

Council Agenda

AGENDA

NOTICE OF MEETING

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

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

Tuesday 8th December 2020 at 7.00pm

Roberto Bria
CHIEF EXECUTIVE OFFICER



Ordinary Council Meeting Agenda

1. OPENING

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

2. KAURNA ACKNOWLEDGEMENT

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

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

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

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

4. PRAYER

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

5. APOLOGIES

5.1 Apologies Received - Nil

5.2 Absent - Nil

6. ITEMS PRESENTED TO COUNCIL

7. DECLARATION OF INTEREST

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

8. CONFIRMATION OF MINUTES

Motion

That the minutes of the Ordinary Meeting of Council held on 24 November 2020 be taken as read and confirmed.

Moved Councillor _____, Seconded Councillor _____

Carried

9. PUBLIC PRESENTATIONS

9.1 Petitions - Nil

- 9.2 **Presentations - Nil**
- 9.3 **Deputations - Nil**
- 10. QUESTIONS BY MEMBERS**
 - 10.1 **Without Notice**
 - 10.2 **On Notice**
 - 10.2.1 Kauri Sports and Community Centre Playground Public Toilets – Councillor Lindop (Report No: 409/20)
 - 10.2.2 Traffic Lights – Edward Street - Councillor Lindop (Report No: 416/20)
- 11. MEMBER’S ACTIVITY REPORTS - Nil**
- 12. MOTIONS ON NOTICE**
 - 12.1 Coastal Adaptation Scoping Study – Councillor Miller (Report No: 408/20)
 - 12.2 Traffic Management Tutti Arts Centre – Councillor Snewin (Report No: 411/20)
 - 12.3 Use of Australia Post vintage Post box in front of Cibo, Moseley Square – Councillor Bouchee (Report No: 412/20)
 - 12.4 Donation to Food Bank – Councillor Clancy (Report No: 415/20)
 - 12.5 Sturt River Linear Park – Councillor Chabrel (Report No: 414/20)
- 13. ADJOURNED MATTERS - Nil**
- 14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**
 - 14.1 Draft Minutes – Alwyndor Management Committee – 19 November 2020 (Report No: 406/20)
 - 14.2 Minutes – Jetty Road Mainstreet Committee – 2 December 2020 (Report No: 418/20)
- 15. REPORTS BY OFFICERS**
 - 15.1 Items in Brief (Report No: 407/20)
 - 15.2 Council Policy Review (Report No: 410/20)
 - 15.3 Appointment of Council Representatives to the Mawson Oval Management Committee (Report No: 405/20)
 - 15.4 Commissioning of Public Artwork to commemorate Jimmy Melrose (Report No: 402/20)
 - 15.5 Road Closure – Undeveloped Road Reserves - Lynton and Lynmouth Avenues, North Brighton (Report No: 394/20)
 - 15.6 City of West Torrens - Local Area Traffic Management at Glenelg North – Community Consultation (Report No: 396/20)
 - 15.7 Planning Reforms – Planning and Design Code (Report No: 393/20)
 - 15.8 Coroner’s Report – Action Taken (Report No: 403/20)
 - 15.9 Glenelg Bowling Club – Use of Partridge Street car park – Discounted parking trial (Report No: 395/20)
 - 15.10 Lighting Master Plan – Jetty Road, Brighton (Report No: 413/20)

- 15.11 Easement – Brighton Oval Transformer and Power Supply (Report No: 404/20)
- 15.12 Endorsement of Environmental Strategy (Report No: 401/20)

16. RESOLUTIONS SUBJECT TO FORMAL MOTIONS

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

17. URGENT BUSINESS – Subject to the Leave of the Meeting

18. CONFIDENTIAL ITEMS

- 18.1 Brighton Beachfront Holiday Park – Master Plan (Report No: 392/20)

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

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

- 18.2 EOI for Café Services at Proposed Kingston Park Kiosk (Report No: 417/20)

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

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

19. CLOSURE



**ROBERTO BRIA
CHIEF EXECUTIVE OFFICER**

Item No: **10.2.1**

Subject: **QUESTION ON NOTICE – KAURI SPORTS AND COMMUNITY CENTRE
PLAYGROUND PUBLIC TOILETS – COUNCILLOR LINDOP**

Date: 8 December 2020

QUESTION

Councillor Lindop asked the following question:

Can Administration please provide an update on the progress of Action Item No: 01155 “Kauri Community and Sports Centre” Public Toilets?

ANSWER – General Manager City Assets and Services

The project team has been examining the most cost effective location and toilet type for installation proximate to the Kauri Sports and Community Centre playground area. The project budget is \$50,000.

The location of the toilet is being dictated by the location of sewers on the site which are remote from the preferred location adjacent to the playground. Due to the site being an old landfill, the cost of trenching for sewer connections is very high as there are strict protocols for the size of excavations, backfilling and disposal of excavated soil which is regarded as contaminated waste. So locations that avoid extensive trenching are preferred. A number of options are being priced at present to recommend a cost effective location.

Similarly the choice of toilet design is being investigated with two options under consideration. Option 1 is to purchase a kit toilet which is easily installed on a concrete slab. The alternative is to refurbish an existing Exeloo that Council has in storage and install this also on a concrete slab. Replacement parts for the Exeloo refurbishment have been ordered ex New Zealand to ensure if this option is the most cost effective option, that supply and delivery of the parts is already in progress. These replacement parts are required irrespective if this unit is ultimately placed at Kauri or not.

Subject to final decisions on location and the type of toilet to be installed, it is anticipated that installation will commence in late April 2021, with the toilet fully commissioned by June 2021.

Item No: **10.2.2**

Subject: **QUESTION ON NOTICE – TRAFFIC LIGHTS - EDWARD STREET – COUNCILLOR LINDOP**

Date: 8 December 2020

QUESTION

Councillor Lindop asked the following question:

Can Administration please advise of any updates from Department of Infrastructure and Transport in regard to the Traffic Concept design for potential traffic lights at the Edward St Brighton Road intersection and any road management considerations for the Marlborough St/Gregory St/Brighton Rd intersections?

Background

At a Council meeting on 23 June 2020 Motion C230620/1940 of Council was to write to Department of Planning, Transport and Infrastructure seeking a review of traffic management on Brighton Rd between Sturt Road and Seacombe Road.

In reply, the letter received from Chief Executive of DIT Mr Tony Braxton-Smith and tabled at the Council Meeting on the 11th of August 2020 spoke of concept designs for traffic lights at the Edward St/Brighton Rd intersection being drawn up and costed and expected to be finished in September 2020; and turning movements at locations along Gregory St and Marlborough St to be considered.

I have had residents enquiring as to what stage this process is now at.

ANSWER – General Manager City Assets and Services

Administration contacted DIT officers who advised that the traffic consultants have been appointed for the road corridor plan updates and work has commenced on the higher priority roads. Brighton Road is in the second priority list, with work scheduled to commence on the road corridor plan in early 2021. DIT estimate that consultation will commence with Council in March 2021 and that the Brighton Rd corridor plan, including assessment of the Marlborough St/Gregory St/Brighton Rd intersections will be complete by June 2021.

Enquiries have been made to DIT officers seeking an update on progress of concept designs for the traffic lights at Edward St/Brighton Rd intersection. Unfortunately, due to time constraints, we have not received a response. Once this is available, details will be provided to Council via separate email.

Item No: **12.1**

Subject: **MOTION ON NOTICE – COASTAL ADAPTATION SCOPING STUDY – COUNCILLOR MILLER**

Date: 8 December 2020

PROPOSED MOTION

Councillor Miller proposed the following motion:

That Council fund an additional \$40,000 from the 2020/21 budget for the Coastal Adaptation Scoping Study.

BACKGROUND

The coast plays a significant role in the lifestyle of residents within the City of Holdfast. It contributes to the wellbeing and vibrancy of our community. With climate change and impending sea-level rise, our coastline is under threat and as custodians of this natural asset Council has an obligation to invest in the planning of coastal adaptation.

Coastal adaptation planning is a long, complex process that needs to be started immediately to mitigate the risks and impacts of sea-level rise. The Coastal Adaptation Scoping Study is the first step in this process. It will identify stakeholders, gather historical data and develop an engagement strategy to enable Council to understand the associated needs, risks, vulnerabilities and adaptation options

The cost of this study is \$70,000. Through the 2020/21 Annual Business Plan process a budget of \$30,000 was allocated to this study, with the remaining \$40,000 subject to grant funding from the Coast Protection Board. This grant funding application was not successful.

As Council considers the endorsement of its Environmental Strategy, a key priority is the completion of this scoping study to inform the future direction of our coastal adaptation strategies. As such, I seek Council's endorsement to fully fund this study and ensure its completion within 2020/21.

Item No: **12.2**

Subject: **MOTION ON NOTICE – TRAFFIC MANAGEMENT TUTTI ARTS CENTRE – COUNCILLOR SNEWIN**

Date: 8 December 2020

PROPOSED MOTION

Councillor Snewin proposed the following motion:

That:

- 1. Administration undertake a local traffic study to review issues of speeding and pedestrian safety in Commercial Rd Brighton in proximity to Strathmore Ave;**
- 2. a report be brought back to Council within 3 months setting out any recommended improvements and the likely costs thereof; and**
- 3. the study should specifically address areas of concern raised by families associated with the Tutti Arts Inc.**

BACKGROUND

Commercial Road is busy connector road taking traffic to/from Jetty Road Brighton. Traffic volumes are high and locals, including parents of students attending the nearby Tutti Arts Inc, complain that vehicles are speeding and this increases the risk of serious injury in this precinct.

Suggestions such as installing traffic calming devices, reinstating the old school crossing installed for St Josephs School use or restricting speed limits to 40kph along that strip have all been proposed. This study will enable the exact nature of the problem(s) and specific solutions to be brought before council for consideration and funding if warranted.

Many complaints have been received.

Item No: **12.3**

Subject: **MOTION ON NOTICE – USE OF AUSTRALIA POST VINTAGE POST BOX IN FRONT OF CIBO, MOSELEY SQUARE – COUNCILLOR BOUCHEE**

Date: 8 December 2020

Councillor Bouchee proposed the following motion:

That the Chief Executive Officer (CEO) arrange for Australia Post to be approached in relation to the approvals and requirements needed for the use / signage of the vintage de - commissioned post box adjacent to Cibo in Moseley Square to be used as a “Santa Post Box” for 2021 season.

BACKGROUND

The location is central, the library staff may be able to arrange pick up for security reasons.

I believe that this would be a positive for the children/residents/visitors of this City and hopefully bring a smile to those who see it.

Item No: **12.4**

Subject: **MOTION ON NOTICE – DONATION TO FOODBANK – COUNCILLOR CLANCY**

Date: 8 December 2020

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That Council donate \$3000 to food bank in lieu of the Council dinner.

BACKGROUND

There are many people in need of food and Foodbank assists these people.

Item No: **12.5**

Subject: **MOTION ON NOTICE – STURT RIVER LINEAR PARK – COUNCILLOR CHABREL**

Date: 8 December 2020

PROPOSED MOTION

Councillor Chabrel proposed the following motion:

That:

- 1. Administration investigates the development of a linear park along the southern side of the Sturt River within Holdfast Bay incorporating but not limited to the following elements;**
 - 1.1 A biodiversity corridor**
 - 1.2 A shared bicycle and pedestrian path**
 - 2. joint funding be investigated with the State Government from their recent announcement of \$100 million funding under the Local Government Infrastructure Partnership Program and the State Government’s Open Space and Places for People Grants; and**
 - 3. the December Quarterly Budget Review allocate \$20,000 to scope, engage, concept design and cost the linear park between Pine Ave and Warren St / Tapleys Hill Rd Glenelg North.**
-

BACKGROUND

Currently there is a linear park extending from the foothills through to Holdfast Bay along the Sturt River, ceasing and then restarting in West Torrens (Glenelg North) and connecting with the north/south Coast Path. Our City’s section is the missing link in a major recreation artery linking the south-eastern suburbs to the coast.

There have been a number of previous elements of work done on the concept and this project may bring those together.

As our Glenelg precinct is the closest to the intersection, we may receive increased visitation as a result.

The proposal also presents a major opportunity to increase biodiversity in our City, pursuing our Environmental goals.

The potential for increased physical activity opportunities progresses our social inclusion goals such as the reduction of childhood obesity.

The proposal fits the broad objectives of the grants.

Item No: **14.1**

Subject: **DRAFT MINUTES – ALWYNDOR MANAGEMENT COMMITTEE –
19 NOVEMBER 2020**

Date: 8 December 2020

Written By: General Manager, Alwyndor

SUMMARY

The draft minutes of the Alwyndor Management Committee meeting held on 19 November 2020 are provided for information.

RECOMMENDATION

1. **That the draft minutes of the Alwyndor Management Committee meeting held on 19 November 2020.**

RETAIN IN CONFIDENCE – Section 91(7) Order

2. **That having considered Attachment 2 to Report No: 406/2020 Draft Minutes – Alwyndor Management Committee – 19 November 2020 in confidence under Section 90(2) and (3)(b) of the *Local Government Act 1999*, the Council, pursuant to Section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**
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COMMUNITY PLAN

Community: Building a healthy, active and resilient community

Community: Providing welcoming and accessible facilities

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

This report is presented following the Alwyndor Management Committee Meetings.

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

REPORT

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

Refer Attachment 1

Attachment 1



CITY OF HOLDFAST BAY

Minutes of the meeting of the Alwyndor Management Committee of the City of Holdfast Bay held virtually on Thursday 19 November 2020 at 6.30 pm.

PRESENT**Elected Members**

Councillor S Lonie
Councillor P Chabrel

Independent Members

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

Staff

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

1. OPENING

The Chairperson declared the meeting open at 6.35pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Chairperson stated:

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

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

3. APOLOGIES

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

4. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

5. CONFIRMATION OF MINUTES

Motion

That the minutes of the Alwyndor Management Committee held on 15 October 2020 be taken as read and confirmed.

Moved by Cr P Chabrel, Seconded by Prof J Searle

Carried

Motion

That the confidential minutes of the Alwyndor Management Committee held on 15 October 2020 be taken as read and confirmed.

Moved by Cr P Chabrel, Seconded by Ms T Sutton

Carried

6. REVIEW OF ACTION ITEMS

6.1 Action Items

Complete.

6.2 Confidential Action items

General Manager noted Items 7 and 8 did not yet have completion dates and were work in progress.

6.3 Annual Work Plan

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

7. GENERAL MANAGER REPORT

7.1 **General Manager Report (Report No: 42/2020)**

7.1 AMC – engagement opportunities

Report noted.

7.2 Royal Commission into Aged Care Quality and Safety

Noted that proposed the recommendations (124 in total) have been published and that Executive have commenced scenario planning and modelling with a focus on

workforce models and funding models. AMC will be kept informed of potential responses and impacts.

7.3 COVID Update and Lessons learnt

COVID-19 Update

General Manager updated regarding responses to the mandated lockdown ie review of the COVID-19 plan, reintroduction of PPE, monitoring of all support at home clients. Alwyndor is well placed to meet these challenges and employees are managing well, if a little change weary.

Lessons learnt

Noted.

7.4 Alwyndor Management Committee 2021 Dates

Noted and dates accepted.

Motion

That the Alwyndor Management Committee:

- 1. Note the intention to initiate informal engagement opportunities for AMC members with Alwyndor.**
- 2. Note the information regarding the Royal Commission into Aged Care Quality and Safety.**
- 3. Note the updated information regarding COVID-19 compliance and lessons learnt through COVID-19.**
- 4. Approve the Alwyndor Management Committee 2021 meeting dates.**

Moved Cr P Chabrel, Seconded Cr S Lonie

Carried

8. CONFIDENTIAL REPORTS

8.1 General Manager's Report – Confidential (Report No: 43/2020)

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

- 1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No. 43/2020 in confidence.**
- 2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 43/2020 on the following grounds:**

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

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

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

RETAIN IN CONFIDENCE - Section 91(7) Order

5. That having considered Agenda Item 8.1 General Managers Report (Report No: 43/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr S Lonie, Seconded Ms T Sutton

Carried

8.2 Strategic Plan Review: Sustainability Theme and Finance Enabler (Report No: 44/2020)

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

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No. 44/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 44/2020 on the following grounds:

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

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

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

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 8.2 Strategic Plan Review: Sustainability Theme and Finance Enabler (Report No: 44/20) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr S Lonie, Seconded Ms T Sutton

Carried

8.3 Corporate Risk Review: RA01, RA03 and RA06 (Report No: 45/2020)

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

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 45/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No.: 45/2020 on the following grounds:

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

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

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

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 8.3 Corporate Risk Review: RA01, RA03 and RA06 (Report No: 45/2020) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr S Lonie, Seconded Cr P Chabrel

Carried

Cr P Chabrel left the meeting at 7.56pm

8.4 Policy Framework (Report No: 46/2020)

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

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 46/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No's: 46/2020 on the following grounds:

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

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

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

Moved Cr S Lonie, Seconded Prof J Searle

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 8.4 Policy Framework (Report No: 46/2020) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Ms J Bonnici, Seconded Cr S Lonie

Carried

Mr G Harding left the meeting at 8.10pm

8.5 Community Connections Systems Business Case (Report No: 47/2020)

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

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 47/2020 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the

public be excluded to consider the information contained in Report No: 47/2020 on the following grounds:

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

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

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

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Agenda Item 8.5 Community Connections Systems Business Case (Report No: 47/2020) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr S Lonie, Seconded Ms T Sutton

Carried

Mr D McCartney, Ms M Salt and Ms E Burke left the meeting at 8.26pm

8.6 Monthly Financial Report – October 2020 (Report No: 48/2020)

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

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 48/2020 in confidence.

2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 48/2020 on the following grounds:

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

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

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

Moved: Cr S Lonie, Ms J Bonnici

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 8.6 Monthly Financial Report (Report No: 48/2020) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Ms T Sutton, Seconded Prof J Searle

Carried

8.7 Annual Review of Investments (Report No: 49/2020)

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

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Report's and Attachments to Report No. 49/2020 in confidence.

2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 49/2020 on the following grounds:

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

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

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

Moved: Ms J Bonnici, Seconded Cr S Lonie

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 8.7 Annual Review of Investments (Report No: 49/2020) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders that the Attachments and Minutes be retained in confidence for a period of 18 months and that this order be reviewed every 12 months.

Moved Cr S Lonie, Seconded Ms T Sutton

Carried

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

9.1 AMC Christmas function: COVID-19 restrictions allowing, 17 December 2020 will be the AMC Christmas dinner.

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

The next meeting of the Alwyndor Management Committee will be held on **Thursday 28 January 2020** in the Hub, Alwyndor Aged Care, 52 Dunrobin Road, Hove.

11. CLOSURE

The meeting closed at 8.59pm.

CONFIRMED 19 November 2020

CHAIRPERSON

DRAFT

Item No: **14.2**

Subject: **MINUTES – JETTY ROAD MAINSTREET COMMITTEE – 2 DECEMBER 2020**

Date: 8 December 2020

Written By: General Manager, Community Services

General Manager: Community Services, Ms M Lock

SUMMARY

The Minutes of the Jetty Road Mainstreet Committee meeting held on 2 December 2020 are attached and presented for Council’s information.

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

RECOMMENDATION

That Council notes the minutes of the Jetty Road Mainstreet Committee of 2 December 2020.

COMMUNITY PLAN

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

COUNCIL POLICY

Not applicable.

STATUTORY PROVISIONS

Not applicable.

BACKGROUND

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

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

REPORT

Minutes of the meetings of JRMC held on 2 December 2020 are attached for member's information.

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

Attachment 1



CITY OF HOLDFAST BAY

Minutes of the meeting of the Jetty Road Mainstreet Committee of the City of Holdfast Bay held in the Mayor's Parlour Glenelg Town Hall on Wednesday 2 December 2020 at 6:00pm

PRESENT

Elected Members:

Mayor A Wilson
Councillor R Abley
Councillor W Miller

Community Representatives:

Maios Group, Mr C Maios
Attitudes Boutique, Ms G Martin
Fassina Family Liquor Store, Ms E Fassina
Skin Things, Ms L Boys
Cibo Espresso, Mr T Beatrice
GU Filmhouse, Mr S Robinson
Ikos Holdings Trust, Mr A Fotopoulos
Beach Burrito, Mr A Warren (via Virtual connection)

Staff:

Chief Executive Officer, Mr R Bria
General Manager, Community Services, Ms M Lock
Manager City Activation, Ms S Heading
Jetty Road Development Coordinator, Ms L Breeding
Jetty Road Assistant, Mr W Papatolis

1. OPENING

The Chairman, Mr C Maios, declared the meeting open at 6:09pm.

2. APOLOGIES

2.1 Apologies Received: Mr O Soner

2.2 Absent:

3. DECLARATION OF INTEREST

Members were reminded to declare any interest before each item.

4. CONFIRMATION OF MINUTES**Motion**

That the minutes of the Jetty Road Mainstreet Committee held on 4 November 2020 be taken as read and confirmed.

Moved Councillor Abley, Seconded L Boys

Carried

5. QUESTIONS BY MEMBERS

5.1 **Without Notice:** Nil

5.2 **With Notice:** Nil

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

8.1 Monthly Finance Report (Report no: 397/20)

The Jetty Road Mainstreet Committee October 2020 variance report is prepared by the Jetty Road Coordinator and is presented for information of the members of the Jetty Road Mainstreet Committee

Motion

That the Jetty Road Mainstreet Committee note this report.

Moved Councillor Miller, Seconded S Robinson

Carried

A Fotopoulos joined meeting at 6.27pm

8.2 Marketing Update (Report No: 398/20)

The report provides an update on the marketing initiatives undertaken by the Jetty Road Mainstreet Committee 2020/21 Marketing Plan and initiatives aligned to the delivery of the Jetty Road Glenelg Retail Strategy 2018-2022.

Motion

That the Jetty Road Mainstreet Committee note this briefing

Moved E Fassina, Seconded T Beatrice

Carried

8.3 Jetty Road Lighting Update (Report No: 399/20)

The report provides an update on the Jetty Road Glenelg lighting project as provided for in the 2020/21 JRMC Budget

Motion

That the Jetty Road Mainstreet Committee note this briefing

Moved T Beatrice, Seconded E Fassina

Carried

8.4 Jetty Road Events Update (Report No: 400/20)

JRMC in partnership with the City of Holdfast Bay, are 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 upcoming events and an update on events held.

Motion

That the Jetty Road Mainstreet Committee note this briefing

Moved S Robinson, Seconded E Fassina

Carried

9. URGENT BUSINESS

- JRDC provided an update on the Christmas Decorations installation within the Precinct.
- JR Assistant provided an update re the implementation of QR Codes as per the emergency declarations.
- JRDC provided an update on the photography competition.
- JRMC Committee: the term finishes 31 March with nominations going out mid-January.
- A Fotopoulos asked the question around police presence and their engagement in the Precinct.

10. DATE AND TIME OF NEXT MEETING

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 3 February 2021 location to be confirmed.

11. CLOSURE

The meeting closed at 7.42pm

CONFIRMED: Wednesday 3 February 2021

CHAIRMAN

Item No: **15.1**

Subject: **ITEMS IN BRIEF**

Date: 8 December 2020

Written By: Personal Assistant, Strategy and Business Services

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

These items are presented for the information of Members.

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

RECOMMENDATION

- 1. Council Assessment Panel Agenda and Development Applications of Interest**
 - 2. Department of Health and Human Services (DHS) Checks**
-

COMMUNITY PLAN

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not Applicable

STATUTORY PROVISIONS

Not Applicable.

REPORT

- 1. Council Assessment Panel Agenda and Development Applications of Interest**

Following questions raised at the Council Meeting held on 10 November 2020, details of all Development Applications that are the subject of public notification will now be uploaded to the Elected Member HUB twice per week, along with full copies of the Council Assessment Panel agendas for the current meeting. In addition, Elected

Members will continue to receive direct email notification of particularly noteworthy and contentious Development Applications, to provide some advance notice ahead of their general disclosure.

Council's Development Application Register continues to be a reliable source of information relating to all Development Applications received by the City of Holdfast Bay, containing multiple search functions to obtain details for all current and past Development Applications. The Development Application Register is updated multiple times each day and can be publicly accessed through Council's website at:

<https://www.holdfast.sa.gov.au/development-and-infrastructure/planning-and-development-overview>

2. Department of Health and Human Services (DHS) Checks

Following the 13 October 2020 Council Meeting, where the motion was raised for Council Administration to write to the Minister for Human Services with a copy forwarded to Local Government Association (LGA) to consider a one clearance process for vulnerable children and adults when screening for volunteers. On the 30 November 2020 correspondence was sent to the Minister for Human Services.

Refer Attachment 1

Prior to writing the letter Council Administration met with the Chair of Local Government Volunteer Manager's Network (LGVMN) on 29 October 2020 and formed a working group to discuss a range of concerns, which included the number of clearances required from the DHS screening unit. One of the issues identified and discussed was that there are different agencies conducting various checks and limited coordination across agencies which can result in time delays and duplication.

Attachment 1





holdfast.sa.gov.au

Brighton Civic Centre 24 Jetty Road, Brighton SA 5048

PO Box 19 Brighton SA 5048

P 08 8229 9999 F 08 8298 4561

Glenelg Customer Service Centre and Library

2 Colley Terrace, Glenelg SA 5045

30 November 2020

The Hon Michelle Lensink MLC
Minister for Human Services
GPO Box 2832
ADELAIDE SA 5000

dhsministerforhumanservices@sa.gov.au

Dear Minister,

Request for a Single DHS Screening Clearance

On 13 October 2020, at the City of Holdfast Bay council meeting, the current process for screening employees and volunteers as part of the volunteering on-board application was discussed, and the following motion was endorsed by Council: *That Administration write to the Minister for Human Services with a copy to the LGA requesting that there be one clearance for vulnerable children and adults.*

Council Administration has undertaken a review of the current volunteer on-boarding process and subsequently met with the Chair of the Local Government Volunteer Manager's Network (LGVMN), to discuss opportunities to refine the process. At present the arrangements involve various screenings across several State Government departments/agencies with limited coordination, which can delay the on-boarding process and volunteer recruitment whilst clearances are provided.

The City of Holdfast Bay's volunteering program is pivotal to supporting community, providing 409 active roles, contributing 51,500 hours translating to \$2.1million in economic value.

The City of Holdfast Bay write to you, to request the Department of Human Services review and consider combining the existing DHS checking process into one check to cover: Working with Children and Working with Vulnerable People.

Council welcome the opportunity to work closely with the department to refine this process to ensure continual improvement and better outcomes for community are achieved as a result of discussions.

Look forward to your response.

Yours faithfully

Mr Roberto Bria
Chief Executive Officer

cc: lisa.teburea@lga.sa.gov.au



Item No: **15.2**

Subject: **COUNCIL POLICY REVIEW**

Date: 8 December 2020

Written By: Team Leader Governance

General Manager: Strategy and Business Services, Ms P Jackson

SUMMARY

A selection of Council policies have been reviewed and are now presented to Council for adoption:

1. Directional Signs Policy
2. Encroachments - Section 202 and 221 *Local Government Act 1999*
3. Cat Management Policy
4. Dog Management Policy

A tracked changes copy marked with proposed changes and a final version is attached for each policy.

As these policies do not require substantive changes or public consultation, they are presented as a collective for administrative efficiency.

RECOMMENDATION

That Council approve and endorse the following policies as amended:

1. **Directional Signs Policy (*Attachment 2*)**
 2. **Encroachments- Section 202 and 221 *Local Government Act 1999* (*Attachment 4*)**
 3. **Cat Management Policy (*Attachment 6*)**
 4. **Dog Management Policy (*Attachment 8*)**
-

COMMUNITY PLAN

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

COUNCIL POLICY

Refer to attachments

STATUTORY PROVISIONS

Development Act 1993

Dog and Cat Management Act 1995

Disability Inclusion Act 2018

Local Government Act 1999

Local Nuisance and Litter Control Act 2016

Planning, Development and Infrastructure Act 2016

BACKGROUND

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

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

REPORT

The identified policies are due for review and are presented to Council. The amendments are detailed below (and also shown through tracked changes on the 'proposed changes' version), however none of the proposed changes are substantive nor change the meaning or intent of the policy:

1. Directional Signs Policy

- Inclusion that public signs must follow the principles of universal design to ensure equal and inclusion across the community, referencing the relevant Australian Standards and the *Disability Inclusion Act 2018*.

Refer Attachments 1-2

2. Encroachments- Section 202 and 201 *Local Government Act 1999*

- Definition of a 'structure' included
- Reference to the *Planning, Development and Infrastructure Act 2016*
- Inclusion of other reference documents
- Clarification on review of Encroachment Permits

Refer Attachments 3-4

3. Cat Management Policy

- Updates have been made to reflect the Council Resolution C280420/1886, Item 15.4 Dog Registration Fees for 2020-2021 (Report No: 95/20):

“2. endorse changes to the Animal Management Plan and Cat Management Policy to reflect changes dog and cat management strategies proposed in this report.”

- Reference to the *Local Nuisance and Litter Control Act 2016*
- Changes to Clause 2.4 as it is mandatory for cats to be microchipped. Exemptions are detailed in the *Dog and Cat Management Act 1995*. Furthermore, whilst cats are not required to be ‘registered’, it is mandatory for the microchip details to be entered on the DACO (Dogs and Cats Online).

Refer Attachments 5-6

4. Dog Management Policy

- Definition of ‘Park’ included

Refer Attachments 7-8

There is no legislative requirement to undertake community consultation on these policies. Additionally, as these changes are not material, consultation is not deemed necessary or worthwhile.

The next review period for each policy is identified on the front of the policy. These may be reviewed at an earlier date if deemed necessary due to legislative or other changes.

BUDGET

Not applicable.

LIFE CYCLE COSTS

Not applicable.

Attachment 1



Trim Container No:	FOL/17/1666
<u>Trim Document No:</u>	
First Issued / Approved:	22/08/2017
Last Reviewed:	C
Next Review:	07/12/2023
<u>Responsible Officer:</u>	<u>Manager Field Services</u>
<u>Date Placed on Webpage/ Intranet:</u>	

1. PREAMBLE

1.1 Background

Directional signs form an important part of the urban environment. They fulfil a range of functions including meeting statutory, commercial and community objectives.

The value of directional signs is in assisting the community and the visiting public to find facilities. It is important that public signs follow the principles of universal design to ensure equal access and inclusion across the community, are consistent in their siting and presentation, and that the resultant public environment is free of visual clutter.

The City of Holdfast Bay (Council) receives many requests for the installation of "directional" signs.

1.2 Purpose

This Policy provides a set of principles to be used when Council assesses and determines the location and placement of directional signs.

1.3 Scope

This Policy applies to all directional signs within the municipality of the City of Holdfast Bay.

1.4 Definitions

Directional signs are means signs which provide direction to facilities or premises, where the facilities or premises are some distance away from the location of the sign itself.

1.5 Strategic Reference

- Placemaking: Creating vibrant and safe places
- Placemaking: Developing walkable connected neighbourhoods
- Community: Providing welcoming and accessible facilities

DIRECTIONAL SIGNS POLICY

2. PRINCIPLES

- 2.1 Council recognises the importance of providing directional signs to premises of a community, public or institutional nature.
- 2.2 Directional signs will not be installed for individual business premises, except for business within the Glenelg District Centre zone and in side streets off Jetty Road, Glenelg where the Jetty Road (Glenelg) Mainstreet Committee may provide coordinated directional signs for businesses.
- 2.3 In limited circumstances the installation of directional signs for facilities of a tourism nature may be justified by the need to provide information and assistance to visitors to the City of Holdfast Bay.
- 2.4 The installation of all directional signs will be at the discretion of the Council and will be consistent with the relevant Australian Standards and Council style guidelines.

~~2.5 Directional signs shall be consistent with and follow the principles of universal design, the current wayfinding standards as set in AS 1428.4.2, Council style guidelines and as prescribed in the Disability Inclusion Act 2018.~~

3. REFERENCES

3.1 Legislation

- *Development Act 1993*
- *Disability Inclusion Act 2018*
- *Local Government Act 1999*

3.2 Other References

- *City of Holdfast Bay Development Plan*
- *Australian Standards 1742.3, 1428.4.2*
- <https://designfordignity.com.au/retail-guidelines/dfd-06-03-wayfinding-principles-and-guidance.html>

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Attachment 2



Trim Container No:	FOL/17/1666
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First Issued / Approved:	22/08/2017
Last Reviewed:	C
Next Review:	07/12/2023
Responsible Officer:	Manager Field Services
Date Placed on Webpage/ Intranet:	

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3. REFERENCES

3.1 Legislation

- *Development Act 1993*
- *Disability Inclusion Act 2018*
- *Local Government Act 1999*

3.2 Other References

- *City of Holdfast Bay Development Plan*
- *Australian Standards 1742.3, 1428.4.2*
- <https://designfordignity.com.au/retail-guidelines/dfd-06-03-wayfinding-principles-and-guidance.html>

Attachment 3



Trim Container:	FOL/17/1000
Trim Document Number:	
First Issued / Approved:	09/05/2017
Last Reviewed:	C
Next Review:	07/12/2023
Responsible Officer:	Manager Development Services
Date Placed on Webpage/ Intranet:	

1. PREAMBLE

This policy provides a set of principles to be used when Council considers whether it will permit activity to occur on land over which it has responsibility.

1.1 Background

The use of public footpaths and the like for urban activities including for the purposes of outdoor dining, cafes ~~or~~, retailing has become increasingly popular in the City of Holdfast Bay. ~~There are also circumstances where~~ ~~From time to time~~ structures built ~~primarily~~ on private land need to encroach on public land. In recognition of these events, Council has adopted a policy according to which it will assess and consider the use of public land for these activities. Councils have the authority under Sections 202 and 221 of the *Local Government Act 1999* to seek a permit and associated fee for any structure located over, under or across public land.

1.2 Purpose

~~The~~ ~~is~~ ~~Encroachments~~ Policy provides criteria for managing the different types of encroachments over public land to ensure that they contribute positively but do not impinge on public ~~use~~, safety or amenity. In doing ~~so~~, ~~this~~ Policy seeks to provide a fair and balanced approach to the use of public space.

1.3 Scope

The ~~P~~policy covers any structure erected or installed in, on, across, under or over Council land. This includes structures that straddle the title boundary from private land on to public land (including roads and Community Land).

The ~~p~~Policy provides the basis for the Council’s assessment and decision making on encroachments as land owner. The Policy sets out both the criteria to guide the assessment and the processes for applying for a permit.

1.4 Definitions

Encroachment – means any structure erected or installed in, on, across, under or over Council land. This includes structures that straddle the title boundary from private land on to public land (including roads and Community Land).

