore visitors will drive down the access road to check the availability of spaces. During peak season, issues are created if the car park is full and multiple visitors have to drive down to check the availability given the size of the car park and the limited space available for vehicles to turn around and leave once it is identified the car park is full.

A possible solution to this problem is to install technology, that would include electronic signage, to notify visitors of the availability of car spaces prior to reaching the access road. The purpose of this would be to mitigate the number of vehicles travelling down the access road looking for a car space. To optimise this approach, electronic signs could be placed near the round about at Kauri Parade and Singleton Road, and along Strickland Road as you approach the access road. The Kauri Parade location was identified as a key path to the car park. The sign would be double sided so that it could be seen when approaching from both directions along Kauri Parade. The cost of the two signs and associated technology is \$80,000. This would require annual costs of \$10,000. Alternatively, one sign could be installed along Strickland Road and the cost of this location is \$50,000 including associated technology. This would require annual costs of \$5,000.

## Budget

The directional and traffic signage will be covered by current operational budgets. The precinct and car parking signage will be included as part of the 2024-25 budget process, if approved.

## Life Cycle Costs

The ongoing annual costs for the two car parking signs is \$10,000, or \$5,000 for a single sign on Strickland Road.

## Strategic Plan

Wellbeing - Good health and economic success in an environment and a community that supports wellbeing.

## Council Policy

Naming of Public Places Policy

## Statutory Provisions

Not applicable

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**Written By:** General Manager, Assets and Delivery

**General Manager:** Ms P Jackson



# Attachment 1



corporate signage  
large format digital printing  
flatbed printing

1300 136 822  
sales@signsofthetime.com.au

client -  
project -

City of Holdfast Bay  
Medilith Entry Footpath Design  
Double Sided

OPTION 1 - WITH WHITE SIDE TO ROAD  
DOT DETAIL WRAPPING AROUND BLUE PANELS FACING FOOTPATH SIDE



# Attachment 2





MODIFIED W2-3  
INTERSECTION  
WARNING SIGN  
SUBJECT TO DIT APPROVAL



80 m



CARAVAN DIRECTIONAL SIGN  
INSTALLED FACING BOTH DIRECTIONS



INSTALL CHEVRON ALIGNMENT MARKERS (CAM'S)  
AROUND SUB-STANDARD CURVE

UNNAMED ACCESS ROAD

BURNHAM ROAD

STRICKLAND ROAD

KINGSTON PARK  
CARAVAN PARK WAYFINDING AND  
INTERSECTION TREATMENTS - PROPOSED  
FEBRUARY 2024



**Item No:** 15.8

**Subject:** **LOCAL GOVERNMENT PARTICIPATION AND ELECTIONS REVIEW –  
RESPONSE TO OFFICE OF LOCAL GOVERNMENT**

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## Summary

In late October 2023, the Minister for Local Government, Hon Geoff Brock MP, launched a review of Local Government Participation and Elections (the Participation Review) to enable all South Australians to provide feedback and ideas about how communities can better engage with their councils throughout councils' terms and at election time.

The State Government issued a discussion paper and the Local Government of South Australia (LGA) issued a consultation paper to assist in gathering input to the Participation Review. Council considered and endorsed a response to the LGA on 23 January 2024 (Resolution No. C230124/7661). A draft response to the State Government via the Office of Local Government is now presented for Council's consideration.

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## Recommendation

**It is recommended that Council endorses, subject to any required amendments or the correction of typographical errors, the proposed response to the Office of Local Government in response to the review of Local Government Participation and Elections.**

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## Background

In late October 2023, the Minister for Local Government, Hon Geoff Brock MP, launched a review of Local Government Participation and Elections (the Participation Review) to enable all South Australians to provide feedback and ideas about how communities can better engage with their councils throughout councils' terms and at election time. The supporting discussion paper is provided as Attachment 2.

*Refer Attachment 2*

The discussion paper puts forward a range of ideas such as compulsory voting, term limits for council members, removal of council wards and possible boundary changes where councils don't receive enough nominations at election time.

The consultation period for the Participation Review originally closed on 1 March 2024, but was subsequently extended to 29 March 2024. Direct submissions were invited from councils, individual elected members, staff and the general public. The Local Government Association of South Australia (the LGA) is also coordinating a whole-of-sector response and invited councils to provide input by 2 February 2024. Council provided a response to the LGA following consideration of a proposed draft on 23 January 2024 (Resolution No. C230124/7661).

*Refer Attachment 3*

## Report

The scope of the Participation Review includes four key subjects:

1. Ways to better engage with, and participate in, council decision-making (including the contents of the Community Engagement Charter and ideas for more accessible council meetings)
2. encouraging greater numbers/more diverse candidates to run in council elections
3. increasing voter turnout
4. ensuring council elections are run efficiently and with the highest level of integrity.

Following Council's consideration of a response to the LGA, the following matters have been strengthened in the draft response to the Office of Local Government:

- the importance of localised decision-making, contextualised to meet the varying needs and expectations of different communities. This principle covers matters such as digital meetings, meeting times and engagement methodologies
- objecting to term limits
- supporting the continuation of wards
- supporting the real-time publishing of nominations
- supporting working with children/police checks being mandatory (national clearances)
- objecting to compulsory voting
- objecting to non-citizens voting
- supporting minimum standards of engagement during elections, for example, mandatory attendance at 'meet the candidate' events.

The principles and other relevant matters from the LGA response have been carried forward into the draft response to the Office of Local Government, which is provided for Council's consideration as Attachment 1.

*Refer Attachment 1*

## Budget

Not applicable

## Life Cycle Costs

There are no known life-cycle costs associated with this Report, at this time.

## Strategic Plan

Our Holdfast 2050+ contains a number of objectives and aspirations relating to meaningful engagement with the community, both through actively targeting traditionally marginalised groups and working towards direct participation.

## Council Policy

Community Consultation and Engagement Policy  
Caretaker Period Policy  
Election Signs Policy  
Code of Practice Access to Meetings and Documents  
Code of Practice – Meeting Procedures  
Elected Members Allowances Support and Entitlement Benefits  
Behavioural Standards for Council Members

## Statutory Provisions

*Local Government Act 1999*  
*Local Government (Elections) Act 1999*

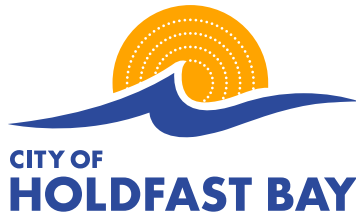
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**Written By:** Manager Strategy and Governance

**General Manager:** Strategy and Corporate, Ms S Wachtel

# Attachment 1





28 February 2024

Local Government Reform Project Team  
Office of Local Government  
GPO Box 1533  
ADELAIDE SA 5001

Via email: [DIT.LocalGovernmentReform@sa.gov.au](mailto:DIT.LocalGovernmentReform@sa.gov.au)

Dear Project Team

### **Local Government Participation and Elections Review**

In response to the recent call for feedback by the Office of Local Government (OLG) to the Local Government Participation and Elections Review, I am pleased to provide this reply on behalf of Council.

Council's response is informed by these key principles:

- Decentralised decision-making is the purpose of local government. De facto centralisation via standardising to a high degree interferes with, and potentially undermines, this purpose.
- The needs and expectations of communities vary widely across the state. As such, a 'one size fits all' approach should only be taken sparingly, and only when the benefit to all significantly outweighs the potential inequities created by standardisation. Whenever possible, clear outcome-based principles should be set for guidance, enabling methodologies to stay flexible to enable local contextualisation and responsiveness to changing conditions.
- The core intent of both representative democracy and community participation is for citizens to choose outcomes. There is a power balance between citizens and elected officials which must be constantly navigated and managed, but more often than not, it should err on the side of 'the community should decide'.
- Local government elections are just as important as federal or state elections. As such, they deserve the same levels of rigour and integrity, which should be managed by the Electoral Commission of South Australia.
- While it is desirable to attract the highest calibre of candidates, elections must be even playing fields. Local government Elected Members should remain reflective of their local community, and not be determined by standardised criteria or political party affiliations. Furthermore, information provided about candidates during elections should be useful to inform citizen decision-making, but not be unnecessarily prejudicial.
- Council administrations should be neutral in the matter of elections. Just as the Australian Electoral Commission and ECSA, not the broader public service, manage federal and state elections, council officers should not be required to be involved in local elections.

- Being an Elected Member at any tier of government is a serious responsibility. Diversity is critical but should not be pursued at the expense of competence. Barriers to entry must be limited to a person's ability to fulfill the needs of a role, not the process by which to attain it.
- There is a need for federal, state and local governments to work in partnership to effectively deliver the services that Australians rightly expect. No tier can do it alone and cooperative models should be sought wherever possible, acknowledging that each tier has particular obligations and strengths.

