

Agenda

Council

NOTICE OF MEETING

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

Council Chamber - Glenelg Town Hall
Moseley Square Glenelg

22 April 2025 at 7:00pm



Pamela Jackson
Chief Executive Officer



1. Opening

The Mayor will declare the meeting open at 7pm.

2. Kurna Acknowledgement

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

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

3. Service to Country Acknowledgement

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

4. Prayer

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

5. Apologies

5.1 Apologies received

5.2 Absent

6. Items Presented to Council

7. Declaration Of Interest

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

8. Confirmation Of Minutes

That the minutes of the Ordinary Meeting of Council held on Tuesday 8 April 2025 be taken as read and confirmed.

9. Public Presentations

9.1 Petitions - Nil

9.2 Presentations - Nil



9.3 **Deputations - Nil**

10. Questions by Members

10.1 **Without Notice**

10.2 **On Notice**

10.2.1 Licence Renewal Process between City of Holdfast Bay and Holdfast Bay Dog Owners Association Inc – Councillor Bradshaw (Report No: 113/25)

11. Member's Activity Reports - Nil

12. Motions on Notice - Nil

13. Adjourned Matters - Nil

14. Reports of Management Committees and Subsidiaries

14.1 Minutes – Jetty Road Mainstreet Committee – 9 April 2025 (Report No: 111/25)

15. Reports by Officers

15.1 Items in Brief (Report No: 112/25)

15.2 Hooded Plover Protection (Report No: 89/25)

15.3 Council Graffiti Policy (Report No: 110/25)

15.4 Community Concerns – McDonald's at Hove (Report No: 109/25)

16. Resolutions Subject to Formal Motions

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

17. Urgent Business – Subject to the Leave of the Meeting

18. Items in Confidence

18.1 Hoarding Fee Relief Request (Report No: 98/25)

Pursuant to Section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which –



- i. could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- ii. would, on balance, be contrary to the public interest.

19. Closure

A handwritten signature in blue ink, appearing to read "P Jackson". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Pamela Jackson
Chief Executive Officer

Item No: 10.2.1

Subject: QUESTION ON NOTICE – HOLDFAST BAY DOG CLUB LICENCE RENEWAL PROCESS

Question

Councillor Bradshaw asked the following question:

“The 5 year Licence between HFB Council and the Holdfast Bay Dog Club Inc expired on 30 June 2023. Please advise when the terms of a new Licence for this Club are coming back to Council?”

Background

- 12th November 2024
The HFB Council Meeting Agenda included a Budget item of \$35,000 to replace a storage shed for the Holdfast Bay Dog Owners Association Inc. I requested a copy of the Clubs 5-year Licence which confirmed it had expired on 30 June 2023.
- 19th of November 2024
I emailed Pam Jackson with various questions regarding the Licence.
- 26th November 2024
I received an email from Pam indicating the Licence had been held over. Pam indicated a renewal would be brought to Council at the earliest opportunity, once parties had agreed on the terms of the Licence. She went onto say administration had requested the Clubs 2023/24 Annual Report prior to 30th November 2024.

This has not been forthcoming. Further to that, documentation required under the terms of the licence for the previous year 2022/23 had also been requested and were yet to be received.

- 10th February 2025
I followed up with Pam, asking if requested documentation from the Dog Club had been received. Pam advised an important member of the club had been ill and had since passed. This had contributed to the delays in Council receiving any documentation.
- 31st March 2025
I received a text from a resident who complained the Holdfast Bay Dog Club had quoted her \$60 to care for her dog for a day. This prompted me to follow up on the Licence.

I emailed Pam Jackson asking for an update on negotiations on the Licence between Holdfast Bay Council and the Holdfast Bay Dog Owners Club. At this point, I've not had a response.

The storage shed replacement for the club has been put on hold until the terms of a licence have been finalised.

Answer – Acting General Manager Assets and Delivery

The five-year lease between the City of Holdfast Bay and the Holdfast Bay Dog Club Inc. expired on 30 June 2023. The lease renewal is yet to be completed.

Administration met with the Club in January 2025 to progress the lease renewal process. Following this meeting, on 20 January 2025, the Club was provided with a Renewal Checklist and asked to complete and collate the required documentation over the next two months to enable the process to move forward.

To date, Administration has not yet received the requested information from the Club. Additionally, the lease renewal process has been paused while awaiting the outcome of a broader leasing audit, which is expected to be finalised in May 2025.

Once the audit is complete, Administration intends to re-engage with the Holdfast Bay Dog Club to progress the negotiation, at which time a further update will be provided to Council.

Item No: 14.1

Subject: MINUTES – JETTY ROAD MAINSTREET COMMITTEE – 9 APRIL 2025

Summary

The Minutes of the Jetty Road Mainstreet Committee meeting held 9 April 2025 are attached and presented for Council's information.

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

Recommendation

That Council notes the minutes of the Jetty Road Mainstreet Committee of 9 April 2025.

Background

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

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

Report

Minutes of the meetings of the Jetty Road Mainstreet Committee held 9 April 2025 are attached for member's information.

Refer Attachment 1

Budget

Not applicable

Life Cycle Costs

Not applicable

Strategic Plan

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

Council Policy

Not applicable

Statutory Provisions

Not applicable

Written By: General Manager, Community and Business

General Manager: Community and Business, Ms M Lock

Attachment 1



Minutes of the Jetty Road Mainstreet Committee Held in the Mayor's Parlour, Glenelg Town Hall on Wednesday 9 April 2025 at 7.00pm

ELECTED MEMBERS PRESENT

Mayor Amanda Wilson
Councillor A Kane

COMMITTEE REPRESENTATIVES PRESENT

Attitudes Boutique, Ms G Martin
Beach Burrito, Mr A Warren
The Colley Hotel, Ms K Bailey
Cibo Espresso, Mr T Beatrice
Yo-Chi, Ms B Millard (Via Virtual Connection)
RD Jones Group, Mr R Shipway
Theodorakakos Property Group, Mr J Theodorakakos
Peter Shearer Menswear, Mr M Gilligan
Ikos Holdings Trust, Mr A Fotopoulos
Independent Member, Ms S Mills
Independent Member, Mr S Smith

STAFF IN ATTENDANCE

General Manager, Community and Business, Ms M Lock
Manager, City Activation, Ms N Reynolds
Business Development Partner, Ms V Miller

1. OPENING

The General Manager, Community and Business, Ms M Lock declared the meeting open at 7.04pm.

A Fotopoulos joined the meeting at 7.05pm

2. APPOINTMENT OF THE PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER

The Jetty Road Mainstreet Committee's Terms of Reference provides the JRMC shall appoint for a bi-annual term, a Presiding Member and a Deputy Presiding Member. The Presiding Member and Deputy Presiding Member are to be appointed from those members who are not Elected or Independent members of the City of Holdfast Bay.

Motion

That the Jetty Road Mainstreet Committee appoints Ms G Martin as Presiding Member and Mr A Warren as Deputy Presiding Member for the term until 31 March 2027

Moved Councillor Kane, Seconded T Beatrice

Carried

3. KAURNA ACKNOWLEDGEMENT

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

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.

