

## ITEM NUMBER: 17.1

### CONFIDENTIAL REPORT

#### MINDA COAST PARK PROJECT

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

- 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.**
  
- g. **matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.**

**Recommendation – Exclusion of the Public – Section 90(3)(d and g) Order**

- 1** That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 434/17 – Minda Coast Park Project in confidence.
  
  - 2.** That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 434/17 – Minda Coast Park Project 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.

This report contains commercial information related to Council owned properties.

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.
    - g.** pursuant to section 90(3)(g) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information concerning matters that must be considered in confidence in order to ensure that the Council does not breach any other legal obligation or duty in relation to the deed of settlement with Minda Incorporated.
  
  - 3.** The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.
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Item No: **17.1**

Subject: **MINDA COAST PARK PROJECT**

Date: 28 November 2017

Written By: Team Leader Strategy

General Manager: Business Services, Mr R Bria

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### **SUMMARY**

DPTI's Open Space and Public Realm Investment team has recently advised Council Administration they believe that our application for Minda Coast Park is unlikely to be considered favourably due to the lack of matched funding as this is a highly competitive funding round. DPTI has asked Council to reconsider its funding of the project and DPTI will reconsider the project in this current application round.

It is proposed to fund 50 per cent of Coast Park that will be built on Council owned land (being the Somerton SLSC plaza and southern 'car park' plaza sections) to a maximum of \$1 million. To offset the cost of this contribution, it is proposed for Council to investigate selling the Council owned land on King George Avenue, North Brighton.

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### **RECOMMENDATION**

1. That Council agree to fund 50 per cent of the cost of the section of Coast Park in front of the Somerton SLSC and the southern 'car park' plaza, the portions contained on Council owned land, up to a maximum of \$1 million ex GST.
2. That Council investigate the sale of the Lynmouth and Lynton Avenue allotments on King George Avenue, North Brighton (the unmade road sections), to recoup the cost of developing the Somerton SLSC portion of Coast Park.

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

3. That having considered Agenda Item 17.1 434/17 – Coast Park Project Management in confidence under section 90(2) and (3)( d and g) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 36 months and that this order be reviewed every 12 months.
-

**COMMUNITY PLAN**

Placemaking: Creating lively and safe places

Placemaking: Developing walkable connected neighbourhoods

Community: Providing welcoming and accessible facilities

Economy: Boosting our visitor economy

Culture: Being financially accountable

Environment: Protecting Biodiversity

**COUNCIL POLICY**

Not Applicable.

**STATUTORY PROVISIONS**

Not Applicable.

**BACKGROUND**

In regards to the Minda Coast Park plans, on Tuesday 26 September 2017, Council resolved:

1. *That Council endorse the Final Stage 2 Concept Design for Coast Park Minda as shown in Attachment 1 of report 329/17 and the progression to Stage 3 - Detailed Designs.*
2. *That Council note the findings of the public consultation as shown in Attachment 2 of report 329/17.*
3. *That Council endorses the application to seek 100% design and construction funding in the current round of DPTI's Open Space and Places for People grant funding program.*
4. *That the final detailed designs be provided to Council for endorsement prior to construction.*

The Minda Coast Park application to DPTI's Open Space funding program was successfully submitted on Friday 20 October 2017 and sought Government to fund 100 per cent of the project based on a \$5.3 million cost report prepared by Rider Levett Bucknall (attached).

*Refer Attachment 1*

Subsequently, Matt Lang (DPTI's Open Space Team) emailed Council Administration on 16 November 2017 (attached) advising that:

- DPTI executive have advised our Minda Coast Park application is unlikely to be considered favourably due to the lack of matching funding.
- Noted that while previously discussed the possibility of State Government fully funding the Minda section of Coast Park – that it was a hypothetical solution only in the context of council having no legal control of the asset.

- Given that an easement to council has now been negotiated, DPTI's expectation is that this section of Coast Park will be constructed on a dollar-for-dollar basis as per our usual grant requirements.
- DPTI encourages council to reconsider the funding breakdown of our current application as we still have the opportunity to consider this project as part of the current funding round.

*Refer Attachment 2*

## **REPORT**

Previous advice from DPTI had indicated there was support for State Government taking a greater share of funding due to the complicated land arrangements (with the project mostly on the privately owned Minda land). However, they have now requested Council consider contributing to the cost of the project.

Of the current designs of the project, there are two sections that fall on Council land, being the Somerton SLSC plaza (approximately \$1.5 million ex. GST) and the southern or 'car parking' node (approximately \$400,000 ex. GST). The two relevant plans showing the extent of Coast Park on Council land is shown in Attachment 2.

*Refer Attachment 3*

Given the significance of this portion of Coast Park (being the last link in Holdfast Bay and connecting our two Jetty Road precincts of Brighton to Glenelg) it is recommended that Council considers contributing 50 per cent funding for the two sections on Council land up to \$1 million (ex. GST) in total.

Council could respond to DPTI that it will not contribute any funds to the project and request that the project still be considered in this round. However, given DPTI's advice, this will likely result in the project not being supported in this round and therefore mean that the project would be placed on hold, not constructed and likely face lengthy delays to resume.

To recoup the costs of this contribution, it is recommended that Council investigate selling the Council-owned allotments of the unmade road lands on King George Avenue, North Brighton. Previous valuation data obtained in November 2015 (attached) shows that Council can anticipate between \$600,000 to \$1 million dollars per allotment for the commercial sale of these sites; being the Lynmouth Avenue and Lynton Avenue portions of unmade road land.

*Refer Attachment 4*

It should be noted that Council offering to contribute up to \$1 million towards the project will not guarantee its approval by the Minister for Planning.

**BUDGET**

If approved, up to \$1 million will need to be allocated from Council's capital works budget (likely split over this financial year and next year's 2018/19 budget). Any variations will be included in the next quarterly budget report.

Further to this, the valuation report from November 2015 (Attachment 4) shows that Council could yield up to \$1 million from the sale of one of the North Brighton allotments.

**LIFE CYCLE COSTS**

Life cycle costs for maintaining the Coast Park path will be known once detailed designs have been completed.