ENCROACHMENTS – SECTION 202 & 221 LOCAL GOVERNMENT ACT 1999

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~~Structure – includes any fence, wall, fixture or fitting, whether temporary or permanent, moveable or immovable.~~

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1.5 Strategic Reference

Placemaking: Creating vibrant and safe places
Culture: Supporting excellent, efficient operations

2. PRINCIPLES

The following principles shall apply to assessments:

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2.1 Cornices, sunscreens, hoods and other such projections

- Encroach no more than 1500mm into public space ~~and not extend along more than with a width not exceeding beyond~~ 10 metres of site frontage;
- Have a minimum height of 3 metres above the level of the footpath and a minimum clearance of 600mm from the kerb or a minimum height of 5.0 metres above the level of a vehicular carriageway;
- Do not narrow the width of a footpath or public space;
- Do not preclude street tree planting in a location previously designated for such a purpose;
- Are not considered to pose a hazard, particularly to pedestrians or other users of public space, for example is not below head height ~~and/or is~~ not at risk of detaching from the building;
- Are replacing an existing encroachment of the same dimensions;
- Do not interrupt pedestrian movement or public space;
- Are constructed so as to prevent water dripping or discharging onto Council land; and
- Do not cause any interference to public services.

2.2 Awnings, verandahs, pergolas and freestanding shade structures

- ~~H~~ave a minimum height of 3 metres and not more than 3.7 metres above the level of the footpath measured to the underside of the awning, verandah or pergola, except in the case of retractable awnings which, when fully lowered, shall be at a height above the level of the footpath to provide a clearance of not less than 2.5 metres measured to the lowest part of the awning and a clearance of not less than 3 metres when fully retracted;
- ~~H~~ave a minimum setback of 600mm from the kerb face;
- Not restrict pedestrian access to less than 1.8m (or greater if in a high pedestrian area) on any side other than that adjacent to the kerb; and
- ~~B~~be constructed so as to prevent water from dripping or discharging onto a footpath.

2.3 Signs

2

ENCROACHMENTS – SECTION 202 & 221 LOCAL GOVERNMENT ACT 1999

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- Bbe at a height above the level of the footpath of not less than 2.5 metres for permanent and rigid material advertisements and 2.3 metres for temporary advertisements made of a flexible or yielding material measured to the lowest part of the sign; and
- Bbe located such that no part is set back less than 600mm from the kerb face.

2.4 Sundry and Minor

- Applied finishes (i.e. painted lines or stencilled areas) shall extend no further ~~more~~ than 50mm onto the surface of the public space.

2.5 Infrastructure

- cables, communications and other services
- access pits and hatches
- electricity service connections
- mechanical and plant equipment
- pipes and services
- flagpoles.

2.6 Non-Minor

- balconies
- freestanding signs
- underground car parking
- fully or predominantly enclosed parts of any building which encroach over public space (e.g. increased leasable floor area, at below or above ground level) and
- enclosed balconies and any structures that exclude access to areas of public space.

2.7 Development Approval

Encroachments generally involve building work, which constitutes 'development' under the Development Act 1993 or Planning, Development and Infrastructure Act 2016. As a result, a proposed encroachment will generally require both an Encroachment Permit (under the Local Government Act 1999) and a Development Approval (under the Development Act 1993 or Planning, Development and Infrastructure Act 2016) before construction can commence.

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'In principle' support for an Encroachment Permit is a requirement prior to a development application proceeding to assessment. If a development application is received that includes and encroachment, and that encroachment ~~that~~ does not have 'in principle' decision support, then the development assessment cannot proceed until a decision on the Encroachment Permit is made. If an Encroachment Permit is refused, the development application will ~~must~~ be:

- Modified to meet the requirements of the Policy;
- Withdrawn; or

ENCROACHMENTS – SECTION 202 & 221 *LOCAL GOVERNMENT ACT 1999*

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- ~~R~~efused on the basis that it does not have approval of the Council in its role as landlord for the elements that encroach.

Once an encroachment has both an Encroachment Permit and a Development Approval, these will be issued and construction can commence. Applicants should contact Council's Development Assessment Unit to discuss the requirements for lodging a development application.

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proposed changes

2.8 Fees

Fees associated with an Encroachment Permit are detailed and set in the Council's Schedule of Fees and Charges. The fees will vary according to the type of encroachment and be set according to the following principles:

- Reflecting the extent and impact of the encroachment on public space;
- Reflecting the potential for public benefit to be gained from the encroachment; and
- Reflecting the potential for private benefit and/or commercial gain, unless of a major public benefit.

2.9 Permit Renewal and Cancellation

2.9.1 An Encroachment Permit is valid for 12 months upon approval, and may be cancelled or amended if:

- The owner/occupier fails to comply with the permit conditions (including payment of fees); or
- There are changed conditions affecting the encroachment, such as increased risk to health and safety; or
- Other valid reasons require cancellation, such as streetscape upgrades or refurbishment.

2.9.2 Council will issue annual renewal notices to permit holders. It is the responsibility of the permit holder to ensure the permit is renewed annually, including the payment of fees and the currency of public liability insurance.

2.9.3 If a permit lapses or is cancelled (for example due to non-payment of fees), Council will require the land owner to renew the permit or remove the encroachment and reinstate the public realm and any adjacent structure to Council's satisfaction.

2.9.4 Council may at its discretion, will advise recipients of an Encroachment Permit that it may review the health and safety of the encroachment, whether the encroachment complies -its compliance- with any conditions, and/or request a copy of the owner/occupiers public liability Certificate of Currency at any time. Council will advise recipients of an Encroachment Permit review in writing if it proposes to undertake any review.

2.10 Public Liability Insurance

2.10.1 Permit holders must take out and keep current a public liability insurance policy noting specifically the interest of the Council as an insured party.

2.10.2 The policy must insure for the amount of at least twenty million dollars (\$20,000,000), unless otherwise negotiated by Council, and must cover

ENCROACHMENTS – SECTION 202 & 221 *LOCAL GOVERNMENT ACT 1999*

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injury, loss or damage to persons or property arising out of the activity carried out under ~~this any~~ Permit or ~~the~~ granting of the Permit by the Council.

- 2.10.3 A certificate of Currency for the policy must accompany the application ~~f~~or the annual renewal of an Encroachment Permit or be presented to Council upon request.

3. REFERENCES

3.1 Legislation

- ~~Local Government Act 1999~~*Development Act 1993*
- ~~Development Act 1993~~*Local Government Act 1999*
- *Planning, Development and Infrastructure Act 2016*

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3.2 Other References

- ~~NH~~ *Hoarding Permits and Builder Damage Policy*
- *Outdoor Dining Policy*
- *Verge Management Policy*

Attachment 4



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First Issued / Approved:	09/05/2017
Last Reviewed:	C
Next Review:	07/12/2023
Responsible Officer:	Manager Development Services
Date Placed on Webpage/ Intranet:	

1. PREAMBLE

This policy provides a set of principles to be used when Council considers whether it will permit activity to occur on land over which it has responsibility.

1.1 Background

The use of public footpaths and the like for urban activities including for the purposes of outdoor dining, cafes or retailing has become increasingly popular in the City of Holdfast Bay. There are also circumstances where structures built primarily on private land need to encroach on public land. In recognition of these events, Council has adopted a policy according to which it will assess and consider the use of public land for these activities. Councils have the authority under Sections 202 and 221 of the *Local Government Act 1999* to seek a permit and associated fee for any structure located over, under or across public land.

1.2 Purpose

This Policy provides criteria for managing the different types of encroachments over public land to ensure that they contribute positively but do not impinge on public use, safety or amenity. In doing so, this Policy seeks to provide a fair and balanced approach to the use of public space.

1.3 Scope

The Policy covers any structure erected or installed in, on, across, under or over Council land. This includes structures that straddle the title boundary from private land on to public land (including roads and Community Land).

The Policy provides the basis for the Council’s assessment and decision making on encroachments as land owner. The Policy sets out both the criteria to guide the assessment and the processes for applying for a permit.

1.4 Definitions

Encroachment – means any structure erected or installed in, on, across, under or over Council land. This includes structures that straddle the title boundary from private land on to public land (including roads and Community Land).

ENCROACHMENTS – SECTION 202 & 221 LOCAL GOVERNMENT ACT 1999

Structure – includes any fence, wall, fixture or fitting, whether temporary or permanent, moveable or immovable.

1.5 Strategic Reference

Placemaking: Creating vibrant and safe places

Culture: Supporting excellent, efficient operations

2. PRINCIPLES

The following principles shall apply to assessments:

2.1 Cornices, sunscreens, hoods and other such projections

- Encroach no more than 1500mm into public space and not extend along more than 10 metres of site frontage;
- Have a minimum height of 3 metres above the level of the footpath and a minimum clearance of 600mm from the kerb or a minimum height of 5.0 metres above the level of a vehicular carriageway;
- Do not narrow the width of a footpath or public space;
- Do not preclude street tree planting in a location previously designated for such a purpose;
- Are not considered to pose a hazard, particularly to pedestrians or other users of public space, for example is not below head height and/ or not at risk of detaching from the building;
- Are replacing an existing encroachment of the same dimensions;
- Do not interrupt pedestrian movement or public space;
- Are constructed so as to prevent water dripping or discharging onto Council land; and
- Do not cause any interference to public services.

2.2 Awnings, verandahs, pergolas and freestanding shade structures

- Have a minimum height of 3 metres and not more than 3.7 metres above the level of the footpath measured to the underside of the awning, verandah or pergola, except in the case of retractable awnings which, when fully lowered, shall be at a height above the level of the footpath to provide a clearance of not less than 2.5 metres measured to the lowest part of the awning and a clearance of not less than 3 metres when fully retracted;
- Have a minimum setback of 600mm from the kerb face;
- Not restrict pedestrian access to less than 1.8m (or greater if in a high pedestrian area) on any side other than that adjacent to the kerb; and
- Be constructed so as to prevent water from dripping or discharging onto a footpath.

2.3 Signs

- Be at a height above the level of the footpath of not less than 2.5 metres for permanent and rigid material advertisements and 2.3 metres

ENCROACHMENTS – SECTION 202 & 221 LOCAL GOVERNMENT ACT 1999

for temporary advertisements made of a flexible or yielding material measured to the lowest part of the sign; and

- Be located such that no part is set back less than 600mm from the kerb face.

2.4 Sundry and Minor

- Applied finishes (i.e. painted lines or stencilled areas) shall extend no further than 50mm onto the surface of the public space.

2.5 Infrastructure

- cables, communications and other services
- access pits and hatches
- electricity service connections
- mechanical and plant equipment
- pipes and services
- flagpoles.

2.6 Non-Minor

- balconies
- freestanding signs
- underground car parking
- fully or predominantly enclosed parts of any building which encroach over public space (e.g. increased leasable floor area, at below or above ground level) and
- enclosed balconies and any structures that exclude access to areas of public space.

2.7 Development Approval

Encroachments generally involve building work, which constitutes ‘development’ under the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016*. As a result, a proposed encroachment will generally require both an Encroachment Permit (under the *Local Government Act 1999*) and a Development Approval (under the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016*) before construction can commence.

‘In principle’ support for an Encroachment Permit is a requirement prior to a development application proceeding to assessment. If a development application is received that includes an encroachment, and that encroachment does not have ‘in principle’ support, then the development assessment cannot proceed until a decision on the Encroachment Permit is made. If an Encroachment Permit is refused, the development application must be:

- Modified to meet the requirements of the Policy;
- Withdrawn; or
- Refused on the basis that it does not have approval of the Council in its role as landlord for the elements that encroach.

ENCROACHMENTS – SECTION 202 & 221 LOCAL GOVERNMENT ACT 1999

Once an encroachment has both an Encroachment Permit and a Development Approval, these will be issued and construction can commence. Applicants should contact Council's Development Assessment Unit to discuss the requirements for lodging a development application.

2.8 Fees

Fees associated with an Encroachment Permit are detailed and set in the Council's Schedule of Fees and Charges. The fees will vary according to the type of encroachment and be set according to the following principles:

- Reflecting the extent and impact of the encroachment on public space;
- Reflecting the potential for public benefit to be gained from the encroachment; and
- Reflecting the potential for private benefit and/or commercial gain, unless of a major public benefit.

2.9 Permit Renewal and Cancellation

2.9.1 An Encroachment Permit is valid for 12 months upon approval, and may be cancelled or amended if:

- The owner/occupier fails to comply with the permit conditions (including payment of fees); or
- There are changed conditions affecting the encroachment, such as increased risk to health and safety; or
- Other valid reasons require cancellation, such as streetscape upgrades or refurbishment.

2.9.2 Council will issue annual renewal notices to permit holders. It is the responsibility of the permit holder to ensure the permit is renewed annually, including the payment of fees and the currency of public liability insurance.

2.9.3 If a permit lapses or is cancelled (for example due to non-payment of fees), Council will require the land owner to renew the permit or remove the encroachment and reinstate the public realm and any adjacent structure to Council's satisfaction.

2.9.4 Council may at its discretion, review the health and safety of the encroachment, whether the encroachment complies with any conditions, and/or request a copy of the owner/occupiers public liability Certificate of Currency at any time. Council will advise recipients of an Encroachment Permit review in writing if it proposes to undertake any review.

2.10 Public Liability Insurance

2.10.1 Permit holders must take out and keep current a public liability insurance policy noting specifically the interest of the Council as an insured party.

ENCROACHMENTS – SECTION 202 & 221 LOCAL GOVERNMENT ACT 1999

2.10.2 The policy must insure for the amount of at least twenty million dollars (\$20,000,000), unless otherwise negotiated by Council, and must cover injury, loss or damage to persons or property arising out of the activity carried out under any Permit or the granting of the Permit by the Council.

2.10.3 A certificate of Currency for the policy must accompany the application for the annual renewal of an Encroachment Permit or be presented to Council upon request.

3. REFERENCES

3.1 Legislation

- *Development Act 1993*
- *Local Government Act 1999*
- *Planning, Development and Infrastructure Act 2016*

3.2 Other References

- Hoarding Permits and Builder Damage Policy
- Outdoor Dining Policy
- Verge Management Policy

Attachment 5



Trim Container:	FOL/17/997
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First Issued / Approved:	07/09/2009
Last Reviewed:	C
Next Review:	30/06/2024
Responsible Officer:	Manager Regulatory Service
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1. PREAMBLE

1.1 Background

The City of Holdfast Bay (the Council) recognises that while many residents enjoy the pleasures of cat ownership there are times when cats cause problems in the community and require a cat management response. These times would be reduced by increased responsibility by cat owners and intervention by Council.

Legislative framework for cat management is set out in Part 7 of the *Dog & Cat Management Act 1995*.

TheA Council’s Cat By-law came into operation on 7 September 2009.

1.2 Purpose

This Policy describes the City of Holdfast Bay’s Council’s position with regard to the management of cats within the municipality.

1.3 Scope

Due to the absence of any funding mechanisms in the legislation, the Council’s the City of Holdfast Bay’s involvement in cat management is limited to the following:

- a. Provision of cat traps; ~~(free of charge; refundable deposit applies)~~
- b. Provision of educational/promotional information on responsible cat ownership generally and to neighbourhoods experiencing cat related problems;
- c. Working in partnership with Cats Assistance to Sterilize (C.A.T.S) or other similar organisations; and
- d. Working with community members; ~~to remove excess cats from properties~~

1.4 Definitions

There are no specific definitions associated with this policy.

CAT MANAGEMENT POLICY

1.5 Strategic Reference

Environment: Protecting Biodiversity
Culture: Providing customer-centred services
Culture: Supporting excellent, efficient operations

2. PRINCIPLES

- 2.1 Where an excessive number of cats associated with a property are causing offensive conditions to the extent it is assessed as being in an insanitary condition under the [Local Nuisance and Litter Control Act 2016](#) [South Australian Public Health Act 2011](#), the [City of Holdfast Bay's Council's](#) Environmental Health Officers will take the necessary steps to have the owner or occupier of the property reduce or remove the insanitary conditions.
- 2.2 Where appropriate, Council will co-operate with agencies such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the Animal Welfare League (AWL) to deal with specific cat related problems.
- 2.3 The [Cat By-law](#) will be policed primarily by education, negotiation and warning. Secondary enforcement will come from the issue of Expiation Notices, prosecution, and the issue of Requirement Notices under the By-law.
- 2.4 Cats are to be identified in the manner stipulated in the Regulations under the [Dog and Cat Management Act 1995](#).
- a. ~~It is considered desirable for cats to be identified so that if a cat is found or causes problems it can be traced back to the owner.~~
- b. ~~There is no requirement for registration.~~
- 2.5 To cater for problems people might have where they are already keeping numbers of cats in excess of the limit, the limit does not apply to cats already being kept on premises when the By-law was introduced - 7 September 2009. However, it will apply if new cats are brought onto the premises and the limit is exceeded.

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3. REFERENCES

3.1 Legislation

- *Dog and Cat Management Act 1995*
- *Local Government Act 1999*
- [Local Nuisance and Litter Control Act 2016](#) [South Australian Public Health Act 2011](#)

3.2 Other References

- *By-law No 6 - Cats*

Attachment 6



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Last Reviewed:	C
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Responsible Officer:	Manager Regulatory Service
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1. PREAMBLE

1.1 Background

The City of Holdfast Bay (the Council) recognises that while many residents enjoy the pleasures of cat ownership there are times when cats cause problems in the community and require a cat management response. These times would be reduced by increased responsibility by cat owners and intervention by Council.

Legislative framework for cat management is set out in Part 7 of the *Dog & Cat Management Act 1995*.

The Council’s Cat By-law came into operation on 7 September 2009.

1.2 Purpose

This Policy describes the Council’s position with regard to the management of cats within the municipality.

1.3 Scope

Due to the absence of any funding mechanisms in the legislation, the Council’s involvement in cat management is limited to the following:

- a. Provision of cat traps;
- b. Provision of educational/promotional information on responsible cat ownership generally and to neighbourhoods experiencing cat related problems;
- c. Working in partnership with Cats Assistance to Sterilize (C.A.T.S) or other similar organisations; and
- d. Working with community members.

1.4 Definitions

There are no specific definitions associated with this policy.

1.5 Strategic Reference

CAT MANAGEMENT POLICY

Environment: Protecting Biodiversity
Culture: Providing customer-centred services
Culture: Supporting excellent, efficient operations

2. PRINCIPLES

- 2.1 Where an excessive number of cats associated with a property are causing offensive conditions to the extent it is assessed as being in an insanitary condition under the *Local Nuisance and Litter Control Act 2016*, the Council's Environmental Health Officers will take the necessary steps to have the owner or occupier of the property reduce or remove the insanitary conditions.
- 2.2 Where appropriate, Council will co-operate with agencies such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the Animal Welfare League (AWL) to deal with specific cat related problems.
- 2.3 The Cat By-law will be policed primarily by education, negotiation and warning. Secondary enforcement will come from the issue of Expiation Notices, prosecution, and the issue of Requirement Notices under the By-law.
- 2.4 Cats are to be identified in the manner stipulated in the Regulations under the *Dog and Cat Management Act 1995*.
 - a.
- 2.5 To cater for problems people might have where they are already keeping numbers of cats in excess of the limit, the limit does not apply to cats already being kept on premises when the By-law was introduced - 7 September 2009. However, it will apply if new cats are brought onto the premises and the limit is exceeded.

3. REFERENCES

3.1 Legislation

- *Dog and Cat Management Act 1995*
- *Local Government Act 1999*
- *Local Nuisance and Litter Control Act 2016*

3.2 Other References

- *By-law No 6 - Cats*

Attachment 7



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1. PREAMBLE

1.1 Background

The City of Holdfast Bay (Council) recognises the value and pleasure dogs can bring to individuals and families within its community. However this must be balanced with the need to effectively and efficiently manage dogs within the City to ensure the safety of the general public and to reduce public and environmental nuisance caused by dogs.

In some circumstances the nuisance effect of dogs can cause conflict with neighbours. Council has therefore resolved to limit nuisance impact by controlling the number of dogs permitted to be kept on any premises to two, unless otherwise agreed to by Council.

The *Dog and Cat Management Act 1995* (the Act) and associated Regulations specifies the legal obligations for Council in this area and sets the framework for Council’s dog management activities.

1.2 Purpose

This Policy promotes the effective management of and suitable environments for dogs within the community and to effectively manage dogs in accordance with the Dog and Cat Management Act 1995 Act and relevant Council By-Laws.

1.3 Scope

This Policy applies to dog management within the Council area.

1.4 Definitions

Park means a park, garden, reserve or other similar public open space, or a foreshore area, within the area of a council.
~~There are no specific definitions associated with this policy.~~

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1.5 Strategic Reference

Culture: Supporting excellent, efficient operations
 Culture: Providing customer-centred services

DOG MANAGEMENT POLICY

Community: Providing welcoming and accessible facilities

2. PRINCIPLES

2.1 Council will pursue the following objectives in the management of dogs within its area, consistent with the Act:

- a. To encourage responsible dog ownership; ~~and~~
- b. To increase public safety through the reduction of public and environmental nuisance caused by dogs.

2.2 Council will apply the following principles to all dog management decisions and activities within the City:

- a. Safety of residents
- b. Responsibility of dog owners
- c. Impartiality and consistency in applying procedures
- d. Professionalism
- e. Legality and clarity
- f. Enforcement as a means to encourage compliance
- g. Customer service and responsiveness
- h. Education and consultation

2.3 Keeping more than ~~t~~Two ~~d~~Dogs

2.3.1. Council limits the number of dogs on particular premises to overcome any nuisance that may arise, including noise or odour.

2.3.2. Residents wanting to keep more than two dogs must seek written approval of Council prior to allowing the extra dogs on the property.

2.3.3. Applications for keeping more than two dogs shall be considered subject to the following factors:

- a. Whether the dogs are kept, or to be kept, for breeding purposes or as pets. If the dogs are to be kept for breeding purposes, the land use (zoning) regulations may apply.
- b. An inspection of the premises shall be made by the authorised officer with particular regard to:
 - i Fencing - to be sufficient to confine the dogs to the premises
 - ii Cleanliness of the premises, particularly that part occupied by the dogs
 - iii Kennel facilities (the by-law provides minimum standards, however, these ~~should~~~~not~~ have regard for the size of the dogs)
 - iv The size of the area in which dogs are to be kept (the by-law provides minimum standards, however, these ~~area~~ ~~should~~~~not~~ have regard for the size of the dogs)

DOG MANAGEMENT POLICY

- v Proximity of the dogs to neighbouring premises (the by-law provides for minimum distances)
- c. The type(s) of dogs to be kept
- d. The number of dogs to be kept

3. REFERENCES

3.1 Legislation

- *Dog and Cat Management Act 1995*
- *Local Government Act 1999*
- [*Local Nuisance and Litter Control Act 2016*](#)

3.2 Other References

- [*By-law No 5 - Dogs*](#)

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Attachment 8



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1. PREAMBLE

1.1 Background

The City of Holdfast Bay (Council) recognises the value and pleasure dogs can bring to individuals and families within its community. However this must be balanced with the need to effectively and efficiently manage dogs within the City to ensure the safety of the general public and to reduce public and environmental nuisance caused by dogs.

In some circumstances the nuisance effect of dogs can cause conflict with neighbours. Council has therefore resolved to limit nuisance impact by controlling the number of dogs permitted to be kept on any premises to two, unless otherwise agreed to by Council.

The *Dog and Cat Management Act 1995* (the Act) and associated Regulations specifies the legal obligations for Council in this area and sets the framework for Council’s dog management activities.

1.2 Purpose

This Policy promotes the effective management of and suitable environments for dogs within the community and to effectively manage dogs in accordance with the Act and relevant Council By-Laws.

1.3 Scope

This Policy applies to dog management within the Council area.

1.4 Definitions

Park means a park, garden, reserve or other similar public open space, or a foreshore area, within the area of a council.

1.5 Strategic Reference

Culture: Supporting excellent, efficient operations
 Culture: Providing customer-centred services

DOG MANAGEMENT POLICY

Community: Providing welcoming and accessible facilities

2. PRINCIPLES

- 2.1 Council will pursue the following objectives in the management of dogs within its area, consistent with the Act:
- a. To encourage responsible dog ownership; and
 - b. To increase public safety through the reduction of public and environmental nuisance caused by dogs.
- 2.2 Council will apply the following principles to all dog management decisions and activities within the City:
- a. Safety of residents
 - b. Responsibility of dog owners
 - c. Impartiality and consistency in applying procedures
 - d. Professionalism
 - e. Legality and clarity
 - f. Enforcement as a means to encourage compliance
 - g. Customer service and responsiveness
 - h. Education and consultation
- 2.3 Keeping more than two dogs
- 2.3.1. Council limits the number of dogs on particular premises to overcome any nuisance that may arise, including noise or odour.
- 2.3.2. Residents wanting to keep more than two dogs must seek written approval of Council prior to allowing the extra dogs on the property.
- 2.3.3. Applications for keeping more than two dogs shall be considered subject to the following factors:
- a. Whether the dogs are kept, or to be kept, for breeding purposes or as pets. If the dogs are to be kept for breeding purposes, the land use (zoning) regulations may apply.
 - b. An inspection of the premises shall be made by the authorised officer with particular regard to:
 - i Fencing - to be sufficient to confine the dogs to the premises
 - ii Cleanliness of the premises, particularly that part occupied by the dogs
 - iii Kennel facilities (the by-law provides minimum standards, however, these should have regard for the size of the dogs)
 - iv The size of the area in which dogs are to be kept (the by-law provides minimum standards, however, the area should have regard for the size of the dogs)

DOG MANAGEMENT POLICY

- v Proximity of the dogs to neighbouring premises (the by-law provides for minimum distances)
- c. The type(s) of dogs to be kept
- d. The number of dogs to be kept

3. REFERENCES

3.1 Legislation

- *Dog and Cat Management Act 1995*
- *Local Government Act 1999*
- *Local Nuisance and Litter Control Act 2016*

3.2 Other References

- *By-law No 5 - Dogs*

Item No: **15.3**

Subject: **APPOINTMENT OF COUNCIL REPRESENTATIVES TO THE MAWSON OVAL MANAGEMENT COMMITTEE**

Date: 8 December 2020

Written By: Property Officer

General Manager: City Assets & Services, Mr H Lacy

SUMMARY

Mawson Oval is subject to a Joint Use Agreement (JUA) dated 16 February 2004 pursuant to which Council (as landowner) and The Catholic Church Endowment Society Incorporated on behalf of McAuley Community School share the use of Mawson Oval and the facilities situated thereon at the designated times and upon the terms and conditions contained therein.

Pursuant to Clause 8 of the JUA, Council and McAuley may each appoint two (2) representatives to form a Management Committee to facilitate joint management of the Mawson Oval. One of the representatives appointed by Council will serve as chairperson and Council will also appoint a person to act as secretary to perform secretarial requirements for the Management Committee.

Under the terms of the JUA, appointment to the Management Committee is for a term of two (2) years. No remuneration is paid for this role.

RECOMMENDATION

That Council:

- 1. appoint _____ to serve as chairperson on the Mawson Oval Management Committee for the period commencing on 9 December 2020 and ending on 8 December 2022;**
- 2. appoint _____ to serve as a member on the Mawson Oval Management Committee for the period commencing 9 December 2020 and ending on 8 December 2022;**
- 3. authorise the Chief Executive Officer to appoint an officer or other suitable person to act as secretary for the Management Committee; and**

4. **authorise the appointed representatives to liaise with McAuley and its selected representatives (2 off) to establish the Management Committee and to comply with the obligations and roles as set out in the Joint Use Agreement.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Community: Providing welcoming and accessible facilities

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

Mawson Oval is subject to a Joint Use Agreement (JUA) dated 16 February 2004 pursuant to which Council (as landowner) and The Catholic Church Endowment Society Incorporated on behalf of McAuley Community School share the use of Mawson Oval and the facilities situated thereon at the designated times and upon the terms and conditions contained therein.

McAuley share the use of Mawson Oval and the facilities situated thereon at the designated times and upon the terms and conditions contained therein.

Pursuant to Clause 8 of the JUA, Council and McAuley must each appoint two (2) representatives to form a management committee to facilitate the shared use of Mawson Oval (Mawson Oval Management Committee). One of the representatives appointed by Council will serve as chairperson and Council will also appoint a person to act as secretary to carry out the secretarial requirements of the Mawson Oval Management Committee.

The role of the Mawson Oval Management Committee and the terms of appointment are discussed below whilst a copy of the JUA is annexed hereto as Attachment 1 for your information.

Refer Attachment 1

REPORT

Role of Mawson Oval Management Committee

The role of the Mawson Oval Management Committee is to oversee and monitor the performance by Council and McAuley of their obligations pursuant to the JUA. In this regard, the Management Committee may make and amend rules relating to the use of the Shared Facilities (as defined in the JUA) and make such recommendations to the parties as the Management Committee deems fit. The role includes:

- may meet as often as it deems necessary but must meet at least once per year during the term of the JUA and any renewal thereof;
- must provide an annual report to Council and McAuley concerning the matters considered by the Management Committee during the year immediately preceding the report;
- will consider any dispute between the parties as may be referred to the Management Committee in accordance with clause 12 of the JUA; and
- must comply with the obligations set out in Clause 8 of the JUA on the part of the Management Committee.

Obligations on Council Representatives

The representatives appointed by Council to the Mawson Oval Management Committee must:

- appoint a City of Holdfast Bay employee to act as secretary to carry out the secretarial requirement of the Management Committee;
- liaise with McAuley and its selected representatives to establish the Management Committee;
- do all things as reasonably necessary to fulfil the role of the Management Committee; and
- comply with the obligations of the Management Committee as set out in the JUA.

Council Membership

Members of the Management Committee will each be appointed for a term of two (2) years and will be eligible for re-appointment.

It is not a requirement that the representatives chosen by Council to serve the Management Committee be elected members. Two options are presented for Council's consideration as discussed below.

Option 1: That the two (2) Council representatives comprise:

- 1) An elected member who shall also serve as chairperson.**
- 2) A manager responsible for day to day operation and management of the JUA.**

Pros: This option will appoint representatives with different perspectives and roles within Council to enable the smooth and practical operation of the Mawson Oval Management Committee.

The elected member will be able to provide their experience and perspective as an elected official and community representative. The manager will bring an understanding of the day to day operation and contract management of the JUA to assist with the practical aspects of making rules and recommendations, reporting and dispute resolution.

Cons: The role of the Management Committee is to oversee and monitor the performance by Council and McAuley of their obligations pursuant to the JUA. As such, any dispute presented to the Management Committee may need to be considered only by the elected member as consideration by the manager may give rise to a conflict of interest.

Option 2: That the two Council representatives be elected members, one of which shall serve as chairperson.

Pros: This will remove any perceived conflict of interest posed by Option 1 above.

Cons: In order to properly oversee and monitor the performance by Council and McAuley of their obligations pursuant to the JUA, an understanding of the day to day operation and contract management of the JUA is essential. From a practical perspective, this will likely require the elected members to liaise closely with the manager responsible for the day to day operation and contract management of the JUA.

BUDGET

Individual sitting fees do not apply in respect of the positions on the Mawson Oval Management Committee.

LIFE CYCLE COSTS

There are no life cycle costs associated with the appointment of Council representatives to the Mawson Oval Management Committee.

Attachment 1



COPY

CITY OF HOLDFAST BAY

("Council")

and

THE CATHOLIC CHURCH ENDOWMENT SOCIETY INCORPORATED

("Marymount")

JOINT USE AGREEMENT – MAWSON OVAL

HYND & CO PTY LTD

Solicitors
66 Wyatt Street
Adelaide SA 5000

Telephone: (08) 8223 6499

Facsimile: (08) 8223 4679

Email: hyndco@camtech.net.au

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JOINT USE AGREEMENT – MAWSON OVAL

THIS AGREEMENT is made

16th FEBRUARY 2004

2003

BETWEEN

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

AND

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

RECITALS

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

IT IS AGREED AS FOLLOWS:

1. DEFINITIONS & INTERPRETATION

1.1 Definitions

In this Agreement unless a contrary intention appears;

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

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

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

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

Parties means the parties to this Agreement.

Schedule 1 means Schedule 1 to this Agreement.

Schedule 2 means Schedule 2 to this Agreement.

1.2 Interpretations

In this Agreement, unless the context shall otherwise require;

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

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

2. GRANT OF LICENCE

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

3. SUB LICENCES

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

4. RENEWAL

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

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

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

5. HIRE BY MARYMOUNT

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

6. ACKNOWLEDGMENT

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

7. SHARED FACILITIES MAINTENANCE ACCOUNT

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

8. MANAGEMENT COMMITTEE

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

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

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

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

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

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

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

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

9. MAINTENANCE

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

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

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

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

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

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

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

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

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

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

10. ALTERATIONS ADDITIONS AND REPLACEMENT TO SHARED FACILITIES

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

The Council	44%
Marymount	56%
	100%

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

11. RELOCATION

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

12. DISPUTE RESOLUTION

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

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

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

13. RELEASES

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

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

14. **INDEMNITIES**

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

15. **INSURANCE**

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

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

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

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

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

17. **CAVEAT**

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

18. **TERMINATION**

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

19. **TIME OF THE ESSENCE**

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

20. **EMPLOYEES & AGENTS**

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

21. **FURTHER ASSURANCES**

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

22. **ENTIRE AGREEMENT**

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

23. **WAIVER**

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

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

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

24. **MODIFICATION**

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

25. **READING DOWN AND SEVERANCE**

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

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

26. **CUMULATIVE RIGHTS**

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

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

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

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

28. NOTICES

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

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

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

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

29. COSTS

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

30. STAMP DUTY

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

31. LAW APPLICABLE

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

32. FIRST RIGHT OF REFUSAL

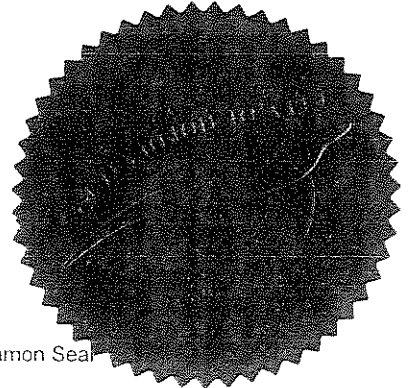
In the event that the Council Land cease to be classified as community land pursuant to the Local Government Act 1999 at any time during the term of tis agreement he College shall have first right of refusal to purchase the Council Land. The Council may not sell the

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

EXECUTED as an agreement.