4. APOLOGIES

3.1 Apologies Received: Councillor R Abley

3.2 Absent:

5. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

6. CONFIRMATION OF MINUTES

Motion

That the minutes of the Jetty Road Mainstreet Committee held on 5 March 2025 to be taken as read and confirmed.

Moved T Beatrice, Seconded A Fotopoulos

Carried

7. QUESTIONS BY MEMBERS

7.1 Without Notice:

- 7.1.1 A Warren asked has Administration engaged digital services. Administration provided a response.
- 7.1.2 A Warren asked has the self-assessment process been circulated to the outgoing Committee. Administration took this on notice.
- 7.1.3 A Warren asked will there be a social media representative in attendance at the Electric Island concert. Administration provided a response.
- 7.1.4 A Warren asked a question on the status of Council's Economic Development Strategy to then finalise the Jetty Road Retail Strategy. Administration provided a response.
- 7.1.5 S Mills asked a question around the Administration resources to support the JRMC, if this is to be discussed at the workshop. Administration provided a response.

7.2 With Notice: Nil

8. PRESENTATIONS

8.1 Southern Business Mentoring Program Update

Item 8.1 was withdrawn prior to the meeting at the request General Manager, Community and Business.

8.2 Transforming Jetty Road Project Update

Ms C Armfield, Project Manager provided an update on the Transforming Jetty Road Project.

9. **REPORTS/ITEMS OF BUSINESS:**

9.1 **Monthly Finance Report** (Report No: 91/25)

This report provides an update on the Jetty Road Mainstreet income and expenditure as at 28 February 2025.

Motion

That the Jetty Road Mainstreet Committee notes this report.

Moved A Warren, Seconded T Beatrice

Carried

9.2 **Marketing Update** (Report No: 92/25)

This report provides an update on the marketing initiatives undertaken by the Jetty Road Mainstreet Committee (JRMCC) aligned to the 2024-25 Marketing Plan.

Motion

That the Jetty Road Mainstreet Committee notes this report.

Moved T Beatrice, Seconded S Mills

Carried

8.3 **Events Update** (Report No: 93/25)

The Jetty Road Mainstreet Committee (JRMCC), in partnership with the City of Holdfast Bay, is responsible for implementing and managing a variety of major events to support economic stimulus in the precinct in accordance with the annual marketing and business plan.

This report provides an overview of recent and upcoming events.

Motion

That the Jetty Road Mainstreet Committee notes this report.

Moved A Warren, Seconded K Bailey

Carried

10. URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING:

10.1 Adelaide Economic Development Agenda (AEDA) Summit (20 May 25).

A Warren asked if a delegation of committee up to a maximum of three representatives attend the AEDA Summit.

Administration agreed to action.

10.2 Acknowledgement of Outgoing Committee Members

The Chair on behalf of the committee expressed thank to the previous members C Brown, C Morley and D Murphy for their contribution through their tenure.

11. DATE AND TIME OF NEXT MEETING

The next meeting of the Jetty Road Mainstreet Committee will be held on Wednesday 7 May 2025 to commence at 6.00pm in the Mayor's Parlour Glenelg Town Hall.

12. CLOSURE

The meeting closed at 8.19pm.

CONFIRMED 7 May 2025

CHAIR

Item No: 15.1

Subject: ITEMS IN BRIEF

Summary

These items are presented for the information of Members.

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

Recommendation

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

- 1. Youth Impact Summit Event**
 - 2. Southern Region Waste Resource Authority (SRWRA) Board appointments**
-

Report

- 1. Youth Impact Summit**

On Saturday 5 April 2025, Council were represented at the Youth Impact Summit, organised by the Commissioner for Children and Young People. This inaugural event gathered young individuals aged 12 to 25 from across South Australia, along with adult decision-makers from local and state governments, to celebrate and inspire youth-led positive change in local communities.

The Youth Impact Summit provided a platform for young South Australians to connect, share experiences, and collaborate with decision-makers to foster positive change in their communities. Council is proud to share that a dedicated HoldUp Youth Committee volunteer was selected to present during the Table Talks session, focusing on representing our local council and highlighting the impactful work being done by young people in our region. The presentation was positively received and served as a strong example of youth leadership in action.

The summit provided an excellent opportunity to engage with a diverse range of youth advocates and stakeholders, learn from innovative projects, and reaffirm our Council's commitment to empowering young people to shape the future of their communities. Council's involvement in the event reflects our continued support for youth participation in civic life and our recognition of the valuable contributions young people make at both local and state levels.

2. Southern Region Waste Resource Authority (SRWRA) Board appointments

At its meeting on 11 March 2025, Council approved a request from SRWRA to amend its Charter to increase the Board size to up to nine members, with up to three independent members. The rationale for this change was to improve Board succession planning and to acknowledge that an appropriate mix of skills is important for the effective operation of the Board. All three constituent Councils approved the Charter amendment.

Following a recruitment process, Mr Michael Williams and Mr Roberto Bria have been appointed to the Board. A brief CV of each of the successful candidates is provided in the attached letter.

Refer Attachment 1

Written By: Executive Officer

Chief Executive Officer: Ms P Jackson

Attachment 1

14 April 2025

Ms Pamela Jackson
Chief Executive Officer
City of Holdfast
Bay PO Box 19
Brighton SA 5048

Sent via email: pjackson@holdfast.sa.gov.au

Dear Pamela

SRWRA Independent Board Member Appointments

Earlier this year, SRWRA undertook a recruitment and selection process for an independent Board Member, consistent with clause 4.2.1.2 of its Charter.

As a result of this process, the Board has appointed two independent Board Members; Mr Michael Williams and Mr Roberto Bria. The Board and I are confident that these two individuals will add further value to the Board in undertaking its responsibilities in overseeing SRWRA's strategic, financial and operational risks and performance.

The quality and suitability of both Michael and Roberto is evident in their profiles that are enclosed with this correspondence. Their contributions will also assist SRWRA with the exciting challenges and opportunities that lie ahead for the Authority.

I also take this opportunity to thank your Council in its support for the amendment to the SRWRA Charter, allowing an additional independent member to be appointed to the Board. All three Constituent Councils have now endorsed this amendment and it has recently been gazetted.

Michael and Roberto commence their tenure on 28 April 2025, the date of our next Board Meeting.

Please don't hesitate to contact me should you have any queries.

Your sincerely



Mark Booth Chair

Enc. Michael Williams – Profile
Roberto Bria - Profile

Michael Williams

Michael has over 40 years' operations management and process engineering experience in Cement & Lime, Mining & Quarrying, Integrated Iron & Steel, Electric Arc Furnace (EAF) Steelmaking, Direct Reduced Iron (DRI), Manganese Ferroalloys, and plant Design, Fabrication, Installation, and Commissioning.

Commencing his career in 1984 at the formerly BHP Whyalla Steelworks as a Trainee Metallurgist, Michael spent 17-years with BHP working at the Tasmanian Electro Metallurgical Company (TEMCO) Ferroalloy Smelter, Port Kembla Steelworks (Project M EAF/Thin Strip Caster Project), Port Hedland Hot Briquetted Iron (HBI) project and a 12-month exchange program at a Japanese EAF Steelmaking Plant.