CONFIDENTIAL

# Attachment 1



18 October 2017

Jensen Plus  
 6/259 Glen Osmond Road,  
 FREWVILLE SA 5063

**Attention: Michael McKeown**

Dear Michael,

**MINDA DUNES COST PARK UPGRADE  
 UPDATED ORDER OF COST ESTIMATE**

As requested, we have prepared an Updated Order of Cost Estimates based on the revised concept design plans prepared by the Oxigen for the proposed Minda Dunes Cost Park Upgrade.

We refer you to the attached detailed Cost Reports that further define the proposed scope of works and associated costs.

We summarise the Updated Concept Design Order of Cost Estimates as follows:

**UPDATED ORDER OF COST ESTIMATE SUMMARY**

<b>Somerton Surf Life Saving Club Plaza</b>	<b>\$ 1,426,230</b>
<b>Boardwalk</b>	
Boardwalk North	\$ 509,492
Boardwalk South	\$ 841,006
<b>Walking Trail</b>	
Walking Trail	\$ 611,830
Central Node	\$ 595,367
Education Zone	\$ 288,468
Carpark Plaza	\$ 378,925
<b>Revegetation Zones</b>	<b>\$ 114,192</b>
<b>Public Art</b>	<b>\$ 200,000</b>
<b>Linking Paths</b>	<b>Excl.</b>
<b>Margins and Adjustments</b>	
Professional Fees and Charges	\$ 180,000
Cultural Management Activities	\$ 200,000
Escalation to 2019	Included
Goods and Services Tax	Excluded
<b>Order of Cost Estimate Total (excl. GST)</b>	<b>\$5,345,510</b>

The Updated Concept Design Order of Cost Estimates are based upon measured quantities to which we have applied rates and conditions we currently believe applicable as at October 2017.

We have assumed that the project will be competitively tendered to a suitable sized and experienced Contractor under standard industry contract conditions.

F:\Project Files\16331\Cost Planning\16331-171012- Minda Dunes Coast Park Updated Order of Cost Estimate Letter.docx



**BASIS OF ESTIMATE**

The Updated Concept Design Order of Cost Estimates are based on the following documentation (or unless scope has been specifically excluded) provided to our office, which we have provided a copy as an attachment to our Cost Report;

Documents prepared by Oxigen;

- Final Concept Plan Report | September 2017
- Preliminary Site Plan
- Preliminary Path – Plaza Plan
- Coast Protection Board Standard Design – Seawall detail
- Draft materials images

We note the main changes associated with our updated estimate can be summarised as follows;

- Escalation in cost since July 2017 to anticipated completion mid 2019
- Deletion of Node 1 Elevated Deck
- Increase of Elevated Deck to Central 2 including additional structural support at beach front
- Allowance for contaminated soil management
- Inclusion of Dune Rehabilitation and 12 months maintenance

**PROJECT EXCLUSIONS**

The Concept Design Order of Cost Estimates specifically exclude the following items which may require further consideration when preparing an overall Project feasibility study;

- Alterations or refurbishment to existing buildings
- Connecting Walking Trails from Minda to Coast Trails
- Traffic Signalisation
- Alterations or adjustments to existing Sewer
- SAPN Augmentation Costs
- Finance costs and holding charges
- Goods and Services Taxation

We again refer you to the detailed cost reports that identify further specific project exclusions.

We trust this report is of assistance, however should you require any further information or clarification please do not hesitate to contact our office.

Yours faithfully,



**Giulio Altamura**

Director

Rider Levett Bucknall

giulio.altamura@au.rlb.com

encl.

# Attachment 2



## Helen Rennie

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**From:** Lang, Matthew (DPTI) <Matthew.Lang@sa.gov.au>  
**Sent:** Thursday, 16 November 2017 10:55 AM  
**To:** Warwick Deller-Coombs  
**Cc:** Schwarz, Mei-Lin (DPTI)  
**Subject:** RE: Minda CP

Hi Warwick

I'm free for the steering group meeting next week – please let me know how you may wish to proceed based on our recent discussion.

As discussed, we've undertaken an initial review of the applications and our executive have advised that your application for Minda CP is unlikely to be considered favourably due to the lack of matching funding. The grant round is highly competitive and we have received a large number of applications seeking funding on a dollar for dollar basis.

While have previously discussed the possibility of State Government fully funding the Minda section of Coast Park – this was a hypothetical solution only in the context of council having no legal control of the asset. This was also to be considered on the understanding that council would then fund the sections of the project which are on council owned/ controlled land.

Given that an easement to council has now been negotiated, our expectation is that this section of Coast Park will be constructed on a dollar-for-dollar basis as per our usual grant requirements.

I encourage council to reconsider the funding breakdown of your current application as we still have the opportunity to consider this project as part of the current funding round.

Kind Regards,  
Matt

**From:** Warwick Deller-Coombs [mailto:WDellerCoombs@holdfast.sa.gov.au]  
**Sent:** Thursday, 16 November 2017 10:26 AM  
**To:** Lang, Matthew (DPTI) <Matthew.Lang@sa.gov.au>  
**Subject:** Minda CP  
**Importance:** High

Hi Matt,

Hope you've enjoyed your time off. I am seeking to confirm arrangements for a Minda Coast Park steering group meeting – are you available?

NO doubt you have a million emails...

If you could let me know by lunch time, that would be great.

Cheers  
Warwick



**WARWICK DELLER-COOMBS**

Team Leader Strategy

City of Holdfast Bay

P 08 8229 9857

E [wdellercoombs@holdfast.sa.gov.au](mailto:wdellercoombs@holdfast.sa.gov.au)

Brighton Civic Centre

24 Jetty Road, Brighton SA 5048

[www.holdfast.sa.gov.au](http://www.holdfast.sa.gov.au)

The City of Holdfast Bay advises that, in order to comply with its obligations under the State Records Act 1997 and the Freedom of Information Act 1991, email messages may be monitored and/or accessed by Council staff and (in limited circumstances) third parties. The contents of this email are confidential and may be subject to copyright. This email is intended only for the addressee(s). If you have received this email in error please immediately advise the sender by return email and delete the message from your system. Use, disclosure or reproduction of this email by anyone other than the intended recipient(s) is strictly prohibited. No representation is made that the email is free of viruses or other defects. Virus scanning is recommended and is the responsibility of the recipient. All references to 'email' include references to attachments to the email. If you believe that you have been spammed please email [mail@holdfast.sa.gov.au](mailto:mail@holdfast.sa.gov.au) to report your complaint. If you have received this email by being on a subscription list and you wish to be removed, please forward this email to [mail@holdfast.sa.gov.au](mailto:mail@holdfast.sa.gov.au). You will be removed within 5 working days.