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

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



Common Seal

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

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

Corporate Seal

SCHEDULE 1

THE PLAN

SCHEDULE 1

THE PLAN

WATTLE AVENUE

DEDICATED RESERVE

CRICKET
NETS

LOT 103
LOT 102

LOT 100
LOT 101

BORE
& PUMP

BUILDING B
RESOURCE CENTRE

ADMIN/
STAFF

EXISTING
CARPARK

EXISTING
CARPARK

COMMUNITY
CENTRE
CARPARK

BUILDING A
2 STOREY CLASSROOM BLOCK

BUILDING D
MUSIC
ART
CENTRE

BUILDING C
PHYS. EDUC/
DRAMA

3 BASKETBALL/NETBALL COURTS

EXISTING
COMMUNITY FACILITIES

CANTEEN

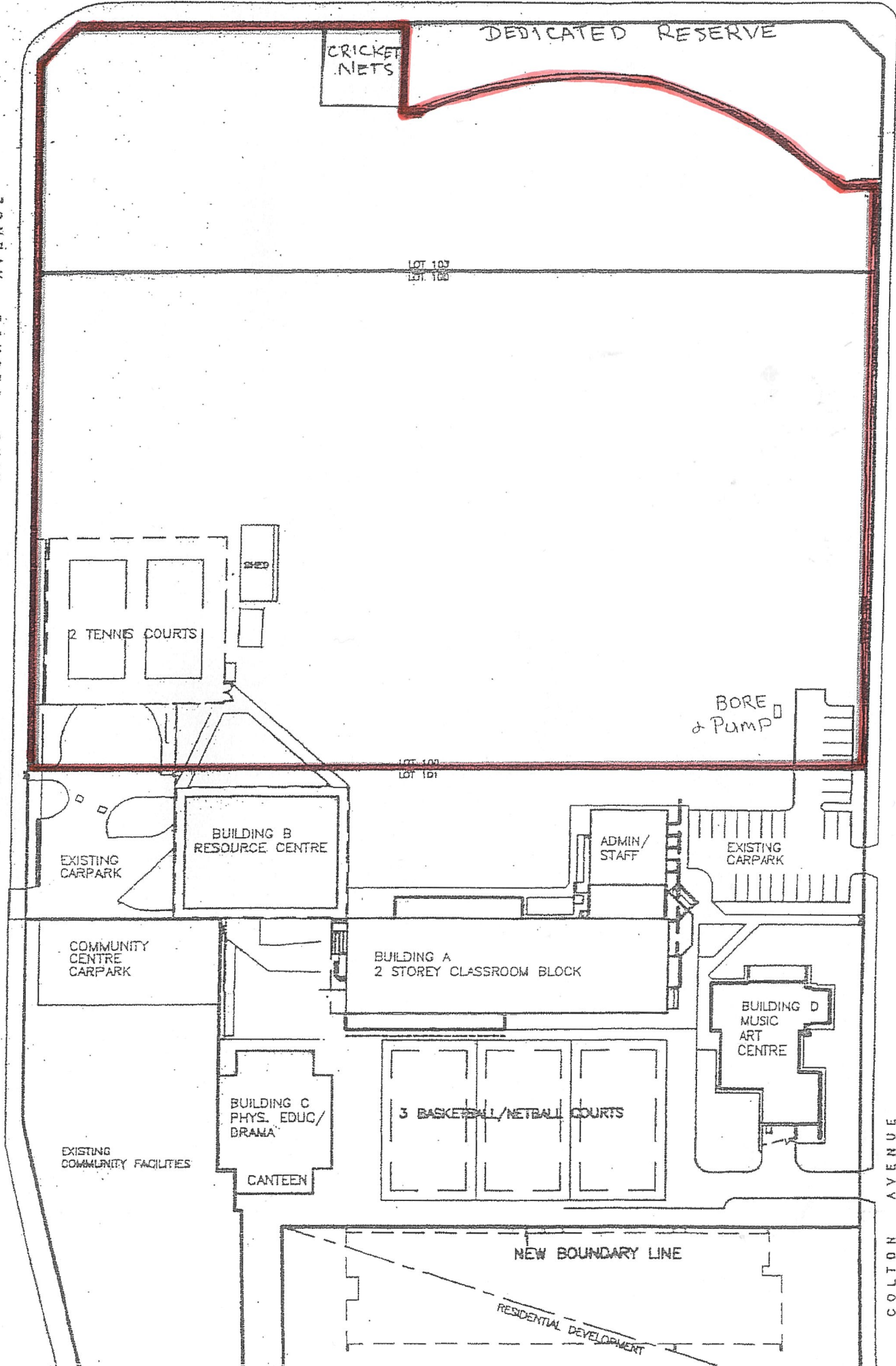
NEW BOUNDARY LINE

RESIDENTIAL DEVELOPMENT

KING GEORGE AVENUE

COLTON AVENUE

1/2



SCHEDULE 2

The Timetable

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

THIS DEED is made the

13th

day of December

2010

BETWEEN:

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

and

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

BACKGROUND:-

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

IT IS AGREED as follows:-

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

EXECUTED as a Deed.

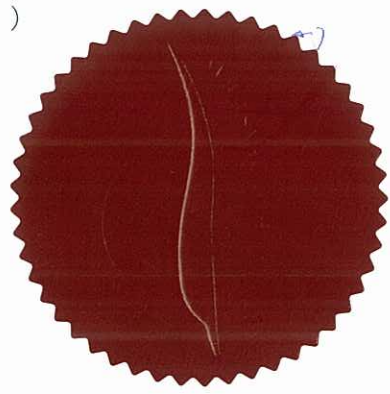
The Common Seal of **CITY OF HOLDFAST BAY**)
was affixed in the presence of:)



Mayor



Chief Executive Officer



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


.....
Archbishop Wilson's Signature

In the presence of:


.....
Witness Name


.....
Witness Signature

CITY OF HOLDFAST BAY

("the Council")

and

**THE CATHOLIC CHURCH ENDOWMENT
SOCIETY INCORPORATED**

("Marymount")

DEED OF VARIATION

Item No: **15.4**

Subject: **COMMISSIONING OF PUBLIC ARTWORK TO COMMEMORATE JIMMY MELROSE**

Date: 8 December 2020

Written By: Community, Arts & Cultural Coordinator

General Manager: Community Services, Ms. M Lock

SUMMARY

This report responds to a Council resolution to investigate the commissioning of a public artwork to commemorate former resident Jimmy Melrose at the intersection of the Esplanade and Kent Street, Glenelg. Administration has investigated and made the following recommendations for Council's consideration.

RECOMMENDATION

That Council:

- 1. acknowledge that the existing mosaic artworks on the bench seats and roundabout at the intersection of Kent Street and the Esplanade will be rejuvenated by March 2021; and**
 - 2. considers a 2021/2022 New Initiative for the concept development of the Jimmy Melrose Park.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

Community: Building a healthy, active and resilient community

Community: Celebrating culture and diversity

Community: Fostering an engaged and contributing community

COUNCIL POLICY

Public Art Policy

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

Council resolved as its meeting on the 22 September 2020, C220920/0237

That:

1. Administration provide a report into the installing a new work of public art commemorating former resident Jimmy Melrose at the intersection of the Esplanade and Kent Street; and
2. the report be brought back to Council no later than March 2021.

Aviator Charles James (Jimmy) Melrose was one of Australia's first celebrities, best known for his aviation exploits, Jimmy established several Australian flying records and set new world records all within three years. In the 1930's the international press were enthralled with the feats of Jimmy Melrose.

Jimmy grew up with his mother in the family residence along the Esplanade at Glenelg South (now demolished). Unfortunately Jimmy's life was tragically cut short in July 1936, when the plane he was piloting crashed in Victoria bushland. He was 22 years old.

There are currently multiple tributes that commemorate the life of Jimmy Melrose in Holdfast Bay, such as the Jimmy Melrose Road at Glenelg North, the Melrose exhibition at the Bay Discovery Centre Museum, a plaque at the entrance to Melrose Towers, Glenelg South and informative signage at the northern end of Jimmy Melrose Park including themed artworks that pay respect to Jimmy Melrose in locations throughout the reserve.

The existing art and design elements incorporated along the Jimmy Melrose Park include bollards, cast surface works, mosaic pavers and mosaic benches. The artworks were installed as part of the reserve upgrade in 2001/2002 and span a kilometre along the Glenelg foreshore to the Broadway.

REPORT

On investigation, it was deemed that the installation of a public artwork that commemorates Jimmy Melrose at the intersection of the Esplanade and Kent Street, would not be appropriate due to the current transport activity and congestion of the site. In addition Administration have carefully considered the number of existing sites and exhibitions that commemorate Jimmy Melrose throughout the city.

On inspection of the Jimmy Melrose Park, it was identified that several areas of the park require restoration works, due to the age of the infrastructure and harsh coastal environment. It is anticipated that the current mosaics roundabout at the end of Kent Street along with some of the

other artwork elements will be rejuvenated by March 2021 which will revitalize the site and discourage access vehicles from driving over the artwork.

Moving forward, consideration and planning should be given to the overall redevelopment and upgrade of the Jimmy Melrose Park, being such a prominent and popular location within the City. Administration recommend Council consider allocating 2021/2022 New Initiative funding for concept development of the park.

BUDGET

The cost of the restoration of the artworks can be absorbed within the current 2020/2021 Arts and Culture Budget.

City Assets have a 2020/2021 renewal budget allocation of \$20,000 for scheduled maintenance works.

LIFE CYCLE COSTS

Not Applicable.

Item No: **15.5**

Subject: **ROAD CLOSURE – UNDEVELOPED ROAD RESERVES - LYNTON AND LYNMOUTH AVENUES NORTH BRIGHTON**

Date: 8 December 2020

Written By: Property Officer

General Manager: City Assets & Services, Mr H Lacy

SUMMARY

Council considered a Confidential Report No 131/19 Item No 17.1 “Proposed Sales of Land” at its meeting on 9 April 2019. Pursuant to a recommendation within that report (refer Council Resolution No. C090419/1444), Administration commenced the road process to close the unmade road reserves on Lynton and Lynmouth Avenues North Brighton and has complied with the provisions of the *Roads (Opening and Closing) Act 1991*.

Accordingly, this report recommends that Council now make a Road Process Order to formally close the unmade road reserves on Lynton and Lynmouth Avenues North Brighton and retain as operational land pending potential sale on the open market.

RECOMMENDATION

That Council:

- 1. pursuant to Section 15 of the Roads (Opening and Closing) Act 1991, makes a Road Process Order to formally close those portions of Lynton and Lynmouth Avenues North Brighton lettered “A” and “B” on the plan annexed hereto as Attachment 1 and entitled “Preliminary Plan No. 19/0052” (Preliminary Plan) and more particularly described and marked “Closed Road” on the plan annexed hereto as Attachment 2 (Final Plan);**
- 2. pursuant to Section 18 of the Roads (Opening and Closing) Act 1991, makes a further order granting:**
 - (a) an easement in favour of Minda Inc. for water supply purposes over portion of the land lettered “A” on the Preliminary Plan and which easement is more particularly described and marked “J” on the Final Plan; and**
 - (b) an easement in favour of Distribution Lessor Corporation (being SA Power Networks) for electricity supply purposes over portion of the land lettered “B” on**

the Preliminary Plan and which easement is more particularly described and marked "K" on the Final Plan;

- 3. pursuant to Section 193(4a) of the Local Government Act 1999, excludes the closed portions of Lynton and Lynmouth Avenues North Brighton from classification as Community Land to enable the land to be held as operational land pending potential sale of the land on the open market in accordance with Council's Disposal of Assets Policy; and**
 - 4. authorises the Mayor and the Chief Executive Officer to execute and affix the Common Seal of the Council to any documentation required to give effect to this resolution.**
-

COMMUNITY PLAN

Place making: Creating lively and safe places
Culture: Being financially accountable

COUNCIL POLICY

Disposal of Assets Policy 2020

STATUTORY PROVISIONS

Local Government Act 1999 (SA)
Roads (Opening and Closing) Act 1991 (SA)

BACKGROUND

Previous Reports and Internal Memoranda

- Confidential Council Report No. 131/19, Item No. 17.1, "Proposed Sale of Land", 9 April 2019 (Resolution No. C090419/1444).

At its meeting on 9 April 2019, Council considered a Confidential Report No 131/19 Item No 17.1 "Proposed Sales of Land". Pursuant to a recommendation within that report (refer Council Resolution No. C090419/1444), Administration commenced the road process to close the unmade road reserves on Lynton and Lynmouth Avenues North Brighton and has complied with the provisions of the *Roads (Opening and Closing) Act 1991*.

Council is now in a position to make a Road Process Order to formally close the unmade road reserves on Lynton and Lynmouth Avenues North Brighton and grant easements in favour of Minda Inc and Distribution Lessor Corporation as per the Preliminary Plan and as more particularly described in the Final Plan.

REPORT

Documentation and Public Notification

The Preliminary Plan was lodged with the Surveyor-General who, in turn, designated the plan as "Preliminary Plan No. 19/0052" and published details of the proposed road closure on its public register.

Refer Attachment 1

As required by the Act, notification of the proposed road closure was undertaken by placing a public notice in the South Australian Government Gazette and serving written notice to those persons and authorities affected by the proposal. The notices prescribed a 28 day period for the lodgement of any objections or requests for easements.

At the conclusion of the consultation period for the proposed road closure, submissions were received from:

- SA Water advising of a water pipe under the Lynton Avenue road reserve and requiring a 7 metre wide easement for water supply purposes; and
- SA Power Networks (SAPN) advising of electricity infrastructure on the Lynmouth Avenue road reserve and requiring either:
 - the removal of the electricity infrastructure at an approximate cost to Council of \$250,000; or
 - a 10 metre wide easement in favour of Distribution Lessor Corporation for electricity supply purposes.

Administration has considered these submissions as discussed below and the Final Plan in Attachment 2 has been prepared in the form required by the Lands Titles Office and fully describes the proposed road closure and grant of easements.

Refer Attachment 2

Community consultation was not required as discussed in Council Report No. 131/19.

The following proposals are made on the basis that the Preliminary Plan and public notifications require simultaneous closure of both road reserves.

Water Easement - Lynton Avenue Road Reserve

Further investigations by Council's surveyor determined that not only was the location of the water pipe unknown but the water pipe was, in fact, private pipework owned by Minda Inc (Minda). SA Water have since withdrawn their objection in writing.

Pipe detection works (radar and pot-holing) undertaken on behalf of Council to determine the location of the pipework found two separate pipes marked "X" and "Y" on the Pot-Hole Survey

Plan (**Survey Plan**). Minda has since confirmed ownership of the 100mm pipe marked “X” on the Survey Plan and pipework testing has determined that the pipe marked “Y” is redundant.

Refer Attachment 3

The pipework owned by Minda comprises Minda’s main water connection and cannot be built upon. Accordingly, it is recommended that Council grant a 3 metre wide easement in favour of Minda for water supply purposes over the Lynton Avenue road reserve. This easement is more particularly identified as the land marked “J” on the Final Plan in Attachment 2. This will resolve any outstanding issues and allow the Lynton Avenue road closure to proceed.

Refer Attachment 2

SA Power Networks Easement - Lynmouth Avenue Road Reserve

It is recommended that Council grant the required 10 metre easement in favour of Distribution Lessor Corporation for electricity supply purposes over the Lynmouth Avenue road reserve (identified as the land marked “K” on the Final Plan). Whilst not ideal, and the granting of the easement will diminish the sale value of the allotment, it will also enable the Lynmouth Avenue road closure to proceed.

Administration has requested that SAPN provide it with an assessment of the project costs required to remove and/or relocate the electricity infrastructure. Once this information is available, it may be commercially more advantageous to relocate or remove the electricity infrastructure and avoid the grant of an easement. This decision should not hold up the Road Process Order process.

Road Closure

Council has complied with the requirements of the *Roads (Opening & Closing) Act 1991* to close the unmade road reserves on Lynton and Lynmouth Avenues North Brighton and as such it is recommended that Council now:

- make a Road Process Order to close those portions of Lynton and Lynmouth Avenues North Brighton; and
- grant the required easements in favour of Minda and Distribution Lessor Corporation over the relevant portions.

BUDGET

The costs incurred by Council to date comprise surveyor and legal fees, pipework detections costs, pipe testing costs and design costs for removal/relocation of electricity infrastructure. The costs are set out below.

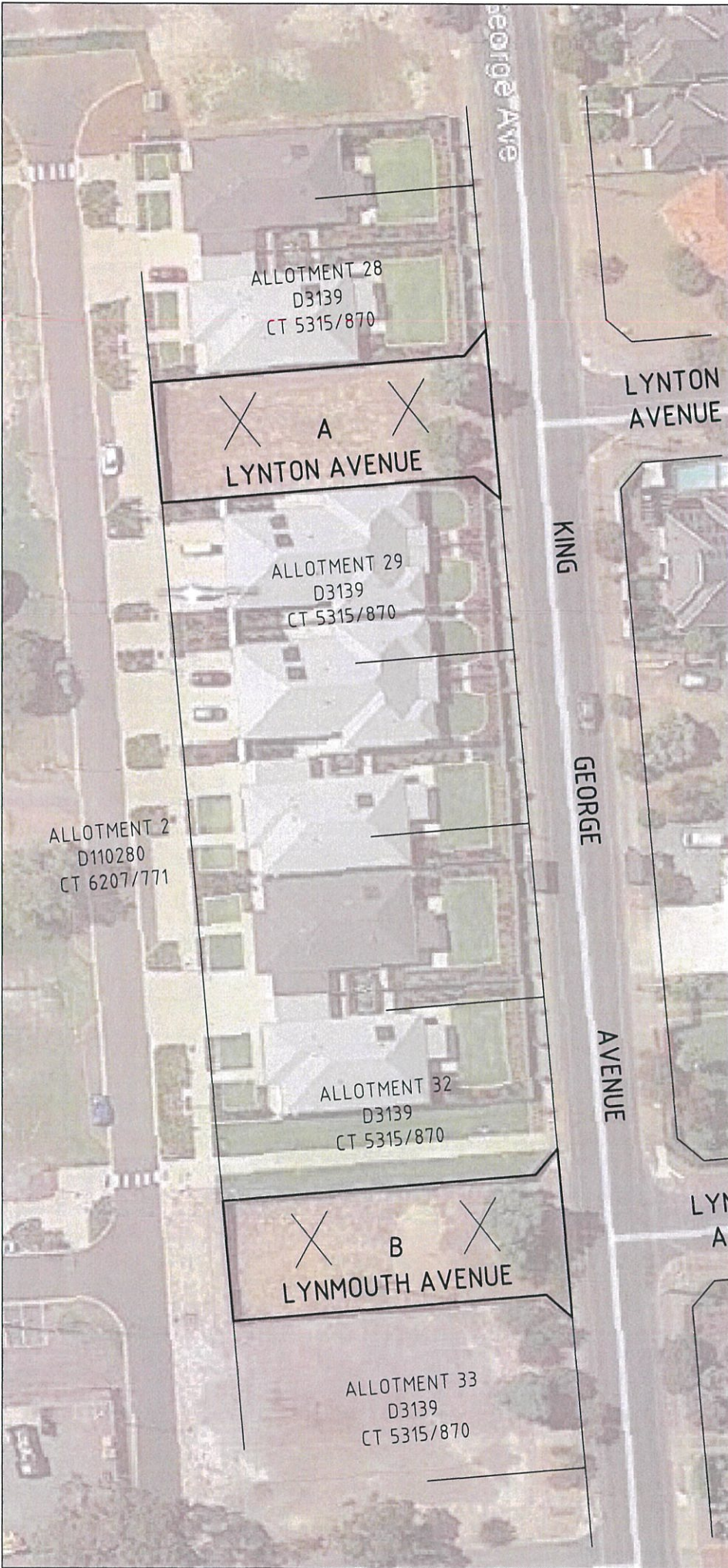
Item	Cost to date	Estimate
Surveyor & legal fees to effect road closure and transfer of land (excluding contract costs)	\$2,050	\$15,000
Pipework detection (complete)	\$1,880	\$3,000
Removal / relocation of electricity infrastructure	\$2,190	\$250,000
Pipe Testing (additional cost due to unexpected underground pipe)	\$1,680	N/A

LIFE CYCLE COSTS

Not Applicable.

Attachment 1





PRELIMINARY PLAN NUMBER
PP 19/0052

CITY OF HOLDFAST BAY
HUNDRED OF NOARLUNGA
 IN THE AREA NAMED **NORTH BRIGHTON**

SCALE 1 : 500 (A3)

 SCALE - METRES

ROADS TO BE CLOSED ARE LETTERED A AND B HEREON.

CLOSED ROAD A & CLOSED ROAD B ARE TO BE RETAINED BY COUNCIL.

AERIAL IMAGERY OBTAINED FROM GOOGLE EARTH

DATE OF IMAGERY: NOVEMBER 2018

I HEREBY CERTIFY THAT THE PORTION OF THE ROADS TO BE CLOSED LETTERED A AND B HEREON ARE PUBLIC ROAD WITHIN THE MEANING OF SECTION 3 OF THE ROADS (OPENING & CLOSING) ACT, 1991

AUTHORITY: NOTIFICATION 4764/100

LYNTON AVENUE AND LYNMOUTH AVENUE
 PART CT 4185/343

Ashley Window, Licensed Surveyor

PROPOSAL CERTIFIED CORRECT AS TO INTENT

DATED 20x10 /2019

AUTHORIZED OFFICER

JOHN C BESTED & ASSOC PTY LTD
 ABN 96 004 596 908
 SURVEYING & PLANNING CONSULTANTS
 362 MAGILL ROAD KENSINGTON PARK 5068
 PHONE (08) 8332 7111 FAX (08) 8364 1829
 email surveyors@johnbested.com.au

REFERENCE No.	20018	DRAWING No.	20018-ROAD	VERSION No.	1
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Attachment 2



PURPOSE:	ROADS (OPENING & CLOSING) ACT 1991 AND REDESIGNATION OF PARCELS	AREA NAME:	NORTH BRIGHTON	APPROVED:	
MAP REF:	6627/01/A	COUNCIL:	CITY OF HOLDFAST BAY	DEPOSITED/FILED:	
LAST PLAN:		DEVELOPMENT NO:			SHEET 1 OF 7
					105630_text_01_v01

AGENT DETAILS:	JOHN C BESTED & ASSOCIATES PTY LTD 362 MAGILL RD KENSINGTON PARK SA 5068 PH: 83327111 FAX: 83641829	SURVEYORS CERTIFICATION:	
AGENT CODE:	JCBA		
REFERENCE:	20018		

NOT YET APPROVED
Data subject to acceptance
by the Lands Titles Office

SUBJECT TITLE DETAILS:

PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
PT CT	4185	343	RTD	ALLOTMENT(S) (ROAD) (PORTION BEING CLOSED ROAD)	92.93.94.95.96	D	3139 NOARLUNGA		
CT	6207	771		ALLOTMENT(S)	2	D	110280 NOARLUNGA		

OTHER TITLES AFFECTED:

EASEMENT DETAILS:

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	58	LONG	EASEMENT(S)	D			TG 12313421
EXISTING	58	LONG	EASEMENT(S)	E			TG 12313421
EXISTING	58	LONG	EASEMENT(S)	P			TG 12918602
EXISTING	58	LONG	EASEMENT(S)	Q			TG 12918602
EXISTING	58	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	B		58	RTC 12613028
EXISTING	58	SERVICE	EASEMENT(S)	G	FOR WATER SUPPLY PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
EXISTING	58	SERVICE	EASEMENT(S)	H	FOR SEWERAGE PURPOSES	SOUTH AUSTRALIAN WATER CORPORATION	223LG RPA
EXISTING		SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	C			RTC 12613028

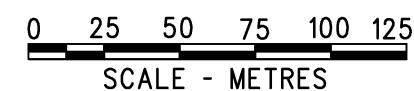
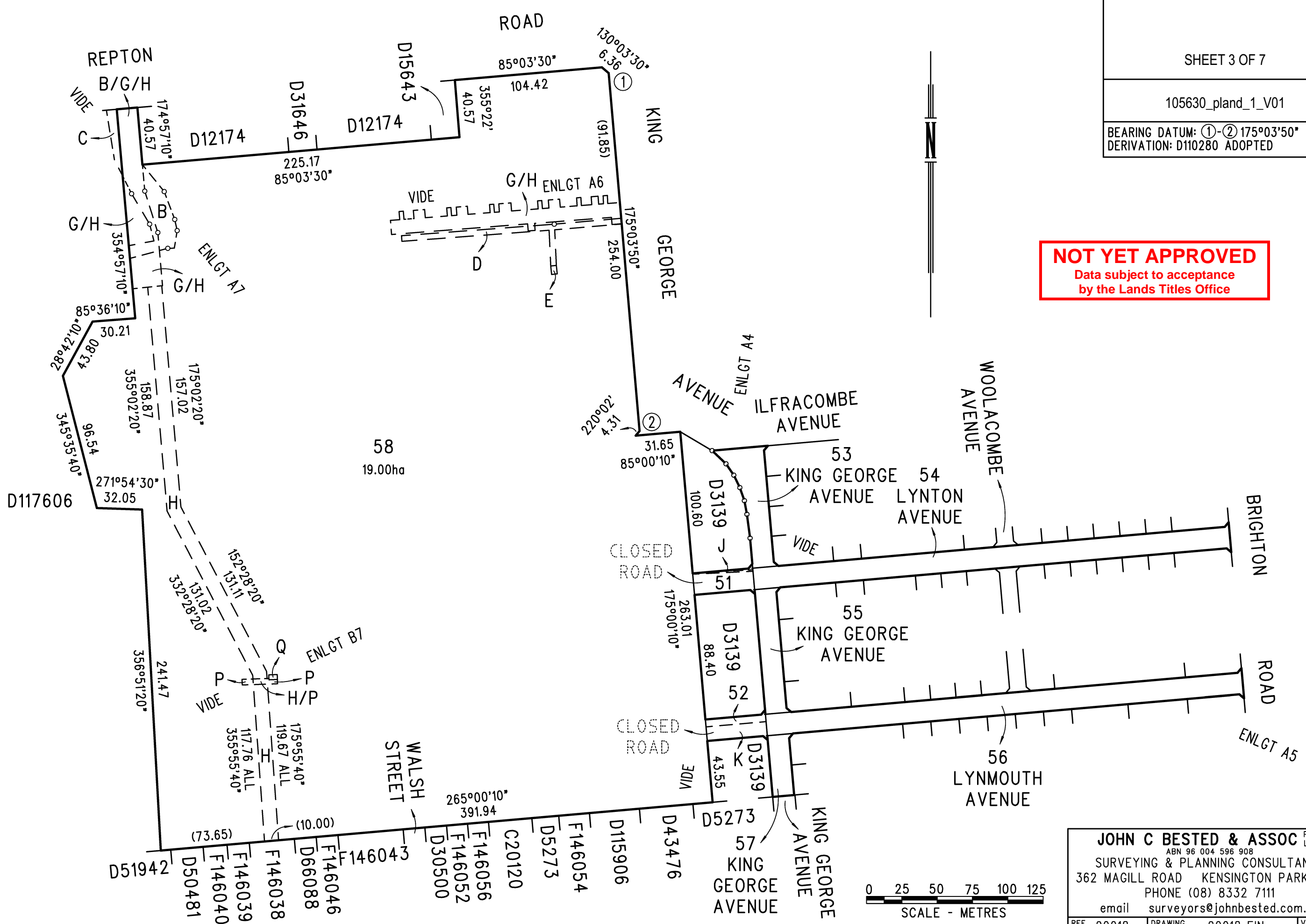
EASEMENT DETAILS:

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
NEW	51	SHORT	EASEMENT(S)	J	FOR WATER SUPPLY PURPOSES	58	
NEW	52	LONG	EASEMENT(S)	K	ELECTRICITY SUPPLY PURPOSES	DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000)	

ANNOTATIONS: PP 19/0052
 AUTHORITY FOR DATA D110280
 ALLOTMENT 58 (CT 6207/771) DOES NOT FORM PART OF THE ROAD PROCESS

NOT YET APPROVED
 Data subject to acceptance
 by the Lands Titles Office

NOT YET APPROVED
Data subject to acceptance
by the Lands Titles Office



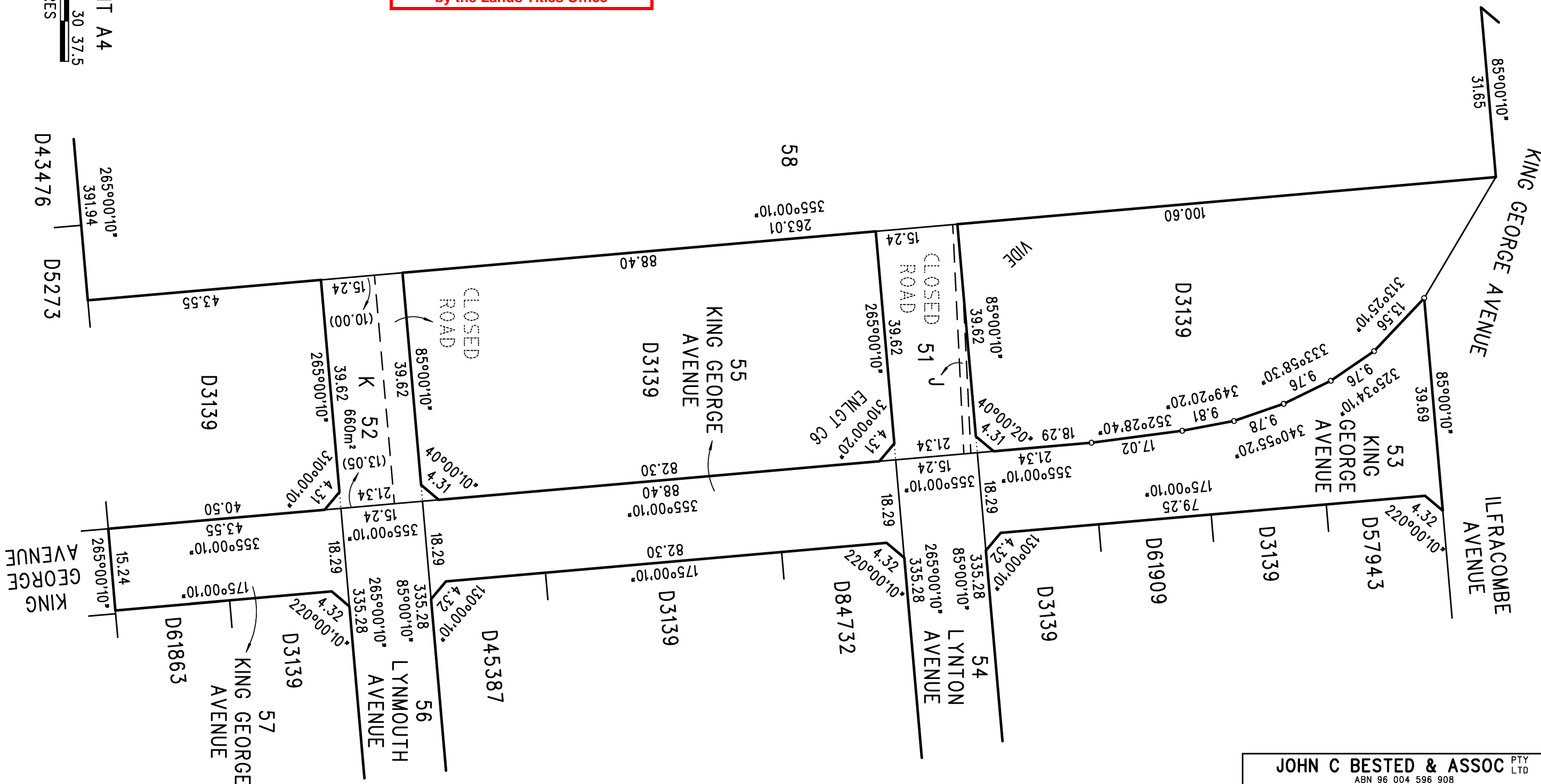
JOHN C BESTED & ASSOC PTY LTD
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REF 20018	DRAWING 20018-FIN	VERSION 1
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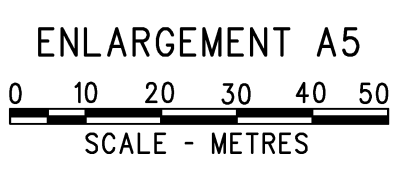
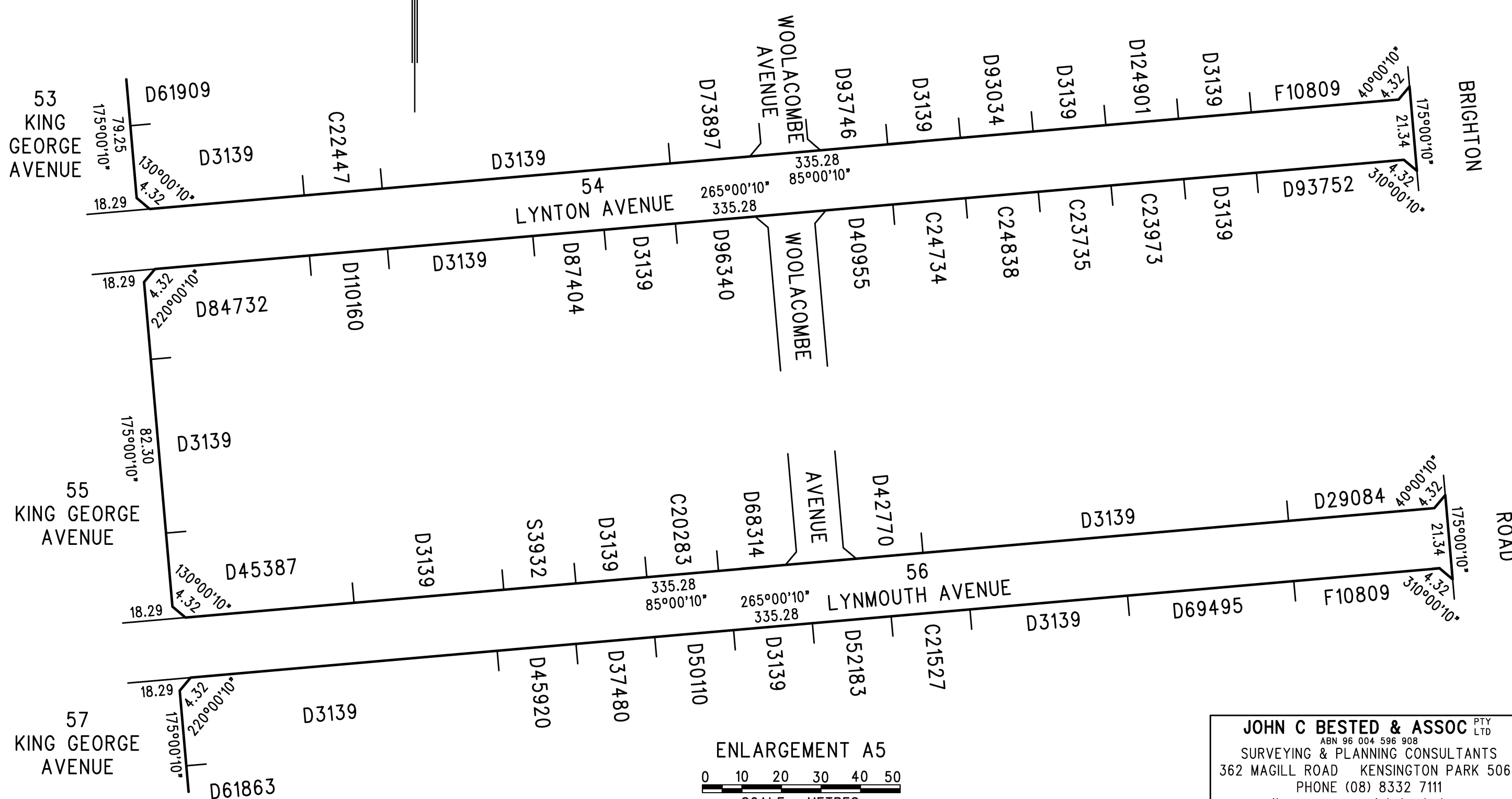
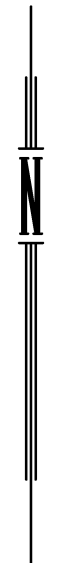
ENLARGEMENT A4
SCALE - METRES
0 7.5 15 22.5 30 37.5