In 2001, Michael joined the cement & lime industry working in operations management, commercial management and general management roles for both Adelaide Brighton Cement (ABC) and Cement Australia managing multiple complex mining and processing operations across multiple states.

Michael developed deep energy management experience and led energy strategy for Adelaide Brighton Cement. Highlights included developing and implementing an electricity demand side management DSM strategy to reduce electricity costs, establishing ABC as a foundation participant in the gas Short Term Trading Market (STTM), negotiating multiple electricity, gas, gas transport, coal and waste derived biofuel agreements and leading the business to record fossil fuel substitution.

From 2019, Michael spent 3-years as CEO of an Engineering, Fabrication and Maintenance Services business operating in the quarrying, mining, concrete, cement and salt industries before being drawn back in to the cement industry.



BEng(Metallurgy) | BAppEconomics |
MAppFin&Investment

michael@altusenergy.com.au

+61 409698355

Membership Organisations

- Institute of Quarrying Australia (IQA) – Fellow
- Australian Institute of mining & Metallurgy (AUSIMM) – Member
- Australian Institute of Company directors (AICD) – Member
- Financial Services Institute of Australia (FINSIA) – Member

Board Roles

- The Alternative Fuels Company (2008-2010)
- Melbourne Cement Facility (2023 – 2025)

Expertise

- Iron & Steel | Ferroalloys | Direct Reduced Iron | Cement | Lime | Mining & Quarrying | Energy |
- Operations Management/ General Management
- Project Management
- Board Directorships
- Business Case Development
- Business Improvement (Six – Sigma Black Belt)
- Process Engineering
- Energy Management & Cost Reduction
- Refuse Derived Alternative Fuels
- Problem Solving Using Statistical Analysis

Career Summary

Adelaide Brighton Cement | 2021-2025 |

Role: General Manager Operations – Eastern Australia

General Management of all cement & lime plants across SA/NSW/NT including 1.6mtpa integrated clinker and cement plant at Birkenhead SA, 2.0 mtpa limestone mine, Angaston clinker, lime and cement works and the Port Kembla and Darwin cement grinding operations.

Quarry & Mining Manufacture (QMM)

| 2019 – 2021 |

Role: Chief Executive Officer

Design, fabrication, installation, commissioning, and maintenance of construction materials plant.

Cement Australia | 2016-2019 |

Role: Operations Manager – Gladstone Cement Works

Plant Manager of the largest cement works in Australia producing 1.6mtpa clinker, 1.8mtpa cement, 0.7 mtpa quicklime, and 2.2 mtpa limestone mine.

Altus Energy | 2014-2016 |

Role: Principal Consultant

Developing and implementing energy cost reduction strategies in mining and manufacturing businesses.

Adelaide Brighton Cement | 2001-2014 |

Roles: General Manager National Operations | General Manager Commercial | Production Manager

National operations management for all cement & lime plants and mining operations across SA/NSW/NT/WA including the 1.6 mtpa lime assets at Munster and Dongara in WA.

BHP | 1984-2001 |

Roles: Commissioning Manager, Operations Superintendent, Production Metallurgist, EAF Technologist, Trainee Metallurgist

Port Hedland Hot Briquetted Iron (DRI) Project
Port Kembla Steelworks – Project M Thin Strip Caster
Asahi Industries EAF Steelworks – Japanese Exchange
Tasmanian Electro Metallurgical Company (TEMCO) – Manganese and Ferro Silicon Ferroalloy Smelter
Whyalla Steelworks – ironmaking, steelmaking, pellet plant, rolling mills.



Profile: Roberto Bria

With a distinguished career spanning executive leadership, governance, and strategic financial management across local, state, and federal governments, as well as the not-for-profit and private sectors, Roberto brings extensive expertise to the waste management industry.

Currently, he serves as Chair of the City of Campbelltown and Northern Adelaide Waste Management Authority Audit and Risk Committees, as well as an independent member of the City of Port Adelaide Enfield and Town of Walkerville Audit and Risk Committees. In these roles, Roberto is dedicated to fostering strong governance frameworks and risk management practices across multiple organisations.

Having recently retired as CEO of the City of Holdfast Bay, Roberto seeks to leverage his experience to support organisations committed to sustainability, innovation, and operational excellence in waste management. During his tenure, he served on the Board of the Southern Region Waste Resource Authority (SRWRA) for over six years, contributing to the development of the Materials Recovery Facility and participating in key joint venture committees that shaped strategic initiatives and operational improvements.

Roberto's early career at Adelaide City Council further strengthened his expertise in waste management, where he played a pivotal role in the Council's acquisition and operational transition of Wingfield Tip in the early 1990s. Through robust financial governance and operational system development, he facilitated a seamless transition that enhanced the facility's efficiency and sustainability.

Particularly drawn to SRWRA's innovative approach to waste management and commitment to environmental sustainability, Roberto brings strategic and commercial acumen, a deep understanding of government finance and regulatory environments, and expertise in stakeholder engagement. His qualifications, including GAICD accreditation and extensive executive leadership experience in governance, risk, and financial management, further support SRWRA's vision.

Academically, Roberto holds a Bachelor of Economics (majoring in Accountancy) and a Master of Business Administration from the University of Adelaide. His professional credentials include completion of the Australian Institute of Company Directors (GAICD) program, Certified Practising Accountant (CPA) certification, and the ANZOG Executive Fellowship program.

Committed to sustainability, governance excellence, and strategic leadership, Roberto looks forward to contributing to SRWRA's environmental responsibility and innovative waste management solutions.

Item No: 15.2

Subject: **HOODED PLOVER PROTECTION**

Summary

This report is responding to motion C221024/7904 put forward by Councillor Lindop on 22 October 2024. The report provides details of all actions taken to protect the hooded plovers that breed in the City of Holdfast Bay. It also provides the details of other potential actions that have not been attempted yet.

Recommendation

That:

- 1. Council notes the report; and**
 - 2. this report be used to inform the annual business planning process for 2026-27.**
-

Background

Hooded plovers are Australia's most endangered shorebird. It was considered a major achievement when they returned to the Adelaide metropolitan coastline, after a long absence, and began breeding at Seacliff in 2016. Since that time council, in partnership with Green Adelaide and Birdlife Australia, has put in considerable effort to protect the breeding pair and their chicks each year.

However, these efforts are hindered by both natural predators (such as kestrels, gulls and snakes) and disturbances from dogs off leashes, humans and pests such as foxes.

On 22 October 2024, Cr Lindop put forward motion C221024/7904, which reads:

That Administration review the enforcement of City of Holdfast By-laws in relation to Hooded Plover breeding areas, including the current inspection patrols for general compliance of the by-laws, and provide a report to Council. The report should include recommendations to improve responsible dog ownership; increase general awareness and education of the Hooded Plovers; and suggested changes to Council By-laws.

Report

Actions to protect hooded plovers to date

Since 2016, when hooded plovers returned to the Adelaide metropolitan coast at Seacliff, council has tried a large number of actions to attempt to protect the one breeding pair that is present on our beaches between August and March every year.

These actions fall into four broad categories: signage and education; pest control (predominantly foxes), the use and enforcement of By-laws, and the use of physical protection infrastructure.