Detailed responses to each of the topics raised in the Discussion Paper are provided below, however, there are a number of issues Council wishes to highlight, including:

- The importance of localised decision-making cannot be stressed highly enough. While some mandatory minimum standards are accepted as being sensible, wherever possible, councils should be able to make decisions about how such standards are applied and administered, in response to their communities' needs. This principle covers matters such as digital meetings, meeting time and engagement methodologies.
- Council strongly objects to term limits on grounds of principle and pragmatism. From a principles perspective, people should not be denied, or restricted in, the opportunity to serve, just as federal and state members are not. From a pragmatic perspective, the effectiveness of Elected Members can grow over time, as they become accustomed to the workings of local government. The ability for new Elected Members to learn from experienced members is invaluable. Furthermore, particularly in smaller communities, limiting the pool of people who can stand for office would be counter-productive to ensuring participation and limiting election failures.
- The continuation of wards is strongly supported. The costs and time imposition of advertising across an entire council area would be prohibitive for many candidates. Additionally, having to choose candidates across the whole of the council area would result in a 'senate-style' ballot paper which may lead to an increase in informal votes and/or poorly informed outcomes, as many people do not have the time or inclination to thoroughly research dozens of candidates. It may also lead to a reduction of voting returns, as people are discouraged from voting by the complexity of having to choose from a large number of candidates.
- Notwithstanding Council's support for ECSA managing elections, real-time publishing of nominations should be reinstated. There is no inherent problem in potential candidates 'ward shopping' to maximise their opportunities to be elected. Indeed, it is an efficient way of ensuring there is a 'market' of candidates in each ward for voters to choose from.
- Council is supportive of the introduction of minimum standards for candidates such as working with children/national police checks, and candidates being required to meet minimum standards during elections (for example, mandatory attendance at 'meet the candidate' events).
- Council does not support compulsory voting on the grounds that the experiences interstate show that this leads to domination by political parties. This is highly undesirable as it would result in political agendas swaying decision-making, rather than community needs.
- Council does not support the current provisions that enable non-citizens to vote. While it is acknowledged that non-citizens contribute to the fabric of community life, voting is nevertheless a privilege that is reserved for citizens at federal and state levels. This should be mirrored at local government level. That said, Council does support the existence of a supplementary roll which enables businesses and others with an ongoing interest in the community to vote locally.
- Council strongly supports engagement with communities and acknowledges the challenges in effectively doing so. Nevertheless, these challenges will not be solved by arbitrary directives. All three tiers of government must work together to rebuild community trust, and develop new models of engagement that are more effective than traditional bureaucratic approaches.

## ***Engaging with Councils and the Community Engagement Charter***

The current version of the Community Engagement Charter (the Charter) that was produced by the Local Government Association of South Australia is supported. Council strongly supports a principles-based, rather than prescriptive, approach. Maintaining a principles-based approach enables all councils to effectively serve their communities, rather than being subject to a directive regime that may not be practical in their circumstances or meet their community's needs and expectations. Given the many differences between councils and communities, a 'one-size fits all' approach is rarely effective and commonly leads to administrative burdens for little gain.

That said, a minimum timeframe for legislative engagements is reasonable to mandate, however, the decision for how to engage should be at the discretion of each Council, guided by the best-practice principles in the *Local Government Act 1999* (the Act), which can be contextualised in each council's engagement policy.

One matter which could be given greater consideration is which subjects and processes are subject to 'mandatory' engagement. While it is acknowledged that the list of mandatory engagements generally contains matters that ideally *should* be of interest to all citizens, the reality is that many of these statutory engagements receive low levels of engagement.

People are generally more likely to be engaged when they can be involved in a decision, take an action or see a direct relationship between their involvement and an action occurring. Filling in surveys or responding to consultation documents (especially when they relate to what people perceive as matters of bureaucracy) generally attracts only those respondents who are already strongly interested in the topic. Unfortunately, that also typically means that the most strongly held, often most polarised views are disproportionately expressed, while the majority who may have other, more loosely held, views are not compelled to participate.

To build interest in civic engagement and increase trust so that governments can be seen by citizens as partners, governments at every level need to shift to more participatory engagement. While local government is an ideal tier to experiment with participatory engagement models (including liquid democracy) making this shift is not simple. Participatory engagement requires a high level of openness and flexibility, few pre-conceptions, and a willingness by elected officials to share power (to varying degrees). As elected officials (at all tiers of government) bear the brunt of public opinion, it is easy to understand why participatory engagement is seen as risky, even when evidence shows that done well, it is less polarising and results in better decision-making. It also takes time and resources to do well, which is why it has been historically difficult to apply to mandatory, heavily prescribed or bureaucratic topics. Supporting a shift to more participatory engagement needs to be done with resources and via a partnership approach, rather than handed top-down as a legislative regime.

The current principles in the Act provide a sound framework for high quality engagement. Supporting elected officials to understand community engagement, their roles and responsibilities and different engagement methodologies via mandatory training could both support council members to engage with their constituencies and ensure that councils continue to grow and improve their engagement efforts with appropriate policies and resourcing decisions.

With regard to electronic meetings, the participation by electronic means is supported, as long as councils make appropriate investments in infrastructure to ensure a high-quality experience for all participants. The matter of livestreaming/recording should be left to each council to decide.

While livestreaming and/or recording council meetings can improve accessibility for some segments of communities, it may not increase engagement broadly while exposing Elected Members to the many risks of having an extensive digital presence. There are genuine risks in having significant digital content of a personal nature such as face and voice online. While many people put such information into the public sphere voluntarily, there are nevertheless practical and ethical questions about whether this should be mandatory for people wanting to engage in public service. For some people, it may act as a barrier to participation, even if it does result in a potentially larger number of members of the public viewing meetings than would typically attend a public gallery (noting that an increase in viewers is not guaranteed and did not appear to substantively occur during COVID). In any case, viewing a meeting only serves to inform – it does not increase participation per se.

### ***More Candidates, Greater Diversity***

The notion of having more candidates for citizens to choose from during elections, and having a greater diversity of candidates is supported in principle. Local governments should be broadly representative of their community, which includes a full spectrum, not just a majority ‘type’.

Diversity (however it is defined) must be balanced against suitability and ability to fulfill the functions of a role. For example, it would be reasonable to expect a minimum level of integrity and good character from elected officials, so a standard such as having to have a current ‘working with children’ or a national police check could be appropriate. It is also reasonable to expect candidates to put in a minimum amount of effort in their candidacy, for example, by being required to attend ‘meet the candidate’ events, or similar.

Undoubtedly, there is a wide spectrum of initiatives that could be implemented, which may attract candidates from historically under-represented groups. Operational tactics such as increasing allowances, changing meeting times and increasing electoral promotion (by the LGA and ECSA) may be useful but will still require a high level of local contextualisation. It is questionable whether such tactics would make a significant difference across the board, or only in pockets.

Real-time publishing of nominations is strongly supported. The Discussion Paper notes that this can lead to ‘ward shopping’ however it does not explain why this is believed to be a problem. If anything, candidates being able to select wards with lower numbers of candidates to maximise their chances of being elected is an efficient way of ensuring that there is a reasonable distribution of candidates.

Structural approaches such as removing wards, setting term limits or linking candidacy to boundary changes are likely to make significant differences system-wide, however, not necessarily for the better. Council strongly objects to these proposals. Structural levers should be approached with high levels of care, and a wide range of scenarios should be considered if they are carried forward for further investigation. It is suggested that before any structural changes are progressed, the State work in partnership with councils to define the problems to be solved and assess the detailed impacts of any structurally based solutions prior to legislative proposals being formed.

Furthermore, the principle of harmonisation between tiers of government should be strongly considered when considering these matters. Ideally, any innovations adopted at local government level to improve diversity and civic engagement should flow up to state and federal levels to improve governance outcomes across the board.

### ***Improving Voter Turnout***

While Council supports the desire for greater voter turn-out, compulsory voting is not supported. It is clear from experiences interstate that compulsory voting leads to domination of elections by political parties. This would be a highly undesirable outcome as council decision-making should be guided by community needs, not party policy platforms.

Participation in elections should be made as simple and as equitable as possible. ECSA have made it clear that improving access via technology is not currently a viable option, therefore, voting participation options should be increased via as many analogue means as possible. While voting in person can be adopted, it should not be at the expense of postal voting, which is a very convenient and accessible way for many people to vote.