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REF	20018	DRAWING	20018-FIN	VERSION	1
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by the Lands Titles Office

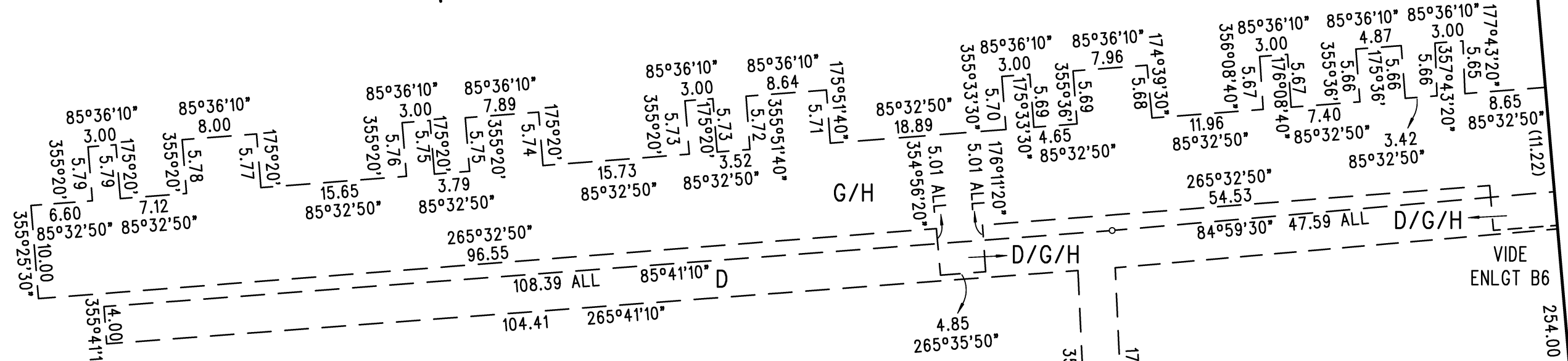
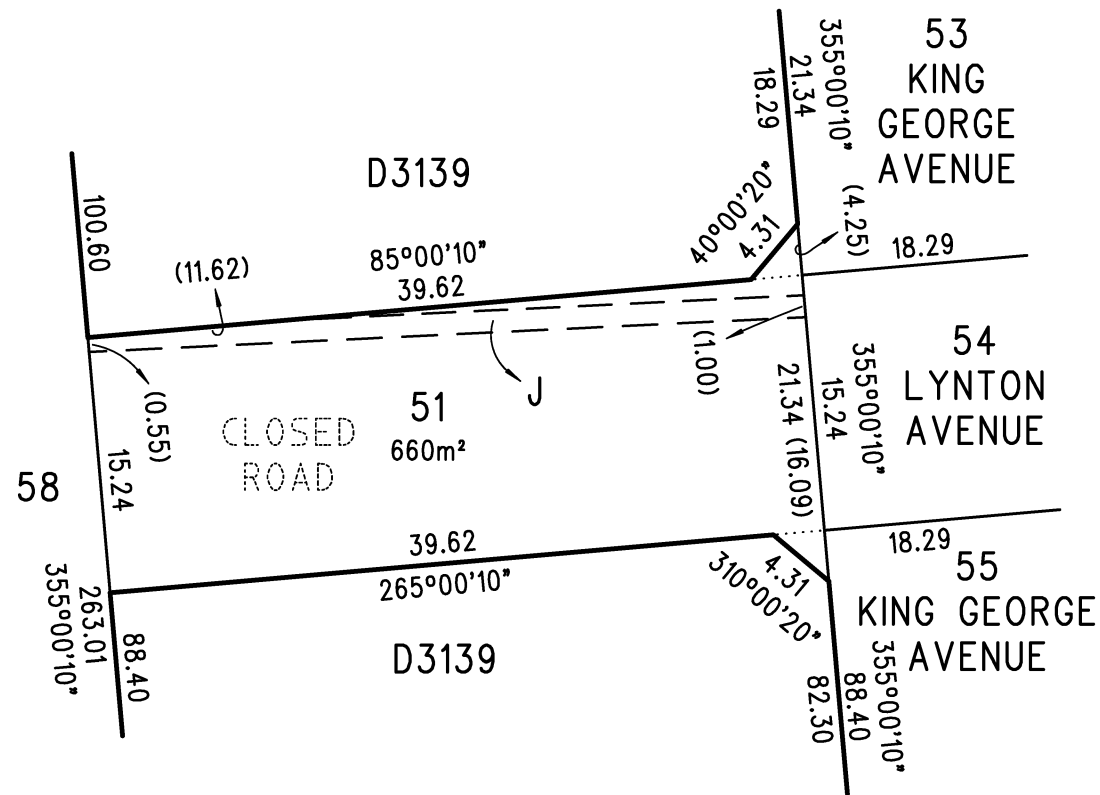


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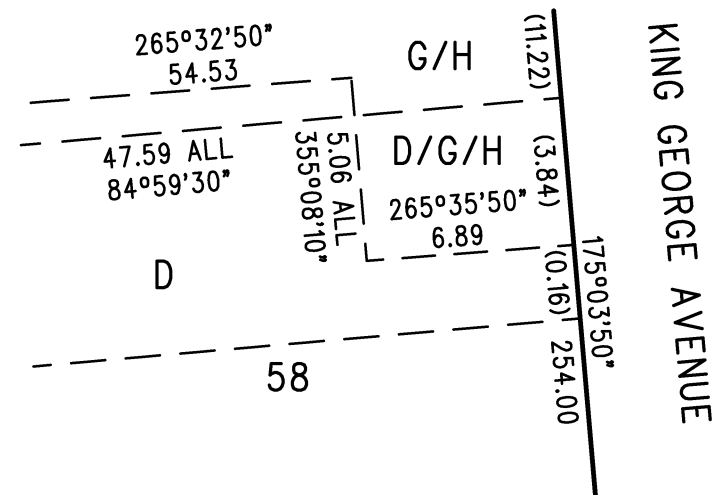
REF 20018	DRAWING 20018-FIN	VERSION 1
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Data subject to acceptance
by the Lands Titles Office

ENLARGEMENT C6
0 15 30 45 60 75
SCALE - METRES



ENLARGEMENT A6
0 5 10 15 20 25
SCALE - METRES

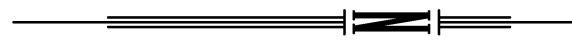


ENLARGEMENT B6
NOT TO SCALE

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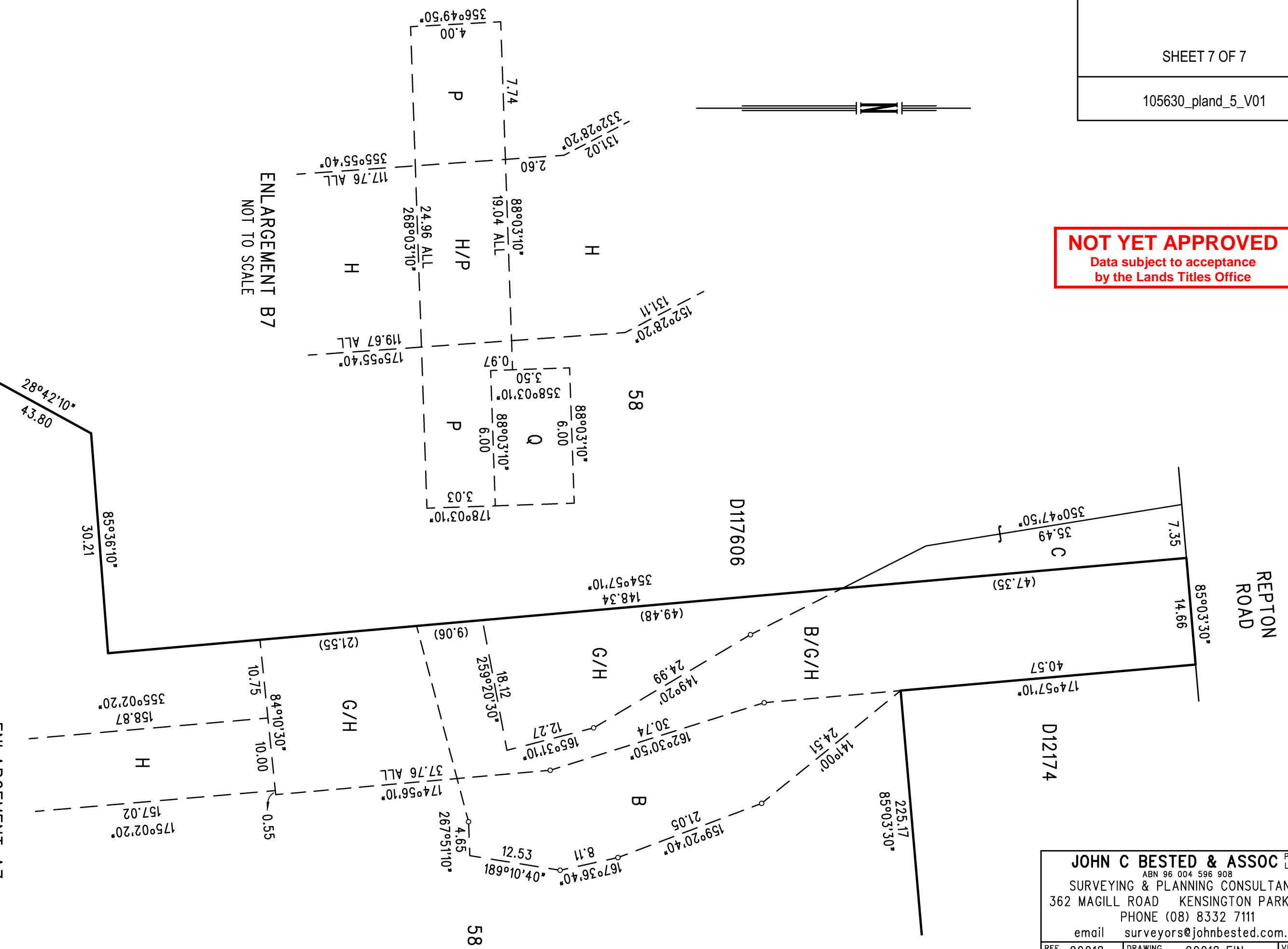
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NOT YET APPROVED
Data subject to acceptance
by the Lands Titles Office



ENLARGEMENT B7
NOT TO SCALE

ENLARGEMENT A7
SCALE - METRES

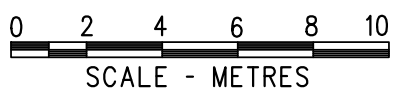
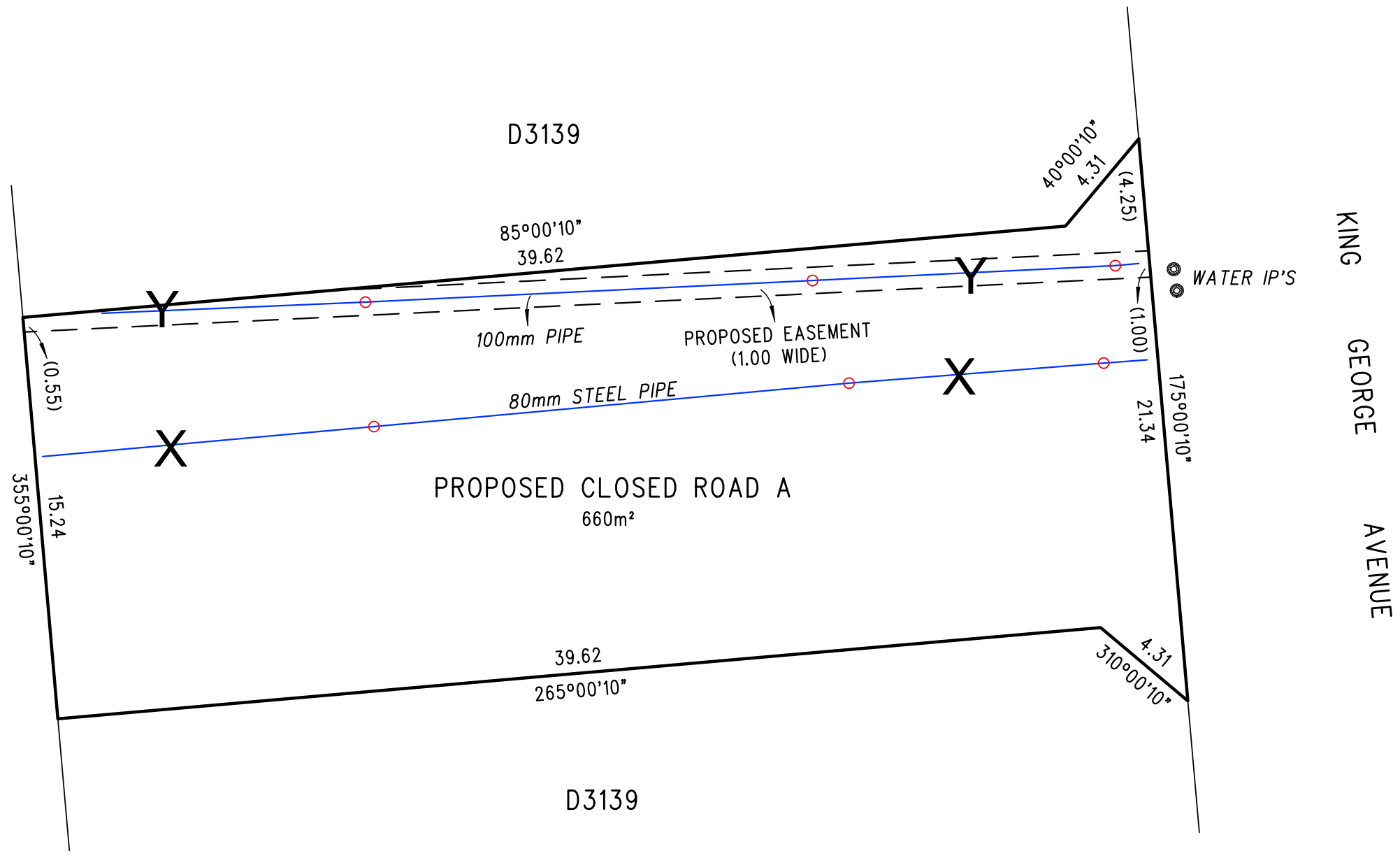


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REF 20018	DRAWING 20018-FIN	VERSION 1
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Attachment 3





○ = POT HOLE LOCATION

SURVEYED TA 10-08-20 DRAWN TA 10-08-20 CHECKED TA 10-08-20 APPROVED	JOHN C BESTED & ASSOC PTY LTD ABN 96 004 596 908 SURVEYING & PLANNING CONSULTANTS 362 MAGILL ROAD KENSINGTON PARK 5068 PHONE (08) 8332 7111 FAX (08) 8364 1829 email surveyors@johnbested.com.au	TITLE	POT-HOLE SURVEY PROPOSED CLOSED ROAD A (LYNTON AVENUE)	REFERENCE No.	20018
		CLIENT	CITY OF HOLDFAST BAY	DRAWING No.	20018-ENG
				VERSION No.	1
				SHEET	1 OF 1
				SCALE	1 : 200m (A3)

Item No: **15.6**

Subject: **CITY OF WEST TORRENS - LOCAL AREA TRAFFIC MANAGEMENT AT GLENELG NORTH - COMMUNITY CONSULTATION**

Date: 8 December 2020

Written By: Traffic Engineering Consultant/Manager Engineering

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

At the Council meeting on 23 July 2019, Council endorsed traffic management treatments identified in Report No: 280/19 City of West Torrens – Local Area Traffic Management at Glenelg North.

The endorsement was for installation of two intersection treatments within the City of Holdfast Bay at Location 1 being the intersection of Shannon Avenue and Bonython Avenue and Location 2 at the intersection of McCann Avenue and Bonython Avenue. Both designs were developed by the City of West Torrens in consultation with City of Holdfast Bay staff. The City of West Torrens have offered to pay for both treatments, although as the work is located just within the City of Holdfast Bay's boundary, Holdfast Bay will pay for ongoing maintenance and renewals.

The approved treatment at Location 1 was a junction realignment which was intended to direct traffic to use Bonython Avenue which is classified as a local collector road.

During the detailed design, the West Torrens design team identified that a roundabout at the intersection of Shannon Avenue and Bonython Avenue would be a better traffic solution resulting in slowing of vehicles from all directions and would require less kerb re-construction and stormwater adjustments.

A second round of community consultation was undertaken within a 100m radius of the intersection based on the revised design. Four responses were received, three in support and one not supporting the roundabout option. The objection was based on a desire to reduce the speed limit instead.

This report recommends that City of Holdfast Bay endorse the installation of a roundabout treatment at Location 1 – the intersection of Bonython and Shannon Avenue.

RECOMMENDATIONS

That Council:

1. note the responses of City of West Torren's community consultation in relation to the proposed works at intersection of Shannon Avenue and Bonython Avenue Glenelg North; and
 2. endorse installation of a roundabout at intersection of Shannon Avenue and Bonython Avenue Glenelg North as outlined in this report.
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

COUNCIL POLICY

Asset Management Policy

STATUTORY PROVISIONS

Road Traffic Act 1961

AS1742.10 Pedestrian control and protection

*DPTI's Manual of Legal Responsibilities and Technical Requirements for Traffic Control Devices
Part 2 - Code of Technical Requirements*

BACKGROUND

At the Council meeting on 23 July 2019, Council endorsed traffic management treatments identified in Report No: 280/19 City of West Torrens – Local Area Traffic Management at Glenelg North.

The endorsement was for the installation of two intersection treatments within the City of Holdfast Bay being Location 1 at intersection of Shannon Avenue and Bonython Avenue and a second location at the intersection of McCann Avenue and Bonython Avenue. Both designs were developed by the City of West Torrens in consultation with City of Holdfast Bay technical staff. The City of West Torrens has offered to pay for both treatments, although as they are just within the City of Holdfast Bay's boundary shown in blue in Figure 1 below. Holdfast Bay will therefore be required to pay for ongoing maintenance and renewals.

The approved treatment at Location 1 was to undertake a junction realignment (refer Figure 2) which was intended to direct traffic to use Bonython Avenue which is classified as local collector road, instead of continuing along Shannon Avenue and other local streets for these trips.



Figure 1 – Council Boundary in Location 1

The junction realignment would also restrict speeding along Shannon Avenue, by requiring the north approach traffic to give way, whilst traffic approaching from the east and south would have to slow down to negotiate the bend.

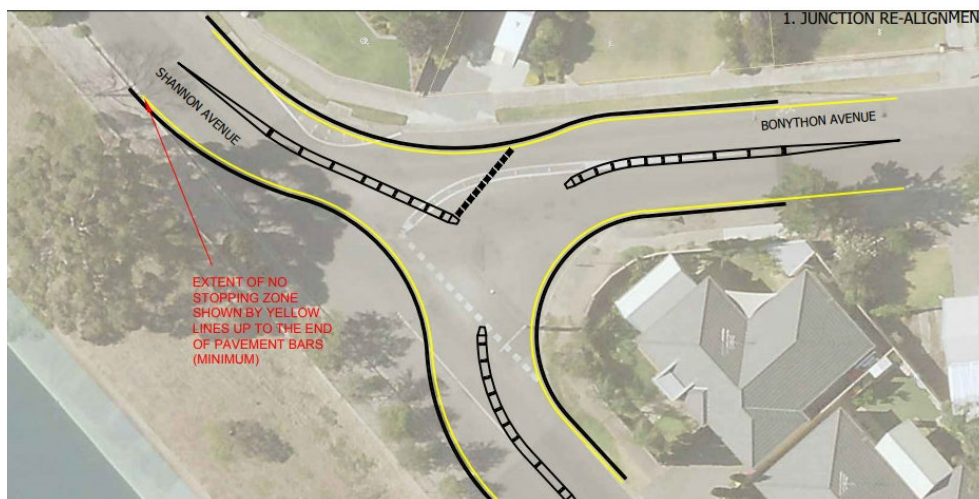


Figure 2 – Original traffic treatment at the Bonython Ave / Shannon Ave intersection

REPORT

During the detailed design planning phase and having reviewed the site survey, the City of West Torrens administration has identified that a roundabout (Figure 3) at the intersection of Shannon Avenue and Bonython Avenue (location 1) may be a more appropriate traffic calming option due to the function of slowing vehicles from all directions and the lower impact on re-aligning and adjusting the existing stormwater run-off system.

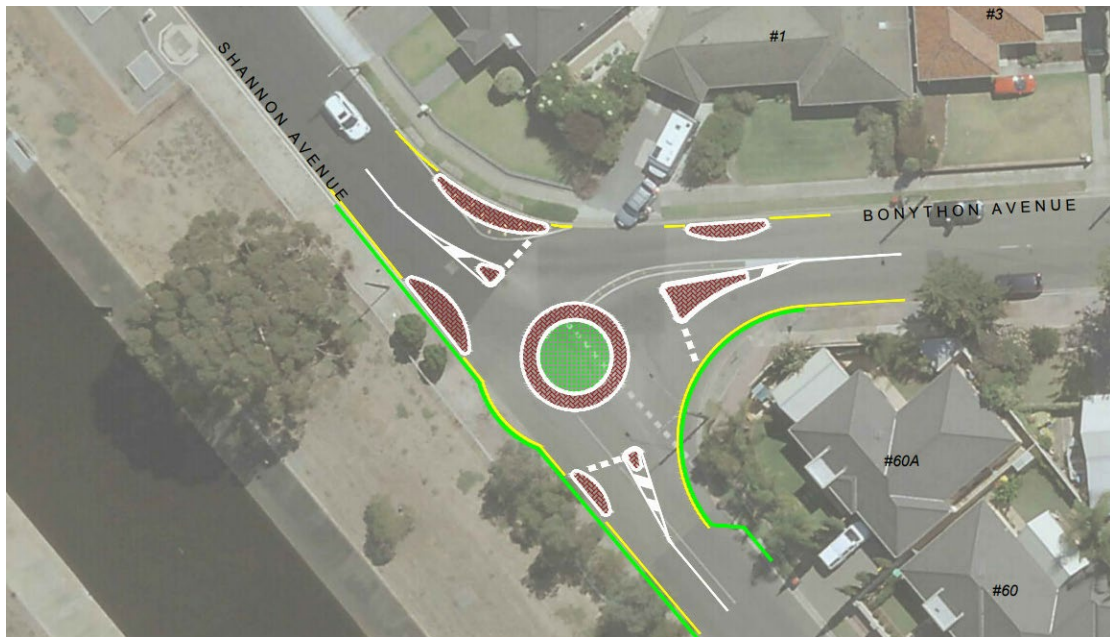


Figure 3 - Proposed roundabout treatment

City of West Torrens have therefore conducted a second round of community consultation within 100m proximity to the proposed roundabout and the outcome of the consultations are provided below.

Table1 presents the summary of community consultation responses related to the Bonython Avenue and Shannon Avenue roundabout.

Proposal	Roundabout
Support	3
Did Not Support	1

Table 1 – Resident feedback

Four responses were received: three respondents supported the proposal and one respondent did not support the proposal.

The respondent not supporting the proposal requested a speed limit reduction instead of a traffic management treatment. The roundabout forms a physical traffic calming device resulting in speed reduction.

Despite the small number of responses, Council received positive feedback from the two most affected residents; being the two corner properties No. 1 Bonython Avenue and No. 60a Shannon Avenue. Given the positive feedback from these 2 residents, it is recommended that Council approve the installation of the roundabout in partnership with City of West Torrens.

BUDGET

The City of West Torrens have indicated that they will fully fund the roundabout at Shannon Avenue and Bonython Avenue; therefore, there are no current budget implications associated with the recommendations for City of Holdfast Bay.

LIFE CYCLE COSTS

Ongoing maintenance of the roundabout, kerbing and protuberances will be funded from future City of Holdfast Bay asset maintenance budgets.

Ongoing maintenance of traffic signage and line marking will be funded from future City of Holdfast Bay traffic signage and line marking maintenance budgets at an estimated cost of around \$1,000 pa.

The new roundabout will also need to be included in Council's asset register and will increase the overall infrastructure asset value by around \$200,000 and depreciation by \$4,000/year which will need to be allowed for in the 2021/22 budget and thereafter.

Item No: **15.7**

Subject: **PLANNING REFORMS – PLANNING AND DESIGN CODE**

Date: 8 December 2020

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

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

The State Government commenced a review of the whole planning system in 2012, which took approximately 18 months and recommended wide reform of the existing system.

As a result of the review, a new Act, the *Planning Development and Infrastructure (PDI) Act 2016* was legislated in 2016. As part of the PDI Act 2016, every Council across South Australia will have their Development Plan rescinded, and replaced by a single state-wide Planning and Design Code.

The Planning and Design Code was originally released for public consultation on 1 October 2019, and closed on 28 February 2020. That version of the Code contained a large number of errors and omissions and given its format, was difficult to understand and interpret. As a result there has been a significant amount of changes to the Code since the close of consultation, and the introduction of several new Zones. A further round of public consultation is currently in progress closing on 18 December 2020.

This report summarises the main amendments of the Planning and Design Code and seeks Council's endorsement of a number of recommendations, and an attachment which will form Council's response to the consultation.

The Planning and Design Code was initially scheduled to commence operation on 1 July 2020 for Metropolitan Adelaide. Phase 2 of the Code went live for regionals Council on 31 July 2020. At this time there is no designated date for the Code to go live in the metropolitan area, but it is expected to be in the first half of 2021.

RECOMMENDATION

That Council:

- 1. That Council endorses Administration write to Planning & Land Use Services (PLUS) with the feedback and proposed amendments to the Planning and Design Code, stating that:**

“Planning & Land Use Services should:

- a. **work with Council to develop new policy for the proposed Employment Zone that promotes development on a local scale in keeping with the current size and form of existing businesses within the Zone;**
 - b. **amend all of the Neighbourhood Zones procedural tables to include development that exceeds the maximum length and/or height on the boundary as a notifiable form of development;**
 - c. **amend all Neighbourhood Zone front setback policies so that new development matches existing street setback patterns;**
 - d. **introduce a sub-zone for the coastal areas of the Open Space Zone to better reflect the coastal nature of the area; and**
 - e. **undertake a comprehensive review of the cumulative impacts of infill development in South Australia to inform evidence-based decision making about the capacity of identified infill areas to sustain further growth and development.**
- 2. Approve submission of the attached draft letter (refer Attachment 1) to the State Planning Commission as Council's response to consultation on the Planning and Design Code by the closing date of 18 December 2020.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

COUNCIL POLICY

N/A

STATUTORY PROVISIONS

Planning Development Infrastructure Act 2016

Development Act 1993

Development Regulations 2008

Heritage Places Act 1993

BACKGROUND

In 2012, South Australia's Expert Panel on Planning Reform was established to explore the best path for planning in South Australia. The Panel identified a range of critical issues in the planning system under the *Development Act 1993* that should be implemented as part of a new planning system. In particular, in the report to the Minister titled 'The Planning System We Want', the panel recognised there were fundamental problems in the way land use policies were written, spatially applied and interpreted, including:

- Excessive numbers and varieties of complex zones and policies;
- Lack of sophistication in complex zoning policies, resulting in poor outcomes;
- Limited use of performance based planning rules and complying standards;
- Out-of-date planning policies;
- Confusion, delays and frustration in the interpretation of complicated policies; and
- Design and its benefits poorly addressed.

In its response to the Panel's findings, the then State Government agreed the existing planning system was 'straining under the burden of voluminous, complex and highly variable planning rules across the state', and that design had been poorly articulated in planning policy. It endorsed the establishment of a single state-wide Code that would reduce unnecessary variations, inconsistency and complexity in land use policy, and place emphasis on built form and high-quality design.

Based on this, the Planning and Design Code was established as the cornerstone of the new planning system under the *Planning, Development and Infrastructure Act 2016*. Phase 1 was implemented across in outback areas of South Australia (outside of Council areas), and then Phase 2 across regional Councils in July 2020.

REPORT

Update of Planning & Design Code

In accordance with the recommendations from the expert panel, the State Planning Commission (SPC) has based the planning reforms around providing a simplified planning system that is easier for everyone to use. The original consultation process was difficult to understand and interpret as the Code was released as a 3,400 page document, with confusing tables, and no headers or footers to keep tab of what policy was being viewed.

Part of the intention of the Planning and Design Code (Code) was to reduce the number of Zones across Councils by merging Zones and removing Policy Areas within the Residential Zones, to provide greater consistency of policy across the State. What became apparent in the first round of consultation was that the reduced number of Zones did not fully cater for local characteristics and over simplified the system.

In the Holdfast Bay Development Plan there are 16 different Zones, plus Policy Areas. Due to the number of errors in the previous version of the Code, two additional Zones, the Waterfront

Neighbourhood Zone, and the Established Neighbourhood Zone have now been proposed to be added to the Code. This increases the number of Zones in the Holdfast Bay area and there are now 18 proposed Zones. Technical and Numerical Variations (TNV) provide further variation to Zone policy allowing for local content, similar to what Policy Areas current do.

The updated current version of the Planning and Design Code has been released for further consultation (closing 18 December 2020) has been significantly increased in size to include the previously missing data, new Zones and TNVs and is now over 7,800 pages.

The previous version of the Code that was released for public consultation appeared to be very rushed and contained a large number of errors, missing data from the mapping system, half-finished sentences and inconsistent use of words across different Zones. The latest version of the Code appears to be have been sufficiently edited as to allow a thorough understanding of the Code and how to interpret new policies.

The updated Code has been made available via an online system for this round of consultation, and this has made it significantly easier for people from a non-planning background to access the policies. However, the process is still difficult to understand, as when seeking the relevant policies for a type of development such as a dwelling addition, the website will produce over 30 pages of policy, some of which is very difficult to interpret.

Procedural Changes – Neighbourhood Zones Notifications

One of the major changes to the Code that will have significant implications across all of the residential areas is the change to the procedural matters table for all of the Neighbourhood Zones. This table outlines which forms of development require notification to neighbouring properties.

The table states that any form of development that has an accepted or deemed to satisfy assessment process are exempt from notification. This means that nearly all forms of development, other than dwellings that are over the specified maximum height, are exempt from being notified.

This includes all boundary development, regardless of the height or length on the boundary. Of the issues that occur between neighbours when a property is development, boundary development is the most commonly raised concern. Council staff undertook an analysis of applications over a 6 month period (2019 applications) and only 9 applications would require notification under the new process, so approximately 1.5 applications per month. Those 9 applications are types of development that are not the regular types of development, and therefore are not listed as being exempt from notification. The types of development included tennis court light, refurbishment of public toilets, and public sporting facilities.

The complete list of all applications currently on notification across the whole of South Australia are published on the PlanSA website. Having reviewed what types of development are notified, there is very little residential development and where there have been, it is because the property is not located in a residential zone (and therefore not exempt). The notification system is a web

based platform, and there is the opportunity for anyone to make a representation, regardless of whether they live near, or if they will be impacted by the development.

Neighbourhood Zones – Allotment Sizes

As the majority of Holdfast Bay is comprised of residential areas, there is a focus on the residential components of the Code, which are called Neighbourhood Zones.

The most significant changes to the existing Residential Zone are the introduction of a standard allotment sizes for land division, and in the increased floor sizes for non-residential types of development. In the General Neighbourhood Zone there is also the introduction of a standard front setback requirement for the Residential Zone (5 metres), and Medium Density Zone (3 metres), regardless of the existing street setback pattern. As shown in the photo on the next page, there is a consistent setback of 6 metres of properties within the Medium Density Zone.

Regardless of this consistency, the front setback requirement for the one property not developed would be three (3) metres.



This is a disappointing approach from the State Government and will have significant impacts on streetscapes. It is recommended that Council recommend to the State Planning Commission that this to be changed to maintain existing streetscape setbacks.

Neighbourhood Zones – Small Scale Shops & Commercial

In the Neighbourhood Zones there is proposed to be a greater allowance for small scale shops and commercial businesses than currently allowed under the *Development Act 1993* and City of Holdfast Bay Development Plan. This will allow for small scale shops and cafes in residential areas similar to Jetty Road Brighton and Queen Street Croydon. By allowing for these types of businesses that provide to the local community it is envisaged that it will reduce the amount of car dependent travel and create more walking and cycling destinations for local residents. It is important to note that these types of developments will need to satisfy the Neighbourhood Zone requirements (eg landscaping and maintaining character) whilst also satisfying commercial requirements (eg parking). As these types of development will be performance assessed, it is considered that Council will be able to appropriately manage these types of applications. However, they will most likely be exempt from notification.

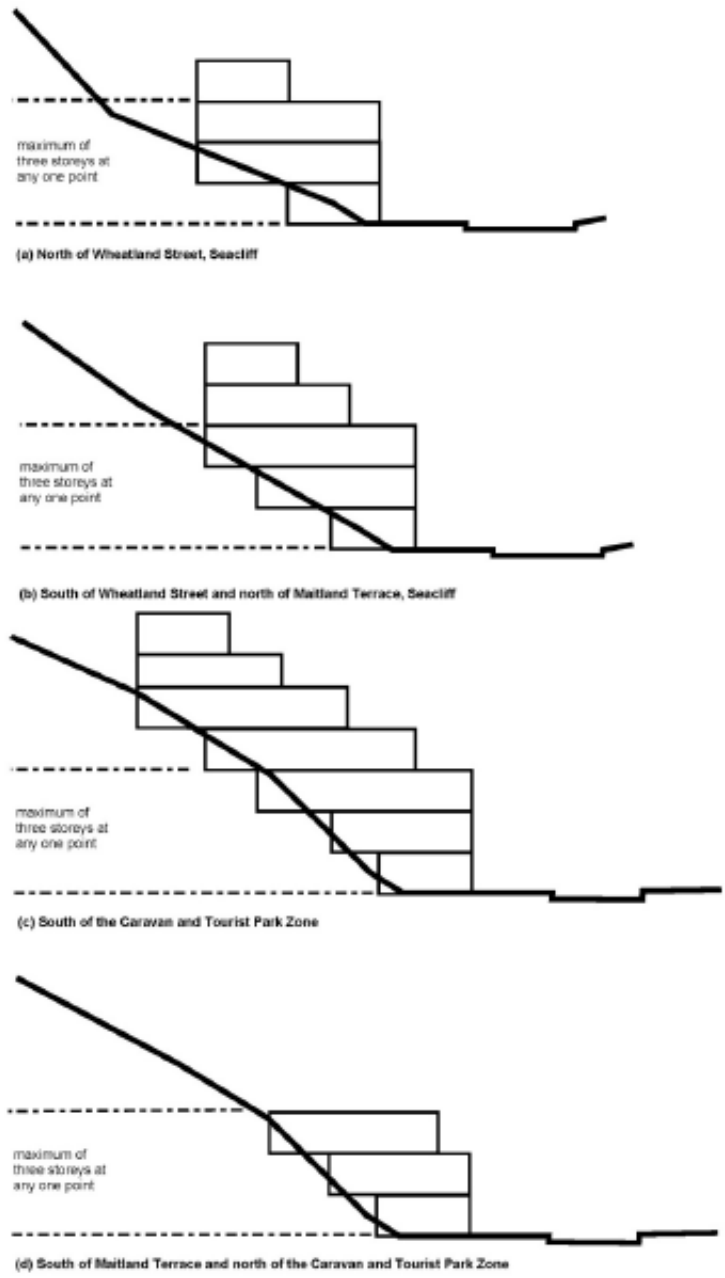
New Waterfront Neighbourhood Zone

From the feedback received by DPTI from the first round of consultation that closed in February of this year, it became apparent that the policies across the new Zones were insufficient and did not contain adequate policy to address differences in localities. Since consultation closed DPTI, and now Planning & Land Use Services have proposed several additional and amended Zones to better reflect the existing localities. One of these new Zones is the Waterfront Neighbourhood Zone.