Signage and education

As well as fencing around the breeding zone, there are multiple signs of different sizes and types around and near to the breeding area. These include corflutes and large mesh signs on the beach, the use of a solar-powered variable message sign near the Nest cafe and A-frame signs on the coast path.

Ongoing challenges with signage include:

- Residents do not want too much signage
- There are comments that there are not enough signs
- There are comments that people cannot see the signs
- The birds move to different areas so they cannot be permanent
- They cannot be installed close to the water because at high tide they will be washed away.

Education is provided in various ways, including:

- The provision of information about hooded plovers by the Birdlife Australia volunteers on the beach
- The provision of information at the Dogs' Breakfast events held by volunteers
- Permanent hooded plover signs at the main nesting sites – near Young Street Seacliff, in Minda Dunes North Brighton, and near the Nest café, Kingston Park.
- Birdlife Australia hang a small corflute sign near the fenced area, which they update regularly with new information about what is happening with the hooded plover nest and family
- Flyers at various outlets, including the Brighton Civic Centre
- Regular social media posts during the breeding season
- Sign about responsible dog ownership on Brighton Jetty
- Stories in the Our Place newsletter
- Stories in the Holdfast News email
- On the Council website

Physical protection infrastructure

Each year, council installs ropes around the hooded plover breeding zone to make it more obvious to beachgoers.

Just before each clutch hatches, the Coastal Conservation Officer puts out three small wooden 'huts' inside the fenced area for the chicks to use. These serve two purposes: 1) the provision of shade on hot days; and, 2) protection from aerial predators such as seagulls and kestrels. The chicks do use these, so they contribute to fledging success.

In the past Council also tried closing off dune paths that led to areas close to the birds. However, this caused significant frustration in the community and so this is no longer implemented.

Pest control (predominantly foxes)

Council works with Green Adelaide to undertake searches for dens using a specially trained conservation dog. If found, dens are treated by a qualified contractor. The dens are not always found, presenting a risk that cannot always be controlled.

There are other natural predators of the hooded plovers including snakes, kestrels and seagulls, however, these cannot be prevented or controlled. This year a seagull was responsible for the death of at least one of the chicks.

Changes to and enforcement of By-laws

In 2019, Council's Dogs By-law was updated to include new provisions about keeping dogs on leashes near the hooded plover breeding zone. Since that time, Council has gone to considerable effort to enforce this new provision.

In 2019-20 Council provided funding for a new initiative to trial an additional dedicated beach patrol during the summer season. The purpose of the additional beach patrol was to improve general compliance along the coast, improve animal management and to enforce the new Dogs By-law.

The trial was successful and in 2020, Council noted the inclusion of \$40,000 in the operating budget for 2020-21 to continue an additional beach patrol for five months during the 2020-21 summer season. This budget has become a permanent addition to the operating budget, reduced to \$35,000, for the Community Safety team, specifically to support a beach patrol officer.

This budget funds a beach patrol officer for approximately three days per week, usually two weekdays and one weekend day, between September and February each year.

Beach patrol is a high-risk activity with exposure to potentially aggressive dogs and humans, and the weather. It is difficult for the beach patrol officer to fine a dog owner on the beach due to the following factors:

- Dog owners do not always provide their details for the officer to draw up the fine
- Dog owners do not always consent to the officer scanning their dog for a microchip, which would provide the details needed to draw up the fine. Even if they do consent, once they realise it is so they can be fined, people get defensive because of the back-handed nature of this approach.
- The potential for aggressive and abusive behaviour from the dog owner and/or their dog.

The City of Holdfast Bay hands out approximately 60-100 fines per summer season. This is the highest rate of fining for dogs off leash of any council in South Australia as there is an expectation from the community to enforce. There are also many verbal warnings given a few weeks into the season to give dog owners plenty of notice.

The Community Safety team occasionally use a zoom camera, which can be effective to catch offenders. Officers wear body cameras, which can be useful in cases of abuse or aggression but

still has limitations. Officers have also tried working undercover; however, this is not always the best approach because it is seen as 'sneaky', which makes people defensive. Sometimes this is necessary because some people put their dog on the lead when they see an officer. Whilst it is good that they comply at the time, it does not prevent further offences.

The recent introduction of an e-bike for the beach patrol officer has been beneficial in terms of enabling better coverage.

Potential future actions

Improve responsible dog ownership and increase general awareness and education

Birdlife Australia volunteers and Administration already provide information via multiple communication channels, events and signage.

Maximising enforcement reach

Despite varying the times of day and days that enforcement occurs, three four-hour shifts per week will be limited in impact. Notwithstanding, it does influence compliance when the officer can get the dog owner's details.

To improve the safety and effectiveness of the beach patrol, it would be beneficial to use two officers working together on the foreshore patrol. Increasing these resources will have an effect, noting there will still be people that ignore the demands of the officers. In Victoria, this role is carried out by State Government park rangers, who have the power to arrest and are armed with pepper spray and batons.

Another way to increase enforcement would be to increase the seasonal presence of officers by two months from September to February, to August to March.

Despite having tried heavy enforcement presence during the Christmas and New Year period, this year's chicks still did not survive due to natural predation, about which we have little control.

Casual staff

Currently, we employ contractors, which presents challenges. Many staff are either not interested in the job or, if they are, they move on to higher-paying positions. The City of Charles Sturt employs casual animal behaviorists to enforce regulations, with a focus on education rather than enforcement. Even in this "friendlier" role, they still face abuse, which can impact their mental health.

We have enquired with the City of Charles Sturt to see if their staff would be interested in additional hours at Holdfast Bay, they were not interested. Enforcement, which is what the Holdfast community wants, is much more challenging.

An alternative would be to hire a qualified and experienced staff member for a permanent part-time or full-time position year-round. During the colder months, this person could take on general parking enforcement duties.

Suggested changes to Council By-laws

The City of Holdfast Bay By-laws, and Dog and Cat Management Plan, are expiring at the end of 2026. In the next six months Administration will begin the process to review these, with council workshops seeking feedback on improvements.

Initial ideas include:

- Extending the hooded plover zones from 100m to 300-500m
- Introducing exclusion areas excluding dogs (and people) temporarily in sections of the beach
- Banning retractable leads

Wet zone signs

Due to the large distance between the high tide area (where the hooded plover fencing is) and the low tide area, at low tide it is feasible that dog walkers walking near the water cannot see the signs that are around the hooded plover breeding zone, which is above the high tide area. Temporary signs for this large intertidal area would be ideal. Administration has explored the possibility of using temporary moorings with a floating sign, but this has the potential to trap or strangle a dog, or a person in the water.

Victoria is currently trialling two different 'wet zone' signs installed in the intertidal area. This would mean that dog owners will be fully aware of warning signs and their responsibility to keep their dogs on-leash. In Victoria, the signs are installed once chicks hatch and remain until the chicks successfully fledge, this is usually a five-to-six-week period. The signs were installed by digging them into the sand to a depth of 800mm. The signs were only installed at Victorian sites in mid-February. Administration is waiting for more information about the effectiveness of these. It is recommended that this option is pursued with a plan to install several of these at each end of the hooded plover breeding zone.