On the matter of franchise, the ability to add electors via a supplementary roll is supported for property and business owners and to represent particular groups of electors (as is currently the case). It is however suggested that non-Australian citizens not be able to vote in local elections, as is the case for federal and state elections. While it is acknowledged that non-citizens are part of communities, they may not have an enduring or long-term interest in the area and therefore should not be granted the privilege of voting.

A change in election timing is supported, to prevent confusion and reduce voter fatigue.

Per previous comments, additional promotion by councils is not supported. Just as informing candidates should be done uniformly and by a neutral party, so should informing voters. It is considered inappropriate to expend council funds on political advertising.

### ***Council Elections – Other Matters***

It is acknowledged that recent issues relating to campaign donation return requirements were vigorously defended by the LGA in the broad interests of the sector. Notwithstanding the unexpectedly high number of candidates who fell foul of return provisions and the LGA's view that the consequences were disproportionate to the seriousness of the breach, the fact remains that the overwhelming majority of candidates complied and met requirements. Even a large number of non-compliances should not be taken to be an inherent fault in the system, particularly if the principles hold true that local government should seek to attract the highest calibre of candidates, and that roles (and the compliance requirements associated with them) are serious and important. Council does not consider the current compliance requirements for candidates to be onerous, and as long as the technologies by which they are collected are functional, legislative changes to reduce the penalties for non-compliance are not required.

Finally, most people who stand as candidates in local government elections are sincere in their commitment to their local area and seek to genuinely improve the places they live, and often work and play in. They are accessible to their communities at a level that federal and state representatives are not, and while they are supported in their decision-making by professional administrations, they do not have teams of advisors or large bureaucracies to draw on. They do not enjoy Parliamentary Privilege when deliberating, nor are they commonly endorsed by political parties with significant resources behind them. As a Council, they are entrusted with significant budgets and complex decisions which they must deliberate on in full view of the public, without the ability to arrive at a position of Cabinet solidarity. They take on these challenges and responsibilities not as a professional

job, but with a modest allowance and the expectation that they will be accessible whenever their constituents need them. As such, they deserve the grace and support to serve their communities as efficiently and effectively as possible, and with due respect from their federal and state peers.

Yours sincerely

**Roberto Bria**  
Chief Executive Officer

*cc – Clinton Jury, Chief Executive Officer, Local Government Association of South Australia*

# Attachment 2



# Local Government Participation and Elections Review

## Discussion Paper

October 2023



**Government of South Australia**  
Department for Infrastructure  
and Transport

**Build.  
Move.  
Connect.**



## Disclaimer

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the Minister for Local Government, its agencies, instrumentalities, employees and contractors disclaim any and all liability to any person in respect to anything or the consequence of anything done or omitted to be done in reliance upon the whole or any part of this document.

We acknowledge the Traditional Custodians of the Country throughout South Australia and recognise their continuing connection to land and waters. We pay our respects to the diversity of cultures, significance of contributions and to Elders past, present and emerging.



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# Minister's foreword

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Nearly 35 years ago, I threw my hat in the ring and stood for election to my local council. And after 20 years as a council member—including six as Mayor—and 14 as a Member of Parliament, I can confidently say that this was one of the best decisions of my life.

I stood for council for the same reasons that many South Australians do; because I wanted to get involved in the local decisions that have such an impact on our day-to-day lives. It's a challenging role, but one that also has tremendous rewards. I can honestly say—and often do—that my time as a local elected member has been one of the best of my life.

I'm passionate about local government, local leadership, and local decision-making. That's why I am also passionate about encouraging every South Australian to get involved with their council—to have your say about council decisions and activities, and,

at election time, to make sure you have your say about who will represent you and make decisions on your behalf by voting.

I'm also passionate about making sure that we have as many South Australians as possible making the same decision that I did so many years ago—to turn my commitment to my community into a decision to run for council and put that commitment into action.

This discussion paper poses a number of questions about how we can improve participation in local government, both throughout councils' terms, and at election times.

It poses some bold ideas that might be challenging or even controversial. But I firmly believe that it is time for us to take real action to better connect people to their councils; to get serious about tackling the persistently low voter turnout that we see every four years at council election time, and to make sure that the future of local government is in the hands of the most diverse and capable local representatives that we can find.

I encourage everybody reading this paper to respond to the questions it poses. Let us know how we can build a future for South Australia where our councils represent and are supported by a local community that truly feels connected to their local government.

A handwritten signature in blue ink that reads "Brock". The signature is stylized with a large, sweeping "B" and a cursive "rock".

Hon Geoff Brock MP

**MINISTER FOR LOCAL GOVERNMENT**

# Introduction

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Our local councils are often described as the sphere of government that is ‘closest to the people’. The services they provide are often those that touch our day-to-day lives most closely—the footpaths and roads we walk and drive on, the bins we put our rubbish in, the parks, gardens and ovals where we walk, exercise and play with our children, and our local libraries to name just a few.

Yet this involvement with our local services isn’t always reflected in close participation and engagement with our councils. While our local members are elected by the ratepayers and residents in their local areas, typically only around a third of voters choose to exercise their democratic right to vote for their council representatives. Councils can also struggle to have a good number of diverse candidates put their hand up to stand for election, to ensure that a local elected body has the best chance of representing and making the best decisions for its local community.

Over the past 20 years, the local government sector has been making increasingly large investments in promoting elections, both to encourage nominations, and to increase voter turnout. This participation is crucial, as elections establish the democratic foundations for the decisions that a council will make over a four-year term to spend ratepayers’ money on the services and facilities that the council decides its community can and wants to pay for.

Despite these investments, engagement with councils at election times has remained at consistently low rates. This discussion paper therefore tackles some fundamental questions, not only about how council elections should be run to improve the number and diversity of council members and increase voter turnout, but also how people engage with their council over the whole of a council term, so that when election time rolls around, they are interested and engaged with the future of their local council.

There are four key topics covered in this paper. They are:

1. How people engage and participate with their council;
2. How we can encourage greater numbers and more diverse candidates;
3. How we can increase voter turnout; and
4. How we can make sure that council elections are run efficiently, with the highest level of integrity.

For each of these topics, this discussion paper provides a brief snapshot of current requirements, and changes over time. Each section also puts forward some ideas for improvements—and we want to hear from you! Are these ideas good ones? If not, why not? What other ideas do you have to improve people’s engagement with councils—both at, and between, elections?



# Topic 1: How people engage with their council

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## Community Engagement Charter

Councils continually engage with their communities on a range of critical decisions—their annual business plans and budgets, how council rates are set and collected, how parks and gardens and other council land should be used and managed, how a council's elected member body should be structured, and so on.

The *Local Government Act 1999* (the Act) requires all councils to have a public consultation policy in place. This policy must include some actions as a minimum—largely a requirement to consult for a minimum period of 21 days, to publish material on their website and in a newspaper, and to allow for submissions. The Act also requires councils to undertake more specific consultation on significant decisions, such as the requirement to hold an hour-long public meeting on its annual business plan and budget.

### Principles of engagement

The Charter is underpinned by these engagement principles:

1. Members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposed decisions, activities and processes of councils and to participate in relevant processes.
2. Information about issues should be in plain language, readily accessible and in a form that facilitates community participation.
3. Participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils.
4. Participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes.
5. Insofar as is reasonable, communities should be provided with information about how community views have been considered and reasons for actions and decisions of councils.

These principles are consistent with principles adopted by individual councils over many years. They are informed by the International Association for Public Participation (IAP2) Core Values.

These basic requirements have now been in place in the Act for more than 20 years, however, community and council expectations regarding consultation have changed. For example, many councils have moved towards more modern methods of communication and engagement—for instance, using social media to 'get the word out' rather than relying on ratepayers reading notices published in the back of a local newspaper, or undertaking more fit-for-purpose engagement methods such as 'drop in' events at council venues.

Yet while councils may wish to invest in more modern and effective engagement—and their communities may expect them to—they must still comply with two-decades-old statutory requirements.

Changes to the Act will replace these inflexible requirements with a 'Community Engagement Charter' (the Charter). Councils' community engagement policies must be consistent with the Charter and comply with its requirements. These changes will commence when a Charter has been developed—which needs your input!

### **A flexible or prescriptive approach?**

There is broad scope to create a Charter that reflects community and councils' views on how it should direct council's community engagement.

For example, the Charter could specify mandatory requirements that largely replicate the current requirements contained within the Act. Councils would then be required to undertake 'engagement tasks' as the Charter instructs them—for example, to release information online for a specific period of time; or to publish material elsewhere in a particular way. However, placing these requirements on councils may not support councils to invest in community engagement in a way that they feel best meets their community's particular needs.

Another option would be for the Charter to set out a range of general principles or performance outcomes then enable the specifics of each councils' community engagement to be determined in its own community engagement policy. With this approach, there might be concerns in the community that not all councils would engage in a similar way or might not engage to the level that a community may like to see.