The Waterfront Neighbourhood Zone was created for areas that front directly onto water, or are located on an Esplanade. The Esplanade area south of the Minda site currently allows for three storey development, but would have been limited to two storeys in the first version of the Code due to the limitation of the General Neighbourhood Zone. The new Waterfront Neighbourhood Zone allows for the inclusion of Technical and Numerical Variations (TNV) to cater for the additional floor level so as to reflect current maximum height limits. This is considered to be an appropriate solution.

The only area that requires more detail is at Kingston Park. Due to the steep nature of the land, dwellings in this area are allowed additional overall height, as long as they are not higher than 3 stories above ground level at any particular point. This is managed in the Development Plan through the inclusion of the following Figure 1, which Administration recommends be included in the Code as to easily outline this requirement.

Figure 1 – Maximum Height Limit within the South West Policy Area 7



Housing Diversity Neighbourhood Zone

The existing Medium Density Policy will be replaced by the Housing Diversity Neighbourhood Zone. The previous version of the Code that was released for consultation proposed minimum allotment sizes of 140sqm across the whole Zone. Council raised concerns with the proposed

minimum sizes, and now the minimum allotment sizes have been increased to 200sqm for row and group dwellings, and residential flat buildings. Detached dwellings will require a minimum of 250sqm. This is considered to be an improvement, will allow for appropriate amounts of landscaping and private open space areas for multiple dwelling developments.

Changes to Zoning for Foreshore, Beaches and Reserves

In the previous version of the Code, the Glenelg foreshore area was proposed to be zoned Suburban Activity Centre, which is for commercial development. This included the beach, Colley and Wiggly Reserves. This has now been amended so that the built up areas will be zoned Urban Neighbourhood Areas. The beach and the reserves will be zoned Open Space, and the Patawalonga will be zoned Infrastructure (Ferries and Marina Facilities). This is considered to be a suitable outcome.

Open Space Zone

The Open Space Zone policy has been amended and now incorporates the Coastal Open Space Zone. The Open Space Zone is focused on land in open space areas and provide little guidance for the coastal beach areas where development can occur.

Council was contacted by the Department for Environment and Water (DEW) who previously recommend a sub-zone over the coastal areas to better reflect the area of land it covers. DEW is again recommending a Sub-Zone to appropriately manage coastal development. Administration supports this view as it will result in better policy, and more consistent with the existing policy, and it is recommended that Council include this in the list of recommendations to Planning & Land Use Services.

Light Industry Zone

As with the previous version of the Code, Council Administration has concerns with the proposed changes to the current Light Industry Zone. Council staff have consistently raised concerns with the changes in that they are not consistent with the current built form that comprises small scale manufacturing that provides for the local area.

Council has made multiple representations requesting further amendments to the proposed policy, but none have been forthcoming. Administration's concerns about the proposed policy is that they have been development with no understanding or analysis of the Somerton Park area, including the size of allotments or the types of development within the Zone. Council staff have on 3 occasions invited staff from the State Government to walk through the Zone to help explain our concerns, but these have all been rejected.

The new policy will prohibit any further subdivision and allow more commercial type uses. It has been highlighted to Planning & Land Use Services that there are no other Zones of this type in South Western Adelaide, whilst there a significantly high number of Commercial Zones, and there is no need for any more, but Planning & Land Use Services remain defiant about the keeping the proposed changes.

Zone Names

The names of zones have been changed to highlight a different strategic direction for these areas. Residential zones have been changed to 'neighbourhood zones' with the intention to provide for a more mix use areas to create more vibrancy. Justification for this is provided in the 'People and Neighbourhoods Policy Discussion Paper' where it states *"Increasing urban infill and transforming residential neighbourhoods into vibrant, mixed-use precincts are policy and design intentions that will continue. They are shown to stimulate greater resident interaction, increase active forms of transport (benefitting public health) and increase use of public transport"*.

Below is a list of the current Development Plan Zones and Policy Areas on the left and middle, and on the right is what the zones will be known as in the new Planning and Design Code. The table also shows where some changes have been made, with struck through text showing where text has been deleted from the Code, and Bold words are new Zone names.

Current Development Plan Zone	Current Development Plan Policy Area	Planning & Design Code Zone
Caravan and Tourist Park		Caravan and Tourist Park
Coastal Conservation		Conservation
Coastal Open Space		Open Space
Commercial		Suburban Employment
Community	Recreation	Recreation
Community		Community Facilities
District Centre	Brighton and Hove	Suburban Activity Centre
District Centre	Glenelg	Urban Corridor (Main Street)
Glenelg Foreshore and Patawalonga		Suburban Activity Centre Plus Infrastructure (Ferry and Marina Facilities) Urban Neighbourhood Waterfront Neighbourhood Open Space
Light Industry		Suburban Employment
Local Centre		Suburban Activity Centre Local Activity Centre
Mixed Use		Suburban Business and Innovation
Neighbourhood Centre		Suburban Activity Centre
Open Space		Open Space
Residential	Central West	General Neighbourhood Waterfront Neighbourhood

Residential	Institution	General Neighbourhood
Residential	Medium Density	Housing Diversity Neighbourhood
Residential	North West	Suburban Neighbourhood
Residential	South West	Housing Diversity Neighbourhood Waterfront Neighbourhood
Residential		General Neighbourhood
Residential Character	Central Glenelg Village	General Neighbourhood Established Neighbourhood
Residential Character	Da Costa Park	Suburban Neighbourhood Established Neighbourhood
Residential Character	Maturin Road	Suburban Neighbourhood Established Neighbourhood
Residential Character	New Glenelg	Suburban Neighbourhood Established Neighbourhood
Residential Character	Seacliff	Suburban Neighbourhood Established Neighbourhood
Residential Character	Streetscape Character (Brighton and Glenelg East)	Suburban Neighbourhood Established Neighbourhood
Residential Character	Streetscape Character (Glenelg and Glenelg North)	Suburban Neighbourhood Established Neighbourhood
Residential High Density (Five Storey)	Urban Glenelg	Urban Neighbourhood
Residential High Density (Three Storey)	Urban Glenelg	Urban Renewal Neighbourhood
Residential High Density (Twelve Storey)	Urban Glenelg	Urban Neighbourhood

Heritage and Character Areas

In November 2019, a report was presented to Council with recommendations for Historic and Character Area Statements (which will be kind of similar to Desired Character Statements in the Development Plan) to be included in the Planning and Design Code. Council administration drafted statements for all of the existing Historic and Character areas. These statements have now been included in the consultation with only minor editorial changes made by DPTI. As only minor changes have been made from the statements written by Council they maintain Council's preferred direction for these areas and will assist to maintain the existing character and built form. Therefore there are no comments in relation to these statements.

The inclusion of the Historic and Character Area Statements into the draft version of the Planning and Design Code is considered to be an important step in maintaining Council's historic and character areas. The existing land division principles currently in the Development Plan for these areas has transitioned into the Planning and Design Code. Therefore it is considered that there will be minimal impact to the Historic and Character areas within the City of Holdfast Bay.

In the first version of the Planning and Design Code, there was only the General Neighbourhood Zone and the Suburban Neighbourhood Zone proposed for Residential areas. In the City of

Holdfast Bay we have Historic Area overlays that apply over both Zones. There was direct conflict between the Zone and the Overlay, and whilst in the hierarchy, the Overlay trumped the Zone, it was confusing policy. As a result the Established Neighbourhood was created to apply where either a Character or Historic Area Overlay apply. This has meant there is less conflict between the policies of the Zone and the Overlays. This is considered to be a good solution to have a Zone that is more closely aligned with the Historic and Character Overlays.

The previous Minister of Planning strongly opposed the inclusion of Heritage Contributory Items in the Planning and Design Code. After significant backlash from the community, the new Minister for Planning announced in October 2020 that Heritage Contributory Items will transition into the Code. This is considered to be a very good outcome and will give applicants, and Council planners a clear understanding of which properties are considered to be of significant heritage character.

Seacliff DPA

City of Holdfast Bay and the City of Marion have recently undertaken a DPA to transition land in the Seacliff area to a mixed use development site. PLUS has recently advised both Councils that the land will transition to the Master Planned Neighbourhood Zone in the Planning and Design Code. This Zone, whilst several details of the Zone are still to be determined, namely the Building Envelope Plan which will determine building heights and setbacks, is the most suitable Zone for this area given the changes in the DPA. Both Councils will continue to work with PLUS to finalise the details of this Zone to ensure what was agreed upon in the DPA will eventuate for this area.

What are the positives?

The large number of errors and omissions in the original version of the Planning and Design Code have been well documented, but it must also be acknowledged that there are some positives in the amended version of the Code. The development of an online mapping system showing all of the relevant overlays and zones is a big project and a significant achievement to have all the zones, overlays and mapping in one place available to the public.

The current Residential Code system that allows for complying dwellings in certain areas currently allows for fast tracked development, but does not include any design principles and as such has resulted in some poor developments.

The new criteria for Deemed to Satisfy dwellings now includes design elements and landscaping requirements, some of these include:

- Requirement for façade treatment such as porticos or verandahs;
- Requirement for 25% of front yard to comprise soft landscaping;
- Minimum driveway clearance to street trees of at least two metres;
- Minimum requirements of soft landscaping in the rear yards;
- Requirement for a tree to be planted;
- Requirement for at least one large window from a habitable room facing the street; and
- Restrictions on driveway and garage width (depending on width of allotment), and distance between driveways to retain on street parking.

These design requirements have been slightly tweaked since the first version of the Code was notified, but remain mostly the same and retains the same intent.

In the previous version of the Code that was released for consultation there was some partial flood mapping included but none in the Holdfast Bay Council area, despite the flood data being publicly available. Council administration has been working with DPTI and now PLUS since the close of consultation to make sure the data is included, which it now has been. The Holdfast Bay Council area is now extensively mapped showing where flooding occurs to ensure that appropriate development is undertaken in those areas. This is considered to be a significant achievement as the Development Plan currently does not have any flood mapping.

Whilst there have been some positive improvements with the latest version of the Planning and Design Code, it is considered that fundamentally the whole process is flawed as the process policy changes are not based on research or analysis. The whole planning reforms are based upon changes to improve a system, but there hadn't been any detailed analysis by PLUS to actually determine whether the changes are appropriate for the areas they are replacing. This is clearly highlighted in the current Light Industry that has new policy that is not consistent with the existing built form and current uses in the area. Therefore it should be recommended that the Planning and Design Code should not be introduced until a thorough analysis of the proposed changes has been undertaken.

Where to from here

Council staff have undertaken a thorough analysis of the amended Planning and Design Code and have written a detailed submission in response to the second round consultation process (refer attachment 1).

Refer Attachment 1

The submission contains a summary of comments and concerns which relate to the City of Holdfast Bay. Within the submission, Council is recommending policy changes to maintain the character and promote appropriate development. Once the consultation process has closed, DPTI will publish a document summarising all the submissions, and negotiations will commence with Councils in relation to further changes to the Planning and Design and potential Zone changes.

Previously the changeover date was mandated by legislation. However, as part of the delay the implementation date will no longer be legislated. At this stage the Minister for Planning has stated that the Code will go live in early 2021, possibly March, but that will depend upon the results of this consultation.

BUDGET

The implications of implementation of the new Planning, Development and Infrastructure Act reforms including introduction of the Planning and Design Code for Council's operating budget are not yet clear. However with the introduction of new administrative arrangements including the state-wide Planning Portal, Council will lose significant revenues with Lodgement Fees

becoming payable to the State Government rather than Council, together with lower Assessment Fees due to more developments being *deemed to satisfy*.

Implementation of the new administrative arrangements could also see Council incur additional unfunded costs for assisting residents and developers to lodge applications via the Planning Portal and for additional inspections.

At this point, a reduction in lodgement fees of \$100,000 has impacted Council's revenue for 2020/21. As details of new service implications are not yet clear, no additional costs have yet been identified for the draft 2021/22 budget.

LIFE CYCLE COSTS

It is not possible at this time to determine future ongoing costs associated with the Planning and Design Code, apart from likely loss of Lodgement Fee revenue. This position will be updated and reported to Council as the situation becomes clearer.

Attachment 1





holdfast.sa.gov.au

Brighton Civic Centre 24 Jetty Road, Brighton SA 5048

PO Box 19 Brighton SA 5048

P 08 8229 9999 F 08 8298 4561

Glenelg Customer Service Centre and Library

2 Colley Terrace, Glenelg SA 5045

3 December 2020

Mr Michael Lennon
Chair
State Planning Commission
DIT.planningreformsubmissions@sa.gov.au

Dear Michael

The council would like to thank for making the decision to provide a second round of public consultation to the Planning and Design Code. The first round of public consultation fell well below the standard required for such an important policy document due to the vast number of errors and omissions that were contained in the Planning and Design that was released in October 2019. The latest version of the Planning and Design Code is an improved Policy document containing many corrections and additional Zones to provide better direction for future development. However, we believe there are still many outstanding issues, as well as procedural matters that need adjustment.

The main concerns Council has with the revised Planning and Design are:

- The non-existence public notification for any type of residential development;
- Front setback policies for General and Housing Diversity Neighbourhood Zones will not maintain the existing streetscape policies;
- The proposed Zone changes to the current Light Industry Zone;
- The lack of any detailed analysis for any of the proposed changes;
- A sub-zone should be included (as recommended by DEW) over the coastal areas to better reflect this area, rather than the generic open space zone; and
- Master Planned Neighbourhood Zone consulted with important details still missing.

We have significant concern for the total lack of public consultation that will result from the Code. As currently proposed the only form of residential development that will be notified is over height development. However, the largest neighbour concern in the current planning system is boundary development, especially where it is over the prescribed height and length, which will be exempt from notification in the Code. This proposal is not consistent with either Council's or the community's expectation in regards to development. We strongly urge that the procedural table be amended so that boundary development that exceeds the prescribed requirements for height and/or length require notification to adjacent properties.

The front setback policies of the General Neighbourhood and the Housing Diversity Neighbourhood prescribes a minimum distance rather than acknowledging what the existing street setback pattern is. Street setbacks have an important part in streetscape character, which should be maintained in the Planning and Design Code. Therefore Council recommends that prescribed front setbacks be removed from the Planning and Design Code and be replaced with a requirement to match the

average of the adjacent buildings. There are many examples within our Housing Diversity Zone areas that have a street setback pattern of 7 metres, which would be detrimentally impacted by development setback 3 metres from the street.

The proposed changes to the Light Industry Zone are considered to be inconsistent with the existing built form and uses within the Somerton Park area. Council has questioned the change in policy several times, with the explanation being that the policy is to drive more innovative and variety of development. Council agrees with that vision, however that vision does not align with the proposed policies to achieve a productive way forward for this area. As previously advised, there are no other Light Industry Zone in Southern-Adelaide, but a high number of commercial zones. Council do not see the need for any more additional commercial zones.

We question why, if the vision is to promote growth and diversity why is:

- A policy being introduced that means there will be no further sub-division in this area? The nature of this area is for small scale businesses, operating at a local level. Council sees no harm in further division in this area where appropriate?
- Why is there a requirement for a 3 metre side back, and rear access when this does not currently exist in this zone, and means a significant portion of a site will not be able to be development? Most recent forms of development are built boundary to boundary, with front access. Most allotments are 15 metres wide; and
- The restricted development exclusion for shops is 1000sqm, when most allotments in this Zone are smaller than that and not achievable? That size is completely out of scale with the existing uses.

Without having an understanding of an area at a local level, Council fails to see how this can be successfully achieved. A site visit and an analysis of what is there at the moment would appear to be minimum requirements. We appreciate that the Commission is trying to provide a state wide vision, but surely this can only be achieved where through careful analysis to ensure that where new Zones are being proposed, they are being done carefully to ensure a smooth transition.

Council has also raised on multiple occasions the issues relating to traffic and access in Somerton Park area and how the additional proposed uses for this area aren't compatible. The above questions and issues highlight how inappropriate the proposed policy is.

We have serious concerns that a total lack of analysis across the whole metropolitan area could have detrimental consequences given that the Planning and Design Code significantly reduces allotments sizes and frontages, which could lead to an over demand on stormwater infrastructure and result in additional flooding. Council expects at the very minimum that there some be some basic analysis to demonstrate the potential risks to local communities.

The one size fits all approach to planning is an over simplification of the planning process and removes all local content. The danger of this approach is that thorough analysis has not been undertaken to understand what impacts these changes will have, or if they are appropriate to replace the existing policy. We recommend that before the implementation of the Planning and Design Code, PLUS undertakes a thorough analysis of all the proposed changes to ensure that where new policy is being introduced it is appropriate for the locality.

The proposed Open Space Zone in the Planning and Design Code is proposed to be enlarge to include the Open Space Zone and the Coastal Open Space Zone that are in the Development Plan.

The Coastal Open Space Zone in the Development Plan, as the name suggests, gives directive for development over coastal land. In the Planning and Design Code, the proposed Open Space Zone does not give any direction, or acknowledgement of Coastal development, and appears to be purely focuses on inland parks and recreational areas. We believe this is a significant shortfall and could have significant consequence for Coastal development. Council supports the Department for Environment and Water's (DEW) recommendation in the previous consultation of the Code for a sub-zone over the coastal area. Having discuss this issue recently with DEW, we also recommend that a sub-zone be included over the land that is currently Zoned and Coastal Open Space.

Council notes that the land associated with the current Seacliff DPA is proposed to be Zoned Master Planned Neighbourhood Zone. Whilst Council is tentatively supportive of this, we note that no details are provided in relation to Building Envelope Plans (BEP), which the Zone appears to be strongly reliant on in place of Technical Numerical Variations. BEP will determine what setbacks, heights, site coverage are appropriate for each individual site within the Zone, and therefore is crucial to how the Zone will be developed. We are disappointed that no details of how BEP are developed or how they will operate have been included in the Planning and Design Code that was released for consultation. Council wishes to be included in any further working groups where this Zone is open for discussion.

If you have any question in relation to this letter, please contact Michael Gates on 8229 9959, or email mgates@holdfast.sa.gov.au

Kind regards

Roberto Bria
CEO – Holdfast Bay Council

Item No: **15.8**

Subject: **CORONER'S REPORT- ACTION TAKEN**

Date: 8 December 2020

Written By: General Manager, Community Services

General Manager: Community Services, Ms M Lock

SUMMARY

The Coroner's Inquest took place on 23-24 September 2019 and 11 November 2019 into the deaths of Theyry Niyomungere, Frank Ndikuriyo on 1 January 2016 and Nitisha Negi on 10 December 2017 at Glenelg Beach. As a result the Coroner made recommendations that required action of Council and other stakeholders to reduce the likelihood of a recurrence of a similar event of that was the subject of the Inquest.

RECOMMENDATION

That Council note the Report.

COMMUNITY PLAN

Community: Providing welcoming and accessible facilities

Community: Fostering an engaged and contributing community

COUNCIL POLICY

Council By-laws.

STATUTORY PROVISIONS

Local Government Act, 1999, Section 253

Harbors and Navigation Act 1993, Section 18(1) & (4)

Coroners Act, 2003

BACKGROUND

A Coroner's Inquest took place on 23-24 September 2019 and 11 November 2019 into the deaths of Theyry Niyomungere, Frank Ndikuriyo on 1 January 2016 and Nitisha Negi on 10 December 2017 at Glenelg Beach. As a result of the Inquest a number of findings were outlined, with Court recommendations *'that might prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was subject to the Inquest'*. The recommendations were directed to Minister for Trade, Tourism and Investment, the Minister for Sport, Recreation and Racing, the

Minister for Transport Infrastructure, Local Government and Planning, the Chief Executive of the City of Holdfast Bay and the Glenelg Surf Life Saving Club that required action.

Refer to Attachment 1

As a response to the incidents that occurred in 2016 and 2017, a Drowning Prevention Working Committee was established 12 December 2017 which included the following stakeholders:

- SAPOL
- Surf Lifesaving SA
- Glenelg Surf Lifesaving Club
- Department of Planning, Transport and Infrastructure (DPTI)
- Department for Environment and Water: Coast and Marine Branch
- Council Administration

In addition to the formation of the Drowning Prevention Committee the following actions were undertaken;

- At the Council Meeting 12 December 2017 the following motion (C121217/1004) was carried:

Restricted Swimming – Glenelg Breakwater

That Council:

1. *Express its deepest sympathies to the family and friends of the late Nitisha Negi who died in a tragic drowning accident off Glenelg Beach.*
2. *Give authority to the Chief Executive Officer to enact By-law 7.2 (if necessary) to ban access to the Glenelg breakwater rocks until such time as the State Government is able to change regulations via Section 27 of the Harbors and Navigation Act 1993.*
3. *Request interim assistance from the State Government and Surf Life Saving South Australia to monitor and educate the public on this restricted beach access.*

Moved Councillor Lonie, Seconded Councillor Yates

Carried

- Council's action to temporarily amend By – Laws was to restrict beach access until the Harbors and Navigation Act 1993 was amended.

Swimming restrictions have been enforced through legislation with an amendment to the Harbors and Navigation Act 1993, Section 18(1) & (4) which was gazetted on 19 December 2017. The amendment bans swimming, bathing and diving (including scuba diving) within 40 metres of any part of the 3 breakwaters that are connected to land at Glenelg.

With the Act amended selected authorised officers (Regulatory Services Officers) can enforce the legislation.

- In July 2016, 30 signs were erected between the Jetty and the breakwater, with the majority of these installed by the City of Holdfast Bay and 10 installed by the Department of Planning, Transport and Infrastructure (DPTI). The signs placed near the breakwaters and on the jetty are warning signs, whereas the others are information signs only.
- Council Administration has also collaborated with Surf Lifesaving SA in increasing public awareness, in placing beach safe education messages in key beach side locations via bin corflute signage, as well conduct a coastal safety signage audit, with extra attention to any signs which have been installed near the breakwater structure to ensure compliance with the National Aquatic and Recreational Signage Style Manual (NARSSM).
- Importantly, Council has commissioned the services of Surf Life Saving South Australia since 2006 for the provision of professional lifeguarding services, during weekdays across summer December to March. The City of Holdfast Bay are only one of two South Australian councils, the other being Yankalilla District Council, to commission professional life guarding services for the annual summer period.

In addition to professional lifeguarding services, Council endorsed via the 2020/21 budget extra beach patrols to be undertaken by Community Safety Services to enforce legislation across the beach including the break water. Operations are scheduled for a 6 month period from September to the end of February.

REPORT

With the Coroner's Inquest having taken place on 23-24 September 2019 and 11 November 2019, the Court made recommendations (6.10) directed to Minister for Trade, Tourism and Investment, the Minister for Sport, Recreation and Racing, the Minister for Transport Infrastructure, Local Government and Planning, the Chief Executive of the City of Holdfast Bay and the Glenelg Surf Life Saving Club that required action. The recommendations and subsequent actions are as follows;

1. Coroner's Inquest recommendation 6.10.1:

There should be a public awareness campaign, with government imprimatur, conducted through paper and electronic media outlets in relation to the dangers associated with the groyne situated at Glenelg beach and in relation to the waters in the vicinity of that groyne. The campaign should contain the following elements:

- *A description of the specific dangers associated with activity of the groyne itself;*
- *A description of the dangers associated with swimming and sing in the waters in the vicinity of the groyne;*

- *The fact that swimming and other activity in the water within 40 metres of the groyne is prohibited and that penalties can apply;*
- *That fatalities have occurred in the waters in the vicinity of the groyne;*
- *That swimming from the groyne to the nearby channel markers, and the climbing onto the channel markers, are prohibited and that penalties can apply;*
- *That swimmers should confine their activity to the area between flags erected by surf lifesaving authorities;*
- *That parents and caregivers should take responsibility for the safety of their children at the Glenelg beach and other beaches.*

Action taken by Council Administration in collaboration with Surf Lifesaving SA

Council Administration has worked closely to support Surf Lifesaving SA's beach safety campaigns to increase public awareness. Council have provided bin signage infrastructure in key beach side locations which includes the following:

- Bin 25 - Moseley Square (Adjacent Glenelg Jetty)
- Bin 28 - Moseley Square (In front of Foreshore Reserve Playspace)
- Bin 29 - Moseley Square (Brian Nadillo Reserve)
- Bin 30 - 19 Holdfast Promenade, Glenelg
- Bin 55 - Colley Tce (Fence signage)

These remain in place throughout the summer period.

Variable Message Signs (VMS): Beach safe messages have also been incorporated into the VMS scripts in which Council manage along the Glenelg foreshore.

As part of the ongoing review of the Coroner's recommendations an audit was undertaken in 2019 by the Project Officer, Assets and Facilities, Buildings and Facilities. Currently in progress is a Coastal Safety Signage Audit, which has been commissioned by Council, prepared by Surf Life Saving South Australia. It was determined as a priority the Glenelg Ward Coastal Safety Signage Audit be completed prior to peak season.

In response to the Coastal Safety Signage Audit the following work has commenced;

- Administration in collaboration with Surf Lifesaving SA to conduct and implement a signage audit which shall reoccur every 2 years.
- Installation of signage, compliant with the National Aquatic and Recreational Signage Style Manual at locations either side of the Jetty entrance. Old signs at these locations will be removed and single signs at each location with all necessary information to be impactful will be installed.
- It is intended to install at beach access points signage, north of the Glenelg Jetty prior to Christmas.

- Continue to install remainder of the signage at recommended locations after Christmas throughout the Glenelg Ward.
- Administration to prepare a communication and engagement plan to consult directly with Glenelg Pier Apartment residents on the 5 beach access points in front of the residential properties.
- Administration to implement and conduct a 4 year Coastal Risk Assessment.

2. Coroner's Inquest recommendation 6.10.2:

That the Holdfast Bay Council and the Glenelg Surf Life Saving Club consider, and confer in relation to, the extension of a surf lifesaving presence at Glenelg beach beyond the hour of 6pm on public holidays and weekends.

Action taken by Council Administration in collaboration with Surf Life Saving South Australia and Glenelg Surf Life Saving Club.

Each summer, lifesaving services are provided by SLSSA volunteers at weekends and public holidays in Glenelg. In addition to the weekend lifesaving, the City of Holdfast Bay engages and contracts Surf Life Saving South Australia (SLSSA) to provide lifesaving coverage of Glenelg Beach on weekdays with the following services:

Coverage of:	65 days
Commence date:	Monday 14 December 2020
Conclude date:	Friday 19 March 2021 (6:00pm)
Days:	Weekdays (excluding Public Holidays)
Hours:	Patrol days commencing at 1200 (12:00 noon) through until 1800 (6:00pm)
Cost:	Total Service Cost: \$45,000 (ex GST)

Additional Inclusion: When available, functioning and located on site, the inclusion of a Jet Ski and the usage of this equipment only by qualified Lifeguards engaged by SLSSA.

Lifeguards will be rostered from 12pm to 6pm on weekdays (not public holidays). Surf Life Saving SA will employ two lifeguards for the duration of the contract. The start and finish time for the service can be varied in consultation with Surf Lifesaving SA.

The Service will be able to undertake either a fixed patrol (between the flags) or mobile patrols depending on beach conditions on the day, the location can be negotiated between council and Surf Life Saving SA.

It would be Surf Life Saving South Australia's intention to employ locally to fill the lifeguard positions should suitable candidates be available.

Outside of the nominated times outlined above the Glenelg Surf Lifesaving Club provides volunteer beach patrols up until 6pm on the weekends and public holidays. Administration have met with Glenelg Surf Life Saving Club to discuss the possibility of extending these hours where volunteer resources are permitting.

3. Coroner's Inquest recommendation 6.10.3:

That consideration should be given to prohibiting and prescribing penalties for climbing on groynes and breakwaters. That in any event, further signage should be placed on the Glenelg groyne indicating that people should keep off it along its entire length.

Action taken by Council Administration

Since the drownings, patrols were increased along the area, which include Day and Night Patrols undertaking checks and dedicated beach patrols. This is dependent on weather conditions, and it is important to note that there are limitations to line of sight.

With the new Bylaws, Council will need resolve/define restricted areas of the beach in which Council have care and control if Council want to restrict access to the breakwater area as access can be via beach, along the breakwater and the pathway connecting to the breakwater. Prior to the changes to the Harbors and Navigation Act being amended, council resolved for the beach area only to be restricted.

In the case of the beach front specifically, the By-law is only relevant to those portions that are Local Government land. This includes those areas comprising 'adjacent land' under the *Harbors and Navigation Act 1993* ("the HN Act"), which are under the Council's care, control and management by virtue of the operation of Section 18(4) of the HN Act. The following is relevant:

- pursuant to section 4 of the HN Act, 'adjacent land' is land that extends from the low water mark on the seashore to:
 - the nearest road or section boundary; or
 - to a distance of 50 metres from high water mark (whichever is the lesser distance);
- pursuant to section 18(4) of the HN Act, all adjacent land (including structures thereon) in the Council's area is under the care, control and management of the Council unless there is a proclamation made under section 18(1) of the HN Act provides for the contrary and, therefore, is Local Government land. However, where the beach front and foreshore areas extend beyond the 'adjacent land' then the By-law will not apply to it unless those portions are otherwise owned by or under the Council's care, control and management; and

In this year's budget, Council supported extra beach patrols undertaken by Community Safety Services who enforce legislation across the beach including the break water.

4. Coroner's Inquest recommendation 6.10.4:

That signage erected at or near the groyne should contain information that fatalities have occurred in the waters in the vicinity of the groyne.

Action taken by Council Administration in collaboration with Department of Planning, Transport and Infrastructure (DPTI) and Surf Life Saving South Australia (SLSSA)

On the July 2016, 30 signs were erected between the Jetty and the breakwater, with the majority of these installed by the City of Holdfast Bay, with approximately 10 installed by the Department of Planning, Transport and Infrastructure (DPTI). The signs placed near the breakwaters and on the jetty are warning signs, whereas the others are information signs.

Administration met with SLSSA on 1 September, where it was agreed a scope and quote for provision of services to undertake an audit of coastal signage. Inclusions within the audit were to cover the entire length of the coastline and assess 75 coastline access points at a total cost of \$11,000.

Overall, \$50,000 has been allocated within the 2020/21 budget to undertake sign replacement inclusive of audit.

The audit was undertaken in September, with design completed in October, and installation of priority signage prior to Christmas, with other replacement works expected to be undertaken in the second half of this calendar year.

The audit will also provide extra attention to any signs which have been installed near the breakwater structure to ensure compliance with the National Aquatic and Recreational Signage Style Manual (NARSSM).

5. Coroner's Inquest recommendation 6.10.5

That structures that hinder or could potentially hinder the operations of the Glenelg Surf Life Saving Club should not be erected in the vicinity of the Club premises.

Action taken by Council Administration in collaboration with Glenelg Surf Life Saving Club

Council Administration in collaboration with the Glenelg Surf Life Saving Club undertake prior to any activation or scheduled events, a risk assessment with agreed risk mitigation strategies to ensure sightlines and access points are maintained throughout activation and event delivery to maintain public safety.

6. Coroner's Inquest recommendation 6.10.6

That attention is paid to the matters identified by Mr Shane Daw that are set out in para 5.6 herein, including but not limited to engagement with and the education of multicultural communities regarding water safety.

Action taken undertaken by Surf Life Saving South Australia

Multi-Lingual Beach Safety Information is available in over 60 languages via the SLSSA website. In addition SLSSA deliver multicultural beach safety programs all year round.

BUDGET

Expenditure is contained within the 2020/21 budget, totalling \$95,000 for this financial year.

LIFE CYCLE COSTS

Asset management and professional life guarding services are accommodated within future budgets.

Attachment 1





FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 23rd and 24th days of September 2019 and the 11th day of November 2019, by the Coroner's Court of the said State, constituted of Anthony Ernest Schapel, Deputy State Coroner, into the deaths of Thiery Niyomungere, Frank Ndikuriyo and Nitisha Negi.

The said Court finds that Thiery Niyomungere aged 11 years, late of 41 Haydown Road, Elizabeth Grove, South Australia died at Glenelg Beach opposite Holdfast Shores and Marina, Glenelg, South Australia on the 1st day of January 2016 as a result of salt water drowning.

The said Court finds that Frank Ndikuriyo aged 11 years, late of 42 Thorne Street, Paralowie, South Australia died at the Women's and Children's Hospital, 72 King William Road, North Adelaide, South Australia on the 1st day of January 2016 as a result of salt water drowning.

The said Court finds that Nitisha Negi aged 15 years, late of 4/27-28 Khichripur Road, Resettlement Colony, Delhi, India died at Gulf St Vincent, Glenelg Breakwater, Holdfast Promenade, Glenelg, South Australia on the 10th day of December 2017 as a result of salt water drowning.

The said Court finds that the circumstances of their deaths were as follows.

1. Introduction

- 1.1. These are the Court's findings in respect of a joint inquest held into the cause and circumstances of the deaths of Thiery Niyomungere aged 11 years, Frank Ndikuriyo aged 11 years and Nitisha Negi aged 15 years. I shall refer to the three children as Thiery, Frank and Nitisha.
- 1.2. Thiery and Frank both died on 1 January 2016 during the same incident at the Glenelg beach. Both boys drowned.
- 1.3. Nitisha died on 10 December 2017 at the Glenelg beach. She drowned.
- 1.4. The incidents that culminated in the deaths of the three children both involved the waters in the vicinity of a large rock groyne, sometimes referred to as a breakwater, that is situated at the northern end of the Glenelg beach, just immediately south of the southern breakwater that forms part of the channel leading from the gulf waters into the Patawolonga marina. The rock formation in question is an artificial formation. In these findings I will simply refer to it as 'the groyne'. The groyne runs in a north-south direction. It consists basically of a large pile of rocks and boulders. The northern tip of the groyne is separated from the southern breakwater of the channel into the marina by a distance of perhaps 50 metres. At low tide the groyne is situated on the beach in the sense that the sand proceeds right up to the eastern side of the groyne. However, at high tide the groyne will be completely surrounded by water. It is said that the groyne plays a role in protecting the channel entrance to the marina.
- 1.5. The Court heard evidence that I will discuss in due course that the waters adjacent to the groyne can present as a danger to swimmers and that swimming and even wading in the vicinity of the groyne is to be vigorously discouraged, as is access onto the groyne itself. Despite the fact these deaths were highly publicised at the time and despite the dangers that continue to be presented by the waters in the vicinity of the groyne, the Court has been told that swimmers still climb onto the groyne and enter and swim in those waters. This is so despite the numerous warning signs that have been put in place since the deaths of Thiery and Frank. The best efforts of surf lifesaving personnel at the Glenelg beach, consisting of repeated and frequent warnings to beachgoers to get off the groyne and not swim in its vicinity, seem to fall on deaf ears giving rise to the distinct possibility that another fatality could occur in circumstances similar to those

associated with the deaths of Thiery, Frank and Nitisha. This inquest probably would not have been necessary but for this set of circumstances.