[Take action with LivingGreener.gov.au](http://www.livinggreener.gov.au)

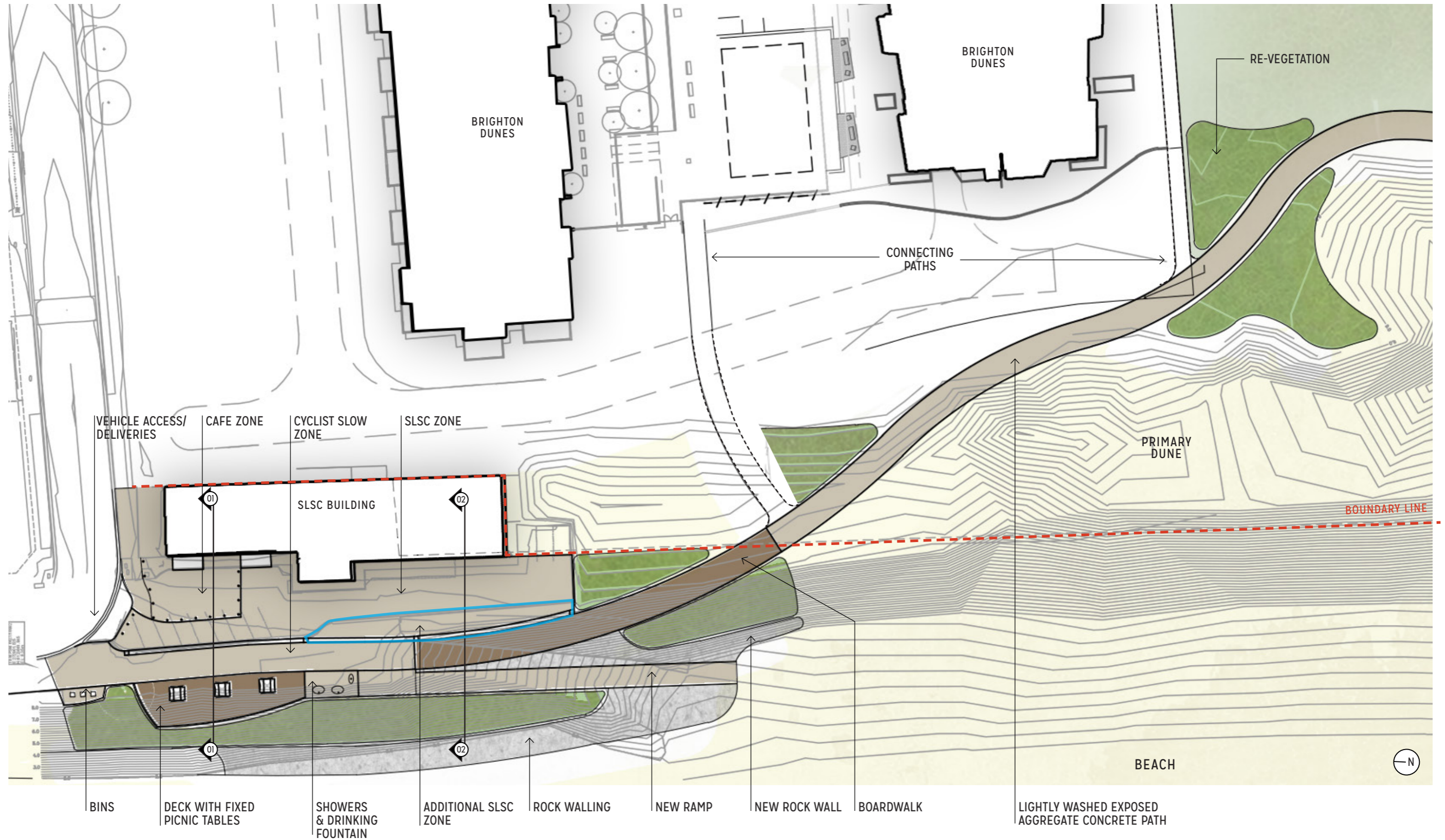
# Attachment 3



# 01. NORTHERN NODE CONCEPT PLAN

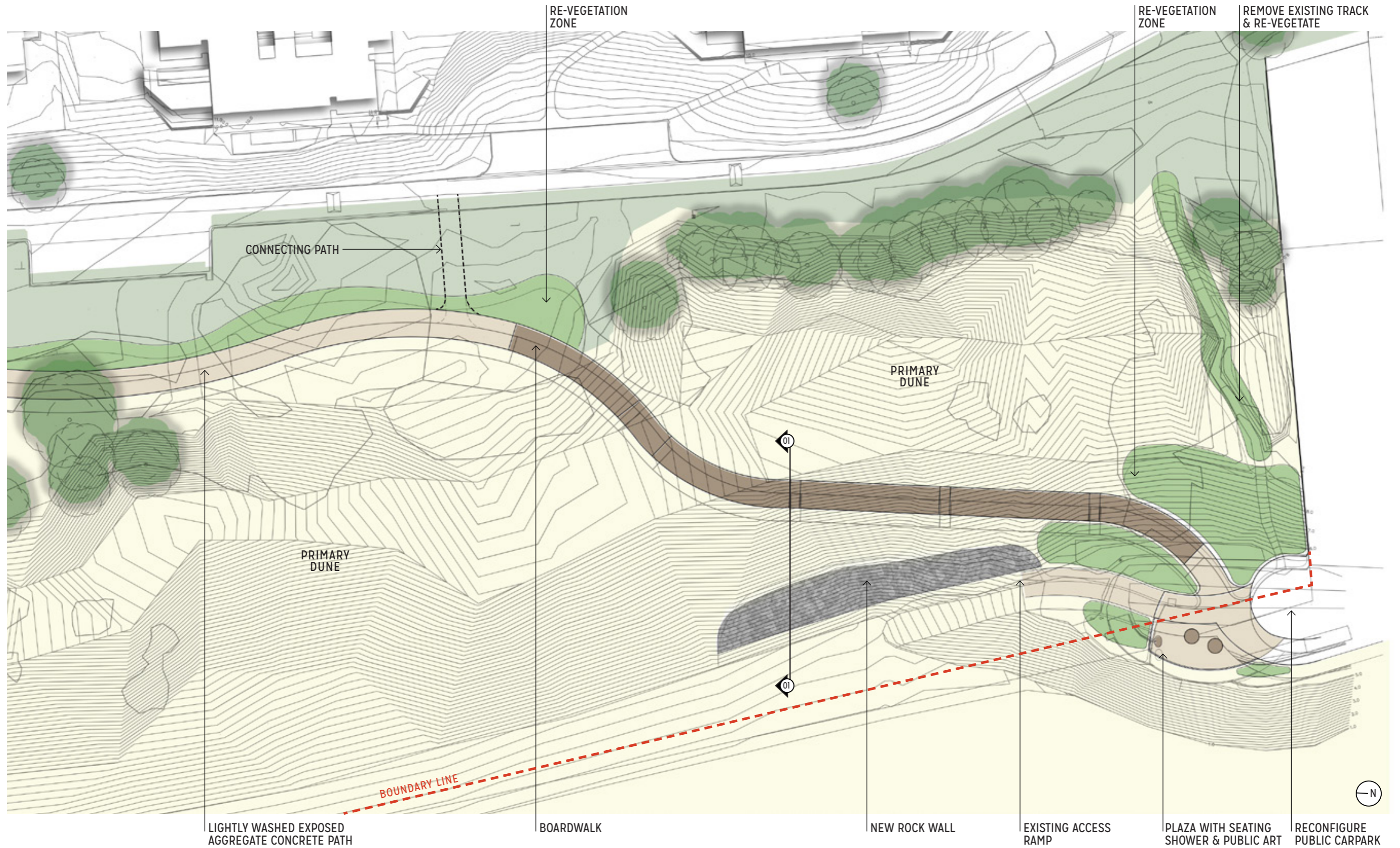
**LEGEND**

- Revegetation zone
- Timber decking
- Concrete path
- Primary dune
- Secondary dune
- Rock wall





# 03. SOUTHERN NODE CONCEPT PLAN





# Attachment 4



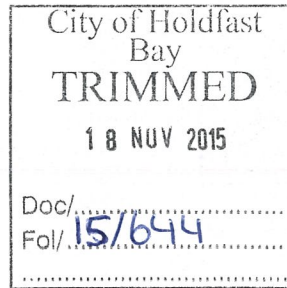


Our Ref: SC/MC/3925

ABN 45 362 691 173

17<sup>th</sup> November, 2015

City Assets Manager  
City of Holdfast Bay  
24 Jetty Road  
BRIGHTON SA 5048



PROPERTY VALUER  
REAL ESTATE CONSULTANT

222 STURT STREET  
ADELAIDE SA 5000

PO BOX 84,  
GOODWOOD SA 5034

TELEPHONE: 0417 839 245  
FAX: (08) 8231 5480  
EMAIL: samchris@esc.net.au

Attention: Mr Stewart Galliford

Dear Sir,

RE: OPINION OF VALUES:

PROPERTIES: (A) PORTION OF CLOSED ROAD –  
LYNMOUTH AVENUE, NORTH BRIGHTON  
(B) PORTION OF CLOSED ROAD –  
LYNTON AVENUE, NORTH BRIGHTON

Following on your instructions, I inspected the above properties on the 25<sup>th</sup> October, 2015, in order to determine the current market value thereof and I report as follows:

The Corporation of the City of Brighton is the Registered Proprietor of the whole of the lands comprised and described in Certificate of Title Register Book Volume 4185 Folio 343, which includes Lots 92 and 93 of Portion of Section 236 being Public Roads in the Hundred of Noarlunga laid out as Brighton Parks (LTRO Deposited Plan Number 3139).

Lynton Avenue is one of the Public Roads in this Certificate of Title and is denoted as Lot 92 and Lynmouth Avenue is also one of the Public Roads in the Certificate of Title and is denoted as Lot 93.

The subject lands in each instance form part of Lots 92 and 93, at their extreme western end which are beyond King George Avenue. Those portions, being the subject lands were never developed as roads and with the effluxion time were "enclosed within" the grounds of Minda Incorporated, at North Brighton. (See attached Preliminary Plans prepared by Alexander & Symonds Pty Ltd; the said portions being denoted as A and B therein).

Each portion of the said undeveloped road effectively has a frontage to King George Avenue of 15.24 metres and depth of 39.62 metres.