The Charter could also be a mixture of these approaches. For example, it could contain more specific requirements for significant council decisions that affect the whole council area, but also allow for a more flexible approach for more localised matters.

While the public consultation requirements have traditionally covered the method of engagement (e.g., minimum consultation periods and publishing requirements), the Charter could also cover the type of information that should be made available during community engagement, or how public consultation feedback should be considered. This approach may fulfil the principle that engagement should encourage constructive dialogue and discussion.

A Charter might include that a council should provide information in a form that is appropriate for the council's community to engage with and make a submission on. Councils could then determine what this information looks like in their community engagement policies.

The intent of the change to a Charter is to enable councils to take a more fit-for-purpose approach to public consultation, taking into account the significance of the matter under consideration, the needs of their local community, and the advantages of new technology. It should also bolster community confidence that their council will engage with them properly on the decisions and actions that affect them.

To achieve this aim, the Charter may:

- include categories of consultation;
- specify mandatory requirements or set out more general principles and performance outcomes related to engagement, for each category;
- provide guidance on specific measures or techniques to achieve outcomes; and
- set out measures to evaluate how outcomes have been achieved, or to what degree.

And, of course, there will be mandatory public consultation on both the Charter and the related council community engagement policies.

One proposal is that the Charter set some minimum standards for more significant council tasks, such as the annual business plan and budget, but largely focus on a 'principles-based approach' to allow councils to determine the exact activities they will undertake to best engage with their communities on their business under their own policies. Another approach could be for the Charter to more specifically dictate exactly what activities councils must undertake to consult on particular matters and decisions, more like the current legislative requirements.

Of course, the Charter will not preclude councils from undertaking non-statutory consultation, which councils may choose to include in their community engagement policies.

## Ideas and questions

- What requirements should be set for councils' community engagement for what decisions?
- What should be included in the Charter and what should be left for councils' own community engagement policies?
- Should councils have the capacity to determine how they will engage with their communities, or should the Charter be more directive in its approach?
- What other ideas do you have for councils' community engagement?
- How would you like to see councils engage with you?
- What are the types of information you would like to see councils include when they engage with you?

## Council meetings

While community engagement on council decisions is a critical part of councils' business, councils also have other opportunities to engage their communities. Chief amongst these tools is council meetings, which are open, public meetings where all community members should have the opportunity to view council debates and decisions.

Traditionally, council meetings have been held in the council's chambers, with a gallery open to those who wish to spectate. The COVID-19 public health emergency, however, accelerated an increase in people's desire to watch council meetings at home, either at the meeting time or at a time of their own choosing. There is also an increasing need for councils to ensure the safety of people attending council meetings in person, particularly when contentious or highly debated matters are being discussed.



Many councils have met this demand by livestreaming their meetings, or by making recordings available after the meeting.

## Ideas and questions

- Should councils be required to livestream their meetings, and make recordings available?
- All metropolitan councils hold their council meetings during the evenings, but councils in regional areas often hold their meetings during business hours. Should councils be required to hold their meetings at a particular time to maximise community participation?

## Support council members to engage with communities

Council members are elected to represent their communities. However, many people do not realise that their local elected members are available to speak to about their concerns and priorities and to advocate on their behalf. Instead, people will contact their council administration directly, which can lead to a sense of frustration that they are not being heard, or that their concerns are not being acted on.

Members themselves may not feel empowered or supported to engage with community members, particularly if this is presented as engaging with operational rather than strategic council matters. Additionally, it can be difficult for members to spend time with their community, particularly if they are also busy with work and other life matters.

This can result in a lack of understanding that council members are elected to make decisions on their community's behalf and can also cause a sense of disconnection between citizens and their councils. Conversely, supporting stronger engagement between council members and constituents can increase engagement with local matters and decisions.

## Ideas and questions

- How should members be supported to engage directly with their communities?
- Should all council members be provided with a specific allowance to support constituent work, similar to the allowance that is provided to Members of Parliament?
- What other ideas do you have to strengthen the relationship between council members and their local community members?

## Topic 2: How can we encourage a greater number of more diverse candidates?

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Every four years, elections are held so that local communities can decide who should represent them and make decisions on their behalf about the services and facilities that are provided in their local area. These elections are the foundation of local government—as is the case with state and federal elections, communities exercising their choice on their representation is what makes councils governments in their own right.

For these elections to truly deliver this democratic foundation of councils, community members should be choosing who they vote for from as wide a selection of candidates as possible. Councils that reflect the diversity of their communities are better able to make decisions for, and provide services to, these communities.

However, council elections often struggle to attract enough candidates to fill all vacancies, let alone a wide range of candidates. For example, at the 2022 council elections, 683 positions needed to be filled, but 93 of these positions were filled without an election being held. The voters in these elections had no opportunity to exercise their democratic right to vote for their local representation. Additionally, some positions—including two mayoral positions—did not receive enough nominations, meaning that nine supplementary elections were then needed to fill these roles.

There is also a strong perception that councils are dominated by older people, usually men. Female representation has increased enormously in recent decades, but it is true that candidates for council continue to be dominated by older people.

While the commitment of every person who puts their hand up to stand for council should be acknowledged and appreciated, a more varied range of candidates would better reflect our increasingly diverse community.

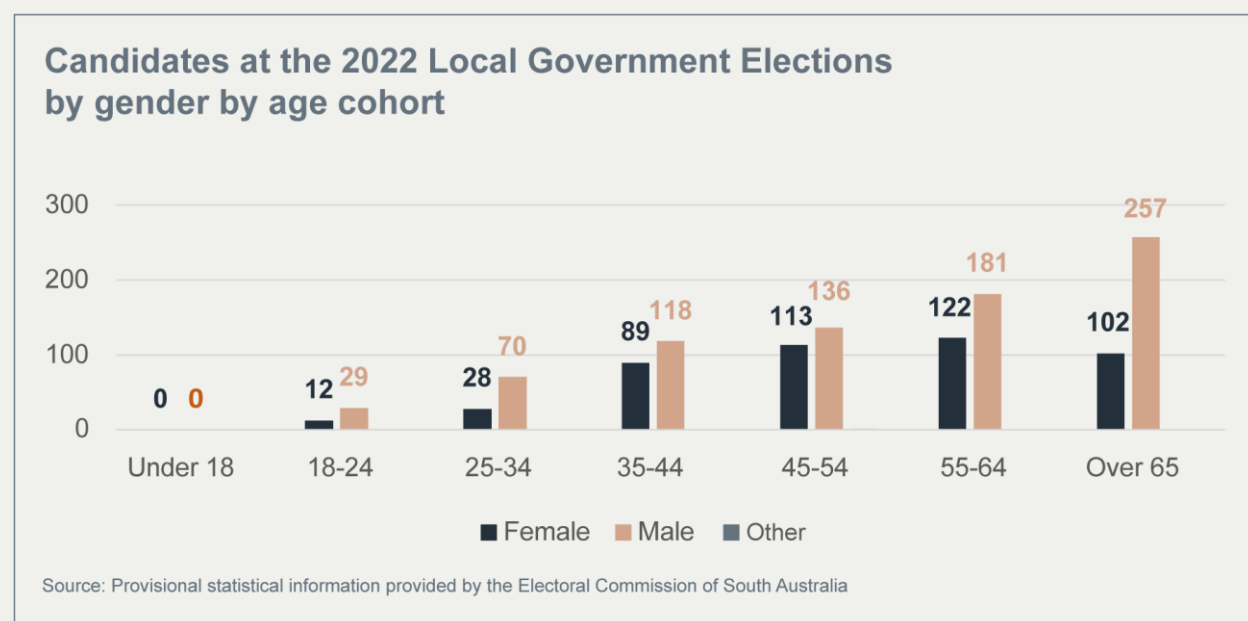
### Ideas and questions

Many people choose to stand for their council as they have a real commitment to their local community and want to ‘make a difference’ by being part of the decision-making body that determines the vitality and sustainability of their local area. However, there would be many community-minded people who already commit many hours to community service but would not consider running in a council election. Why is this? Some ideas to tackle this issue are included below.

## 2022 periodic council elections—provisional statistics

Provisional statistical information provided by the Electoral Commission of South Australia shows that at the 2022 periodic council elections, elections were held for 565 of a possible 683 (82.7%) vacant positions. This was the lowest proportion of elections held for vacant positions since 2006. Related to this, nine supplementary elections were held following the 2022 periodic council elections, which was the highest number required since, at least, the elections held in 2000. Both statistics point to a drop in the number of candidates nominating, with a record number of positions receiving no nominations.

