

17.2 Beach Activation (Report No: 417/17)

Motion – Exclusion of the Public – Section 90(3)(b) Order

C141117/966

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer, Staff in attendance and Mr T Sellar, Manager Moseley Bar and Kitchen, at the meeting in order to consider Report No: 417/17 Beach Activation in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded, with the exception of the Manager of the Moseley Bar and Kitchen, Mr T Sellar to consider the information contained in Report No: 417/17 Beach Activation 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 proposing to conduct business; and would prejudice the commercial position of the Council in that the Council is currently negotiating the terms and conditions of the proposed beach activation.

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 Council 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 Councillor Clancy, Seconded Councillor Donaldson

Carried**Short Term Suspension of the *Local Government (Procedures at Meetings) Regulations 2013***

His Worship the Mayor with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a period of 15 minutes so that Mr Sellar could address Council and answer questions regarding the Beach Activation Report and will resume at the end of this time.



RELEASED
22 MAY 2018
CL220518/1161

The meeting procedures were suspended at 9.11pm.
The meeting resumed at 9.27pm.

Short Term Suspension of the *Local Government (Procedures at Meetings) Regulations 2013*

His Worship the Mayor with the approval of two-thirds of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the *Local Government (Procedures at Meetings) Regulations 2013* for a further period of 15 minutes so that Mr Sellar could further address Council and answer questions regarding the Beach Activation Report and will resume at the end of this time.

The meeting procedures were suspended at 9.28pm.

Councillor Wilson left the chamber at 9.35pm.

Councillor Wilson rejoined the chamber at 9.36pm.

The meeting resumed at 9.43pm.

Mr T Sellar, Manager Moseley Bar and Kitchen left the chamber at 9.43pm.

Beach Activation (Report No: 417/17)

RETAIN IN CONFIDENCE - Section 91(7) Order

C141117/968

That having considered Agenda Item 17.2 Beach Activation (Report No: 417/17) in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence until the matter is announced publically and the CEO authorised to release.

Moved Councillor Clancy, Seconded Councillor Charlick

Carried



ITEM NUMBER: 17.2

CONFIDENTIAL REPORT

BEACH ACTIVATION

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 consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

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

CONFIDENTIAL

RELEASED

22/5/18

CL220518/1161

Recommendation – Exclusion of the Public – Section 90(3)(b) Order

- 1** That pursuant to Section 90(2) of the *Local Government Act 1999* Council 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: 417/17 Beach Activation in confidence.

 - 2.** That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 417/17 Beach Activation 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 proposing to conduct business; and would prejudice the commercial position of the Council in that the Council is currently negotiating the terms and conditions of the proposed beach activation.

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 Council 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.
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Item No: 17.2
Subject: BEACH ACTIVATION
Date: 14 November 2017
Written By: Acting General Manager Community Services

Acting General Manager: Community Services, Ms M Lock

SUMMARY

The City of Holdfast Bay has been approached by the RD Jones Group (Moseley Bar and Kitchen) to create Adelaide's first genuine beach club experience. Proposed to launch in December for corporate use then continuing operations a 90 day period for summer and the 2018 Fringe Festival.

RECOMMENDATION

That Council provide in principle support to the Moseley Bar and Kitchen – *The Moseley Beach Club* event license as per the map contained in this report and subject to the following conditions:

- Hours of operation be limited to Sunday to Thursday 10am- 9pm, Friday and Saturdays 10am-11 pm.
- The event will commence in January 2018 and conclude no later than 31 March 2018
- The event promoters will pay Council a fee of \$1,000 per week for each full week that the event occupies the agreed section of beach.
- The event promoter will pay Council a bond for an amount that is still to be negotiated, to be returned only when the beach has been returned to its pre-event condition.
- The period of the event (December – March) is a trial and any extension will only be negotiated at the conclusion of the trial.

RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 17.2 Beach Activation (Report No: 417/17) in confidence under section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months.

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Economy: Supporting and growing local business

Economy: Making it easier to do business

Economy: Boosting our visitor economy

COUNCIL POLICY

Liquor Licensing Policy

STATUTORY PROVISIONS

Liquor Licensing Act 1997

Local Government Act 1999

Exemptions will be required to Council By-Law(s) 3 [2.2] and 3 [2.24] for the purpose of permitting the use of amplification during the event, and allowing the licensee to be in possession of and/or sell liquor on local government land after 9:00pm'.

BACKGROUND

Council have been approached to consider an on beach licensed event ("a pop-up bar") for a period of 90 days adjacent Glenelg.