At the junction of King George Avenue, the frontages are splayed out due to each corner cut-off, providing additional but inconsequential widths (as individual allotments). Each of the subject portions i.e. Lots A and B contain a land area of 604.72 square metres.

Each portion may be closed, and developed as a standard allotment, subject to requisite infrastructure connections, and installation of cross-overs. Otherwise each portion may be closed as a road and amalgamated within adjoining land.

The subject lands are included in the Institution Policy Area 4 of the City Of Holdfast Bay Development Plans, which has the following development objectives, inter alia development of dwellings and institutional use, accommodating variety of allotment sizes and dwellings, such development to interface transitionally with (adjacent) Residential Zones.

However, being on the Minda Brighton Campus, site density of development of between 35-60 dwellings per hectare is expected on average. The subject lands are situated within the Minda Brighton Campus.

King George Avenue is a relatively busy connector road, asphalt sealed; with concrete kerbs and paths.

Along King George Avenue are some major large allotment land uses, including Minda Incorporated; Brighton High School; North Brighton Cemetery; Somerton Bowling Club; Marymount College and Townsend House with accompanying residential development.

Between the above developments are standard residential allotments and dwelling developments, much of which occurred some 50-60 years ago interspersed with more recent residential development.

The subject location forms part of the beachside suburbs between Somerton Park and Brighton; a predominantly established residential neighbourhood, with all usual urban infrastructure and standard of residential amenity.

Land values in the immediate vicinity have been escalating at a relatively rapid pace over the past 15 years, with strong demand for vacant allotments. Scarcity of vacant allotments has seen, older dwellings cleared in order to allow for residential redevelopment.

Vacant land values presently are indicating a range between \$800 - \$1,200 per square metre, for standard allotments of between 500 - 800 square metres with frontages of between 15 – 18 metres; for the purpose of a single detached dwelling. Larger allotments are achieving higher densities of developments.