Of 791 male candidates, over a half (438, or 55.4%) were aged over 55 years.



Both the number and proportion of female candidates have continued to increase, with a record 466 females (37%) nominating for election. Of 466 female candidates, 224 (48%) were aged over 55 years.

Of all 1258 candidates, 1043 (82.9%) were born in Australia. The next largest group by birth was the United Kingdom (78, or 6.2%), followed by India (42, or 3.3%).

While the total number of nominations declined at the 2022 Local Government elections, the long-term trend has seen an increase in people nominating for election, particularly amongst women. From the 2000 council elections until 2014, women consistently made up between 25% and 29% of nominees. At the 2022 council elections, the number of women nominating reached an all-time high, with women representing 37% of all nominees.

## Increase council members' allowances

Most council members receive a small independently determined annual allowance of between \$7,192 and \$25,838, depending on the council. Mayors receive an allowance four times more than the councillors of their council. The City of Adelaide is an exception to this: council members' allowance is \$28,692, and the Lord Mayor's allowance is \$195,851.

These allowances are not intended to be remuneration or a salary, as is the case for Members of Parliament. This often results in council members performing their roles in addition to paid employment or other income, or—as is often the case—being retired.

Would more, and a more diverse range of, people be attracted to the role if allowances were increased?

## Make council meetings more flexible

Are there elements of council business that might put people off nominating?

For example, if a council meets during business hours, does that prevent people from standing for council if they are in the workforce or have family or other responsibilities? Or does it enable others, who may not be able to attend evening meetings, to run for council?

Currently, council members are required to attend council meetings in person. Enabling members to attend meetings electronically may also provide the flexibility that is needed to encourage a wider range of people to nominate for council. However, this should also be considered in the context of additional matters, including:

- Challenges that can arise when a meeting is held with some members in the room, and some are on screen, which can make meeting discussion and management difficult.
- The need to ensure that important integrity matters are properly managed, such as members not participating where they have a conflict of interest in a matter or ensuring that sensitive matters are discussed in confidence.
- Providing an assurance to communities that their council members are physically present in their local area, for at least a good proportion of time. If members are able to attend meetings electronically, there may be no guarantee that they are in the local area at any time.

Should council members be able to attend some council meetings electronically?

## More local promotion

Local government invests in raising the profile of councils and council elections shortly before elections to increase awareness of and interest in, nominating for elections.

Close to each council election, the Local Government Association of South Australia (LGA) runs a campaign on the sector's behalf to generate awareness of the upcoming elections, and to encourage interest in standing.

This approach has the benefit of providing a statewide, funded campaign, but may also mean that promotion on a local level doesn't necessarily reflect what is going on in each council area, or the local issues. It may also mean that people don't draw a strong connection between a wider, consistent campaign and their own local area and council.

Are there other efforts that councils could make to increase interest in standing over a council term, for example, by working with ratepayer or other community organisations?

Would councils get a better local result if they make greater investments in local promotion and initiatives, particularly ahead of election periods?

## Term limits for council members

Council members have no limit to the terms that they can serve on council—it's not unusual for council members to serve for 20, 30, or even 40 years. While this commitment is commended, limiting council members to a maximum of two or three terms may 'open up' vacancies to a wider range of candidates, who may otherwise be dissuaded by having to run against a long-established incumbent member. Limiting council members to a maximum of two or three terms may also allow for fresh ideas and perspectives to be brought in by new candidates.

Should term limits for council members be introduced?

## Required training for candidates

A question that is increasingly being asked is whether people considering nominating for council should be required to undertake some kind of formal or informal training, such as a short online course, before they nominate.

This might ensure that potential candidates better understand a council member's role before they put the time and energy into running, and also maximise the chances of a person being really committed before they stand and are potentially elected. It may also reassure people considering standing that if they are elected, they will be joining a group of people who all have sufficient commitment to the role to complete this training.

However, requiring some form of training might also put people, who would potentially make great elected members, off standing. Should people be required to complete an online course before nominating?

What forms of training could both benefit candidates and generate more community confidence in the people that are standing for election?

## Consider real-time publishing of nominations

Historically, candidates have deposited their nomination with the council, who would forward it to the Electoral Commission of South Australia (ECSA) for lodgement. Councils were then required to display names of people who had successfully nominated for election on the noticeboard in their principal office once notified by ECSA.

Following requests from councils, changes were made ahead of the 2022 periodic council elections that removed councils' role in displaying candidate details in council offices.

ECSA then managed the nominations as it does for State elections by receiving and publishing all of them online at the close of nominations—this is also the case for federal elections, as managed by the Australian Electoral Commissioner. This harmonised the nomination process for all three spheres of government, and also responded to concerns that some candidates were 'ward shopping', that is, withdrawing their nomination for a contested election to re-nominate for another, uncontested ward after reviewing nominations displayed at the council.

However, some councils reported that not publishing nominations at council offices meant that potential candidates did not know that not enough nominations had been received to fill all council positions, and—if local people had known that only two or three people, or no-one had nominated—they otherwise may have put their hand up to stand.

There is also a view, though, that the publication of these details encourages people to stand for reasons that may not be considered the best reasons—for example, because they know that they will not have to run in a contested election—rather than simply because they wish to contribute to improving their local community.

Should councils have a role in the nomination process?

If ECSA continues to receive nominations directly, should there be a requirement for nominations to be published throughout the nomination process, not just at the end? If so, how should these be published?

## Remove council wards

Thirty of South Australia's 68 councils have a ward structure, where a council is divided into smaller areas for the purposes of elections.

Traditionally, maintaining a ward structure has been regarded as a way to bolster representation from all parts of a council's whole area, rather than just its major population centres—although it should be remembered that all wards are required to have equivalent elector and member ratios to ensure the 'one vote, one value' principle.

Once a member has been elected from a ward, though, they have a clear obligation to make decisions in the interests of the whole council area, not just their ward. It can be difficult for members to be able to do this, as they will respond to the concerns and views of the constituency that elected them—the electors of their ward—even if this may not be consistent with the interests of the council as a whole.

Wards can also determine—and to a degree, restrict—who can stand, as they essentially require candidates to form a constituency from within a limited geographic area, rather than across a whole council area.

For example, one candidate may wish to stand on a platform of advocating for additional services for parents, and while they may not have a sufficient constituency within their local ward to support their views, they may well do so across the whole council. Yet the requirement to standing for a ward also restricts them to forming a like-minded community within that small area.

Removing wards from councils could ‘open up’ opportunities for a much wider, more diverse group of candidates, by giving them much more flexible options to find their own community of potential voters.

Many councils, particularly regional councils, have already removed wards as some wards were heavily contested, and others not at all. Occasionally, where wards had fewer nominations than positions, this resulted in the need for a supplementary election. It could also be possible for wards to be removed from a council if elections for all, or some wards, are not contested.

However, especially in larger councils, wards can provide a way for the council’s population to maintain a closer level of connection to their council member. An alternative approach to removing wards for all councils may therefore be to set a ‘size threshold’ for councils to retain wards. This threshold could be the size of the council’s roll, or the ratio of council members to voters.

Should councils continue to have wards? If so, why? And if not, what would be the benefits of removing them?

Should wards only be kept in councils where a council’s size warrants their retention?

## Lack of nominations trigger for boundary reform

A council’s existence as a local government is predicated on having a locally elected body. Smaller councils often point towards the support for their local elections as evidence that amalgamation, or other boundary change is not necessary or desirable to help the council deliver the services that their community expects. However, this is hard to argue when not enough people stand to fill all council positions at election time.

Increasing the size of a council’s area, or making other structural changes, may support a greater number of more diverse candidates to stand for that council, giving its citizens greater choice and a stronger local representative body.

Should potential boundary changes be referred to the South Australian Boundaries Commission when a council receives significantly fewer nominations than it has vacancies?

What are other factors that might encourage—or dissuade—people to stand for election to their councils?

What ideas do you have to increase nominations?

## Topic 3: How can we achieve a better voter turnout?

One of the unique factors about local government in South Australia is the way in which people vote for their council. Unlike federal and state elections, where voting is compulsory and in person, voting for councils is voluntary and done through the postal system.