Permanent dogs-on-leash zone at Minda

Minda clients previously used their section of beach a lot prior to the installation of the Coast Park Path. However, it is now rarely used due to the high number of people and dogs off leash. A permanent dogs-on-leash zone on this section of beach would provide some comfort and safety to Minda's clients, as well as providing more safety for the hooded plovers.

However, this would require a lot of additional enforcement, and a subsequent budget increase.

While each of these measures has some merit in increasing protection, it should be noted that none of these options guarantee any increase in fledging success.

Budget

The following costs are estimated based on the above options:

- Maximising enforcement reach with two beach patrol officers: additional \$35,000 per year

- Increase seasonal presence by two months: additional \$11,700 per year
- Permanent dogs-on-leash zone at Minda requires budget for additional enforcement: additional \$35,000 per year
- Current contractor rate (20 hours per week): \$49,390 per year
- Change from contractor to casual MOA Level 3 Year 3 (20 hours per week): \$65,127 per year
- Change from contractor to a part-time position MOA Level 3 Year 3 (0.6 FTE): \$60,199 per year
- Change from contractor to a full-time position MOA Level 3 Year 3 year-round: \$100,332 per year
- Wet zone signs: Six signs, varied cost dependent on material selection and life (permanent or sacrificial) estimated in the range of \$10,000 to \$40,000.

Life Cycle Costs

To be determined with selection of options through the annual business planning process.

Strategic Plan

Our Holdfast 2050+ - Sustainability – Increase levels of biodiversity
Environment Strategy – Our Nature

Council Policy

Not applicable

Statutory Provisions

Environment Protection and Biodiversity Conservation Act 1999

Written By: Team Leader Environment and Coast

General Manager: Assets and Delivery, Mr B Blyth

Item No: 15.3

Subject: COUNCIL GRAFFITI POLICY

Summary

The *Graffiti Policy* commenced on 9 December 2013.

The policy was reviewed on 9 May 2017 which included the new *Local Nuisance and Litter Control Act 2016* as an additional tool to manage graffiti on private buildings and infrastructure. The presented policy is a review to ensure the document is current with legislation and Council's commitment to maintaining public amenity.

Recommendation

That Council endorses the revised Council Graffiti Policy.

Background

The current Graffiti Policy, endorsed by Council on 9 May 2017 (C090517/747) is now out of date and has been reviewed.

Refer Attachment 1

Council aims to assist in creating a graffiti free environment, endeavouring to encourage and support community groups and individuals that wish to assist in implementing graffiti prevention initiatives.

Report

Purpose

The purpose of *the revised* policy is to provide a framework for the City of Holdfast Bay to effectively manage and minimise graffiti.

Refer Attachment 2

Policy Overview

The policy outlines Council's approach to graffiti management across various property types:

Graffiti on Council-Owned Infrastructure

Council commits to the prompt removal of graffiti from all assets under its ownership, with offensive or explicit material prioritised for removal within 48 hours.

Graffiti on Government or Utility Provider Infrastructure

Graffiti found on property owned by other government bodies or utility providers will be referred to the relevant authority. However, Council retains the discretion to remove such graffiti, particularly where the *Graffiti Control Act 2001* permits.

Graffiti on Private Property

Graffiti removal on private property is the responsibility of the owner. Council may provide assistance in exceptional cases, where safe and practical access is possible.

Legal Authority and Enforcement

Where voluntary removal does not occur, Council may enforce action using powers under the *Local Nuisance and Litter Control Act 2016*. This includes the issuance of Nuisance Abatement Notices and application of penalties for non-compliance.

Community Engagement and Support

Council promotes shared responsibility for graffiti management. Graffiti removal kits are available to residents, and community cooperation is encouraged.

Legislative Basis

The policy operates under the *Local Government Act 1999*, *Graffiti Control Act 2001*, and *Local Nuisance and Litter Control Act 2016*. It serves to:

- define Council's role and authority in managing graffiti across the City of Holdfast Bay;
- establish consistent operational procedures for graffiti removal; and
- support enforcement action where necessary, particularly in cases involving private property.

Policy Scope

This policy applies throughout the City of Holdfast Bay and is relevant to all residents, businesses, community groups, and volunteers involved in graffiti management.

Policy Changes

Previous commitments included:

- conducting audits with a tag register;
- partnering with police, schools, and the community on anti-graffiti initiatives; and
- monitoring retailers selling potential graffiti tools (e.g. spray cans).

Due to increased community demand and limited resources—exacerbated by the enforcement requirements of the *Local Nuisance and Litter Control Act 2016*, Council has made the following changes:

- night patrols now report graffiti sightings daily to the Field Services team;
- the Community Safety team meet monthly with South Australia Police (SAPOL) to discuss various issues, with SAPOL now responsible for running any related education programs;
- council no longer monitors local businesses for graffiti-related product sales.

Despite these changes, graffiti reporting has improved, enabling more timely responses either through direct action by Field Services or by referring the issue to the responsible party for resolution.

Legislative Provisions

While council has the authority under section 12(1) of the *Graffiti Control Act 2001* and sections 244–255 of the *Local Government Act 1999* to remove graffiti from private land, it is not obligated to do so. Section 12(5) of the *Graffiti Control Act 2001* protects council from civil liability when undertaking graffiti removal on private property.

Where appropriate, council may require property owners to remove graffiti under the following Acts:

- *Local Government Act 1999*
- *Local Nuisance and Litter Control Act 2016*
- *Graffiti Control Act 2001*.

Graffiti removal kits will be offered to residents before any formal enforcement action is taken.

Council remains committed to maintaining its own buildings and infrastructure free of graffiti, with offensive content given highest priority for removal.

Budget

Not applicable

Life Cycle Costs

Not applicable

Strategic Plan

Council's vision for 2050+ is, in part, to create "South Australia's most sustainable city". Sustainability includes judicious use of resources and ensuring policy positions are clear, relevant and contemporary.

Council Policy

Council Graffiti Policy

Statutory Provisions

Local Government Act 1999

Local Nuisance and Litter Control Act 2016

Graffiti Control Act 2001

Written By: Manager Community Safety

General Manager: Community and Business, Ms M Lock

Attachment 1

Trim Container	FOL/17/1001
First Issued / Approved:	09/12/2013
Last Reviewed:	09/05/2017
	C090517/747
Next Review:	30/06/2021

1. PREAMBLE

This policy outlines Council's responsibilities and powers in relation to the control and removal of graffiti within the city; Council's commitment to employ crime prevention measures; and intention to identify and implement such mechanisms that will aid Council, members of the community and regulatory authorities in combating instances of graffiti related vandalism within its jurisdiction.

1.1 Background

Graffiti is a criminal offence that detracts from the visual amenity of the area, is destructive to property and is a cost burden to the community;

Council aims to assist in creating a graffiti free environment and endeavours to encourage and support community groups and individuals that wish to assist in implementing graffiti prevention initiatives.