- 1.6. The findings of this inquest are designed to serve as a **public warning** that accessing the groyne and swimming and wading in the waters adjacent to it are activities that are associated with significant danger and that these activities should cease.

2. **The circumstances of the drownings of Thiery and Frank**

- 2.1. Thiery and Frank were friends. They had attended Wigley Reserve on New Year's Day 2016 with their respective families. They were joined by other families who had children. Wigley Reserve is located behind the Holdfast Shores Marina complex. The reserve has access to the beach via Chappell Drive. After a meal, a group of children and young adults walked to the beach. Their parents remained at Wigley Reserve. There was some confusion about whether the children would be swimming and who would be responsible for supervising the children at the beach. It appears that some of the parents indicated that the children were not to swim or did not know that the children would be swimming. Some of those who walked towards the beach stopped at the Holdfast Shores Marina to take photographs. Another member of the group stopped to use the bathroom. The remainder of the children and young adults went onto the beach. The children entered the water immediately in front of the Chappell Drive access. There were no rocks at that location. Frank, Thiery and some of the other boys moved towards the northern end of the beach and began climbing onto and over the rocks at the southern end of the groyne. Having entered the water the boys found themselves in a current that was pulling them around the rocks. The boys who entered the water included the two deceased who were both 11 years old, and three other boys who were aged 12, 9 and 12. One of the 12-year-olds made it to the shore and ran to the lifesavers' tent seeking help. The time that he approached the lifesavers' tent was 5:57pm. It was the end of the lifesavers' shift. The lifesaving personnel were in the process of packing up their equipment on the beach. Lifesavers Todd Smith and Thomas Drew immediately drove in a utility to the scene picking up another lifesaver, Steve Dumican, on the way. The lifesavers entered the water to rescue the boys. One of the boys was rescued off the north-western side of the groyne by Todd Smith. Meanwhile, another boy was pulled from the water by a young adult who had accompanied the boys to the beach. By that stage many more lifesavers had joined in the rescue attempt. The inflatable rescue boat was deployed in the water and police and paramedics were by

then in attendance. The rescue jet boat and surf lifesaving helicopter had both been called to attend. Thiery was then pulled from the water on the south-western side of the groyne by a lifesaver named Anthony Merchant. Thiery was face down and half submerged. Lifesavers, paramedics and a medical practitioner, Dr Paix, immediately attended to Thiery. However, he was unable to be resuscitated. He was pronounced dead at 6:30pm.

- 2.2. Whilst Dr Paix was attending to Thiery, Frank was located by members of the public in the small bay immediately to the northeast of the groyne. He was face down and unresponsive. A Mr Madigan pulled Frank from the water and immediately he was assisted by lifeguards, paramedics and then Dr Paix. By the time Dr Paix arrived at that location Frank was already undergoing CPR that was being administered by paramedics. At no stage was there any sign of life or restoration of pulse. However, a potentially restartable cardiac rhythm was detected. As a result, Dr Paix elected to transport Frank to the Women's and Children's Hospital by ambulance. Unfortunately resuscitation efforts by the Women's and Children's team were unsuccessful and he was pronounced dead at 7:17pm.
- 2.3. Neither Thiery nor Frank were considered to be competent swimmers.
- 2.4. At the approximate time that the children entered the water the temperature at nearby Adelaide Airport was 24.6°C and the average wind speed was 27 kilometres per hour. There was an incoming tide. The surf conditions were described by Mr Shane Daw, an experienced lifesaver who attended the scene, as choppy with about a one to two foot swell with some waves bigger than that. A south-westerly wind was surging into the bay and was creating a rip current to the southern part of the rocks.
- 2.5. Mr Shane Daw has been a volunteer lifesaver for many years. He has been a member of the Glenelg Surf Life Saving Club for many years. He was an employee of Surf Life Saving South Australia for 25 years. Mr Daw is currently the National Coastal Risk and Safety Manager of Surf Life Saving Australia stationed in New South Wales. In the course of these findings I shall refer in some detail to his evidence.

3. The circumstances of the death of Nitisha

- 3.1. Nitisha died on 10 December 2017. She was 15 years of age. Nitisha was an Indian national who was in Adelaide as a member of an Indian under 18s soccer team that was

competing in the Pacific School Games. Her team's competition had concluded. Nitisha and the other members of her team were due to leave Adelaide the following day. On Sunday 10 December 2017 Nitisha attended the Glenelg beach with a group of fellow soccer players and other Indian nationals who had attended Adelaide for the games.

- 3.2. Nitisha and four other girls approached the shore and waded through the waters north of the jetty in the direction of the groyne. As the group approached the groyne the water, quite unexpectedly, became deeper and waves caused them to slip under the water. None of the girls were strong swimmers. Almost immediately the five girls were struggling in the water. Four of those girls were rescued either by lifesavers or members of the public.
- 3.3. A member of the public, Mr Roland Tan, was the first to render assistance. He was playing along the shoreline with his family when he saw an Indian man calling for help. As a result, he swam out to the group of girls who were in difficulty. Mr Tan's estimate is that they were about 100 metres out. He swam out there unaided. He encountered two girls struggling in the water and tried to assist them both. He then found himself in trouble but managed to hold onto one of the girls. He made it back to shore with that girl and rendered assistance on the beach. This girl survived. It is clear from the evidence that Mr Tan's attempts to rescue the girls tired him to the point of exhaustion. Mr Tan is to be commended for his actions.
- 3.4. Shane Harris was the lifesaving patrol captain on duty at Glenelg on that day. At about 5:40pm a young Indian girl ran up to the patrol tent and said 'there's a drowning'. He and another lifesaver, Benjamin Warr, then drove to the groyne and observed Mr Tan pulling the first girl from the water who at first was apparently lifeless. However, after CPR was administered the girl recovered. Mr Warr then entered the water in the southern areas of the rocks where he assisted another lifesaver pull another young person of Indian appearance from the water. That person was breathing and did not require CPR. Lifesaver Jeremiah Packer was in the inflatable rescue boat and observed a girl face down and unresponsive in the water. He jumped from the boat and swam to her before pulling her to shore where he performed CPR. She remained unresponsive for some time but ultimately responded. All of those brought to shore on 10 December 2017 were taken to hospital and ultimately recovered. Nitisha remained missing.

- 3.5. A search was conducted for Nitisha by SAPOL Water Operations, PolAir and the Westpac Rescue Helicopter, as well as various watercraft. However, she could not be located that day. The search was called off until the following morning.
- 3.6. At approximately 7am the next morning Nitisha was located deceased in the water near the location in which she had originally gone missing, which was on the south-western side of the groyne.
- 3.7. The afternoon of 10 December 2017 had been warm. At about 5:40pm it was 28°C with wind speeds of 18 kilometres per hour from the south-south-west with seas at about one to one-and-a-half metres with an incoming tide.
- 3.8. There is no suggestion other than that the efforts of surf lifesaving personnel and emergency services' personnel to locate and resuscitate the rescued individuals involved in both incidents at Glenelg were of a high standard of competence. All of the surf lifesavers are to be commended for their efforts. Everything that could have been done to save the lives of Thiery, Frank and Nitisha was done. As seen, both of these incidents unfolded in the half hour before 6pm. In many respects this was fortunate as surf lifesaving personnel attached to the Glenelg Surf Lifesaving Club were still present and active on the beach. The patrolling of the beach on weekends ceases at 6pm and preparations to pack up equipment and leave the beach generally commence before that. I say fortunate because on one view of the matter if the incidents had unfolded perhaps as little as 30 minutes later than they did, there may not have been the same level of surf lifesaving expertise present at the beach, rescue efforts may not have been as effective and more children may have died.
- 3.9. The Glenelg Surf Lifesaving Club, its members and other such Clubs in this State and their members continue to provide a dedicated, professional and valuable voluntary service to South Australian beachgoers and they deserve the gratitude of the entire community.

4. Evidence as to the dangers presented by the groyne

- 4.1. This evidence emanated from a number of sources including surf lifesaving personnel who were called to give oral evidence in the inquest. One of those persons was Ms Lisa Harvey who is a volunteer lifesaver with the Glenelg Surf Life Saving Club and has been so for many years. Ms Harvey was the patrol captain at Glenelg on the day of the

incident involving Thiery and Frank. Mr Jared Schenscher is also an experienced surf lifesaver with the Glenelg Surf Life Saving Club. He also gave evidence about the characteristics of the waters surrounding the groyne. The third witness who gave evidence about that subject matter and other subject matters was Mr Daw to whom I have already referred. The evidence of all three witnesses was essentially the same as it related to the dangers of the groyne.

- 4.2. It is convenient to deal principally with the evidence of Mr Daw given that he is a paid highly experienced full-time professional in the lifesaving industry as already described.
- 4.3. Mr Daw gave some general evidence by way of background about drownings in Australian waters. He pointed out that many drownings occur in waters that are benign or in waters that are perceived to be relatively benign and in respect of which people fail to appreciate a hazard or risk¹. Mr Daw stated that over 90% of drowning deaths actually involve Australian residents. The suggestion, often made, that tourists and persons born outside the country account for a large percentage if not the majority of persons who drown is not accurate. The other myth that Mr Daw seeks to debunk is that only poor swimmers drown. Mr Daw stated that the evidence suggests that people with over five years' experience of swimming and even competent swimmers can drown because they overestimate their swimming capabilities². As well, people overestimate their ability to identify dangers such as rips.
- 4.4. Against that background Mr Daw spoke of the particular dangers presented by the groyne at Glenelg. He suggested that people who are unfamiliar with the groyne and the waters surrounding it might be led to believe that the waters are benign. He said:

‘I’ve seen people playing on it, we know that people have swum around it, but when you get certain conditions, particularly a south-westerly blowing, it blows into there on the southern side of it, it creates a little bit of an inshore hole, all the water gets there and it will create a bit of a trough and create a rip-current which will then feed out from the south side running north.’³
- 4.5. Mr Daw stated that he had personally swum around the groyne on many occasions and while on some occasions there is no danger to him because of his obvious experience

¹ Transcript, page 123

² Transcript, page 123

³ Transcript, page 138

and swimming capabilities, there have been other occasions where due to the prevailing conditions he would not go near the groyne.

4.6. Mr Daw suggested that the groyne itself presents an inherent risk to persons who actually climb onto the groyne including an inherent risk of slipping when it is wet and/or covered in bird droppings. Evidence was also given that the groyne is used as a point from which to enter the water on its western or seaward side and that swimmers have swum from there to an off-shore channel marker which is then climbed, an activity that is unlawful. The Court was told that there has been one death directly associated with that activity. There are many reasons why climbing on the groyne itself is an undesirable activity and should be at least discouraged if not rendered unlawful.

4.7. As far as the surrounding waters are concerned, Mr Daw was asked by Mr Plummer, counsel assisting:

‘Q. In certain conditions can that rock groyne create a situation that’s potentially dangerous for those who are not competent swimmers.

A. Without doubt. Any structure like that can, it can be the jetty, it can be the rock groyne. So that rock groyne in particular, we do know that when we get the south-westerly going or we’ve had times where we’ve had the land spit that’s created and we get a high tide and people are out there around the rock there and when they are going to come in the tide has come in and all of a sudden the water is above their head. So it becomes - you know, they get stranded a little bit and unsure how deep it’s become, so people have been rescued in those situations. When we do get the storm and the surge conditions, that can create areas where people will go to that location, because in the south pocket there it becomes very deep, all the water rushes in, and just under the mechanics of the ocean, it’s coming into that area, it’s got to find a way to get out. So what it does is it rips the sand out and it creates a channel, a topographical rip - and a topographical rip means that there is a hard structure there, all the water has come in one way and so to get out there it digs a channel and forms its own pathway to get out and follows around the rock groyne to the north. So, the biggest problem there is that when it digs that deep hole the water looks calmer and people - we’ve seen that around Australia with a lot of drowning tragedies, kids and parents have - you know, parents have sent kids to go swim in that area because it’s calm, there’s not all the waves there, and that’s because it’s deeper and the water is actually flowing against the surf and therefore it creates a false perception that that’s a safe area. We know that that’s happened a few times where people have gone ‘Oh that area doesn’t look as bad as the rest’ and so they’ll go to that area, get themselves into the deep water, get themselves into the rip currents and then start to panic. So there is that risk under those conditions that it will create that risk - well it has posed

a risk to swimmers in the past on a number of occasions, which have ended in tragedies.’⁴

The point that requires special emphasis in my view is Mr Daw’s evidence that the apparent calmness of the water and lack of wave movement due to the depth of the water and the fact that the water is actually flowing against the surf creates a false perception of safety. The reality is that the water is deep and, as well, an irresistible rip may be present.

- 4.8. Mr Daw explained that in respect of the waters to the south of the groyne the force of the water and its energy will dislodge sand and form a channel. As well, the water needs to be able to escape from the area and that the path of least resistance for the water is to follow the groyne on its seaward side. Asked by Mr Plummer if wading through the water from the south to the north towards the rock groyne would involve a person finding themselves in water that unexpectedly becomes deeper as they approach it, Mr Daw said:

‘So in some cases they will be walking along the sandbar and they’ll actually, yes, walk into a deeper trough area because there’ll be - depending on the conditions on the day you’ll get a lateral current, so that’s a parallel channel which will run along the shoreline for the water which will run down to that point as well. So they could be on a sandbar with a little drop-off to the right of them if they were walking along the sandbar, or they could be in that. But as they walk towards that point, depending on the tide, yes they would slowly walk into deeper water.’⁵

This observation is especially relevant in relation to the difficulty that Nitisha and her four companions found themselves in when wading through the shallow water as they approached the southern tip of the groyne. The evidence suggested that the girls were very much taken by surprise by the increase in depth of the water at that point and by the wave movement. Mr Daw explained further:

‘... with rip currents what you get is you’ll have the waves, and where a rip current is there is less waves, so the waves will become a lot smaller or almost non-existent, and that’s because the water is channelling in a different direction and therefore it’s reducing that wave height and energy and going a different direction. So there will be less waves in that area and it will seem calmer and they’ll walk into that and think ‘Okay we’re out of the wave area’ but all of a sudden they’re in a bit of deep water, and it’s not usually until they look and go ‘Hang on, I’m trying to get back to the shoreline’ or to a point that they realise

⁴ Transcript, page 139

⁵ Transcript, page 141

that they are out of their depth or getting into a bit of difficulty and panic sets in for the inexperienced.’⁶

What Mr Daw has described there appears to have been replicated in the circumstances surrounding Nitisha’s drowning. One of Nitisha’s companions, Vani, described the incident in the following way:

‘We were still a fair distance from the rocks when Deepika said that it was starting to get a bit deep for her and she thought we should head back. We all agreed that it was getting deep and turned around to start walking towards where the group was.

As we turned around we kind of got stuck between two waves. Suddenly the sand below us slid away from us as it was washed away I think. The water got deep really quickly and I couldn’t touch the bottom. My head went under the water ...’

Another girl, Yukti described it thus:

‘We were standing south of the rocks in the water and 5 of us were together holding hands. The water was suddenly up to our hips. Deepika asked us to get out of the water as it was rising. We were following the beach and trying to walk out. We were looking over our shoulders at the waves coming behind us. One wave was very big and crashed over our head. It was very sudden that it got so deep for us.

For quite some time the water had been just below our knees. It was Deepika who pointed out that it was getting deeper and we should get out. I don’t think we were walking deeper. It felt like the wave pushed the sand out from our feet and we were pushed out to sea’.

Deepika’s perception was:

‘As we got closer to the rocks I noticed that the waves were getting bigger. I also noticed that the water level was getting higher but it appeared that the sand beneath our feet was moving to create that deeper water. It was quite scary ..., however before we knew it I could feel my legs being taken from underneath me.’

Deepika also said that their intention had been only to ‘*paddle*’ in the water because none of the girls were ‘*really good at swimming*’ and that although she herself had some swimming experience in India, her swimming skills were limited. It appears that all the girls wanted to do was to wade in shallow water. However, it is clear that they were taken by surprise by the behaviour of the waters in the vicinity of the southern tip of the groyne as they waded towards it from the south. Their approach to the waters had not in any sense been reckless. The last thing on their mind was that they were taking a risk. What happened to the girls appears to classically illustrate the hidden dangers that the waters present - as described by Mr Daw.

⁶ Transcript, page 142

- 4.9. Mr Daw also said that conditions can change dramatically within a matter of hours.
- 4.10. Mr Daw told the Court that he arrived at the beach as the incident involving Thiery and Frank was unfolding. On that day he was on duty and was in the Glenelg area but not at the beach. He was informed of the rescue taking place and so proceeded to the beach. I do not need to recite his evidence as to his own involvement in the rescue efforts. Suffice it to say that he described, as did other witnesses, a measure of uncertainty as to how many boys were missing, occasioned by language difficulties and a lack of clarity as to the number of people who had entered the water.
- 4.11. Mr Daw relevantly told the Court of the conditions as he perceived them to be. He said it was a hot afternoon/evening. A south-westerly wind had picked up. Its strength was probably in excess of 30 to 40 kilometres per hour at times. The wind had created a strong south-westerly swell and there were between one-and-a-half to three foot waves coming through. He said the conditions may have created an attraction for the boys, but the reality was that *'it was obviously quite risky for them'*⁷. That said, I do not believe that the boys necessarily appreciated the risk having regard to their inexperience in waters of the kind under discussion.
- 4.12. The evidence is compelling, and I find, that the dangers that Mr Daw described and the conditions that gave rise to those dangers were all in evidence on the days in question and that the dangers presented by the groyne, in combination with the limited swimming skills of the three deceased persons, accounted for their drownings. It also contributed to the difficulties that the rescued children had also found themselves in.
- 4.13. Mr Daw gave evidence, which I accept, that at the time of the deaths of Thiery and Frank there was no signage in or around or in connection with the groyne that illustrated or spoke of the dangers associated with the groyne. By the time of Nitisha's death there was some signage. There has been more signage placed in the vicinity of the groyne since that death. Signage is a matter that I will later refer to in more detail. Suffice it to say here that the signage now is quite prolific giving rise to the surprising but concerning revelation that people continue to enter the water surrounding the groyne and also continue to climb over the groyne. There is one exception to this observation and that is that in my opinion the signage on the groyne itself is inadequate and indeed might only serve to encourage persons to climb onto the groyne at particular locations where there is no signage. More of that later.

⁷ Transcript, page 150

5. **Other matters that were considered at the inquest**

5.1. It will be noted that the days on which these incidents occurred were a public holiday and a Sunday respectively. This meant that the Glenelg Surf Life Saving Club provided services to the Glenelg beach between the hours of 12pm and 6pm. I have already commented on the fortuitous nature of both of these incidents occurring while surf life saving personnel were still on the beach, albeit very much towards the end of the patrolling period. The observation that lifesaving services are only provided on a formal basis to 6pm on busy and/or hot days at the beach is not meant to be any form of criticism. However, the observation is naturally irresistible that given that there is a significant period of daylight after 6pm, incidents such as those that led to the deaths of the three children could conceivably occur after that time, especially if the day is hot. Mr Daw gave evidence that the greater incidence of drowning deaths occurs between 12pm and 6pm and that this influences the hours that surf lifesaving clubs patrol the beaches. He told the Court that although patrols conclude at 6pm, lifesavers may still be present in the vicinity of the beach having regard to the location of the Club premises and that they might be able to respond to incidents outside of the normal hours. Mr Daw was asked by Mr Plummer:

'Q. Do you see any benefit in patrols, whether they are volunteers or paid lifeguards, providing a service after 6 p.m.

A. I think from my personal perspective if it means that a life is not lost, then there is never too much that we can do. I guess the question is, you know, where do you start and stop with the activities? I, personally, have been involved with searching for people at two o'clock in the morning and at three o'clock in the morning and 6 a.m. etc., and effecting rescues and resuscitations at those times. So, you know, drownings will occur at all times and I think with the periods that we are looking at, as it's showing there, it's between that four o'clock and 5.30 type thing where a lot of things that are happening, you know, whether it's people getting in that last swim before they need to go or not. So there is no doubt, you know, from the surf lifesaving perspective and Glenelg, they made a very conscious decision and I guess I know that intimately because I was the club president when we went through that process, that we decided that we were going to not have a surveillance patrol from 5-6. So we were going to have a full patrol right through to 6 p.m. They go through until six and that's when they start packing up. So they are fundamentally there for another, you know, 30 minutes to another hour afterwards packing up where they give that, I guess, overarching support still during that time and that's when some of these instances have occurred. But sadly if we also look at it, there is drowning deaths at a lot of other times as well during that period. So yes, there is obviously benefits for being there, but it's also looking at the other times that we are getting as well and

trying to work out when are you going to achieve the maximum result with the resources that you have got available.'⁸

- 5.2. Other matters canvassed in the evidence included the need for people to swim between flags at locations at which they are erected by surf lifesaving entities, particularly having regard to the fact that lifesavers cannot be everywhere on a beach and that the greatest potential for rescue will occur when swimmers confine themselves to swimming between the flags where they are visible to surf lifesaving personnel.
- 5.3. Mr Daw also spoke of the need for education. He told the Court that his understanding was that the 'Education Department' provides 7½ hours of aquatic activities up until about Year 10 but that these activities might not necessarily include education that might enhance basic swimming skills. Mr Daw suggested that a proportion of the hours that are devoted to aquatic activity education should be devoted towards swimming and survival skills. It is difficult to resist the wisdom of such an observation.
- 5.4. Of course, these issues do not necessarily relate to the dangers of the waters near the Glenelg groyne. However, one matter that Mr Daw emphasised, and of course this would apply to activity near the Glenelg groyne, is that adults and parents have a significant responsibility in relation to the places at which, and the manner in which, their children enter the waters. As well, parents and care-givers need to keep an eye on what their children are doing at the beach, especially when the beach has an unusual feature such as a groyne or breakwater.
- 5.5. One other matter of concern identified by this investigation is the fact that at the time of the incident involving Thiery and Frank there was an inflatable structure situated on the reserve in front of the Glenelg Surf Lifesaving Club which presented as a moderate hindrance to lifesaving activities. One would have thought it axiomatic that structures such as these simply should not be there.
- 5.6. Mr Daw gave evidence concerning a number of prevention measures that included such matters as:
 - Appropriate signage and consistent signage along the coastline;
 - The need for education and water awareness - in particular in respect of coastal safety and coastal survival and the gaining of an understanding of the environment

⁸ Transcript, page 117

that a person is entering including, for example, the ability to identify a rip current and what to do if a person is caught in one;

- The possibility of employing professional lifeguards with the appropriate equipment to support voluntary services out of hours;
- Engagement with multicultural communities in relation to water safety – resources and programs need to be tailored to meet the needs of these people. Work with community leaders to reinforce this notion needs to be undertaken. Mr Daw suggested that the education component in drowning prevention is critical in this and in all areas. I agree with those observations;
- The need to impart the message to parents and caregivers that they have a responsibility to watch over children who enter the water. Clearly they do.

6. Signage

- 6.1. As already indicated, at the time of the deaths of Thiery and Frank there was no signage that warned of the dangers associated with the groyne. There is now a virtual forest of signage, both permanent and moveable. The signage is situated at the groyne itself and at locations as one approaches the groyne.
- 6.2. The signage warns of strong currents and indicates that there should be no swimming within 40 metres of the '*breakwaters*'. This of course includes the groyne itself. The signs exhibit the word '*DANGER*' in red. Other signage indicates that beachgoers should be aware of waves and currents in the vicinity of the groyne and that climbing on the rocks is unsafe. The signage also urges beachgoers to supervise children.
- 6.3. The signs are only in the English language. The yellow depictions of the activity that is to be discouraged, if not prohibited, are within yellow squares as distinct from yellow diamonds. Mr Daw gave evidence that squares as distinct from diamonds do not conform with requisite standards and that diamonds are more effective in drawing the reader's attention to the dangers depicted.
- 6.4. To my mind the signage ought to refer to the fact that fatalities have occurred in the waters in the vicinity of the groyne.

- 6.5. I have already alluded to the fact that the only sign on the groyne itself is one that exists at its southern end. It states '*DANGER*' in red and the words '*KEEP OUT*'. There is only the one sign on the groyne itself. In my view there should be signs at the centre of the groyne and also at its northern end which would make it clear that no part of the groyne can be accessed. Also, the expression '*KEEP OFF*' would be a more appropriately worded prohibition.
- 6.6. The signage in connection with the groyne is such that any person who enters the waters in its vicinity is committing an offence pursuant to the Harbors and Navigation Act 1993 with a maximum penalty of \$1250. Such persons would also be entering the waters there at their own peril and knowingly so. Even though the signs are only in English, it is readily apparent from the depictions on the signs that entering the waters at this location is a dangerous and prohibited activity.
- 6.7. However, according to all three surf lifesavers who gave very helpful evidence in the inquest, beachgoers still go onto the groyne and enter the waters such that according to Mr Jared Schenscher, people continue not to take notice of the signs, access the groyne for various activities and swim in the waters at that location, which means that very frequently lifesavers are almost constantly asking people not to swim at that location⁹. Asked as to whether for that reason there should be an actual fixed surf lifesaving presence at the groyne Mr Schenscher told the Court that lifesaving personnel were loath to establish such a presence because of its understandable potential to encourage people to swim in that location. He said:

'So if we actively patrol it, it kind of sends a message that we're there, we're watching, and we'll look after you if you do get in trouble. Whereas we don't really want to encourage people to swim there, so you try not to actively put a lot of resources down there.'¹⁰

This is not to say that lifesavers do not keep a watchful eye on the groyne. Mr Schenscher added that surf lifesavers periodically attend at the groyne to check whether people are swimming in its vicinity and to take the appropriate action if they are.

⁹ Transcript, page 86

¹⁰ Transcript, page 87

6.8. **Recommendations**

6.9. Pursuant to section 25(2) of the Coroner's Act 2003 I am empowered to make recommendations that in the opinion of the Court might prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the Inquest.

6.10. I make the following recommendations directed to the Minister for Trade, Tourism and Investment, the Minister for Sport, Recreation and Racing, the Minister for Transport, Infrastructure, Local Government and Planning, the Chief Executive of the City of Holdfast Bay and the Glenelg Surf Life Saving Club:

1. There should be a public awareness campaign, with government imprimatur, conducted through paper and electronic media outlets in relation to the dangers associated with the groyne situated at Glenelg beach and in relation to the waters in the vicinity of that groyne. The campaign should contain the following elements:
 - A description of the specific dangers associated with activity of the groyne itself;
 - A description of the dangers associated with swimming and wading in the waters in the vicinity of the groyne;
 - The fact that swimming and other activity in the water within 40 metres of the groyne is prohibited and that penalties can apply;
 - That fatalities have occurred in the waters in the vicinity of the groyne;
 - That swimming from the groyne to the nearby channel markers, and the climbing onto the channel markers, are prohibited and that penalties can apply;
 - That swimmers should confine their activity to the area between flags erected by surf lifesaving authorities;
 - That parents and caregivers should take responsibility for the safety of their children at the Glenelg beach and other beaches.

2. That the Holdfast Bay Council and the Glenelg Surf Life Saving Club consider, and confer in relation to, the extension of a surf lifesaving presence at Glenelg beach beyond the hour of 6pm on public holidays and weekends.

3. That consideration should be given to prohibiting and prescribing penalties for climbing on groynes and breakwaters. That in any event, further signage should be placed on the Glenelg groyne indicating that people should keep off it along its entire length.
4. That signage erected at or near the groyne should contain information that fatalities have occurred in the waters in the vicinity of the groyne.
5. That structures that hinder or could potentially hinder the operations of the Glenelg Surf Life Saving Club should not be erected in the vicinity of the Club premises.
6. That attention is paid to the matters identified by Mr Shane Daw that are set out in para 5.6. herein, including but not limited to engagement with and the education of multicultural communities regarding water safety.

Key Words: Salt Water Drowning; Public Warning

In witness whereof the said Coroner has hereunto set and subscribed his hand and

Seal the 11th day of November, 2019.

Deputy State Coroner

Item No: **15.9**

Subject: **GLENELG BOWLING CLUB – USE OF PARTRIDGE STREET CAR PARK – DISCOUNTED PARKING TRIAL**

Date: 8 December 2020

Written By: Manager Regulatory Services

General Manager: City Assets and Service, Mr H Lacy

SUMMARY

Council resolved (12 November 2019) for Administration to undertake a trial of a voucher system, at Partridge Street Carpark, offering the Glenelg Bowling Club members the same discounts received by cinema goers. The trial was then to investigate the feasibility of extending this offering to Partridge House and Jetty Road traders.

Given the disruption and impacts due to COVID, the trial has been somewhat disrupted and it is unclear of the likely normal utilization or costs. It is therefore proposed that the Bowling Club trial be continued for a further 12 months to enable gathering of sufficient information to undertake a valid assessment. Due to the limitation, it is proposed to delay assessment of extending the offer to Jetty Road traders and Partridge House customers until the Bowling Club trial is concluded.

RECOMMENDATION

That Council:

- 1. approve the continuation of the discount parking scheme for the Bowling Club for a further 12 months until end of November 2021 when a detailed report will be presented; and**
 - 2. defer the proposed assessment of whether a similar discounted parking voucher scheme should be extended to Jetty Road traders and Partridge House customers until after the Bowling Club trial is concluded at the end of November 2021.**
-

COMMUNITY PLAN

Economy: Making it easier to do business

Environment: Using resources efficiently

Culture: Providing customer-centred services

Culture: Being financially accountable

COUNCIL POLICY

N/A

STATUTORY PROVISIONS

Local Government Act 1999

BACKGROUND***Previous Relevant Reports***

Council considered Report No: 426/19 - Motion on Notice – Partridge Street Carpark, Rooftop Parking Trial at its meeting on 12 November 2019 and resolved as follows (Resolution No: C110214/1030):

That Council:

- 1. supports testing of a voucher system over the coming summer season for members and guests of the Glenelg Bowling Club;*
- 2. agrees to collaborate with Glenelg Bowling Club by issuing 300 Vouchers (50 x 6) providing an additional 2 hours free parking (i.e. allowing a total of 4 hours free period) to test the system with their members and visiting teams over the current pennant season. Normal parking fees will apply after the free period proposed;*
- 3. investigate suitability for the system for extension to other users including Partridge House guests and Jetty Road traders staff; and*
- 4. provide a report back to Council by end of May 2020 providing usage statistics and feedback on the trial*

This report outlines how the trial has been disrupted by COVID restriction s and recommends tha the trial be extended for a further period of 12 months to allow representative data to be gathered and assessed.

REPORT

The trial commenced in late November 2019 with the printing and delivery of 50 vouchers to the bowling club. The club was to manage the distribution of the vouchers and document usage. A reserve stock of vouchers was also printed and held by council to be delivered if the initial stock was expended.

There was also a slow uptake for the first couple of months while Club members and visitors established the most effective way to use the vouchers. COVID-19 then impacted the Club's operations, with bowls clubs closing down, hence the trial had to be suspended until the restrictions were lifted and the bowl season returns.

Sport returned from around June 2020 but due to timing of the bowling season, data collection has been somewhat limited. However the following testimonial was recently received from the club:

“Over the past 5 weeks of bowling being back, we’ve had good use of the vouchers. Running at about 50:50 our members to visitors. Last weekend we even had spaces in front of the club on Partridge St free all day. There was quite a turnover of cars throughout the day. Also we know that some visiting lady bowlers stayed for longer than their free 4 hours as after bowls they said they were going to do a walk along Jetty Rd. Every bowls day with visiting teams we are keeping at least 6 cars out of parking on the street.”

Given the disruption and impacts of COVID and the short bowls season, it has not been possible to accurately assess normal utilization or costs of the current discounted parking voucher scheme trial.

It is therefore proposed that the Bowling Club trial be continued for a further 12 months to enable gathering of sufficient information to undertake a valid assessment.

Due to the limitation, it is proposed to delay assessment of extending the offer to Jetty Road traders and Partridge House customers until the Bowling Club trial is concluded.

BUDGET

Further study period to be used to assess budget impact.

During the past 12 months, there has been no notable difference in the income from the car park and there were still ample spaces available in the carpark – approximately 120 vacant spaces per day.

LIFE CYCLE COSTS

To be reviewed.

Item No: **15.10**

Subject: **LIGHTING MASTER PLAN - JETTY ROAD, BRIGHTON**

Date: 8 December 2020

Written By: Business Development Partner

General Manager: Strategy and Business Services, Mr P Jackson

SUMMARY

Council resolved, at its meeting on 14 April 2020, (Motion C140420/1767) that a lighting plan be developed for Jetty Road Brighton and that \$10,00 be allocated from the Jetty Road, Brighton banner project of the 2019/20 budget to fund the development of that lighting plan.

This report presents a Lighting Master Plan that reviews the options available to adequately provide illumination to the commercial part of Jetty Road while taking into account the residential nature of the precinct.

RECOMMENDATION

That Council:

- 1. approves the Lighting Master Plan for Jetty Road, Brighton;**
 - 2. considers during the 2021/22 annual budget process the implementation of the Jetty Road, Brighton Lighting Master Plan and associated costs; and**
 - 3. considers during the 2021/22 annual budget process the implementation of infrastructure improvements to the street and pedestrian lighting on Jetty Road, Brighton.**
-

COMMUNITY PLAN

Community: Providing welcoming and accessible facilities

Economy: Supporting and growing local business

Economy: Boosting our visitor economy

Environment: Using resources efficiently

COUNCIL POLICY

Procurement Policy

STATUTORY PROVISIONS

Local Government Act 1999 and Regulations

BACKGROUND

The businesses on Jetty Road, Brighton established a trader group in 2018 and identified a number of priorities that would increase the profile of the precinct and attract more visitation. Within those priorities was the establishment of brand awareness for the precinct incorporating a welcome sign, winter activation, and improved lighting to enhance the ambiance of the commercial side of the street and to increase the capacity of lighting to ensure pedestrians felt safe.

In the 2019/20 budget Council allocated \$25,000 for the design and installation of an entrance 'welcome' sign for Jetty Road, Brighton. Consultation occurred with the businesses and various locations were considered. Once the site was established, west of the trainline on Jetty Road Brighton, further consultation took place with residents immediately impacted by the sign location. Considerable opposition was received from these residents and an alternative location was not able to be determined due to underground infrastructure impediments.

After careful consideration of the views of the impacted residents and ongoing discussions with the Jetty Road Brighton businesses, the welcome sign project was abandoned.