This event proposal supports the objectives in our Community Plan 2030, as well as the four focus areas in our Tourism Plan of

- Driving demand
- Visitor experience
- Tourism innovation and sustainability
- Consultation and partnerships

The proposal is also consistent with recent market research which showed strong support from residents and visitors alike for pop-up bars and licensed events on the beach.

REPORT

Location

RD Jones have requested to utilise an on beach designated area immediately north of the Glenelg Jetty. However, because of other nearby events on the beach (i.e. Beach Volley Ball) the recommended location is on the southern side of the Jetty, see mud map below:



Refer Attachment 1

Licensing

A key element of the proposal is that the event will be “Family Friendly,” and accessible to all ages.

The proposal requests operating hours from Sunday to Thursday 10am- 9pm, Friday and Saturdays 10am-12 midnight.

It is recommended that any site operational hours cease no later than 11.00pm in keeping with the ‘family friendly’ theme.

Due to the nature of the proposal, liquor service would need to cease thirty (30) minutes prior to close of the licensed premises and beverages would be limited to four (4) drinks per person at any one time.

Additional, pursuant to section 41 (3) of the *Liquor Licensing Act 1997*, Limited Liquor Licences are not to be granted for a term that exceeds one (1) month unless extenuating circumstances warrant the Commissioner consent. The applicant would need to seek support from the Commissioner for the event to extend over a longer period.

The applicant will be required to formalise a submission to the Liquor and Gambling Commissioner seeking consent to operate for the full three month period. It is recommended that Council support the full event in principle, subject to the Commissioner approving the full licence.

Additionally, should the proposal be approved, a number of By-Law exemptions will be required for the operation of this event. This will be assessed comprehensively at the time of approval.

Infrastructure

The promoter is intending to invest significantly in event infrastructure (*details not yet available*) and, because of this, is seeking a three year agreement from Council. However it is recommended that Council consider the event as a trial, with any further commitment to additional years be considered after a review of the 2017/18 event. Any condition should ensure that no infrastructure remains on the beach at the conclusion of the event.

Timing

Operate December through to March, Sunday to Thursday 10am- 9pm, Friday and Saturdays 10am-12.

Risk Assessment

RD Jones have provided Risk Assessment/Management Plans. (If the event is approved, the Events staff would work closely with internal business units and the licensee to refine Risk Assessment/Management Plans.)

The City of Holdfast Bay has identified the following as potential risks:

- Potential exposure to complaints by external parties including residents and regular beach users pertaining increased activity, accessibility and noise levels.
- Risk Mitigation: Develop a comprehensive communications plan approved by the CEO, which includes the following:
 - Comprehensive media campaign
 - Resident and beach user awareness including dog walkers and other regular beach goers awareness
 - Strong marketing collateral and frequently asked questions (FAQ's) to reflect event as 'family friendly'
 - Poor public behaviour post event due to intoxication.

Risk Mitigation: Prior to final approval a security and risk management plan would be developed in conjunction with the Liquor Licensing and Public Safety Officer and signed off by Event Management Specialist. The security and risk management plan will include:

- Event timings (to include dinner trade without pushing later into the night to avoid any RSA issues arising)
- A strong security presence throughout the event days is planned to ensure the family friendly environment is maintained at all times.

In addition, Risk Management Plans will be developed for the following risks:

- Fire: General, Catering, Electrical, Explosion, Hazardous Materials, Vehicular
- Accidents: Structure Collapse, Structure Falls, Manual Handling and Lifting, Slips, Trips and Falls, Vehicular
- Medical: Trauma Injuries, Minor Medical, Forgotten Medication, Dehydrations, Drug and or Alcohol Affected Persons, Respiratory Aliments
- Security: Bomb Threat, Crime (Public), Crowd Management, riot, Vandalism, Cash Handling, Unauthorised Access, Climbing of Structures
- Health and Safety: Evacuation, Sexual Assaults, Drink Spiking

- Utilities: Ablutions Failure, Power Failure, Waste Management
- General: Noise Pollution, Hazardous Spill or Leak
- Weather: Electrical, Wind, Hail and Thunderstorms, Flood.

Refer Attachment 2

BUDGET

A fee of \$1,000 per week be agreed with the promoter for the full 90 day period, along with an appropriate bond commensurate with the impact the event is likely to have on the beach, determined by the Depot, to be paid on commencement.