Assuming the subject lands may be closed and formed as individual single dwelling residential parcels, fully serviced, each allotment would be then valued at \$600,000. The cost of development of a serviced allotment is unlikely to exceed \$15,000 per lot.

Each lot would then be situated in the open grounds of Minda Incorporated, until such time Minda Incorporated, possibly develops its lands adjacent with likely residential accommodation at higher densities allowable.

To this extent, each of the subject allotments also have the capacity for greater density of development in excess of single dwelling development, given no minimum site area applies to the Minda Incorporated Brighton Campus. This would infer a higher value on the subject lands.

In such instances for example, RSL Homes and Aged Care Institutions (Southern Cross) have met significantly higher prices, than the prices for surrounding residential properties in order to secure such adjoining properties, even without the appropriate zoning in place.

The prices met by the adjoining owners were some 40% -70% above the standard surrounding residential values.

If this standard was applied, for the adjoining lands i.e. the proposed closed roads, the value to Minda Incorporated, as adjoining owner purchase would be \$1,700 per square metre or \$1,025,000 per allotment. However, this assessment also reflects on the density of development which may be extracted from the subject lands based on current development potential.

Comparable Land Sales:

1. 71 Harrow Road, Somerton Park – sold for \$880,000 in November, 2010  
Land area: 873 sqm; frontage 18.29 m  
Analyses: \$1,000/sqm
2. 11 Rossall Road, Somerton Park – sold for \$751,000 in November, 2014  
Land area: 780 sqm; frontage 18.29 m  
Analyses: \$962.82/sqm
3. 30 Marlborough Street Brighton – sold for \$966,000 in January, 2014  
Land area: 1,041 sqm, frontage 24.32 m  
Analyses: \$927.95/sqm.
4. 22 Auburn Avenue, Myrtle Bank – sold for \$2,500,000 in June, 2015  
Land area: 2,203 sqm, frontage 19.81 m  
Zone RA 400  
Sold to adjoining owners RSL for Dwellings, at higher density, of development  
Analyses: \$1,135/sqm.
5. 7 Spence Avenue, Myrtle Bank – Sold for \$1,375,000 in August, 2010  
Land area: 1,226 square metres, frontage 36.58 metres  
Zone: RB 300  
Analyses: \$1,121/sqm
6. 1 Spence Avenue, Myrtle Bank – sold for \$790,000 in October, 2014  
Land area: 463 sqm, Frontage 13.34  
Zone: RB 300  
Analyses: \$1,706/sqm

The above 2 sales, numbers 5 and 6, sold to Southern Cross, as part of their aggregation of lands for dwelling and care accommodation indicating adjoining owners values.

Therefore, the range of values of each of the subject portions of land will range from \$600,000 as a single dwelling allotment to say \$1,000,000 as multiple dwelling allotment depending on the highest and best economic and permitted use. Thus at the lowest density of development the land value of each allotment is assessed at \$600,000, and at the greater density of development allowable the market value is assessed at \$1,000,000 per allotment.

It is likely the latter will apply because of

- (a) the gain of increased density of development
- (b) further increase in density of development through efficiency of shape of land i.e. removal of protrusion of each portion A and B in an otherwise regular parcel of land (i.e. Minda Brighton Incorporated grounds).

Whilst the adjoining owner cannot be forced to purchase the subject lands, the value to the adjoining owner as an active developer of the land is at the higher end of the range of values.

With respect to the open market, developers could not be ignored as potential buyers of development sites with a high density of potential development and private developers would therefore be likely to show interest in the subject lands at the higher end of the range of values in the subject position.

**VALUE:**

Having regard to all relevant considerations, I have determined the value of each of the portions A and B as outlined in the marked survey plan, as if completed serviced allotments to be the amount of **ONE MILLION DOLLARS (\$1,000.000) for each** of the allotments, plus GST if applicable.

This opinion does not constitute or address a structural, boundary, termite or wood rot, geotechnical or contamination soil or asbestos surveys.

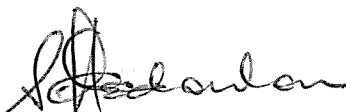
This opinion is for the use only of the person to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of this opinion.

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value.

Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any affect on the valuation.

This statement is a requirement of the Professional Indemnity Policy cover.

Yours faithfully



S. CHRISTODOULOU F.A.P.I.  
Property Valuer Consultant

Attachments:

1. Preliminary Survey Plan – Alexander & Symons
2. Certificate of Title
3. Brighton Park GRO Plan (Street Plan Layout)
4. Extract City of Holdfast Bay Development Plan

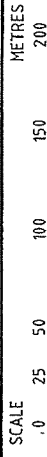
PRELIMINARY PLAN

01/0

PLAN UNDER THE ROADS (OPENING & CLOSING) ACT, 1991 AS AMENDED

TITLE REFERENCE FOR ROAD CT 4185/343

IRRIGATION AREA ..... DIVISION .....  
HUNDRED ... NOARLUNGA .....  
AREA ... NORTH BRIGHTON .....  
COUNCIL ... CITY OF HOLFEST BAY .....



STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS

ROADS TO BE CLOSED LETTERED A AND B  
ROADS A AND B TO MERGE WITH CT 1563/3

CERTIFIED CORRECT AS TO INTENT

DATED / / 20 CITY OF HOLFEST BAY

I HEREBY CERTIFY THAT THE PORTION OF ROAD TO BE CLOSED HEREON ARE ROAD WITHIN THE MEANING OF SECTION 3 OF THE ROADS (OPENING & CLOSING) ACT, 1991 AS AMENDED