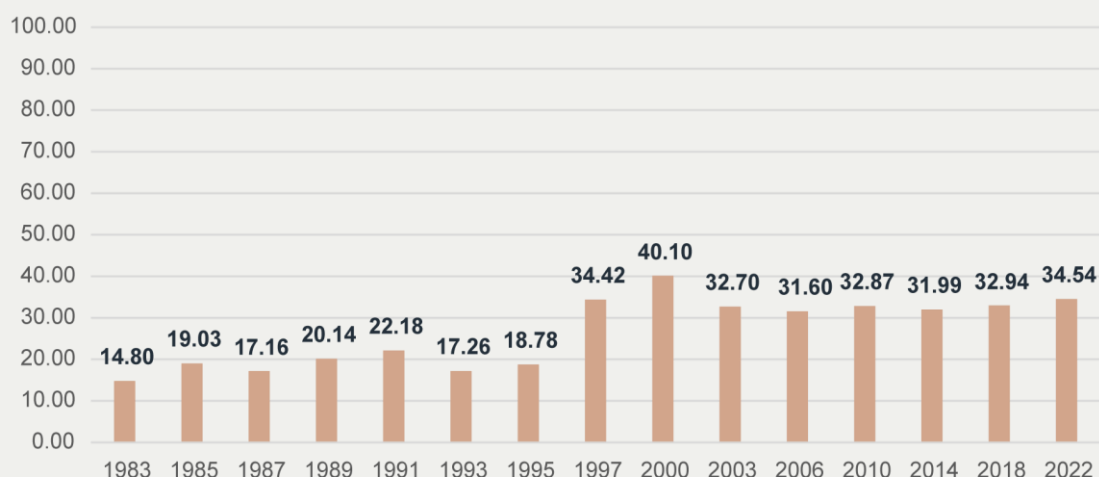
Many people are not aware that postal voting was introduced in 1997. Before this, voting was done in person, but voter turnout rarely exceeded 20%. Over the six elections since the turn of the century, voter turnout has remained consistently low. This held true for the most recent periodic council elections held in November 2022, when the voter turnout was 34.5%.

This means that around two-thirds of people who could vote for their local council representatives are choosing not to vote.

Democratically elected councils are the foundation of local government. Yet citizens are not exercising their right to choose who will represent them, make the decisions about how to spend their rates, and determine what services their local area should receive.

Some ideas to improve voter turnout are detailed below.

**Local Government Election voter turnout (percentage), 1983 - 2022**



Source: Information provided by Councils to 1997 and by the Electoral Commission of South Australia from 2000 (provisional statistical information provided for 2022)



## Make voting for councils compulsory

Over time, most other Australian jurisdictions have made voting in council elections compulsory. South Australia is now one of only two states that have maintained voluntary voting in council elections, along with Western Australia.

Tasmania is the most recent state to make this change, following concerns that voluntary voting had dipped to 68%. Following the introduction of compulsory voting, this increased to 84.8%, with the increase in participation higher amongst electors aged under 34 years, whose participation rates in past elections was below 46%.

Making voting for your council compulsory would be the most certain way to increase voter turnout. It would also remove a significant difference between council elections and both the Australian Government and South Australian Government elections.

Is there any particular reason why councils do not warrant compulsory voting, when the two other spheres of Australian governments do?

Should voting for councils be compulsory in South Australian council elections?

### How do people vote for their council in other Australian jurisdictions?

**Queensland**—voting for councils is compulsory in Queensland. Voting is by attendance, but councils can apply to the Minister to request postal voting to apply for all or part of their area. For the March 2024 Queensland council elections, the Minister approved full postal elections for 15 councils. Hybrid elections (a mix of attendance and postal voting) were approved for a further two councils.

**Victoria**—in Victoria, it is compulsory for residents in a council area who are enrolled for state elections to vote in council elections. However, voting it is not compulsory for other voters, including property-owning ratepayers, except in Melbourne City Council. The Victorian Minister for Local Government decides before an election whether council elections will be held by postal vote or attendance vote.

**Tasmania**—as with Victoria, voting at council elections is compulsory for voters on the state roll in Tasmania, but not for other voters. Postal voting is the voting method.

**New South Wales**—in NSW, voting is compulsory for electors on the residential roll, but not for other voters. Voting is by attendance.

**Western Australia**—voting for councils is not compulsory in Western Australia. Most voting is through the postal system—while attendance voting is also available to electors, it is not primarily used. Eight out of 139 local government areas run in-person elections.

States that have attendance voting for councils (Victoria, NSW and Queensland) allow voters to cast a 'pre-poll' vote at a polling centre before polling day, or apply for a postal vote, if they cannot attend a polling place on election day. Additionally, some states—including South Australia—offer telephone voting to assist vision-impaired voters, and/or voters who are overseas or interstate and may not otherwise be able to return a vote in time.

## Change the method of voting

Voting for Australian councils is done by postal or attendance voting, or a hybrid of the two. In a postal voting system, electors are sent their ballot papers in the post. They fill them out and then return via post, or by depositing the envelope in a ballot box at their local council. Attendance voting requires electors to 'attend a polling place' in person, where their enrolment details are checked, and they then vote—as is the case for state and federal elections.

Hypothetically, it should be easy for voters to open the envelope that is sent directly to them, read the candidate profiles, decide who they want to vote for, mark the ballot paper, sign the declaration, and return the vote in the post. However, the stubbornly low rate of people who do this indicates that in our busy lives, it can become one more administrative task to do—and easy to put to one side.

Given this, it may be worth re-visiting the question of whether voting for councils should be through the post, or return to attendance (in person) voting, particularly given the increase in pre-polling and postal voting in recent state and federal elections.

But it must also be acknowledged that voter turnout in a postal voting system for local government has always been higher than it was for in person voting. As noted, the change from attendance to postal voting in 1997 saw a bump in voter turnout, however, this turnout then dropped and has consistently stayed at around 32–34% since.

How should people vote for their councils?

## Consider who can vote for their council

People who can vote for their council are:

- Residents in a council area who are enrolled for state elections. These people automatically receive ballot papers in the post.
- Persons, business lessees, business owners, bodies corporate or groups that are ratepayers, or occupy a rateable property, within the council area (often referred to as the 'property franchise'). Those falling under this category, who wish to vote in council elections, must self-enrol for each council election by completing an enrolment form (except in the City of Adelaide, where they are automatically enrolled).

Voters exercising their property franchise do not need to live in the area of the election they are voting in, and do not need to be Australian citizens.

Additionally, residents within a council area who are not Australian citizens may also self-enrol to vote for their council, if they have been a resident in the area for at least one month immediately before the date they apply to vote. This reflects the general tenor of council elections—that local people who use local services should have a say in the local decision-making body that determines them. However, some people argue that this is not appropriate, or that a longer period of residency should be required before non-Australian citizens can enrol to vote.

While one month's residency may not sound like a long time, non-citizens choosing to vote for their council will have been living in their area for a longer period. For the 2022 council elections, the final date to enrol to vote was 29 July 2022. This means that a person would have needed to have resided in a council area for at least the period from 29 June 2022 to the point at which ballot papers were posted out at the end of October 2022—approximately four months in total.

Should the franchise for council elections be changed in any way?

### Online voting

Often people ask why they can't vote online for their council, particularly now that so many transactions—including government processes—are conducted online.

However, Australia is not yet in a position to introduce any large-scale system of online voting without seriously compromising the integrity of our elections. There is a very serious risk that personal computers, as well as servers, storing and counting votes could be hacked.

Any move to online voting must consider a number of factors:

- **Security**—can the system be made secure from tampering?
- **Operational**—can the system be securely and effectively administered by electoral officials?
- **Authenticity**—how does the system know that the person voting is who they say they are? Can votes be verified and scrutinised? How does the system guarantee the secrecy of a person's vote, and that it was cast without undue pressure?
- **Perception**—is the system robust enough to assure all citizens that the election is secure, and the results can be trusted?

These challenges explain why there are very few examples of fully online voting around the world.

NSW is the only jurisdiction in Australia where online voting has been permitted. The remote voting system iVote has been used in a limited capacity for state elections since 2011, and more recently in council elections. However, in March 2022, the NSW Supreme Court ruled that three council elections held in December 2021 were invalid due to an error with the iVote system.

Additionally, in these elections, the iVote system suffered outages—the NSW Electoral Commission estimated that more than 10,000 people could not cast a vote. iVote was then not used for the 2023 NSW State elections.

## Change the timing of council elections

Currently, council elections are held in November of the same year as State government elections. This can mean that three elections—state, federal and local—could be all held in the same year—as was the case in 2022. Many people argue that this generates 'voter fatigue'—that by the time council elections roll around, people struggle to have interest in and enthusiasm for another election.

Many will argue that giving council elections ‘clear air’, well separated from South Australian Government elections, gives local government the opportunity to gain the attention that it deserves as an independent sphere of government. Others argue that a close alignment between local and state elections means that councils and the South Australian Government have the majority of their respective four-year terms to build close working relationships.

Additionally, both councils and the Electoral Commissioner have also expressed concerns that requiring ECSA to hold South Australian Government and council elections in the same year places a huge burden on ECSA, which, while it has enormous experience in running multiple processes at once, cannot really turn its whole attention to council elections until all aspects of a state election are completed. This may not be the best result for councils.