1.2 Purpose

The purpose of this policy is to provide a framework for the exercise of the City of Holdfast Bay's powers regarding to the management and minimisation of graffiti within its jurisdiction. In conjunction with the Local Government Act 1999 and the Graffiti Control Act 2001, this document seeks to:

- a. define the specific powers possessed by the City of Holdfast Bay to both implement the removal of graffiti, and that which enforces property owners to rectify or obliterate graffiti associated vandalism from private property;
- b. set precedent for the implementation of standard practices that provide services and standard operating procedural guidelines for the removal of graffiti;
- c. implement further Crime Prevention Through Environmental Design (CPTED) measures that will deter people from committing illegal graffiti activity;
- d. develop appropriate local responses to graffiti prevention as well as management through education and engagement mechanisms for local schools and groups;
- e. identify integral social factors that may influence people to commit graffiti and implement appropriate responses that combat these issues.

1.3 Scope

This document applies to all areas within the City of Holdfast Bay and relates to all community, business, volunteer and/or other groups affected by or involved in the management of graffiti;

This document however (as outlined in section 2.1.4 and 2.1.5) specifies that while Council may remove graffiti from a privately owned land/property (under section 12(1) of the Graffiti Control Act 2001 and sections 244-255 of the Local Government Act 1999), it holds no obligation or responsibility to remove, obliterate or paint over graffiti associated vandalism from any privately owned residence or property within its governed area;

Further to section 1.3.2, in exercising its authority under this policy, section 12(5) of the Graffiti Control Act 2001 negates any civil liability attached to Council for anything done by a worker when in the course of their official capacity through graffiti removal duties.

1.4 Definitions

Council means a council within the meaning of the Local Government Act 1999;

Council owned land/property means all buildings, land, reserves, structures, community centres etc. owned and maintained by the City of Holdfast Bay and its Staff;

Crime Prevention Through Environmental Design (CPTED) refers to the design of an environment and/or the implementation of specific infrastructure that encourages desirable behaviour, and functionality, and decreases antisocial behaviour (e.g. close circuit television networks, security lighting design, landscape design etc.);

Graffiti is a form of vandalism that includes written, scribbled, scratched or painted damage on property or any surface;

Complex Graffiti denotes that which requires the use of strong chemicals (not those included in Council supplied Community Graffiti Removal Kits), high pressure spraying equipment, replacement of panelling(s), and/or requires specialist attention to remove. Complex graffiti is also that which is out of 'easy reach' and requires the use of ladders to remove;

Simple Graffiti denotes minor instances of graffiti (small tags, throw-ups etc.) that are committed under quick opportunistic circumstances (e.g. on stobie poles, public surfaces, fences and/or private property); that is in 'easy reach' (within 2 metres from the ground); takes little physical exertion to remove; and can be removed with a 'Graffiti Removal Kit';

Private Property means any property which is not owned by Council or an agency of the Crown;

Vandalism is the wilful or malicious damage or destruction of property;

Worker means a person engaged through an employment agency, a contractor or volunteer who acts/works on behalf of Council;

1.5 Strategic Reference

Culture: Supporting excellent, efficient operations

2. PRINCIPLES

- 2.1 Council will support anti-graffiti initiatives which aim to:
 - a. Reduce the incidence of graffiti vandalism in Holdfast Bay;
 - b. Increase community reporting of graffiti;
 - c. Increase community participation in anti-graffiti programs;
 - d. Encourage businesses to comply with the Graffiti Code of Practice.
- 2.2 Council workers will undertake the removal of 'general' graffiti from Council owned land/property within 48 hours (where practicable) of it being reported;
- 2.3 Council workers will undertake the removal of graffiti from Council owned land/property when it is deemed to be of an offensive nature within 24 hours (where practicable) of it being reported;
- 2.4 Council workers may undertake action to remove graffiti from private property and/or local business within in the jurisdiction (as per section 1.3 of this policy) within seven working days (where applicable) of it being reported when Council deems its' removal to be appropriate and restorative of the localities natural amenity;
- 2.5 Council reserves the right to pursue a property owner for the purpose of recovering any/all costs incurred by Council in association with the removal of graffiti from a private residence/property;
- 2.6 Council may order the owner of a private property within it the City to remove, obliterate or paint over graffiti from the premises when it is considered necessary by Council to remove an unsightly condition, structure or object on a private premises in accordance with section 12 of the Graffiti Control Act 2001 and section 254 of the Local Government Act 1999;
- 2.7 Council workers will be responsible for the removal of all complex & simple graffiti from Council owned land/property, road signs, road asphalt, reserves and structures, community fencing, bus stops, public telephone boxes, stobie poles and/or community buildings;
- 2.8 Council will undertake audits of graffiti 'hotspots' and when possible, undertake surveillance and/or apply CPTED principles to reduce incidences of graffiti;
- 2.9 Council workers will compile graffiti 'tag' register (where practicable) to log the occurrences, frequencies and migration patterns of offenders within its jurisdiction, reporting the information to the South Australian Police;

- 2.10 Council workers will work with the South Australian Police, local community groups and local schools to deliver anti-graffiti messages with an emphasis on community responsibility and prevention;
- 2.11 Council will support Neighbourhood Watch and other community groups who undertake graffiti prevention projects;
- 2.12 Council will monitor local businesses who sell potential graffiti implements such as cans of spray paint for compliance with the graffiti code of practice.

3. REFERENCES

3.1 Legislation

- *Graffiti Control Act 2001*
- *Graffiti Control Regulations 2002*
- *Local Government Act 1999*

3.2 Other References

- Graffiti Code of Practice
- City of Holdfast Bay Graffiti Removal Indemnity Form

Attachment 2

Graffiti Policy

Council Policy

1. Purpose

The purpose of this policy is to provide a framework for Council to respond to instances of graffiti within the City of Holdfast Bay and establish a commitment to the reduction of graffiti in our community.

2. Scope

This policy outlines the approach the City of Holdfast will adopt to manage graffiti.

3. Roles and Responsibilities

Council Members	Adoption of the policy and the administration's approach to the management of graffiti.
Chief Executive Officer	Allocation of resources and development of sound graffiti management across the organisation as well as ensuring that all graffiti mitigation activities are consistent with the objectives of Council's strategic plan.
Manager Community Safety & Manager Field Services	Accountable for the policy and graffiti management within the City of Holdfast Bay.
Employees	Will be tasked with delivering the levels of service defined in the policy.

4. Policy Statement

The Council Graffiti policy affirms Council's commitment to maintaining the visual amenity of the City through the removal and/or referral of graffiti to appropriate property owner or agency.

We work very closely with businesses, security companies and the police to identify and apprehend graffiti vandals.

We are involved in:

- identifying graffiti hot spots
- undertaking surveillance
- providing information to SA Police to assist in the apprehension and prosecution of offenders.

Removal of Graffiti from Council Owned Infrastructure

- 4.1 Graffiti will be removed from any Council owned infrastructure, buildings, structures, fences, facilities, common boundary fences (where these abut Council land), roadways, paths and lanes.
- 4.2 Council will strive to promptly remove graffiti in the specified areas, provided there are no restrictions regarding access and workplace health and safety. Priority will be given to removing obscene and explicit graffiti over standard tagging, with a target response time of 48 hours.