AUTHORITY REFERENCE: D3139

13/3/2013

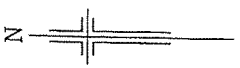
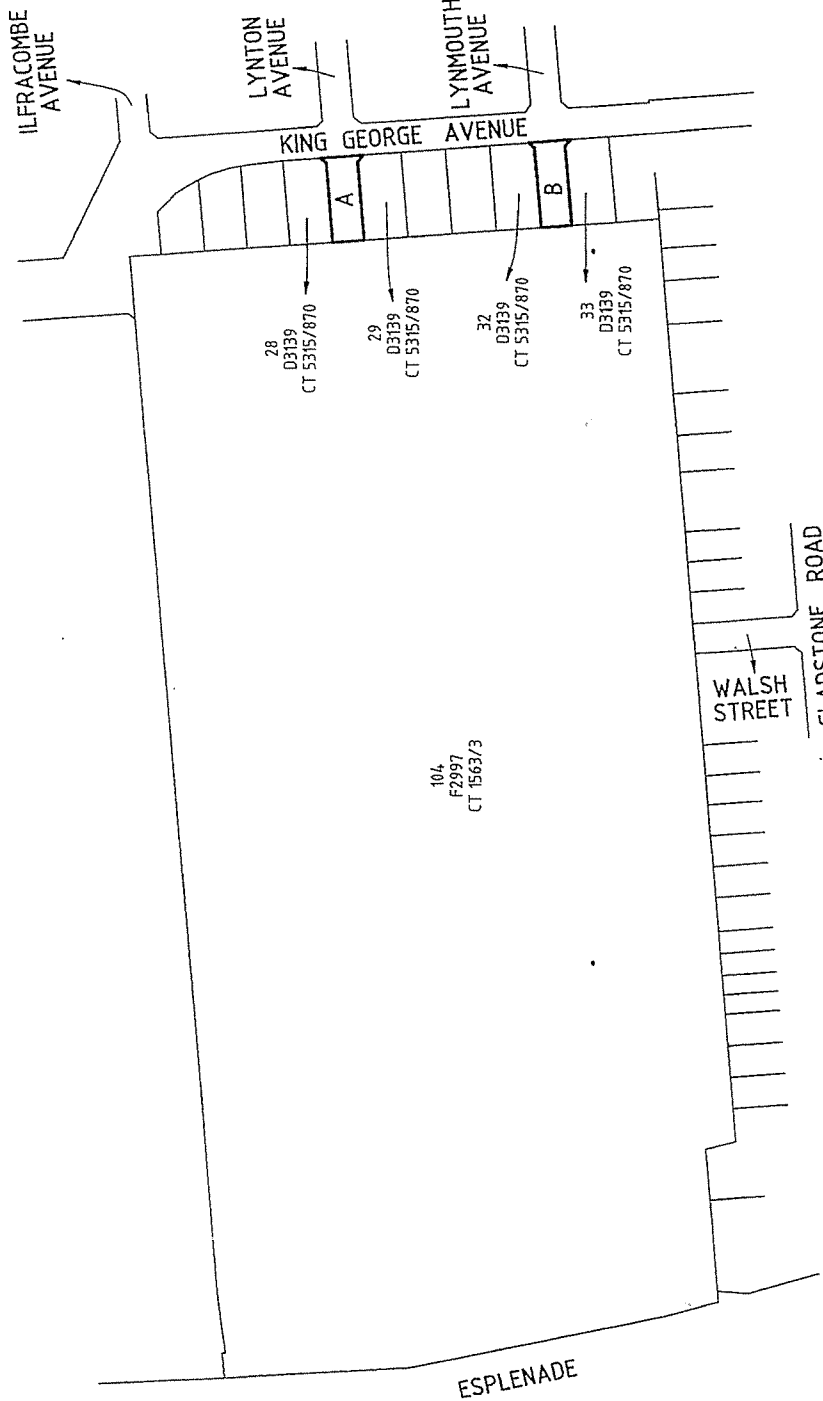
*[Signature]*  
SCENNI IAN HORDACRE  
LICENSED SURVEYOR

Alexander & Symonds Pty.Ltd.

11 KING WILLIAM STREET, KENT TOWN  
P.O. BOX 1000 KENT TOWN 5071  
Tel (08) 8130 1666 Fax (08) 8362 0099 A.B.N. 93 007 753 988

REFERENCE A09221PPIA)

RHF 01/03/2013



**ORIGINAL**  
**CERTIFICATE OF TITLE**

**South Australia**

Register Book,  
Volume **4185** Folio **343**



Pursuant to Notification 4764100 Registered on Vol.107 Folio 67  
Vol.190 Folio 16 Vol.275 Folio 36 Vol.392 Folio 7 Folio 395  
Folio 20 Vol.889 Folio 115 Vol.1087 Folio 17 Vol.1097  
Folio 151 Vol.1341 Folio 89 Vol.1426 Folio 29 and  
Vol.1451 Folio 29

THE CORPORATION OF THE CITY OF BRIGHTON of care of Post Office Box 19 Brighton 5048 is the proprietor of an estate in fee simple subject nevertheless to such encumbrances liens and interests as are notified by memorial underwritten or endorsed hereon in the PUBLIC ROADS being ALLOTMENTS 109.110.111 and 112 of portion of Section 234 HUNDRED OF NOARLUNGA laid out as BRIGHTON (L.T.R.O. DEPOSITED PLAN No.649) the PUBLIC ROADS being ALLOTMENTS 146.147.148.149. 150.151 and 152 of other portion of the said Section 234 and other land in the said Hundred laid out as SOMERLEA (L.T.R.O. DEPOSITED PLAN No.2442) the PUBLIC ROADS being ALLOTMENTS 145.146. 147.148 and 149 of portion of Section 235 in the said Hundred laid out as SAN REMO (L.T.R.O. DEPOSITED PLAN No.2972) the PUBLIC ROADS being ALLOTMENTS 142.143 and 144 of other portion of the said Section 235 laid out as SAN REMO (L.T.R.O. DEPOSITED PLAN No.2973) the PUBLIC ROADS being ALLOTMENTS 91.92.93.94.95.96.97 and 98 of portion of Section 236 and other land in the said Hundred laid out as BRIGHTON PARK (L.T.R.O. DEPOSITED PLAN No.3139) the PUBLIC ROADS being ALLOTMENTS 525 and 526 of portion of the said Section 235 in the area named SOMERTON PARK (L.T.R.O. FILED PLAN No.9995) the PUBLIC ROADS being ALLOTMENTS 281 and 283 of portion of Section 178 and other land in the said Hundred in the areas named NORTH BRIGHTON SOMERTON PARK AND WARRADALE (L.T.R.O. FILED PLAN No.9998) and the PUBLIC ROAD known as Esplanade being ALLOTMENT 161 of portions of the said Section 235 in the area named SOMERTON PARK (L.T.R.O. FILED PLAN No.10808) SUBJECT as regards Allotment 146 in L.T.R.O. Deposited Plan No.2442 and Allotment 112 to a right of way more particularly set forth in Transfer 84099