Should council elections be moved to a different year from South Australian Government elections?

## Election promotion

As described in Topic 2, the LGA undertakes promotion before council elections to encourage people to stand for election. Councils also provide funding to the Electoral Commissioner to run a promotional campaign to let people know the election is underway, and to encourage people to vote.

While this approach results in a centrally funded and organised election promotion campaign, as is the case with encouraging nominations, it doesn’t necessarily link the elections to a local area in a way that might prompt voters to consider voting for their council members.

Should councils have a stronger role in promoting elections locally to increase voter turnout?

## Removing wards

Topic 2 includes discussion on the reasons that councils have wards, and the impact that wards may have on nominations for council elections.

It is also noted that removing wards would provide voters with a greater choice of candidates to choose from and may therefore encourage more people to vote. Where wards are in place, voters only have the opportunity to consider and vote for a relatively small number of candidates for a small number of places. This can be particularly noticeable where voters in some wards do not get to vote at all, as there is the same number of candidates as positions, but other wards in the same council area are heavily contested.

Varying voter participation rates across different wards in the same council can also give rise to inconsistencies in the number of votes that are needed for a candidate to win a position at that council. For example, in the 2022 periodic elections, a candidate in one council ward was elected with 722 votes, while other candidates in different wards for that council did not get elected, despite receiving between 786 to 998 votes.

Would removing wards provide voters with greater choice, and produce fairer results?

## Consider candidate information

Currently, information about all candidates is included in the ballot pack distributed to voters. This includes the 'candidate profile' that is prepared by each candidate, along with information on any political party membership, and a 'tick the box' statement of whether the candidate lives in the area being contested.

This information is crucial in helping voters decide who they will vote for, particularly in larger council areas where it may be more difficult to know your candidates personally. But it can also be difficult for voters to work out who to vote for based on the brief candidate profile that is included in a ballot pack. If voters want more information about people running for their council, then they must generally make their own efforts to find it, by searching social media, or contacting councils directly.

There may be a role for councils to play in providing a platform for candidates to use to make themselves known to voters, and for voters to gain a better understanding of their choices. This may be through online 'town hall' or 'question and answer' sessions. Council administrations may have concerns, however, that this may be inappropriate involvement in an election for a body that must be, and must be seen to be, impartial.

Some feedback received after the 2022 periodic council elections was that the newly introduced requirement for members to include information on political party membership was helpful to voters, but also that additional information—including a National Police Check—may help people to know more about the candidates, and therefore encourage them to return their vote. This raises a question, however, as to whether requiring what can be sensitive information may dissuade people who may make good council members from standing. Is it fair for someone who has 'served their time' to have to release this information?

What information should candidates be required to include with their nominations?

Is there a role for councils to play in enabling all candidates to reach potential voters?

What are other factors that might encourage—or dissuade—people to stand for election to their councils?

What ideas do you have to increase nominations?

## Topic 4: Election improvements

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As the foundation of our local democracy, it is essential that council elections are run as efficiently as possible and with the greatest level of integrity. This review is therefore an opportunity to consider any needed improvements to our system of council elections, particularly considering that a number of changes were introduced before the 2022 periodic council elections.

After each periodic council election, the Electoral Commissioner undertakes a review of the elections. The Electoral Commissioner has advised that he will provide a report of his review of the 2022 periodic council elections to the Minister towards the end of the 2023 calendar year. Any recommendations that the Electoral Commissioner makes will be considered for inclusion in this review.

In summary, therefore, this review will look at the following:

- Any modifications that may be needed following changes introduced in 2022. In particular, the obligations for council election candidates to provide their campaign donations returns directly to ECSA, and the automatic loss of council office for failure to do so will be considered, given the significant issue this caused in early 2023, when special legislation needed to be passed to restore 45 council members to office who had lost their positions for this reason.
- Any matters raised by the Court of Disputed Returns, or other illegal practices found by the Electoral Commissioner, which may require legislative amendment to protect the integrity of council election processes.
- Any other matters raised, or improvements identified by the Electoral Commissioner in his review of the 2022 periodic council elections.

Do you have any ideas to improve council elections?

# Attachment 3





24 January 2024

Mr Clinton Jury  
Chief Executive Officer  
Local Government Association of South Australia  
GPO Box 2693  
ADELAIDE SA 5001

Via email: [governance@lga.sa.gov.au](mailto:governance@lga.sa.gov.au)

Dear Mr Jury

#### **Local Government Participation and Elections Review**

In response to the recent call for feedback by the Local Government Association of South Australia (LGA) to the Local Government Participation and Elections Review, I am pleased to provide this reply on behalf of Council.

Council will also be submitting a direct response to the State Government, a copy of which will be forwarded to the LGA for information in due course.

Council's response is informed by these key principles:

- The needs and expectations of communities vary widely across the state. As such, a 'one size fits all' approach should only be taken sparingly, and only when the benefit to all significantly outweighs the potential inequities created by standardisation. Whenever possible, clear outcome-based principles should be set for guidance, enabling methodologies to stay flexible to enable local contextualisation and responsiveness to changing conditions.
- The core intent of both representative democracy and community participation is for citizens to choose outcomes. There is a power balance between citizens and elected officials which must be constantly navigated and managed, but more often than not, it should err on the side of 'the community should decide'.
- Harmonisation in processes governing elections is desirable, short of introducing political party dominance to local government. Local government elections are just as important as federal or state elections. As such, they deserve the same levels of rigour and integrity, which should be met through the harmonisation of processes and continuing management by the Electoral Commission of South Australia.
- While it is desirable to attract the highest calibre of candidates, elections must be even playing fields. Local government elected members should remain reflective of their local community, and not be determined by political party affiliations. Furthermore, information provided about



- candidates during elections should be useful to inform citizen decision-making, but not be unnecessarily prejudicial.
- Council administrations should be enabled and supported to be neutral in the matter of elections. Just as the Australian Electoral Commission and ECSA, not the broader public service, manage federal and state elections, council officers should not be required to be involved in local elections.
  - Being an elected member at any tier of government is a serious responsibility. Diversity is critical but should not be pursued at the expense of competence. Barriers to entry must be limited to a person's ability to fulfill the needs of a role, not the process by which to attain it.
  - There is a need for federal, state and local governments to work in partnership to effectively deliver the services that Australians rightly expect. No tier can do it alone and cooperative models should be sought wherever possible, acknowledging that each tier has particular obligations and strengths.

### ***Engaging with Councils and the Community Engagement Charter***

Per Council's letter of 27 October 2021, the current version of the Community Engagement Charter (the Charter) is supported. Council strongly supports a principles-based, rather than prescriptive, approach. Maintaining a principles-based approach enables all councils to effectively serve their communities, rather than being subject to a directive regime that may not be practical in their circumstances or meet their community's needs and expectations. Given the many differences between councils and communities, a 'one-size fits all' approach is rarely effective and commonly leads to administrative burdens for little gain.

That said, a minimum timeframe for legislative engagements is reasonable to mandate, however, the decision for how to engage should be at the discretion of each Council, guided by the best-practice principles in the *Local Government Act 1999* (the Act), which can be contextualised in each council's engagement policy.

One matter which could be given greater consideration (whenever possible) is which subjects and processes are subject to 'mandatory' engagement. While it is acknowledged that the list of mandatory engagements generally contains matters that ideally *should* be of interest to all citizens, the reality is that many of these statutory engagements receive low levels of engagement.

People are generally more likely to be engaged when they can be involved in a decision, take an action or see a direct relationship between their involvement and an action occurring. Filling in surveys or responding to consultation documents (especially when they relate to what people perceive as matters of bureaucracy) generally attracts only those respondents who are already strongly interested in the topic. Unfortunately, that also typically means that the most strongly held, often most polarised views are disproportionately expressed, while the majority who may have other, more loosely held, views are not compelled to participate.

To build interest in civic engagement and increase trust so that governments can be seen by citizens as partners, governments at every level need to shift to more participatory engagement. While local government is an ideal tier to experiment with participatory engagement, and Council did, in 2022, put forward a motion to the National General Assembly (refer Attachment 1) to trial participatory models including liquid democracy, making this shift is not simple. Participatory engagement requires a high level of openness and flexibility, few pre-conceptions, and a willingness by elected officials to share power (to varying degrees). As elected officials (at all tiers of government) bear the brunt of public opinion, it is easy to understand why participatory engagement is seen as risky, even when evidence shows that done well, it is less polarising and results in better decision-making. It also takes

time and resources to do well, which is why it has been historically difficult to apply to mandatory, heavily prescribed or bureaucratic topics. Supporting a shift to more participatory engagement needs to be done with resources and via a partnership approach, rather than handed top-down as a legislative regime.