Removal of Graffiti from Infrastructure owned by other Government Agencies and Utility Providers

- 4.3 Graffiti on infrastructure owned by other government agencies and Utility Providers that is reported to Council will be referred to the relevant owner for removal. Council expects that the relevant government agency/utility provider will remove graffiti from their premises within a practical time frame.
- 4.4 At Council's discretion, Council may remove publicly visible graffiti on infrastructure owned by other government agencies and utility providers in accordance with powers granted under the *Graffiti Control Act 2001* and associated Graffiti Control Regulations 2013.
- 4.5 Council may negotiate directly with the owner of the premises or infrastructure so that Council or its approved contractors can enter the premises and/or remove the graffiti on their behalf from their property or infrastructure, subject to execution of an appropriate Graffiti Removal Agreement.
- 4.6 Council reserves its rights to recover the cost of graffiti removal in cases where graffiti is removed from commercial and business premises and/or private infrastructure by Council staff or Council's approved contractors.

Removal of Graffiti from Private Premises (Residential and Business)

- 4.7 Council recognises that on most occasions the property owner of a graffitied premises is a victim of the crime. The removal of the graffiti is the responsibility of the property owner. Council will endeavour to work cooperatively with property owners to have graffiti removed within a practical timeframe.
- 4.8 In exceptional circumstances, at Council's discretion, Council may assist property owners by removing graffiti from private premises subject to:
 - the property owner signing a suitable Graffiti Removal Indemnity Form
 - the extent of the graffiti not being excessive (in the sole opinion of Council staff)
 - reasonable and safe access being available
 - the work not involving an unreasonable Workplace Health & Safety risk.

- 4.9 In circumstances in which Council is unable to resolve graffiti removal collaboratively, it has additional powers to manage graffiti in the community under the *Local Nuisance & Litter Control Act 2016*. Specifically:
- When graffiti is present on a premises, an authorised officer can declare that unsightly conditions exist and hence, local nuisance is being caused.
 - Council has the authority to issue the owner of the premises with a Nuisance Abatement Notice, which will specify a certain period within which the offender must remove the graffiti.
 - A Nuisance Abatement Notice may be issued orally in the first instance if the authorised officer considers the matter to be severe.
 - If the property owner does not comply with Nuisance Abatement Notice within the specified timeframes, penalties can be applied as described in the *Local Nuisance & Litter Control Act 2016*.

Graffiti Removal Kits

- 4.10 Graffiti removal kits are available from the Council Civic Centre and Glenelg Library, free of charge.

5. Definitions

Key term or acronym	Definition
Authorised Graffiti	For the purposes of Schedule 1, Clause 1 Interpretation of the <i>Local Nuisance & Litter Control Act 2016</i> : (a) Graffiti commissioned for the premises by a public authority as public art; or (b) Graffiti that is on the premises with the consent of the owner or occupier of the premises (other than offensive graffiti or graffiti comprised only or principally of words, symbols or tags).
Authorised Officer	A person appointed to be an authorised officer under section 12 of the <i>Local Nuisance & Litter Control Act 2016</i> .
Graffiti	The illegal defacement of public and/or private property with markings or graphics. Graffiti can take many forms including words, or images using paint, permanent markers, scratching or other materials such as stickers and posters. In South Australia, graffiti is considered a crime (vandalism) and is punishable by fines, community service orders or imprisonment. Graffiti is defined as an unsightly condition, a form of local nuisance under Schedule 1, Clause 3(a)(iii) and for the purposes of section 17(1)(c) of the <i>Local Nuisance & Litter Control Act 2016</i> – this does not include ‘Authorised Graffiti’.
Graffiti Removal Indemnity Form	A legal agreement between a property owner which authorises Council to undertake graffiti removal activities on private property.

Offensive Graffiti	For the purposes of Schedule 1, Clause 1 Interpretation of the <i>Local Nuisance & Litter Control Act 2016</i> , graffiti that a reasonable person would consider to be obscene or offensive.
Premises	Any land, building (including residential premises) or place (including a public place, or a movable building or structure); or a part of premises.

6. Administration Use Only

Reference Number:	
Strategic Alignment:	Graffiti may have a negative impact on Council's vision for 2050+ is, to create "a welcoming and healthy place for all in South Australia's most sustainable city"
Strategic Risk:	Insufficient or ineffective asset management and planning
Responsible Officer(s):	Manager Community Safety & Manager Field Services
First Issued / Approved:	09/12/13
Minutes Date and Council Resolution Number:	
Last Reviewed:	C090517/747: 09/05/2017, XX/XX/2024
Next Review Date:	XX/XX/2027
Applicable Legislation:	<i>Graffiti Control Act 2001</i> Graffiti Control Regulations 2013 <i>Local Nuisance and Litter Control Act 2016</i>
Related Policies:	Council Enforcement Policy
Other Reference Documents:	Graffiti Removal Indemnity Form

Item No: 15.4**Subject:** COMMUNITY CONCERNS - MCDONALD'S AT HOVE

Summary

Since the opening of the McDonald's restaurant located on Brighton Road at Hove in September 2024, Administration has received a steady stream of communication from nearby residents and their State and local representatives raising concerns with a number of matters that are having a negative impact on their amenity. This report provides a summary of the concerns raised and actions taken by Administration in seeking to address the impacts reported by residents. The purpose of this report is to note Administration's actions and state them on the public record to balance any assumptions regarding Council's commitment to the value it places on the concerns raised by its community.

Recommendation

That Council notes the actions taken by Administration outlined in this report in addressing community concerns regarding the impact on suburban amenity caused by the McDonald's restaurant located at 346-348 Brighton Road, Hove.

Background

The McDonald's restaurant located at 346-348 Brighton Road Hove opened for business on 2 September 2024. The restaurant was approved pursuant to the Planning and Design Code, being an envisaged use in the Suburban Activity Centre Zone, where commercial activities are permitted to sit alongside more sensitive residential uses. Changes to planning laws enacted in March 2021 meant that the restaurant was not subject to public notification at the time of its lodgment, with many residents only becoming aware of its approval when construction began. With limited recourse available to residents to challenge either the planning decision or conditions of the restaurant's use, some have sought Administration's assistance to regulate the use of the premises and to assess compliance against relevant environmental standards, namely noise from vehicles and machinery, and cooking odours emanating from the premises. Administration has been obliging to such requests by undertaking several investigations and making commitments to provide ongoing monitoring of the premises.

Report

The nature of complaints regarding the operation of the McDonald's premises received by Administration from some residents has been varied. Some complaints such as those relating to traffic volumes and noise from vehicles using the drive thru, and odours emitted from the exhaust flue are perpetual, while complaints relating to litter and customer behaviour have been more sporadic. Some complaints fall within Council's scope of responsibility, mainly those relating to environmental impacts, whilst others sit with State Government agencies such as SAPOL and Commissioner of Highways, namely those relating to anti-social behaviour and the dangers to pedestrians crossing Brighton Road.

Source of Concerns

Registered concerns received by Administration are primarily from two residents, both located on Cecelia Street, namely the household that abuts the eastern boundary of the McDonald's site and the household located diagonally opposite the site to the north. State Member for the electorate of Gibson, Sarah Andrews MP, has also provided Administration with written communication advocating on behalf of residents and the broader community, based on solicited and unsolicited feedback to her office. Of particular value has been the work undertaken by Councillor Anthony Venning in engaging with local residents and advocating on their behalf and working with Administration to address the concerns.