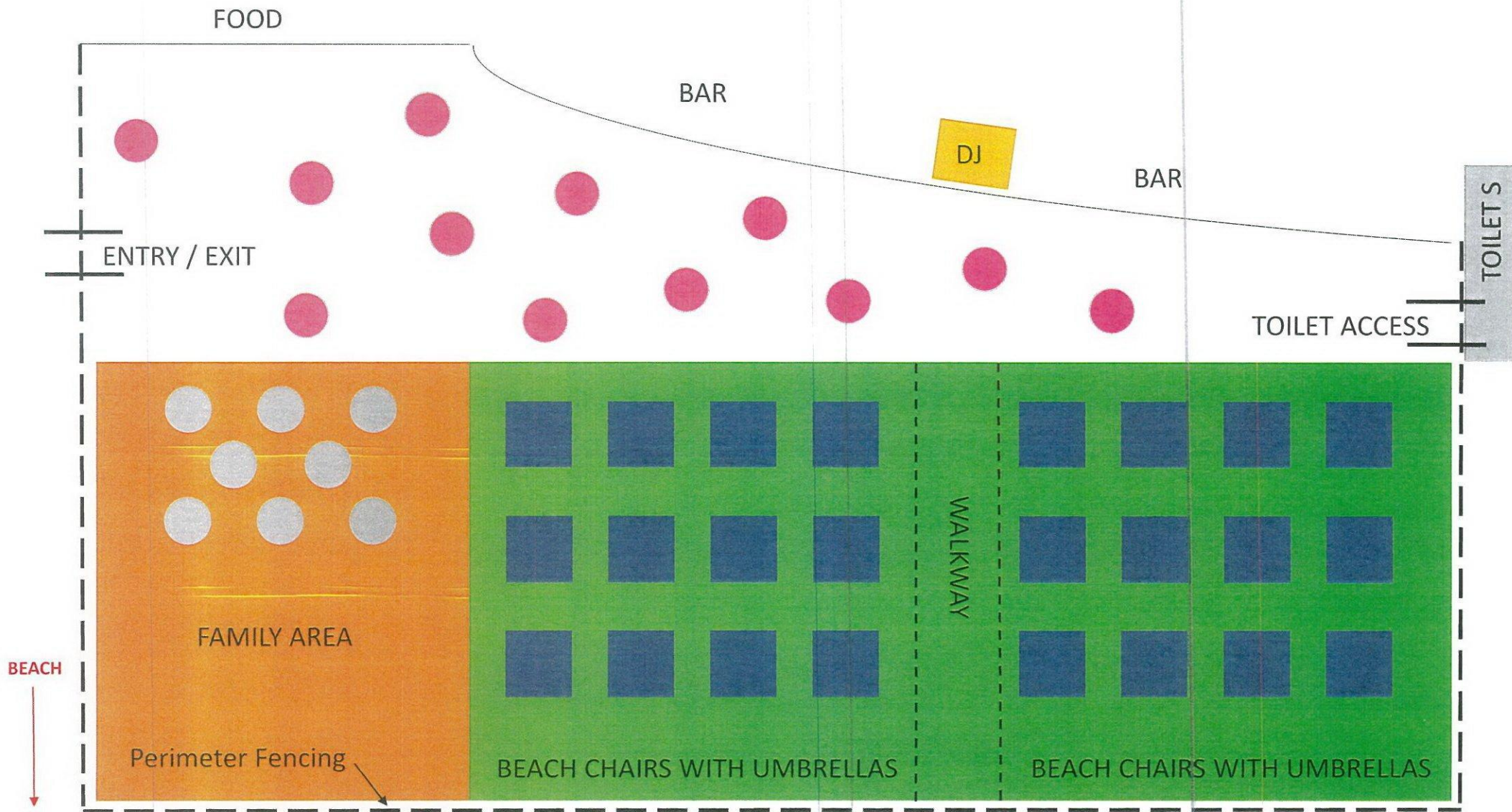
If Council were to enter into a three year agreement, then a scaled fee structure is recommended, supporting the event as it develops, and encouraging initial early investment into quality infrastructure.

LIFE CYCLE COSTS

Reviewed annually.

CONFIDENTIAL

Attachment 1



Attachment 2

The Moseley Beach Activation

Risk Management Plan

Event Name	The Moseley Beach Activation (working title)
Event Coordinator	Stephanie Cains – 0400 870 117
Event Location	Glenelg Beach, Adelaide
Expected Attendance	500
Key On Site Contact	Tom Sellar – 0411 263 393