At the Council meeting on 14 April 2020, Councillor Clancy tabled a Motion on Notice proposing that a lighting plan be developed for Jetty Road, Brighton. In addition, it was proposed that \$10,000 be allocated from the Jetty Road, Brighton banner project of the 2019/20 budget to fund the development of the lighting plan. Council carried this motion unanimously (Motion C140420/1767).

REPORT

In December 2019 the Jetty Road Brighton Trader Group raised the issue of poor lighting and lack of aesthetics on the commercial side of Jetty Road Brighton. In early discussions, their initial preference was to install 'festoon' lighting under the canopies/verandahs for each of the businesses.

As part of the development of a lighting master plan, investigations took place into the most suitable options that would meet the commercial needs of the precinct, and provide safer ambient pedestrian lighting, while supporting the needs of the residential component of the precinct.

Issues

There were a number of issues identified in exploring the most suitable lighting options prior to developing the Jetty Road, Brighton Lighting Master Plan:

Council infrastructure	<ul style="list-style-type: none"> • Unlike Jetty Road Glenelg, there is limited access to Council infrastructure that would allow for connection to the power grid • Current street and pedestrian infrastructure are in need of upgrade to lamps and diffusers as the current light levels are very low and inconsistent
Commercial Property Owners	<ul style="list-style-type: none"> • Many of the commercial properties are owned by people other than the businesses occupying the premises making it difficult for additional infrastructure works to occur
Business Owners	<ul style="list-style-type: none"> • Not all businesses owners operate in the evening and therefore have indicated they would not wish to run any canopy/verandah lighting outside of operating hours as power costs would put a strain on their business • Some business owners already had some form of canopy/verandah lighting posing some inconsistencies along the commercial footpath
Assets	<ul style="list-style-type: none"> • In the event of festoon or strip lighting under canopy/verandahs, negotiations with each business and property owner would be required • Who would be responsible for the asset once installed eg. replacement costs of globes or infrastructure • Insurance considerations in the event of the infrastructure malfunctioning
Mains power	<ul style="list-style-type: none"> • Each premises would require installation of 240v mains power into the roof in order to power festoon or strip lighting
Use of current street poles	<ul style="list-style-type: none"> • There were various options to utilize the current street pole infrastructure, however due to the residential nature of the street the lighting would be likely to illuminate directly into residential properties
Facades	<ul style="list-style-type: none"> • The footpath on the commercial area is very limited and there are considerable inconsistencies in building facades
Safety	<ul style="list-style-type: none"> • There is a perceived lack of safety due to the lack of light being projected at night from commercial premises when not in use, dull street and pedestrian lighting and a significant amount of tree canopy on the residential side of the street

Lighting Master Plan

Council allocated \$10,000 for the development of a Lighting Plan for Jetty Road, Brighton that would complement the mixed commercial and residential nature of the precinct. The precinct is unique in its offering, with its village feel and downtempo atmosphere, independent small specialty stores and artisan cafes. The precinct is also committed to sustainable outcomes, particularly as they are known for being the first plastic free precinct in South Australia.

The brief was to deliver a sustainable, consistent and cost-effective lighting solution that supported the commercial aspect of the street without unduly impacting residents and pedestrians.

A Lighting Master Plan is attached.

Refer Attachment 1

The Lighting Master Plan takes into account the age and functionality of the current street and pedestrian infrastructure and the use of LED fixtures for a more sustainable and cost-effective outcome. As there is limited infrastructure available in or near the footpath, the use of solar power has been suggested as a sustainable alternative.

The majority of current lighting is produced by shopfronts, depending on their operating hours, with an additional five stores having varying lighting outputs to the verandah canopy areas. This diversity of lighting sources creates inconsistency in the visual path for pedestrians. Additionally, there are significant limitations to the current infrastructure due to deterioration of the diffusers, low efficiency globes in both the street and pedestrian lighting, and the canopy of the street trees obstructing lighting.

The commercial side of Jetty Road is utilized as a direct pedestrian thoroughfare to the beach from Brighton train station. To combat inconsistencies with current lighting, a solution of 'bollard lighting' is recommended. A plan showing the locations of proposed bollards is attached.

Refer Attachment 2

The 'bollard lighting' solution provides an even lighting footprint, increasing safety and frequency of light sources rather than increasing brightness, and creates a warming and welcoming atmosphere rather than bright, sporadically placed single sources.

Given the lack of infrastructure 'solar bollards' are significantly easier to install than regular lighting bollards as they do not require under footpath cabling/additional power or disruption to any other underground services. While there are various solar bollard options that could have motion sensors, it is not recommended these be applied to Jetty Road as a consistent ambient level of light is required.

Due to the shady conditions of Jetty Road, Brighton the suggested HighLUX solar bollards only need 2-3 hours of sunlight per day to charge and produce enough power to run overnight. Areas of the residential northern side will require alternative fixtures due to the excessive shading of the tree canopy.

There are some advantages to utilizing the tree canopies to introduce soft aesthetic solutions in much the same way festoons can light up the environment. It is proposed in some areas internally illuminated lanterns be hung from the trees, for example, at Outside In Thai Restaurant. Similarly, due to the heavy tree canopy on the northern residential side the HighLUX solar bollards will be limited with available sun exposure and therefore it is recommended a custom bespoke lantern fixture be applied to strategic trees following consultation with Council's arborist and residents.

Complementary to the solar bollards, there has been two assessments on the currently street and pedestrian infrastructure, both of which need to be updated with more efficient globes and diffusers.

BUDGET

Currently there is no budget allocation for the implementation of the proposed Jetty Road, Brighton Lighting Master Plan, therefore it is required that Council consideration implementation as part of the 2021/22 annual budget process.

Indicative costs include:

Solar Bollards (installation included) & bespoke lanterns

- Option 1: Solar Bollard (non powdercoated) \$44,493, or
- Option 2: Solar Bolard (powdercoated) \$46,553, and
- Bespoke hanging light (per fixture) \$4,000

Upgrade to Infrastructure

- Pedestrian lighting upgrade \$26,624, and
- Street lighting upgrade \$16,048
- Installation tbc

LIFE CYCLE COSTS

Under the recommended Jetty Road, Brighton Lighting Master Plan, Council will continue to be responsible for all costs related to the ongoing operations, maintenance and replacement of the infrastructure. These should be factored into Council's annual Operating Budget and Asset Management Plans.

Attachment 1





Jetty Road, Brighton Lighting Master Plan

Date
Client

30th of September 2020
City of Holdfast Bay

Salt
Design And Technical



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Jetty Road Brighton Lighting Master Plan

Introduction

In July 2020, SALT - SHOW AND LIGHTING TECHNOLOGY was commissioned by The City of Holdfast Bay Council to undertake a Lighting Master Plan of Jetty Road, Brighton. Before commencement of the Masterplan, a site visit and a meeting with Virginia Miller of The City of Holdfast Bay Council was held to establish scope and discuss potential ideas.

Following these meetings, a considered lighting plan was undertaken. The outcomes of the iterative process form the basis of this Lighting Master Plan Document.

“An architect sees a carefully designed object and factors it into their overall design, or leaves the lighting visible as not to effect their design aesthetic. For the lighting designer, the housing is often secondary. The luminaire is sketched for the contours, scattering and colour for that which is to be illuminated. The customer who orders the lights sees long lasting, flawless product that has been customised and personalised” - Hannes Vohelgemuth - EMO

Design Ethos

Jetty Road, Brighton is a unique precinct that is home to both bustling commercial as well as mixed residential premises. This presents unique challenges when considering lighting solutions.

In contrast to Jetty Road, Glenelg; Jetty Road, Brighton has a downtempo, village atmosphere with independent small businesses situated amongst specialty stores. There is little to no illuminated advertising or branding protruding onto the footpath. This creates a neutral lighting state where any addition to luminance would greatly increase the overall impact and visual identity at night.

With a considered lighting treatment, Jetty Road will have a heightened sense of security and safety along with a down tempo yet contemporary ambience. By lighting Jetty Road evenly it creates a space in which pedestrians and visitors are subliminally drawn to. In addition, the specific waypoints such as pedestrian crossings and foot path extrusions encourage pedestrians, therefore increasing the overall safety.

Managing traders requests and requirements are critical to understanding how the space is used. After observing and interacting with vendors I have made some observations.

A Precinct wide lighting treatment is a challenge due to the different building structures, business types and infrastructure available.

An option could include expanding upon the idea of 'festoon' lighting. Festoon lighting helps create a comfortable, informal setting in which customers and pedestrians feel calm and serene.

In a recent study in Melbourne, 30 per cent of respondents said they did not feel safe in public places after dark. One of the most common comments from participants who reported feeling unsafe, was about how poorly the area was lit. These areas also correlated with where women experienced cat-calling and unsolicited advances.

- <https://www.crimeprevention.vic.gov.au/new-research-explores-link-between-lighting-and-perceptions-of-safety>

The residential nature of Jetty Road, Brighton creates a unique set of circumstances in which lighting can be applied.

Any high-output fixtures that have limited focus control i.e. high powered street lights can create uncomfortable luminance levels for residents. As lighting is required during all night hours this would be an unviable solution. Lighting should be focused with minimal spill out of it's intended application.

Minimising glare is a key consideration when approaching a lighting treatment of this nature. With considered fixture placement and focus, glare can be reduced increasing visual comfort for pedestrians, drivers and residents.

Sustainable lighting is another key consideration in this plan. LED fixtures are an obvious choice as their lifespan, price point and efficiency is exceptional. Reduced maintenance, installation and runnings costs are all factors that have been considered.



- Eaton Mall Traders, Monash, Victoria

- Docklands, Victoria

- Garden State Hotel, Melbourne

The key focus is to deliver a sustainable, consistent and cost effective lighting solution that appeases street vendors, residents and pedestrians.

Existing Site Conditions

Currently there are extremely varied lighting conditions on Jetty Road, Brighton. The majority of ambient pedestrian lighting is produced by shopfront window displays with very limited dedicated footpath lighting.

Currently the following businesses have installed outdoor lighting over the footpath.

- Cafe Lune
- Royal Copenhagen
- The Seller Door
- Big Shots
- In Thais Cafe & Noodle Bar

After a discussion with Tom, from The Seller Door' it was established that there is currently a lack of practical lighting on Jetty Road. Tom has installed his own 'festoon' lighting to help lift light levels outside of the store.

Due to the majority of shop fronts having Verandahs, the current street and pedestrian lighting has a very limited footprint on the majority of the footpath.

An observation of Jetty Road is the structurally different verandahs and inconsistent building facades. This renders an evaluated lighting solution problematic.

Power availability is another factor. For example, Tom had installed 240v mains power into the roof, in-order to power the festoon lighting. This would be problematic when negotiating lighting solutions with various property owners and tenants as permissions, negotiating power infrastructure and ownership would be case by case.

Current street and pedestrian lighting is in need of attention. Current light levels are very low and inconsistent on Jetty Road.

All of these factors compound the safety and security problems.





Royal Copenhagens shopfront and foot path is well illuminated as they have installed strung 'festoon' lighting above the tables. Stark Contrast to the Specialty shops in the background.



Extreme polarity in ambient light at the western end of Jetty Road, Brighton. Due to these particular businesses not operating at night there is no in-direct lighting illuminating the footpath.



Perhaps the best lit section of Jetty Road, due to the close proximity to Big Shots and In Thais restaurant. This is a very well lit portion of footpath.



Existing pedestrian lighting outside of C.R.E.A.M has minimal impact as the majority of light output is obstructed by the protruding verandah.

Proposed Solutions

Solar Bollard Lighting

Due to the mixed zoning nature of the precinct, a solution to provide even pedestrian lighting is 'bollard lighting'. There are now several different manufacturers and lighting vendors that produce 'all in one' solar bollards. These lights are self sufficient, using the 3-4 hours of sunlight per day and storing that energy in an internal battery. These fixtures then automatically turn on at night.

As there are currently many vendors with different shopfront lighting, I would place great importance on creating an even lighting footprint from the street side of the footpath. By keeping the light source at a height of approximately 1m with the focus point being the footpath, the surrounding space is illuminated without throwing lighting into residential premises.

An even lighting footprint increases safety, as aforementioned the uneven lighting levels create significant dark spots on Jetty Road. Increasing frequency of light sources rather than increasing brightness also creates a more warming and welcoming atmosphere. Rather than bright sporadically placed single sources, there needs to be a conscious effort to treat Jetty Road, Brighton as a single canvas.

Initially I looked to find a retrofit solution that involved taking the existing bollards and either embedding or fastening an LED fixture onto them. After contacting various lighting manufacturers it was quickly established this would be inefficient and undesirable. There are several solutions that are built for purpose that would be suitable for Jetty Road, Brighton.

Solar bollards are significantly easier to install than regular lighting bollards. They are self contained units and there is no need to install additional infrastructure. For example : Under footpath cabling/additional power GPOs.

Some solar bollards have motion sensors which reduce output when there has been no motion sensed for a pre-determined amount of time. This wouldn't be ideal in the case of Jetty Road. There needs to be a consistent ambient level of light and having fluctuating luminance may prove distracting and irritating especially as the footpath has outdoor dining areas where patrons are regularly seated for long durations.

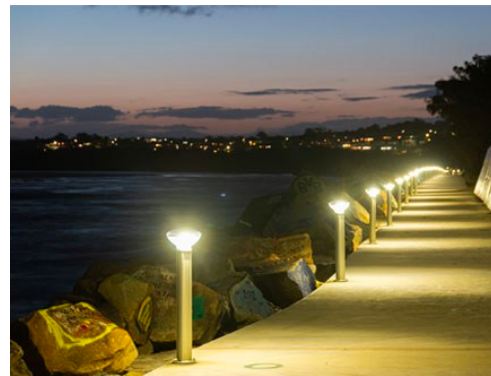
After reviewing light distribution data, battery data and light conditions on Jetty Road, I recommend the SBL2-040 LED Bollard. These are made in Brisbane by HighLUX Lighting. The primary reason for this selection is based on the shading conditions of Jetty Road. These fixtures only need 2-3 Hours of sunlight per day to charge and produce enough power to run overnight.

Upgraded Street And Pedestrian Lighting

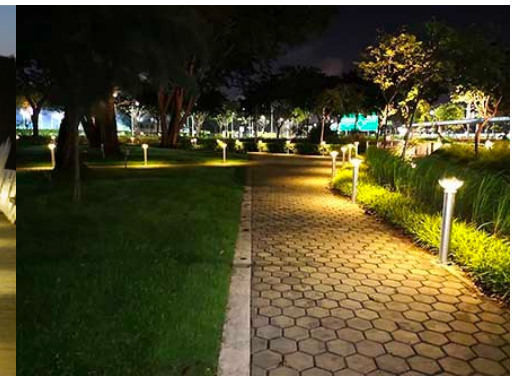
There is a very important need to upgrade the current lighting fixtures on Jetty Road. New diffusers (lenses) and globes are needed to increase overall light level and improve light distribution. I'd also recommend a lower colour temperature for these fixtures. This would help maintain uniform colour across the street and bollard lighting. Warmer colour temperatures are visually softer on the eye and would help portray a downtempo, village atmosphere.



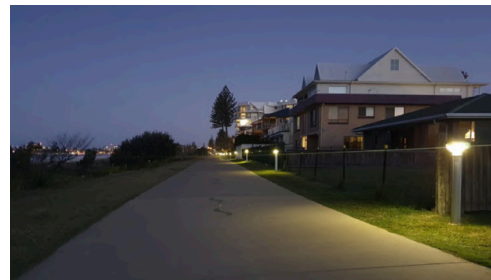
Solar Bollard Fixtures



Nambucca Heads - New South Wales



Sports Hub - Singapore



Solar Bollard Installation Examples



Main Beach - Ocean Grove, Victoria

Additional 'soft' aesthetic solution

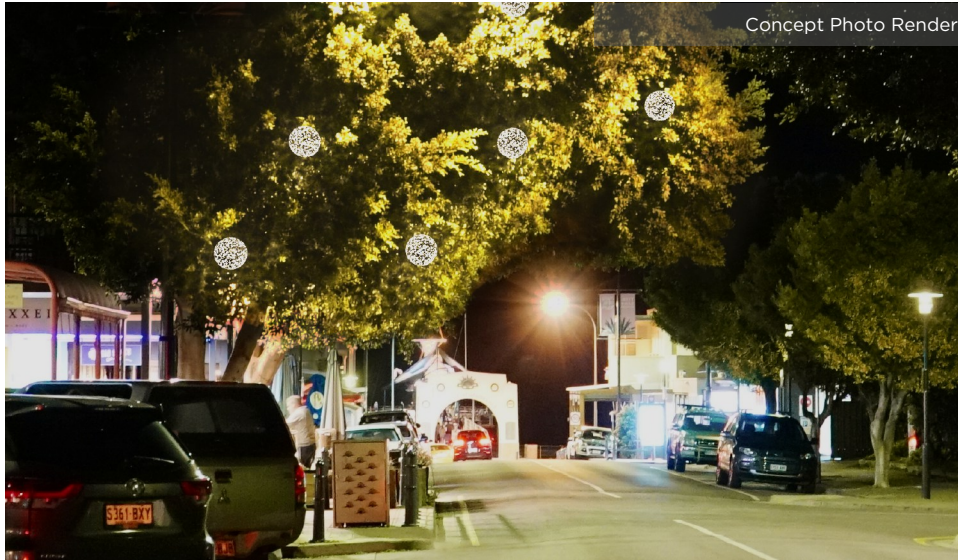
Hanging Lanterns for the "Central Park" (Outside In Thais Restaurant)

To help add atmosphere, vibrance and mood to the overall aesthetic, an assortment of internally illuminated lanterns could be hung from the trees in the 'central park'.

In much the same way festoon lights up the environment, hanging lanterns with a warm light source can add a sense of height and volume without illuminating either the street or surrounding residences. This acts as an aesthetic treatment rather than a practical lighting solution.



Working Concept



Concept Photo Render



Redwood Forest Night Lights

Lantern projections



Concept Photo Render



Concept Photo Render

Existing Bollard Infrastructure



Cluster outside of Alimentary No bollards Central Park cluster

Even distribution of bollards

Even distribution of bollards

Cluster outside of Brighton Food and Wine





Existing Bollard Locations

Jetty Road - Brighton	Existing Bollards	A	7/10/20
project	sheet	revision	date

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Proposed Solar Bollard Locations



Proposed Solar Bollard Locations - East End



Proposed Solar Bollard Locations - West End

Final fixture locations are subject to review with regards to existing bollard infrastructure.
 This plan is designed to maximise optimum lighting distribution.



Solar Bollard - Light Calculations

Jetty Road - Brighton	Proposed Bollards	A	7/10/20
project	sheet	revision	date

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Rendered Previsualizations

These renders help communicate and demonstrate the intended impact the solar bollards would have on Jetty Road.



Highlighted Pedestrian Crossing -

Accenting the pedestrian crossing on Jetty Road creates a visual way finding tool in which pedestrians are encouraged to cross at safely.



Overall Impact -

A demonstration of how fixture placement is critical to achieve an even, consistent lighting state for Jetty Road.



Ball Park Costings

Fixture	Unit Price (inc Freight)	Price at Recommended 30 Fixtures				Total inc GST
SBL2-040ANW Solar bollard	\$1190.88	\$35,726.40			\$35,726.40	\$39,299.04
Installation Labour	Days	Price at Total Quantity				
2x Contractors	3	\$4,000.00			\$4,000.00	\$4,400.00



Please Note : These costs are not final. Upon review, a formal cost proposal can be issued detailing any changes and installation parameters.

Recommendations

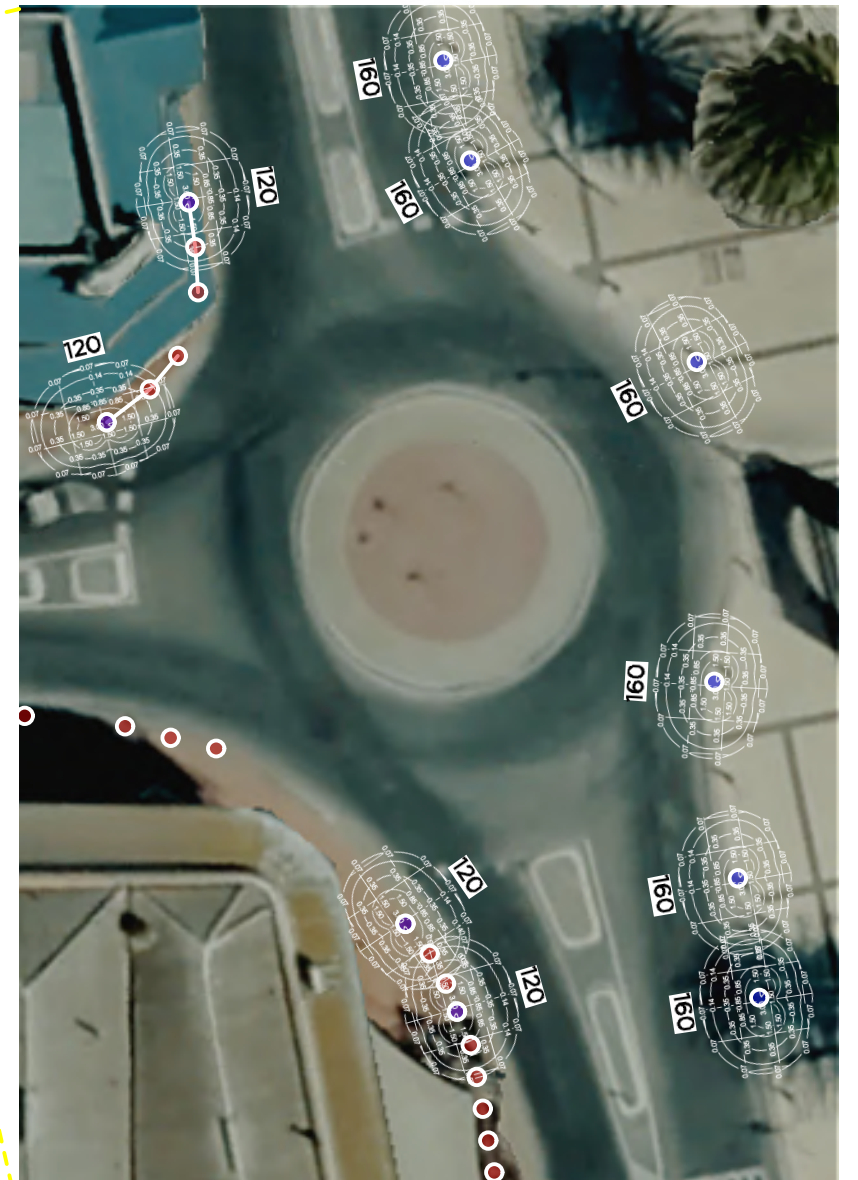
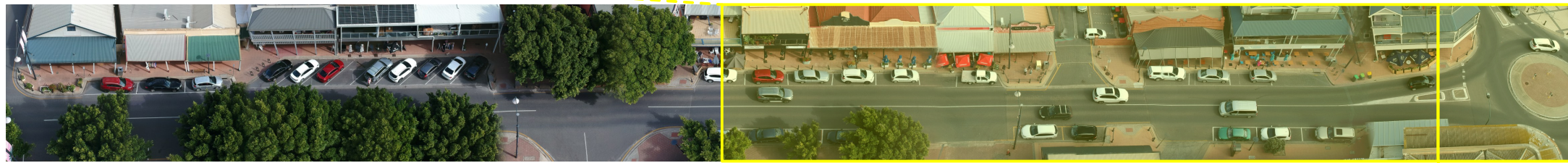
I suggest acquiring a sample of 2-3 solar bollards to test luminance and colour temperature. I would also suggest placing a test unit in each area and monitoring it over the course of a fortnight. As each location has different exposure to sun we would need to collect data on which model performs the best on Jetty Road.

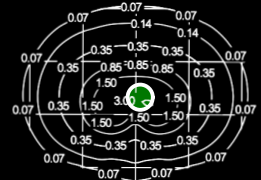
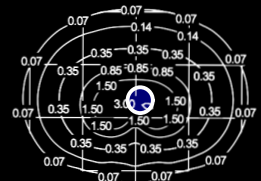
From the fixture data I would recommend the SBL2-040ANW Solar bollard from High-LUX. The ISOLUX and performance data suggest that this would be the best fixture considering the amount of shading and exposure to direct sunlight on Jetty Road.

Salt
Design And Technical
www.saltlighting.com

Attachment 2





Symbol	Type	Count
	New Bollard	15
	Replacement Bollard	31

Type	Count
SBL-80	5
SBL-120	35
SBL-160	6

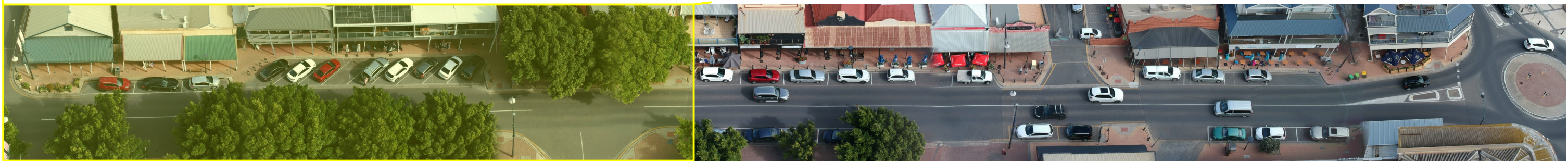


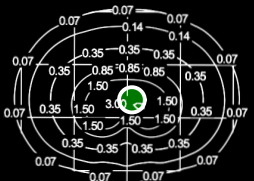
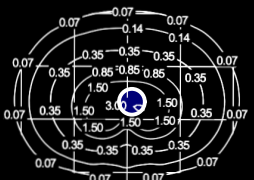
10/11/20	B	Proposed Bollards West	Jetty Road - Brighton
date	revision	sheet	project

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TO BE USED AS A GUIDE ONLY
Final Location TBD



Symbol	Type	Count
	New Bollard	15
	Replacement Bollard	31

Type	Count
SBL-80	5
SBL-120	35
SBL-160	6

TO BE USED AS A GUIDE ONLY
Final Location TBD

Jetty Road - Brighton	Proposed Bollards East	B	10/11/20
project	sheet	revision	date

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Item No: **15.11**

Subject: **EASEMENT – BRIGHTON OVAL TRANSFORMER AND POWER SUPPLY**

Date: 8 December 2020

Written By: Program Manager Project Delivery

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

Redevelopment of the Brighton Oval complex included the installation of a new transformer on a site adjacent to the northern end of the Football/Cricket clubrooms. The transformer is connected to the power network in Stopford Avenue via a high voltage underground cable installed (directional drilling) underneath the Croquet Club playing ground. The installation was undertaken by SA Power Networks (SAPN) and was completed in May 2020.

As a standard practice, SAPN requires a 4 m wide easement over the length of the underground cable and the transformer installation so that they can have secure access to the power supply infrastructure. The easement will allow SAPN to undertake whatever activity necessary (including excavation) to ensure power transmission through that supply infrastructure. However, they will also have the obligation to make good of any disturbance or surface as it was if they have disturbed it.

SAPN has prepared easement documents for the approval of the City of Holdfast Bay which will then be lodged at the Land Titles Office. It is recommended that the sought easement be granted.

RECOMMENDATION

That Council:

- 1. grant a 4 m wide easement in favour of SA Power Networks (SAPN) over Brighton Oval transformer and power supply infrastructure as per the attached documents (ie Areas marked B and C on Allotment 7 in Filed Plan 255984 being portion of the land in the Title Volume 5750 Folio 187);**
 - 2. note that the easement is being granted for NIL monetary consideration; and**
 - 3. authorise the Chief Executive Officer and Mayor to sign and affix the seal to any documents necessary to effect the granting of the above easement.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Placemaking: Building character and celebrating history

Community: Building a healthy, active and resilient community

Community: Celebrating culture and diversity

Community: Providing welcoming and accessible facilities

Community: Fostering an engaged and contributing community

Environment: Fostering an environmentally connected community

Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Not Applicable.

STATUTORY PROVISIONS

Not Applicable.

BACKGROUND

The Brighton Oval redevelopment included the installation of a new transformer on a site adjacent to the northern end of the Football/Cricket clubrooms. The transformer is connected to the power network in Stopford Avenue via a high voltage underground cable installed (directional drilling) underneath the Croquet Club playing ground. The installation was undertaken by SA Power Networks (SAPN) and was completed in May 2020.

As a standard practice, SAPN requires a 4 m wide easement over the length of the underground cable and the transformer installation so that they can have secure access to the power supply infrastructure. The easement will allow SAPN to undertake whatever activity necessary (including excavation) to ensure power transmission through that supply infrastructure. However, they will also have the obligation to make good of any disturbance or surface as it was if they have disturbed it.

REPORT

The transformer at the Brighton Oval is needed to cater for the new developments on that site. Although it is unlikely that SAPN will ever excavate the site to access the high voltage cables underground, they require unrestricted access to the installations to ensure power transmission.

SAPN requested approval to lodge the easement over the Brighton Oval transformer installation and buried power supply cables. The easement sought is 4m wide and approximately 88 m long. The easement is over the Certificate of Title Volume 5750 Folio 187. It is marked as areas B and C in Allotment 7 of Filed Plan 255984 – as per attachment 1.

Refer Attachment 1

Once approved by the Council, SAPN will undertake the conveyancing processes and will lodge the appropriate forms and plans at the Land Titles Office.

Consultation

Relevant stakeholders (including Croquet Club representatives and Football Club representatives) were consulted.

BUDGET

No monetary consideration is proposed for the granting of the easement and all conveyancing charges are being met by SAPN. However if any out of pocket expenses arise, these will be paid by the Brighton Oval Development Project.

LIFE CYCLE COSTS

Not Applicable.

Attachment 1



Our Ref: EO:SDB: 20200066 Hove

3 September 2020

City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048

Received

11 SEP 2020

CITY OF HOLDFAST BAY

Dear Sir/ Madam

**EASEMENT TO MODIFY EXISTING ELECTRICITY SUPPLY AT BRIGHTON OVAL COMPLEX
STOPFORD ROAD, HOVE
ALLOTMENT 7 IN FILED PLAN 40109**

I refer to your application for electricity supply to this property and to SA Power Networks' conditions of that supply. Installation of the equipment was completed in or about May 2020.

To enable an easement to be registered, changes to the Real Property Act 1886 has impacted the way Real Property documentation is executed.

The execution is now done by either a legal practitioner or a registered conveyancer.

Please liaise with your preferred legal practitioner or registered conveyancer and they will be able to step you through the requirements to enable the enclosed document to be executed in a manner that meets the new requirements.

I have enclosed the following documents for your records:

- Copy of Letter and Agreement;
- Grant of Easement document which will be lodged at the Lands Titles Office;
- Filed Plan outlining the easement for your records;
- New Conveyancing Requirements Information Leaflet;

Once the documents have been signed by a registered conveyancer or legal practitioner, we kindly ask that you return same so that we may lodge the documents at the Lands Titles Office.

Following registration in the Lands Titles Office, if you require a Confirmation of Registration, please contact this office.

Thank you in anticipation of your co-operation. Please contact me should you require any further information.

Yours sincerely



Sandra De Blasio
Easement Officer
Ph 8404 5291
Monday, Tuesday & Thursday
Email: Sandra.deblasio@sapowernetworks.com.au
Encls.

LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

GRANT OF EASEMENT

FORM APPROVED BY THE REGISTRAR-GENERAL

PRIORITY NOTICE ID	
--------------------	--

STAMP DUTY DOCUMENT ID:	
-------------------------	--

SERIES NO	PREFIX
	TG

AGENT CODE

LODGED BY:

SA Power Networks
GPO Box 77 Adelaide SA 5001

SAPN 31

CORRECTION TO: SA POWER NETWORKS SAPN 31

SUPPORTING DOCUMENTATION LODGED WITH APPLICATION
(COPIES ONLY)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

PLEASE ISSUE NEW CERTIFICATE(S) OF TITLE AS FOLLOWS

- 1 Balance CT for servient land.....
- 2 Easement in Gross CT
- 3.....
- 4.....
- 5.....

CORRECTION	PASSED
REGISTERED	
REGISTRAR-GENERAL	

GRANT OF EASEMENT

(Pursuant to Section 96 of the Real Property Act 1886)

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

LAND DESCRIPTION OVER WHICH RIGHTS AND LIBERTIES ARE BEING GRANTED

THE WHOLE OF THE LAND IN CT VOLUME 5750 FOLIO 187 ("Title")

ESTATE & INTEREST

FEE SIMPLE

GRANTOR(S) (Full name and address)

CITY OF HOLDFAST BAY

OF PO BOX 19 BRIGHTON SA 5048

(with the Grantor's successors and assigns called in this document "Owner")

CONSIDERATION (Words and figures)

AGREEMENT BETWEEN THE PARTIES & FOR NO MONETARY CONSIDERATION THE VALUE OF THE EASEMENT DOES NOT EXCEED \$100

GRANTEE(S) (Full name, address, mode of holding and appurtenant land description)

CKI UTILITIES DEVELOPMENT LIMITED ABN 65 090 718 880 as to 51 undivided 200th parts

PAI UTILITIES DEVELOPMENT LIMITED ABN 82 090 718 951 as to 51 undivided 200th parts

each incorporated in The Bahamas and

SPARK INFRASTRUCTURE SA (No. 1) PTY LTD ABN 54 091 142 380 as to 30 undivided 200th parts

SPARK INFRASTRUCTURE SA (No. 2) PTY LTD ABN 19 091 143 038 as to 38 undivided 200th parts

SPARK INFRASTRUCTURE SA (No. 3) PTY LTD ABN 50 091 142 362 as to 30 undivided 200th parts

each incorporated in Australia

all of 1 Anzac Highway, Keswick SA 5035 (in this document together called "SAPN")

SAPN'S REFERENCE

11KV UNDERGROUND CABLE & PADMOUNT TRANSFORMER EASEMENT – HOVE 20200066

THE GRANTOR ACKNOWLEDGES RECEIPT OF THE CONSIDERATION HEREIN EXPRESSED AND HEREBY GRANTS TO THE GRANTEE

THE GRANTOR (OWNER) GRANTS TO THE GRANTEE (SAPN) AN EASEMENT IN GROSS COMPRISING THE **SPECIFIC EASEMENT RIGHTS** AND THE **STANDARD EASEMENT RIGHTS** AND THE GRANTOR ACKNOWLEDGES RECEIPT OF THE CONSIDERATION EXPRESSED ON PAGE 1.

1. CONSIDERATION AND LAND

By signing this document, the Owner acknowledges that SAPN must pay the consideration specified on page 1 in exchange for the granting of this easement over those portions of ALLOTMENT 7 marked B and C in Filed Plan 255984 ("Land") being a portion of the land in the Title.

2. SPECIFIC EASEMENT RIGHTS

The Owner agrees that for the purposes of transmitting electricity, SAPN may at its own cost undertake the following works:

- 2.1 lay under the surface of the Land ducts, pipes, conductors, cables and other works;
- 2.2 construct on the Land ancillary works, including cable markers, personnel access holes and signs;
- 2.3 construct on that part of the Land marked C in Filed Plan No 255984 [to a height not more than 2 metres from the ground] equipment (and associated structural works) for transforming, controlling and transmitting electricity.