Nature of Complaints and Action Taken

The most prolific concerns received by Administration relate to noise from traffic and machinery generated by the restaurant, and cooking odours emitted from the restaurant's roof-mounted flue. It should be noted that the previous land use for the site, a funeral parlour, represents a stark contrast to the McDonald's restaurant and its 24-hour operations. It is therefore understandable that residents have developed a sharp awareness to the abrupt change to their amenity.

Odours

In response to the concerns relating to cooking odours emitted from the roof-mounted flue, Council's Manager Community Safety first assessed the odours emanating from the McDonald's site in early 2025, reaching the conclusion that the odours were not unreasonable pursuant to the *Local Nuisance and Litter Control Act 2016*. These conclusions were drawn from sensory observations and experience as a qualified Environmental Health Officer. The Manager Community Safety followed up the initial odour assessments by inviting officers of the Environment Protection Authority (EPA) to also assess the odours and determine whether they were unreasonable. The EPA too concluded that the odours were neither unreasonable nor a local nuisance, at which point the matter would have typically been closed. However, to ensure thoroughness, the Manager Community Safety conducted additional assessments of other McDonald's restaurants in metropolitan Adelaide that are located on arterial roads adjacent residential properties to understand if the odours varied, and whether the Hove franchise represented an exceptional case. The comparative analysis showed no significant difference, reinforcing the view that the odours were not out of the ordinary, unreasonable, or illegal. In this regard, it was determined that the McDonald's site was operating in accordance with the expectations prescribed by the Planning and Design Code where commercial uses are located at the interface with more sensitive land uses.

Noise

Council's Development Assessment Lead and Manager Community Services have attended the McDonald's premises in the company of a concerned resident of Cecelia Street to better understand the noise issues affecting the locality, particularly after 10:00pm. Administration relied on an acoustic measuring device to quantify noise levels attributable to vehicle movements and machinery directly associated with the McDonald's premises. Whilst the readings were within the acceptable range of tolerance, Council staff will continue to monitor noise levels at different seasons for a more accurate representation of noise. In the interim, the Manager Community Safety has broached the idea with the proprietor of McDonald's of

implementing remedial acoustic measures as a gesture of goodwill. It should be noted that Administration had previously made representation to McDonald's to raise the height of the acoustic fence adjacent to the eastern boundary following a request by the neighbour. This request was acceded to by McDonald's resulting in a variation to the original approval and an overall attenuation of noise. In a separate outcome, the Development Assessment Lead negotiated for delivery vehicles to the premises to arrive at a later time during the day, thereby reducing the impact of noise from refrigerated vehicles at more sensitive times in the early morning. This outcome also aligned with the conditions of development approval requiring McDonald's not to inconvenience neighbours with early-morning deliveries.

Light spill and privacy

A specific issue of concern raised by the household immediately adjacent the eastern boundary with McDonald's was the light spill from the playground area and the overlooking into their backyard from children climbing the play equipment. Following an initial site assessment from Council's Environmental Health Lead, the Development Assessment Lead attended the premises after hours on multiple occasions to assess the light spill and the actual potential for overlooking. At the time, the evidence suggested that there were no direct views attainable from the top of the play equipment but that the lighting could be improved by redirecting it to shine downwards or dimmed altogether. McDonald's have since considered adjustments to the light, although further assessments will be undertaken by Administration closer to the winter solstice to ensure that light spill is contained at the darkest times of the year.

Anti-social behaviour

Administration has received reports of patrons of McDonald's behaving poorly both within the premises and upon departure. Whilst the Council cannot directly control the behaviour of individuals on the McDonald's site or indeed hold the premises to account for the behaviour of others, it is working with McDonald's to create conditions that discourage such behaviour from occurring. In raising these issues with McDonald's greater care is being taken by all parties to ensure that litter is reduced. From the Council's perspective, this has included installation of an additional public bin at the nearest bus stop on Brighton Road to help minimise rubbish being left on the streets. Early evidence suggests that the installation is proving effective, with discarded McDonald's packaging found in the bin. For other more complex behavioural issues, the Council supports the continued reporting of these incidents to SA Police for an immediate response.

Community safety

Issues of community safety were raised most recently by State Member for Gibson, Sarah Andrews MP, who canvassed the community for its thoughts on the changing amenity of the locality since the opening of the McDonald's restaurant. It was reported that Brighton Secondary School students were seen jaywalking across Brighton Road rather than using the pedestrian actuated crossing to access the McDonald's site. Furthermore, Sarah Andrews MP relayed accounts of vehicles failing to stop at the crossing when required. These examples of human behaviour, whilst not directly attributable to McDonald's, require some investigation by the State Government as educators of the students and custodians of Brighton Road. Administration have suggested that the Commissioner of Highways review the adequacy of the physical deterrents in-place at the crossing that are designed to prevent jaywalking, concurrent with an assessment as to the visibility of the pedestrian lights to motorists more

generally. The Commissioner of Highways assessed the McDonald's development prior to its construction, so it would have considered these safety aspects at the time. However, with recent upgrades to the Brighton Road median strip, it may be timely for the Commissioner of Highways to identify any additional mitigating measures that can be introduced to address this safety issue now that the McDonald's premises are active.

Future Actions

Council Administration have dedicated more time and resources to the investigation of the McDonald's site than others of a similar nature, with an active commitment to undertake ongoing monitoring to ensure the situation has not changed, in consultation with affected residents. Administration has remained proactive, having met with the proprietor of McDonald's on multiple occasions to discuss a range of issues, with that line of communication remaining open for negotiating better outcomes for residents into the future. In addition, ongoing assessments after hours and comparative testing with other McDonald's premises elsewhere demonstrate a commitment to exhausting all avenues of compliance. At the time of writing this report, a further meeting between a concerned resident and the Manager Community Safety was scheduled, which will be followed by a meeting with McDonald's Head Office and Council's Manager Community Safety, where Administration will advocate for further structural changes to the way the premises at Hove are managed.

Policy legacy

Some in the community have expressed concern regarding the initial planning assessment of the McDonald's proposal and whether it underwent due process. Comparisons are often drawn between the assessment of the Hungry Jack's premises on Brighton Road at South Brighton and the more recent McDonald's assessment at Hove that followed. The introduction of the Planning and Design Code in March 2021 effectively removed the previous requirement for Council to consult neighbours in circumstances where a change of land use is proposed along Brighton Road. Unlike the Hungry Jack's proposal that preceded it at South Brighton, the McDonald's proposal was specifically exempt from public consultation due to changes introduced by the then State Government to specifically bypass opposition to new developments, a move which was of course opposed at the time by the City of Holdfast Bay in its written submission to the changes.

Budget

The cost of investigating complaints across Council portfolios is an operational expense that is factored into the 2025-26 budget.

Life Cycle Costs

Not applicable

Strategic Plan

Holdfast 2050+ Vision: Protecting our heritage and beautiful coast.

Council Policy

Customer Feedback and Complaints Policy

Statutory Provisions

Planning, Development and Infrastructure Act 2016

Written By: Manager Development Services

General Manager: Strategy and Corporate, Ms S Wachtel