In witness whereof I have signed my name and affixed my seal this 4th day of December 1981  
Signed the 4th day of December  
1981, in the presence of H.A. McKinnis }

John Hughes  
Deputy Registrar-General



ROAD PLAN 2016  
AFFECTS THIS CT  
ENQUIRIES  
SSG ROAD SECTION

OVER

CANCELLED as regards (portion of) the  
within land: PT LOT 91 in D.P. 3139  
Closed vide confirmation of Road Order.  
In Gazette dated 3/11/88.  
(L.T.R.O. Road Plan No. 9010)  
Entered: 8-2-89







## Institution Policy Area 4

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

### OBJECTIVES

- 1 A policy area accommodating educational, community or institutional land uses, dwellings, residential flat buildings and housing for aged persons.
- 2 Retention of the open nature of the Sacred Heart College and Brighton High School grounds, as viewed from Brighton Road.
- 3 Cemetery and school facilities located to the west of Brighton Road.
- 4 A transition in the scale and intensity of development along any interface with the **Residential Zone** and **Residential Character Zone**.
- 5 Land divisions that provide for:
  - (a) a variety of allotment sizes suitable for different types and sizes of dwellings
  - (b) street environments which are pleasant and safe for both pedestrian and vehicle movement
  - (c) residential streets and allotments which are arranged so that dwellings can be readily orientated to take most advantage of sun and shade.
- 6 Development that contributes to the desired character of the policy area.

### DESIRED CHARACTER

The policy area covers four separate locations in the Council area and incorporates Sacred Heart College, Brighton High School, Minda Incorporated Brighton Campus, Marymount College (the former Mawson High School), Glenelg Primary School, Masonic Homes and Townsend House. Development in the policy area will generally be residential and include medium-density housing forms whilst facilitating the continuing development and operation of institutional activities.

All of the institutions listed above have major areas of open space associated with their facilities and hence have the potential for institutional expansion and/or residential development/redevelopment. Also, there is the possibility of the eventual closure of such facilities. Given the size of these landholdings and their ability to absorb higher residential densities without impact on surrounding areas, it is appropriate that these sites accommodate medium density housing forms.

The redevelopment of these sites will require a comprehensive planning approach to ensure well designed and integrated residential development is achieved. Sustainable design is a key focus, particularly the application of passive design features to minimise thermal load and achieve good natural lighting and ventilation. Any development on these sites must also give due consideration to the retention of heritage places and the setting in which these items are located.

Development in the policy area will comprise safe and pleasant streets, a layout of residential sites to take advantage of environmental conditions and topography and attractive development of open space and varied building form to create interest and diversity in the street environment.

Two and three storey development will incorporate architectural features that reduce the bulk of the development and add visual interest, such as variations in height, roof form, colours and materials, the provision of balconies and porticos and facade articulation.



Height and density will increase towards the centre of the key development sites (being Sacred Heart College, Brighton High School, Minda Incorporated Brighton Campus, Marymount College (the former Mawson High School), Glenelg Primary School, Masonic Homes and Townsend House and decrease at adjoining zone boundaries. The open areas of the schools will be conserved.

The impacts of non-residential development and high traffic levels detract from the amenity of the living environment in close proximity to Brighton Road. This part of the policy area is a barrier to linear expansion of existing commercial areas to the north and south, the extension of which would be detrimental to the living environment and the traffic flow on Brighton Road.

### **Minda Incorporated Brighton Campus**

The Minda Incorporated Brighton Campus site (which is identified on [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#)) will be developed with low to medium rise buildings mainly for residential accommodation. Buildings will be a variety of heights up to 9 storeys along the foreshore area and up to 6 storeys in the rest of the site. Medium density development within an overall target density across the site of around 35-60 dwellings per hectare net is expected, although some parts of the site may be developed above or below this rate, but on average will be within the target range across the site.

Small scale non-residential land uses including shops, offices and consulting rooms will be developed to support residents, along with Minda Incorporated's operations, on the campus and local community.

Retail development will be small in scale and will primarily comprise cafes, restaurants, convenience stores and other tenancies designed to service local community requirements. The amount of retail area within the site will be in the order of 1500 square metres of gross leasable floor area. Retail development will be of a scale that supports an active, mixed use environment, and should primarily be located within a commercial area as identified on [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#).

Development will achieve a high standard of architectural design through careful building articulation and fenestration, with taller buildings (those over 3 storeys) spaced well apart to maintain a sense of openness across the campus.

In general, the greatest height and mass of development will be focussed away from the site's northern, eastern and southern common boundaries, and will reduce in scale to transition down to the interface with low rise residential development adjacent to the Minda Campus.

Overlooking and overshadowing impacts will be moderated through good design. Impacts on adjoining zones will be minimised through appropriate building envelopes, transition of building heights, design and location of windows and balconies.

Open space areas will incorporate the existing secondary dune area on the western side of the campus. The open space areas across the campus will provide connection across the site to the primary dune area located in the adjacent **Coastal Conservation Zone**. Heritage places on the site will front onto common open space to ensure an integrated, cohesive and attractive setting. Open space on the site should also include useable space that is suitable for active recreation and impromptu sporting activities.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Land Use**

1 The following forms of development are envisaged in the policy area:

- community centre
- domestic outbuilding in association with a dwelling/residential flat building
- domestic structure
- dwelling
- dwelling/residential flat building addition
- indoor recreation centre associated with the Minda Incorporated Brighton campus
- educational establishment



- function centre associated with the Minda Incorporated Brighton Campus
  - housing for aged persons
  - institutional establishment
  - plant nursery associated with the existing institutional use of land at the Minda Incorporated Brighton Campus
  - pre-school associated with the Minda Incorporated Brighton Campus
  - recreation area associated with the Minda Incorporated Brighton Campus
  - residential flat building
  - retirement village associated with the Minda Incorporated Brighton Campus.
- 2 Development of the Glenelg Primary School should include educational and recreational uses and/or dwellings of one and two storeys, together with open space which maintains linkages between the site and the Glenelg Oval.