The current principles in the Act provide a sound framework for high quality engagement. Supporting elected officials to understand community engagement, their roles and responsibilities and different engagement methodologies via mandatory training could both support council members to engage with their constituencies and ensure that councils continue to grow and improve their engagement efforts with appropriate policies and resourcing decisions.

With regard to electronic meetings, the participation by electronic means is supported, as long as councils make appropriate investments in infrastructure to ensure a high quality experience for all participants. The matter of livestreaming/recording should be left to each council to decide.

While livestreaming and/or recording council meetings can improve accessibility for some segments of communities, it may not increase engagement broadly while exposing elected members to the many risks of having an extensive digital presence. There are genuine risks in having significant digital content of a personal nature such as face and voice online. While many people put such information into the public sphere voluntarily, there are nevertheless practical and ethical questions about whether this should be mandatory for people wanting to engage in public service. For some people, it may act as a barrier to participation, even if it does result in a potentially larger number of members of the public viewing meetings than would typically attend a public gallery (noting that an increase in viewers is not guaranteed and did not appear to substantively occur during COVID). In any case, viewing a meeting only serves to inform – it does not increase participation per se.

### ***More Candidates, Greater Diversity***

The notion of having more candidates for citizens to choose from during elections, and having a greater diversity of candidates is supported in principle. Local governments should be broadly representative of their community, which includes a full spectrum, not just a majority 'type'.

Diversity must be balanced against suitability and ability to fulfill the functions of a role. For example, it would be reasonable to expect a minimum level of integrity and good character from elected officials, so a standard such as having to have a current 'working with children' check could be appropriate.

Undoubtedly, there is a wide spectrum of initiatives that could be implemented, which may attract candidates from historically under-represented groups. Operational tactics such as increasing allowances, changing meeting times, increasing electoral promotion, and the nominations process itself may be useful but will still require a high level of local contextualisation. It is questionable whether such tactics would make a significant difference across the board, or only in pockets.

Structural approaches such as removing wards, setting term limits or linking candidacy to boundary changes are likely to make significant differences system-wide, however, not necessarily for the better. Structural levers should be approached with due care, and a wide range of scenarios should be considered. It is suggested that before any structural changes are progressed, the State work in partnership with councils to define the problems to be solved and assess the detailed impacts of any structurally based solutions prior to legislative proposals being formed.

Furthermore, the principle of harmonisation between tiers of government should be strongly

considered when considering these matters. Ideally, any innovations adopted at local government level to improve diversity and civic engagement should flow up to state and federal levels to improve governance outcomes across the board.

### ***Improving Voter Turnout***

Local government elections are as important as state and federal elections. If voter participation was to be made compulsory, it would be critical to ensure that a diversity of candidates is still attracted, so as to prevent the sector being dominated by political parties.

Participation in elections should be made as simple and as equitable as possible. ECSA have made it clear that improving access via technology is not currently a viable option, therefore, voting participation options should be increased via as many analogue means as possible. While voting in person can be adopted, it should not be at the expense of postal voting, which is a very convenient and accessible way for many people to vote.

On the matter of franchise, harmonisation is a key principle to balance against maintaining a local voice. While the ability to add electors via a supplementary roll is supported for property and business owners and to represent particular groups of electors (as is currently the case), it is a peculiar exception that non-Australian citizens may vote in local elections but not state or federal ones.

A change in election timing is supported, to prevent confusion and reduce voter fatigue.

Per previous comments, additional promotion by councils is not supported. Just as informing candidates should be done uniformly and by a neutral party, so should informing voters. It is considered inappropriate to expend council funds on political advertising.

### ***Council Elections – Other Matters***

It is acknowledged that recent issues relating to campaign donation return requirements were vigorously defended by the LGA in the broad interests of the sector. Notwithstanding the unexpectedly high number of candidates who fell foul of return provisions and the LGA's view that the consequences were disproportionate to the seriousness of the breach, the fact remains that the overwhelming majority of candidates complied and met requirements. Even a large number of non-compliances should not be taken to be an inherent fault in the system, particularly if the principles hold true that local government should seek to attract the highest calibre of candidates and that roles (and the compliance requirements associated with them) are serious and important.

Yours sincerely



**Roberto Bria**  
Chief Executive Officer



AUSTRALIAN  
LOCAL GOVERNMENT  
ASSOCIATION

PARTNERS IN PROGRESS

# 2022

## NATIONAL GENERAL ASSEMBLY

19 - 22 JUNE 2022

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Published by:

Australian Local Government Association

ABN 31 008 613 876

8 Geils Court Deakin ACT 2600

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# ADDITIONAL ISSUES

## Motion number 96 City of Holdfast Bay SA

**This National General Assembly calls on the Australian, state, and local government associations to investigate and, where feasible, work with willing councils to trial innovative public governance models (including liquid democracy) to strengthen the connectivity and relevance of the local government sector into the future.**

### OBJECTIVE

Trust in government has been in decline for decades across the globe. Notwithstanding this, trust increases with localisation. Where there is local trust, this should be used to strengthen the overall health of democracy.

For better or worse, technology has been disrupting every sphere of human endeavour at an increasing rate, leading to greater community expectations across the board. The same things cannot keep being delivered in the same ways.

While the principles of democracy are arguably more important today than they've ever been, the perceived relevance of institutions, including governments, is waning.

With the exception of universal suffrage being introduced, the existing model of democracy has remained largely unchanged for over a century. Public governance has been one of the last segments to explore and implement opportunities that new technologies offer, communities expect, and waning trust requires. Exploring such opportunities proactively and courageously can help rebuild trust in government and futureproof the connectivity and relevance of the local government sector into the future, particularly in the face of diminished trust, and ongoing pressures to streamline or minimise government expenditure.

### KEY ARGUMENTS

The Edelman Trust Barometer, an annual global survey of more than 36,000 respondents in 28 countries, has tracked trust for over 20 years. The Barometer has tracked an alarming erosion of trust in government, which is now the least trusted sector and widely perceived as being unable to solve societal problems.

While local governments are generally perceived as more trustworthy than their federal counterparts, there is nevertheless a significant trust gap. If left unchecked, a cycle of distrust can negatively affect social stability. On the other hand, there is an opportunity to build on existing local trust to strengthen the social fabric of our nation, from the ground up.

While technology has the potential to create significant gains and benefits, it has also contributed to social, economic, and environmental volatility, uncertainty, complexity, and ambiguity (VUCA) at local, state, national and global levels. Echo chambers, fake news, manufactured outrage and being addictive by design have all contributed to the fraying of social fabrics and have sown seeds of distrust and discontent.

Technology has also put pressure on all services to be fast/immediate, available anytime, personalised, and available via many channels (including digital). Expectations for services of this kind create a stark contrast against public governance models, which are not real-time or digitally accessible, and tend more towards bluntness than nuance or personalisation. Examples include party-line voting and only being able to exercise a vote every several years. With such a substantial contrast, it's not difficult to understand why many people eschew engagement in public governance.

In the face of VUCA conditions and threats to social stability, the health, strength, and vitality of democracy are all the more important. While voting is compulsory across all levels of government in many parts of Australia, trust levels indicate an underlying level of disengagement. Many people across our communities have forgotten (or are unaware of) Franklin D Roosevelt's words that 'government is ourselves and not an alien power over us'.

Innovative public government models can reverse the cycle of distrust and negative perceptions of relevance, while improving connectivity. Such models could include liquid democracy (delegative democracy whereby a community engages in collective decision-making through direct and dynamic participation), amongst others.

Choosing to proactively explore and, where feasible, trial new models of public governance can ensure local government builds on its strengths, provides added levels of connectivity to its communities, and leads by example, for state and federal counterparts to learn from. It also demonstrates significant courage and foresight, which are in keeping with the values and characteristics often found in local government.

The first steps would be to explore and articulate a range of possible models, followed by small-scale trials to test feasibility. Undertaking this as a sector-wide initiative protects democracy and provides appropriate public governance oversight, while also providing pathways to implementation should new models be worthwhile.

## **Motion number 97 Livingstone Shire Council QLD**

**This National General Assembly calls on the Australian Government to write to each state Premier, requesting that future COVID mandates that are likely to have negative impacts on local businesses and unvaccinated members of our communities be discussed with the ALGA Executive prior to introduction.**

### **OBJECTIVE**

A meeting of approximately 400 local business owners was held in Yeppoon on 15 November 2021 to raise concerns about the restrictions being introduced by the Queensland Government apparently to curb the spread of COVID-19 in the community, and to increase vaccination rates. This number represented the majority of businesses in Livingstone Shire.