Hazards	Risk Ranking	Control / Actions	Responsibility
Slips, trips and falls due to uneven ground or event infrastructure	Low	Section off any hazardous areas or uneven ground. Ensure that all marquee weights and ropes are clearly visible and that there are no obstructions in pedestrian walkways.	Site Supervisor
Manual handling injury to staff during set-up and pack-down of the event	Low	Staff to be supplied with the appropriate PPE such as sack trucks and trolleys for moving heavy equipment.	Event Organiser
Vehicles driving on public areas causing damage to the site or a collision with a person.	Extreme	Contractors met on site by supervisor and advise they are to drive at walking pace with hazard lights on. Delivery schedule developed and communicated to contractors. Vehicle path designated with signage.	Site Supervisor
Damage to Council land from the delivery of heavy equipment	Medium	Administer and advise the contractors that they will be met on site by the supervisor. Event to ensure that there is rubber matting or similar available on site to assist in the deposit of heavy equipment	Site Supervisor Event Organiser
Erection of marquee causes an injury to contractor or member of the public	Medium	Cordon off the area during bump in. Site supervisor to monitor the area and ensure that the public are not entering the work space. Contractors to abide by and work in accordance with SafeWork SA standards.	Site Supervisor Contractor
Overcrowding of site due to higher attendance than anticipated	Low	Ensure security staff monitor crowd numbers and prevent people for entering the event site if deemed 'overcrowded'. Bunting or temporary barriers on hand if security needs to physically close off entry points.	Event Organiser Security
Power source is overloaded and fails. Unsafe leads or damaged leads causing electrocution or damage to equipment.	High to Extreme	Ensure power requirements are identified in the planning phase and adequate supply is provided and that contractors have been pre advised that all leads and equipment must be tested and tagged.	Event Organiser

The Moseley Beach Activation

Risk Management Plan

		Rubber matting installed for 'dry' ground areas	
Member of the public injured by accessing equipment such as machinery, generators.	High	Make areas inaccessible to the public using bollards or similar and warning signage. Keep equipment locked where possible.	Site Supervisor
Disruption to the start of the event due to delayed delivery of infrastructure by external service providers	Low	Administer and ensure that all contractors are well briefed prior to the event and are aware of expectations and requirements. Ensure that all contractors have provided a mobile contact number which is included on the event run sheet	Event Organiser
Noise complaints	Very Low	Administer Noise Management Plan. Ensure Site Manager is briefed on compliance and requirements.	Event Organiser
Bins overflowing and litter on the ground	Very Low	Activate Waste Management Plan and monitor the bins and the cleaners during the event	Site Supervisor Waste Management Company
Inadequate public toilets causing queuing and complaints	Very Low	Complete pre event assessment of the amount of toilets required	Event Organiser
Temporary infrastructure blows away and causes injury to person or equipment.	Medium	Ensure all light weight equipment is adequately weighted or pegged. Monitor wind speeds prior to and during the event	Event Organiser Site Supervisor
Person contracts food poisoning from event food	Medium	Adhere to Food Safety standard & ensure staff have been provided a copy of relevant fact sheets.	Site Supervisor
Public or staff member receives sun burn, heat stroke or dehydration	Medium	Develop Extreme Weather Policy plan and make shade available. Monitor weather conditions throughout event.	Site Supervisor
Crowd crush injury if site was evacuated in an emergency	Medium	Develop and administer communication and evacuation plan.	Security Site Supervisor
Person on site requires an ambulance but ambulance cannot access the site	High	Identify emergency access path to site and ensure path is clear during the event.	Security Site Supervisor
Person receives a minor injury on site	Low	Ensure adequate qualified first aiders on site during the event and implement correct first aid techniques.	First Aid Site Supervisor
Small fire on site causes damage to equipment	Very Low	Ensure adequate fire extinguishers on site and staff trained to operate throughout event.	Event Organiser

The Moseley Beach Activation

Risk Management Plan

Inappropriate behaviour from intoxicated person	Low	Administer this control by ensuring responsible service of alcohol and security on site	Security All Staff
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The Moseley Beach Activation

Risk Management Plan

	RISK SEVERITY / CONSEQUENCE				
LIKELIHOOD	FATALITY <i>(may cause one or more fatalities)</i>	CRITICAL <i>(may cause severe injury – more than two weeks lost time)</i>	MAJOR <i>(injury resulting in at least one day lost time)</i>	MINOR <i>(medical treatment injury – return to work)</i>	NEGLIGIBLE <i>(first aid treatment – no lost time)</i>
VERY LIKELY <i>(exposure happens frequently)</i>	Extreme	Extreme	High	Medium	Medium
LIKELY <i>(exposure but not frequently)</i>	Extreme	High	Medium	Low	Low
UNLIKELY <i>(exposure could happen but only rarely)</i>	High	Medium	Low	Low	Low
VERY UNLIKELY <i>(exposure could happen but probably never will)</i>	Medium	Medium	Low	Very low	Very low