### Form and Character

- 3 Development should not be undertaken unless it is consistent with the desired character for the policy area.
- 4 Except on the Minda Incorporated Brighton Campus (where no minimum site area or frontage applies), a dwelling and/or residential flat building should have a minimum site area, (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table:

Dwelling type	Site area excluding the area of the 'handle' in the case of a site in the form of a 'hammerhead' or 'battleaxe' configuration (square metres)	Minimum site frontage (metres)
Detached dwelling	300 minimum	5
Semi detached dwelling	250 minimum	5
Group dwelling	200 average	5
Residential flat building	200 average	5
Row dwelling	200 minimum	5

- 5 Except on the Minda Incorporated Brighton Campus (where no minimum site area applies), where the site area exceeds 1800 square metres in area and comprises a minimum boundary length of 35 metres, the average site area per group dwelling and/or residential flat building should measure a minimum area of 175 square metres, (excluding the area of the 'handle' in the case of a site in the form of a hammerhead/battleaxe configuration).
- 6 Except on the Minda Incorporated Brighton Campus (where development up to nine storeys in height is allowed), development should not exceed three storeys in height and a vertical wall height at any point, excluding gables, of 10.5 metres above existing natural ground level.
- 7 Development should be setback (and on the Minda Incorporated Brighton Campus only in relation to the Campus Site Boundaries identified on [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#)) a minimum of 6 metres from the primary road frontage and 3 metres from a secondary road frontage where an adjoining dwelling is setback 8 metres or more. Otherwise, the following minimum distances apply:

Parameter	Primary road frontage (metres)	Secondary road frontage (metres)	Rear boundary except from a northern boundary as illustrated by 'Figure 3' within <a href="#">Table HoB/2 - Design Principles</a> (metres)	Side boundary except from a northern boundary as illustrated by 'Figure 3' within <a href="#">Table HoB/2 - Design Principles</a> (metres)
Single storey development or single storey components of a development	4.5	2	1	1
Two storey development, or two storey components of a development	4.5	2	3	3
Three storey development, or three storey components of a development	6	3	6 metres where: (i) the adjacent side or rear wall of that development contains windows (ii) the southern boundary (being the boundary oriented between 45 degrees and 135 degrees of true north and incorporating the southern extremity of the site, as illustrated by 'Figure 3' within <a href="#">Table HoB/2 - Design Principles</a> ) of the site adjoins another dwelling site.	6 metres where: (i) the adjacent side or rear wall of that development contains windows (ii) the southern boundary (being the boundary oriented between 45 degrees and 135 degrees of true north and incorporating the southern extremity of the site, as illustrated by 'Figure 3' within <a href="#">Table HoB/2 - Design Principles</a> ) of the site adjoins another dwelling site.
			3 metres in all other cases.	3 metres in all other cases.

- 8 To allow maximum access to solar energy, the minimum setback of a dwelling and/or residential flat building from its northern boundary, as illustrated by 'Figure 3' within [Table HoB/2 - Design Principles](#), should be 3 metres unless the building does not permit a 3 metre setback, (which is the case in respect of a semi-detached, row dwelling and/or residential flat building), in which case, an area of private open space containing a rectangle of 6 metres by 4 metres should be provided immediately adjacent to that northern boundary.
- 9 Garages and carports should be setback a minimum of 6 metres from the front property boundary or the same distance as the associated dwelling, whichever is the greater distance from the front property boundary.
- 10 Up to 15 metres of single storey side walls and/or open sided carports and verandas should only be located on one side boundary of a site, provided that:
- (a) the gradient of the site is less than 1-in-10 in any direction
  - (b) the setback to the other side boundary is a minimum of 1 metre
  - (c) the height of the wall and/or the open sided carport does not exceed 2.75 metres above the existing ground level of the site on the boundary.
- 11 The driveway width of residential development should not exceed 50 per cent of the frontage of the site.



## Advertisement and/or Advertising Hoarding

- 12 An advertisement and/or advertising hoarding should be limited to a message content of only the name and nature of the business conducted on the land on which the advertisement and/or advertisement hoarding will be erected.

## Land Division

- 13 A variety of allotment sizes should be provided to meet the diverse housing needs of people including allotments suitable for medium-density housing.
- 14 Each allotment, including land in the form of a hammerhead/battleaxe configuration, should have a minimum frontage of 5 metres to a public road. Where the allotment is irregular in shape, the minimum frontage should be widened to allow for safe vehicle access and egress.

## Minda Incorporated Brighton Campus

- 15 Development on the Minda Incorporated Brighton Campus should be carried out in accordance with [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#).
- 16 Shops located within the Minda Incorporated Brighton Campus should be of local scale, comprise a number of individual retail tenancies, not exceed in the order of 1500 square metres gross leasable floor area across the whole Campus and should primarily be located within the commercial area as identified on [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#).
- 17 The existing vegetated buffer adjacent to the southern Campus site boundary should be retained to assist with the screening of new development and minimise overlooking from new development.
- 18 Maximum building heights should be in accordance with the following:

Designated Area	Maximum building height (metres)
'Foreshore Development Area' as identified on <a href="#">Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus</a>	9 storeys and no more than 32.5 metres
Balance of the site within the <b>Institution Policy Area 4</b> as identified on <a href="#">Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus</a>	6 storeys and no more than 22 metres

- 19 Buildings within the foreshore development area (identified on [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#)) should be built at a variety of heights to create visual interest in the site as viewed from the foreshore and coast.
- 20 Public access over that foreshore land required to complete the Coast Park pathway should be provided in accordance with [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#) and should be provided concurrently with any early development of the Minda Brighton Campus Foreshore Development Area.
- 21 To minimise building massing at the interface with adjoining residential development (identified as interface areas on [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#)), building elements adjacent to the eastern, northern and southern Campus site boundaries above three storeys in height should be setback as follows:

Building height	Setback (metres)
4 <sup>th</sup> storey component of a development	21
5 <sup>th</sup> storey component of a development	27
6 <sup>th</sup> storey component of a development	33

**Holdfast Bay Council**  
**Zone Section**  
**Residential Zone**  
***Institution Policy Area 4***

- 22 Building elements adjacent to the **Coastal Conservation Zone** boundary and located south of the area identified as open space on [Concept Plan Map HoB/6 - Minda Incorporated Brighton Campus](#) should be setback 10 metres from the Coastal Conservation Zone boundary.
- 23 To ensure the openness of the site is generally preserved, particularly adjacent to the **Coastal Conservation Zone** boundary, buildings above 4 storeys within 70 metres of the **Coastal Conservation Zone** boundary should be separated from one another by a minimum distance in the order of 25 metres.