3. STANDARD EASEMENT RIGHTS

The Owner agrees that in order for SAPN to exercise the Specific Easement Rights, but for no other purpose, SAPN may at its own cost:

- 3.1 exercise the rights under this easement either itself or by SAPN's lessees or licensees or by any of their respective employees, agents or contractors;
- 3.2 enter the Land either with or without vehicles, machines and other equipment;
- 3.3 excavate the Land and conduct building works;
- 3.4 install access gates (including in the Owner's fences);
- 3.5 inspect, repair and replace any of SAPN's equipment;
- 3.6 transmit electricity; and
- 3.7 do anything else that is reasonably necessary to help SAPN to exercise the Specific Easement Rights.

4. COVENANTS – OWNER'S RESERVED RIGHTS

SAPN agrees that, despite SAPN's right to exercise the Specific and Standard Easement Rights, the Owner retains the following rights:

- 4.1 to use and occupy the Land;
- 4.2 to grow crops on the Land, as long as such plantings will not (in SAPN's reasonable opinion) interfere with SAPN's equipment;
- 4.3 to keep fences across and around the Land;
- 4.4 to require SAPN to reinstate the Land in a manner that is consistent with:
 - (a) the condition of the Land before SAPN's exercise of the Specific and Standard Easement Rights; and
 - (b) SAPN's right to have equipment on the Land; and
- 4.5 to recover from SAPN any loss or expense reasonably incurred by the Owner as a direct result of:
 - (a) SAPN using the Land in a manner that is inconsistent with the Specific and Standard Easement Rights; or
 - (b) SAPN's equipment causing property damage or physical injury.

DATED

CERTIFICATION **Delete the inapplicable*

Grantor(s)

*The Certifier has taken reasonable steps to verify the identity of the grantor or his, her or its administrator or attorney.

*The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

<Name of certifying party>

<Capacity of certifying party>

for:

on behalf of the Grantor

Grantee(s)

*The Certifier has taken reasonable steps to verify the identity of the grantee or his, her or its administrator or attorney.

*The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.

*The Certifier has retained the evidence to support this Registry Instrument or Document.

*The Certifier has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Signed By:

Angela Jayne Clark
Registered Conveyancer

for: SA Power Networks

on behalf of the *Grantee*

PURPOSE:	EASEMENT	AREA NAME:	HOVE	APPROVED:	02/07/2020
MAP REF:	6627/01/H	COUNCIL:	CITY OF HOLDFAST BAY	FILED:	02/07/2020
LAST PLAN:		DEVELOPMENT NO:		SHEET 1 OF 2	



103473_textL_01_v03_Version_3

AGENT DETAILS: SA POWER NETWORKS - SURVEY GROUP
 1 ANZAC HWY
 KESWICK SA 5035
 PH: 8404 4252
 FAX:

AGENT CODE: SAPG
 REFERENCE: 20200066

SURVEYORS
 CERTIFICATION:

SUBJECT TITLE DETAILS:

PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER
PT CT	5750	187		ALLOTMENT(S)	7	F	40109	NOARLUNGA		

OTHER TITLES AFFECTED:

EASEMENT DETAILS:

STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF	CREATION
EXISTING	7	SHORT	FREE AND UNRESTRICTED RIGHT(S) OF WAY	A			
PROPOSED	7	LONG	EASEMENT(S)	B.C	FOR ELECTRICITY SUPPLY PURPOSES	CKI UTILITIES DEVELOPMENT LTD. PAI UTILITIES DEVELOPMENT LTD. SPARK INFRASTRUCTURE SA (NO. 1) PTY. LTD. SPARK INFRASTRUCTURE SA (NO. 2) PTY. LTD. SPARK INFRASTRUCTURE SA (NO. 3) PTY. LTD.	

ANNOTATIONS:

FX255984

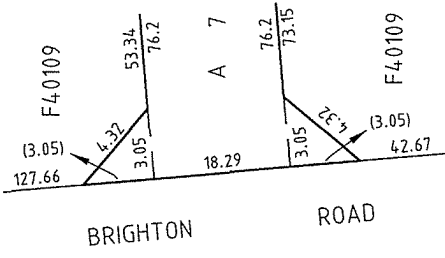
SHEET 2 OF 2

103473_pland_1_V01_Version_3

BEARING DATUM: ①-② 84°55'10"

DERIVATION: 6627/01/H SCALED

TOTAL AREA



BRIGHTON ROAD

A 7

ROAD ②

①
VIDE

STOPFORD

F217872

F40109

7

2.15ha APPROX

AVENUE

HIGHET

BRIGHTON

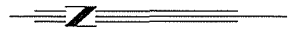
VIDE ENLGT A2 ROAD

STOPFORD ROAD

F217872

7

ENLARGEMENT B2
NOT TO SCALE



ENLARGEMENT A2
NOT TO SCALE

① 84°55'10"

175°41'20"

108°17'40"

173°39'

354°35'

127.66
(3.05)
4.32
3.05

18.29
76.2
73.15

3.05
26.7
3.05

(3.05)
42.67

84°55'10"

195.99

27.43

ENLGT B2

49.63

19.81

37.19

12.19

60.95

48.76

73.15

127.66

F40109

(3.05)

A 7

76.2

73.15

F40109

(3.05)

ENLARGEMENT A2

NOT TO SCALE

①

84°55'10"

2.13

100.58

F217872

49.07

27.43

175°41'20"

57.92

7

108°17'40"

11.27

13.58

288°17'40"

298.27

ENLARGEMENT B2

NOT TO SCALE

SCALE

0 10 20 30 40 50 125

METRES

PART 2 - ACCEPTANCE FORM

SA Power Networks Ref: CN-500019930, Brighton Oval Complex, Hove
 Date: 17 July 2019
 SAPN Project Manager: Andrew Harding
 Contact details: SA Power Networks - 33 Ayliffes Road, St Marys SA 5042
 Telephone 8275 0918
 Email andrew.harding@sapowernetworks.com.au

Please indicate your decision regarding this project by ticking one of the following boxes.

I/We hereby agree that:

By signing and returning the Acceptance Form I/we are confirming that I/we have read the Connection Contract (i.e. this letter, its attachments and all relevant Parts of the Construction Terms booklet) and agree to all Contract terms.

1.	I/We wish to engage SA Power Networks to undertake and complete the Non-Contestable and Contestable Works and I/we request an invoice to enable payment of the initial fee.	<input checked="" type="checkbox"/>
----	---	-------------------------------------

By ticking box 1, signing this Acceptance Form and returning it to the SA Power Networks Project Manager nominated above, you are entering into a binding legal contract and undertaking a commitment to pay the amounts referred to in the Connection Contract.

If the signatory is not the Customer, then the signatory warrants that they are authorised to accept the Offer for and on behalf of the Customer.

Name of customer: (print) CITY OF HOLDFAST BAY

Signed by, or for and on behalf of, the Customer:

Signature: [Signature] Date: 26/7/2019

Name of signatory: (print) RAJIV MOUNVERI

Relationship to Customer: (print) MANAGER, ASSETS & FACILITIES

Customer's ABN: (print) 62 551 270 492

Address for forwarding Invoices: (print) accounts payable@holdfast.sa.gov.au
or P.O. Box 19, BRIGHTON S.A. 5048

Contact Phone: (Mobile) 0477 003800 (Office) 8229 9999

Please note: if unable to provide an ABN, the Customer must provide a 'Reason for not quoting an ABN' statement on the appropriate Australian Taxation Office form obtainable at <https://www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/>

Our Ref: CN-500019930

17 July 2019

City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048

Attn: Mr Jeff Thomas

Dear Sir,

Negotiated Connection Offer to Modify an EXISTING Electricity Supply Connection Brighton Oval Complex at Hove.

Thank you for contacting SA Power Networks on 6 December 2018 with your Connection Application and all information available 4 July 2019. We look forward to working with you on this project.

This letter and its accompanying documents represent our Negotiated Connection Offer to enter into a Connection Contract to modify the existing Connection at Brighton Oval Complex, Hove (also known as the Supply Address).

This Negotiated Connection Offer is made in accordance with the requirements of Chapter 5A of the National Electricity Rules and, if accepted, the Connection Charges payable as described in Part 4 of this offer will be:

\$106,139 (GST Inclusive), if we undertake both the Contestable and the Non-Contestable Works.

These Connection Charges may be varied in certain circumstances. Please refer to Clause 10 of the Construction Terms booklet, which is referenced in (b) below.

The Connection Contract for a Modified connection comprises:

- (a) this Negotiated Connection Offer letter and its attachments (Parts 1 through 5, which are explained more fully below); plus
- (b) the Construction Terms booklet, 'Construction Terms (Non-Contestable & Contestable) 3302', is available on our website at the following link:
<http://www.sapowernetworks.com.au/public/download.jsp?id=9603>

If you would like a hard copy of the Construction Terms booklet, please let us know and we will provide this to you.

- (c) the document 'Quality of Supply and Power Factor'.



L-79 05/10/2016

SA Power Networks ABN 13 332 330 739 a partnership of: Spark Infrastructure SA (No.1) Pty Ltd ABN 54 091 142 330, Spark Infrastructure SA (No.2) Pty Ltd ABN 19 091 143 038, Spark Infrastructure SA (No.3) Pty Ltd ABN 50 091 142 362, each incorporated in Australia, CKI Utilities Development Limited ABN 65 090 718 980, PAI Utilities Development Limited ABN 82 090 718 951, each incorporated in The Bahamas.

www.sapowernetworks.com.au

Attached to this Negotiated Connection Offer letter is the following:

Part 1 – Connection Offer Details

Part 2 – Acceptance Form

(Note: this must be signed and returned to SA Power Networks in order for our Offer to be accepted)

Part 3 – Connection Charges¹

Part 4 – Payment Terms, Security and Other Matters

Part 5 – Tariff Summary

The Australian Energy Market Commission (AEMC) have made rule changes to facilitate a market led customer driven desire for advanced meters in a competitive market. From 1 December 2017, SA Power Networks will no longer install, maintain or manage data for new or replaced metering equipment. Your chosen retailer will engage a meter provider to facilitate any metering works required as part of this project. A separate charge may be applied for this work from your retailer, independent of any involvement from SA Power Networks. For more information visit our website at <https://www.sapowernetworks.com.au/data/18490/metering-contestability-metering-changes-in-sa-update-from-retailers/>

Acceptance of this Offer

You must accept this Negotiated Connection Offer within 45 business days from the date of this Offer. It is important to note that, after this time, the Offer automatically lapses.

By signing and returning the Acceptance Form you are confirming that you have read the Connection Contract (i.e. this letter, its attachments and all relevant parts of the Construction Terms booklet) and agree to all contract terms.

This Negotiated Connection Offer for Brighton Oval Complex, Hove may be accepted by the Customer or by a person duly authorised to accept the Offer on their behalf, including their electricity retailer.

The person accepting this Negotiated Connection Offer must sign and date 'Part 2 – Acceptance Form' and return it to SA Power Networks within the above-mentioned acceptance timeframe.

Please allow sufficient time for delivery if returning the Offer via post, as the Offer will only be taken to have been accepted when SA Power Networks receives the Acceptance Form at its postal address.

Having accepted the Negotiated Connection Offer, a Connection Contract then exists between the Customer and SA Power Networks.

¹ The amount payable for the Works to be undertaken by us (although additional amounts may be payable and/or varied in certain instances). It is important that this is read in conjunction with the Construction Terms booklet (in particular clauses 9 to 11 and clauses 4.2, 11.3, 20, 24.2, 26.5 and 51.3).

If you have any questions please do not hesitate to contact Andrew Harding at our St Marys office, on 8275 0918 or andrew.harding@sapowernetworks.com.au.

Signed for and on behalf of SA Power Networks by:



Darren Milligan
A/Network Manager South

Included:

- Part 1 – Connection Offer Details.
 - Part 2 – Acceptance Form.
 - Part 3 – Connection Charges.
 - Part 4 – Payment Terms and Security and other matters.
 - Part 5 – Tariff Summary.
- Specific Quality of Supply conditions for this connection.

PART 1 – CONNECTION OFFER DETAILS

Supply Address:	Brighton Oval Complex Brighton Road, Cove	
Date Offer must be accepted by:	18 th September 2019	
<p>Description of the Contestable Works: <i>the Customer has chosen to have SA Power Networks undertake this work. (See Part 2 of the Construction Terms booklet)</i></p> <ul style="list-style-type: none"> ◦ Any required extension to SA Power Networks' existing Distribution Network to provide this Modified Connection. <ul style="list-style-type: none"> ○ Install new 11kV cable from Stopford Road to a proposed new 750kVA Padmount Transformer located near the existing Football and Cricket Building. ◦ Excludes Civil Works. 		
Description of Connection:		
Authorised Service Capacity:	480kVA	
Current limiting device to be set at:	696 ampere, three phase	
Connection Voltage:	400 volts	
Maximum Design Fault Level at Connection:	26.3kA	
<p>The installation of the Connection must comply with the SA Power Networks Service and Installation Rules available at www.sapowernetworks.com.au.</p> <p>The service point for the installation will be located in the low voltage compartment of the proposed 750kVA pad mounted transformer. You will be responsible for all reticulation beyond this point. The main switchboard for this facility should be located within 10 metres and no less than 4m of the transformer. Low voltage protection for the proposed premises should be installed in the main switch board.</p> <p>A current limiting device must be installed to limit the load current to 696 ampere, three phase. The current limiting device will need to be of a fixed current type or if adjustable, capable of being sealed by SA Power Networks. Please make your electrician aware of this requirement.</p> <p>Installation of the consumer mains cables will be required prior to proposed pad mount transformer energisation. Failure for this to occur will incur additional charges for a Network Access Permit (NAP). Details of a NAP are available at https://www.sapowernetworks.com.au/industry/request-for-network-access/</p>		
Description of the Non-Contestable Works to be undertaken by SA Power Networks:		
<p>Non Contestable Connection – Install new pole on Stopford road replacing the existing pole, install new 11kV load switch and all final testing, terminations and connections.</p> <p>Project management – SA Power Networks' overall project management of this work.</p>		

Description of the Civil Works to be completed by Customer / Contestable Works:

Civil Works - Trenching works – approximately 120 metres, but confirmation on distance and direction will be provided once the final design and all approvals have been given.

Description of the Civil Works to be completed by the Customer:

Civil works including trenching, sanding, conduit laying, backfilling and reinstatement must comply with all standards or requirements and SA Power Networks Trenching & Conduit Standard for Underground Cable Networks TS-085;

The required number of conduits will be detailed on the SA Power Networks drawing provided;

Conduits will be provided by SA Power Networks and must be collected by your civil contractor from SA Power Networks St Marys Depot by agreement; and

Your civil contractor must either leave appropriate cable pulling pits open (safely) or be available to be onsite to excavate cable pulling pits as required by SA Power Networks.

Note: confirmation on distance and direction of the proposed trench will be provided once the final design and all approvals have been given.

Description of the Preliminary Works to be completed by the Customer:

- (a) a signed Part 2 is received before the expiration of the validity period;
- (b) you pay the customer payment set out under the 'Payment Terms' heading;
- (c) all authorisations, easements and licences, (or agreements, to SA Power Networks' satisfaction, to provide the same), for the Works have been obtained;
- (d) Customer to survey and peg pad mount transformer easement location onsite; and
- (e) Customer to provide a peg at pad mount transformer site indicating final site level.

Timeframe for SA Power Networks to complete work:

If acceptance of our offer and the initial payment is received by 17 August 2019, SA Power Networks will undertake to have the Works available for an appointment with your electrician by 25 November 2019. If acceptance and payment is received after this date, SA Power Networks works plan will be re-assessed and a new completion date provided to complete the proposed works. Subject to clause 6 of the Construction Terms booklet. The time runs from when the preconditions to commencement have occurred (See clause 4 of the Construction Terms booklet).

PART 2 - ACCEPTANCE FORM

SA Power Networks Ref: CN-500019930, Brighton Oval Complex, Hove
 Date: 17 July 2019
 SAPN Project Manager: Andrew Harding
 Contact details: SA Power Networks - 33 Ayliffes Road, St Marys SA 5042
 Telephone 8275 0918
 Email andrew.harding@sapowernetworks.com.au

Please indicate your decision regarding this project by ticking one of the following boxes.

I/We hereby agree that:

By signing and returning the Acceptance Form I/we are confirming that I/we have read the Connection Contract (i.e. this letter, its attachments and all relevant Parts of the Construction Terms booklet) and agree to all Contract terms.

1.	I/We wish to engage SA Power Networks to undertake and complete the Non-Contestable and Contestable Works and I/we request an invoice to enable payment of the initial fee.	<input type="checkbox"/>
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By ticking box 1, signing this Acceptance Form and returning it to the SA Power Networks Project Manager nominated above, you are entering into a binding legal contract and undertaking a commitment to pay the amounts referred to in the Connection Contract.

If the signatory is not the Customer, then the signatory warrants that they are authorised to accept the Offer for and on behalf of the Customer.

Name of customer: (print).....

Signed by, or for and on behalf of, the Customer:

Signature:Date:.....

Name of signatory: (print).....

Relationship to Customer: (print).....

Customer's ABN: (print).....

Address for forwarding Invoices: (print).....

Contact Phone: (Mobile)..... (Office).....

Please note: if unable to provide an ABN, the Customer must provide a 'Reason for not quoting an ABN' statement on the appropriate Australian Taxation Office form obtainable at <https://www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/>

PART 3 – CONNECTION CHARGES

LOCATION OF WORK – BRIGHTON OVAL COMPLEX, HOVE, CITY OF HOLDFAST BAY

Customer Payments, Customer Rebates and Deductions (Connection Policy, clause 2.2.2.2(8))

EXTENSION ASSETS (Connection Policy, clause 3.3)	Option 1
Connection Assets (Connection Policy, clause 2.2.2.2)	\$39,888
Network Extension – Contestable Component (Connection Policy, clause 2.2.2.2(4)(b))	\$105,430
OTHER COSTS (Connection Policy, clause 3.3)	
Offer Fee	\$980
Project Management	\$3,690
Easements	\$2,150
Incremental Cost Shared Network (Connection Policy, clause 3.3)	
Augmentation – (Connection Policy, clause 2.2.2.2(5)). 218kVA @ \$164 per kVA	\$35,752
Total of amounts due from Customer (GST Exclusive)	\$187,890
GST (10%)	\$18,789
Total Customer Payment before Incremental Revenue Rebates (GST Inclusive)	\$206,679
Customer Rebates Connection Policy, clauses 3.3 and Section 6.	
Incremental Revenue Rebate – (Connection Policy clause 2.2.2.2(8))	\$91,400
Total of Rebates Due to Customer (GST Exclusive)	\$91,400
GST (10%)	\$9,140
TOTAL Customer Rebate (GST Inclusive)	\$100,540
NET Customer Payment	\$106,139

PART 4 – PAYMENT TERMS, SECURITY AND OTHER MATTERS

4.1 Payment

Initial payment of (20% of total Connection Charges) \$21,227.80 (GST Inclusive) must be paid by you to SA Power Networks on your acceptance of the Offer. SA Power Networks will issue you with an invoice for this amount and you must pay this invoice within 14 days of receipt. The remainder of the Connection Charges totaling (80% of total Connection Charges) \$84,911.20 (GST Inclusive) are payable one month prior to the start of construction as set out in clauses 9 and 10 of the Construction Terms Booklet. SA Power Networks will issue you with an invoice for this amount and you must pay this invoice within 14 days of receipt.

4.2 Commencement of Works, Additional Conditions – clause 4.1.9 of the Construction Terms booklet

Not Applicable

4.3 Site Access - clause 13 of the Construction Terms booklet

Proposed transformer and cable must be accessible 24 hours a day 7 days a week.

4.4 Authorisations – clause 5 of the Construction Terms booklet

SA Power Networks must acquire the following Authorisations:

- Council

4.6 Easements to be granted by Customer – clause 5.4 of the Construction Terms booklet

The Customer must grant to SA Power Networks the following Easements:

A 4-meter-wide underground cable easement.

A 3.5m x 6m transformer easement in accordance with Technical Standard TS-102 Easement Standard for Distribution Networks

4.7 Assumed Cost of Easements and Authorisations

Connection Charges – for the purposes of clauses 10.6.3 and 10.6.4 of the Construction Terms booklet, the Connection Charges have been calculated on the assumption that:

- (a) the costs incurred by SA Power Networks to obtain Easements will be \$2,150 (GST Ex); and
- (b) the costs incurred by SA Power Networks to obtain Authorisations will be \$Nil.

The cost of Easements and Authorisations is an estimate only and the actual cost may be more or less than this amount depending upon the negotiations required to acquire them from the holders of the relevant land and government authorities.

Accordingly, the Connection Charges will be adjusted to reflect the actual Easements and Authorisations cost.

4.8 Goods or Equipment to be provided by the Customer – clause 16 of the Construction Terms booklet

Not Applicable

PART 5 - TARIFF SUMMARY

1. The Authorised Service Capacity for this Connection is: **480 kVA**
2. The applicable Network Tariff for this Connection is:
SBDT - Business Monthly Actual kVA Demand Trans (small)
3. The initial Agreed Annual Demand for this Connection is: **Not Applicable**
4. The initial Agreed Additional Demand for this Connection is: **Not Applicable**

The meaning of the above terms is explained in clause 35 of the Construction Terms booklet.

NEW CONVEYANCING REQUIREMENTS

The introduction of electronic conveyancing in South Australia has brought with it changes that you will need to comply with.

These changes apply to documents that are lodged with the Lands Titles Office (LTO), either electronically or in paper form, and are intended to:

- streamline existing processes
- strengthen the integrity of the conveyancing practise
- keep up with e-commerce and other developments in the online space.

This information is intended to help you understand the changes and how they affect you. As always, we recommend you seek advice from your practitioner in order to determine the best lodgement channel for you.

Verifying your identity

Your practitioner is required to take reasonable steps to verify your identity. Anyone involved in a transaction must be formally identified. You will need to make sure that you have all the information and documentation on hand to complete your transaction. Your practitioner will be able to advise you on what is required.

Verifying your authority

As well as verifying your identity, your practitioner will need to verify your authority to enter into the transaction. Again, it is important that you come prepared with all the information and documentation needed for the transaction. You can discuss these requirements with your practitioner.

Client Authorisation

Once your identity and authority to transact have been verified, your practitioner will ask you to sign a Client Authorisation. The Client Authorisation allows your practitioner to legally act on your behalf in the conveyancing transaction. When your practitioner is authorised, they will be able to sign specific documents to complete the transaction.

Lodging a Priority Notice

To ensure the greatest level of protection for your conveyancing transaction, talk to your practitioner about lodging a Priority Notice on your behalf. A Priority Notice reserves priority for your transaction, and notifies other parties searching the Title that a transaction is pending.

Removing duplicate Certificates of Title

The LTO will no longer issue the duplicate Certificate of Title. In its place, practitioners will be provided with a Confirmation of Registration certificate. This will be delivered via email when your transaction is completed.

The original Land Title will still be stored electronically with the LTO and copies (often required for various building approvals etc.) can be purchased online through www.SAILIS.sa.gov.au.

Title Watch

Title Watch is a free online subscription service that allows property owners to monitor activity against selected Certificates of Title, for a renewable period of twelve months. When any such activity is detected, the system automatically triggers an email notification and an SMS alert. Subscriptions are managed online through www.SAILIS.sa.gov.au.

Further Information

If you need further information on Electronic Conveyancing, or any of the changes outlined above, please visit www.sa.gov.au/landservices. Alternatively, you can contact the LTO on 8226 3983, or 1800 648 176 for country callers.



Government of
South Australia

Item No: **15.12**

Subject: **ENDORSEMENT OF ENVIRONMENT STRATEGY**

Date: 8 December 2020

Written By: Team Leader Environment & Coast

General Manager: City Assets and Services, Mr H Lacy

SUMMARY

In July 2019 Administration commenced development of Council's Environment Strategy. A specialist consultant was engaged in September 2019 and Council, stakeholder and community engagement was undertaken throughout November and December 2019. A number of Council workshops have also been held to seek feedback and provide input. In July 2020 formal public consultation was open for 3 weeks. On 17 November 2020 a workshop was held with Council to present the consultation feedback, changes to the plan and the Implementation Plan.

The final Environment Strategy 2020-2025 is now presented to Council for endorsement.

RECOMMENDATION

That Council:

- 1. Note the findings from the public consultation.**
 - 2. Adopt the final version of the City of Holdfast Bay Environment Strategy 2020-2025 and the Environment Strategy Implementation Plan 2020/21 to 2022/23.**
 - 3. Approve the following new activities and allocate budget funding to the existing 2020/21 Operating Budget:**
 - a) Appoint a casual employee to assist with the implementation of the Environmental Strategy for the balance of 2020/2021 at an additional cost of \$25,000;**
 - b) Delivery of an Adopt-a-Tree Program at an estimated cost of \$3,000; and**
 - 4. consider the funding of the Environment Strategy Implementation Plan Projects as new initiatives in the Annual Business Plan and budget process.**
-

COMMUNITY PLAN

Placemaking: Creating lively and safe places
Placemaking: Building character and celebrating history
Community: Building a healthy, active and resilient community
Community: Celebrating culture and diversity
Community: Providing welcoming and accessible facilities
Community: Fostering an engaged and contributing community
Economy: Harnessing emerging technology
Economy: Boosting our visitor economy
Environment: Protecting Biodiversity
Environment: Building an environmentally resilient city
Environment: Using resource efficiently
Environment: Fostering an environmentally connected community
Culture: Supporting excellent, efficient operations

COUNCIL POLICY

Economic Activation Plan 2018-2023
Stormwater Management Plan
WSUD Masterplan
Tree Management Policy
Open Space and Public Realm Strategy 2018-2030
Asset Management Plans
Resilient South Regional and Local Adaptation Plans
Tourism Plan 2020
Dune Biodiversity Action Plan 2019
Biodiversity Action Plan for Minda Dunes 2018
Youth Action Plan 2018
Draft Gully Masterplans

STATUTORY PROVISIONS

Coast Protection Act 1972
Development Act 1993
Environment Protection Act 1993
Landscape South Australia Act 2019
Local Government (Stormwater Management Agreement) Amendment Act 2016
Metropolitan Drainage Act 1935
National Parks and Wildlife Act 1972

BACKGROUND

Since July 2019 the Environment Team have been leading the development of a draft Environment Strategy. A consultant (Healthy Environs) was contracted in September 2019; and Council,

stakeholder and community engagement was undertaken throughout November 2019 to January 2020.

A number of Council workshops have also been held to seek feedback and provide input. In July 2020 formal public consultation was open for 3 weeks. On 17th November 2020 a workshop was held with Council to present the consultation feedback, changes to the plan and the Implementation Plan.

This report presents the results of the public consultation and seeks endorsement of Environment Strategy 2020-2025 and Implementation Plan by Council.

REPORT

Phase 2 public consultation on the Draft Environment Strategy was held for three weeks from 7th to 28th July 2020. People were asked to provide feedback via a survey that was provided online, via email and in paper at the Brighton Civic Centre, Brighton Library and Glenelg Library. The feedback survey consisted of 11 questions. In total the draft strategy received 45 pieces of written feedback via online engagement, email comments and on paper.

A Community Engagement Report showing detailed results of the Phase 2 public consultation is presented in Attachment 1.

Refer Attachment 1

Overall the majority of respondents were satisfied with the themes, direction, strategies and actions in the draft Environment Strategy. The majority of respondents thought that Council should increase its investment in environmental projects. The majority thought that this should come from within existing budgets although some indicated that they would be prepared to pay higher rates if the extra were spent on environmental work.

Changes to the draft Environment Strategy in response to community feedback have now been incorporated into the strategy. Changes included minor wording changes, inclusion of additional stakeholders and additional actions in the Our Climate section.

The draft strategy provides a roadmap for Council's environmental activities over the next five years and is aligned to a longer-term vision. The draft strategy includes strategies and actions that are integrated, meaningful and action-oriented to create positive outcomes and benefits for both people and nature. The five 'Action Themes' are as follows:

1. Our Climate
2. Our Coast
3. Our Nature
4. Sustainable Resources
5. Working Together

Each section of the draft strategy provides a summary of the state of the environment relevant to each action theme, progress to date, issues relevant to Holdfast Bay, and suggested actions from

our community. These elements are then followed by an action plan for each action theme, including measurable objectives. The draft strategy and action plans identify Council's role for each action, together with potential partners and stakeholders, and a benefit ranking.

The final draft Environment Strategy 2020-2025, along with the proposed Implementation Plan, was presented and discussed with Council at a workshop on 17th November 2020.

The updated final version of the draft Environment Strategy 2020-2025 is presented in Attachment 2 and is submitted for Council endorsement.

Refer Attachment 2

Potential Membership - Cities Power Partnership (CPP) and Global Covenant of Mayors for Climate & Energy (GCoM)

In March and April 2019, Council considered reports (Reports No: 89/19 and 155/19) regarding Council's potential membership of two (2) environmental programs, being the Cities Power Partnership (CPP) and the Global Covenant of Mayors for Climate & Energy (GCoM).

A motion was carried (C230419/1456) to adjourn this item until development and endorsement of the Environment Strategy. It is proposed that a separate report be presented to Council in early 2021 with the aim of potentially funding memberships to both programs in the 2021/22 financial year (\$10,000 plus funding for projects and delivery resources).

BUDGET

Council has already budgeted a wide range of operational and capital projects in the 2020/21 Budget for implementation of elements of the Environment Strategy – viz:

- | | |
|-------------|--|
| Our Climate | <ul style="list-style-type: none"> • Solar panels and lighting upgrades to four Council buildings • Fleet transition to hybrid vehicles • Monitoring corporate greenhouse gas emissions • Resilient South Program • Red Cross Climate Ready Communities Program • Emergency Management Planning • Community emissions profile |
| Our Coast | <ul style="list-style-type: none"> • Sand pumping • Sand bag groyne construction • Review sea walls • Installation of a gross pollutant traps • Participation in Metropolitan Seaside Councils Committee & SA Coastal Councils Alliance |
| Our Nature | <ul style="list-style-type: none"> • Biodiversity improvement along Sturt Creek (Fordham Reserve) • Biodiversity improvements in the Gullies • Dune rehabilitation work |

- Weed control
 - Hooded plover breeding program
 - Street tree planting program
- Sustainable Resources
- Weekly FOGO trial
 - Installation of 40 TreeNet inlets
 - Water Sensitive Urban Design (WSUD) rain gardens
 - Waste education programs
- Working Together
- 20 waste information talks
 - Clean Up Australia Day event
 - National Tree Day event
 - 40 environmental volunteers
 - Greening Our Community grant program
 - Green Living subsidies and workshops for a sustainable community
 - Consultation and training with Kaurana nation

Many of these initiatives will continue into future years and ongoing funding in 2021/22 and 2022/23 Operating and Capital budgets will be required if the work is to continue. Details of the 3 year funding are provided in the Environment Strategy Implementation Plan 2020/21 to 2022/23 presented in Attachment 3.

Refer Attachment 3

There are however a number of actions listed in the Environment Strategy Implementation Plan for delivery in the current financial year 2020/21 but that are unfunded. The specific projects are:

- Scoping study for Coastal Adaptation Plan (\$30,000 funded - \$40,000 unfunded due to unsuccessful grant application to Coast Protection Board)
- Adopt-a-Tree program (\$3,000 unfunded)
- \$40,000 for 6 months hire of a casual Environmental Officer to implement the Environment Strategy for the remainder of 2020/21 funded \$15,000 from existing project budgets and \$25,000 new funding.
- Investigation of aerial bundled cables or undergrounding power cables for preservation of tree canopy (\$25,000 unfunded)
- Membership of two (2) environmental programs, being the Cities Power Partnership (CPP) and the Global Covenant of Mayors for Climate & Energy (GCoM) at an estimated cost of \$10,000 (plus funding for projects and delivery resources).

All unfunded projects sit within the Operating Budget, so will impact on Council's overall operating position in 2020/21 if approved.

Funding is sought for three (3) projects in 2020/21, with the remainder of the projects referred as new initiatives for consideration in the 2021/22 budget process.

The projects recommended for funding in 2020/21 are:

Project	2020/21 Approved funds available	2020/21 New funding requested
Scoping study - Coastal Adaptation Plan	\$30,000	\$40,000
Adopt-a-Tree Program	\$0	\$3,000
Casual Environmental Officer - 6 months hire (0.4FTE)	\$15,000	\$25,000
New 2020/21 Funding Required		\$68,000

The scoping study for the Coastal Adaptation Plan is being considered at the Council meeting on the 8 December as a Motion on Notice by Councillor Miller. Therefore as this will be considered before this report, the recommendation of this report does not include the coastal Adaptation Scoping Study.

It is proposed that the remaining projects be referred to the 2021/22 budget process for consideration as new initiatives.

Existing staff resources within the Environment Team are unable to deliver all the additional projects required by the Environmental Strategy. This shortfall in resources is proposed to be covered by a casual Environmental Officer position (appointed at 0.4FTE or 2 days/week) for the remainder of 2020/21. A budget request is included in this report. From 2021/22, it is proposed that the casual position be replaced by a contract Environmental Officer position (1 FTE) for a term of 2 years within the Environment Team to undertake activities such as:

- Delivery of environmental projects and initiatives from 2021/22 to 2023/24
- Research and integration of strategic environmental initiatives (e.g. carbon neutral and single-use plastic-free events) from the Environment Strategy across Council business
- Program manage the membership and activities associated with the Global Covenant of Mayors for Climate & Energy, and the Cities Power Partnership
- Delivery of street tree plantable area assessment, street tree audit and Urban Forest Strategy
- Delivery of a carbon neutral plan and high priority actions identified within it
- Delivery of future roll out of the Coastal Adaptation Planning process
- Research and implement a community energy program
- Sourcing new grants and external funding opportunities

It is anticipated that a salary at Level 5 will be required to attract an appropriate candidate and would be funded within the Operating Budget as a new initiative at an estimated cost of \$92,200 per annum for 2 years.

This new contract Environment Officer position (2 year contract position) will also be referred to 2021/22 budget process for funding. Therefore the additional projects referred to the 2021/22 Budget process, over and above those listed in the Implementation Plan, are as follows:

Projects referred for funding in 2021/22	2021/22 New funding requested
Contract Environment Officer position (2 year contract position)	\$92,200
Investigation of aerial bundled cables or undergrounding power cables	\$25,000
Memberships - Cities Power Partnership (CPP) and Global Covenant of Mayors for Climate & Energy (GCoM) (noting that membership will require specific projects to be undertaken and sufficient environment team resources to manage commitments under each program)	\$10,000
New 2021/22 Funding Required	\$127,200

Where possible, external funding for Environment Strategy projects will be sought from grants and through in-kind activity by volunteers.

LIFE CYCLE COSTS

Each new action will have a measurable benefit to our human and natural communities. Ongoing maintenance costs and some potential cost savings will be incurred as new assets are added. Each project will be subject to specific sign off within the budget and will include details of finance, depreciation and maintenance charges.