



THE COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday 19 March 2019
at 5:30 pm

in the Colonel Light Room.
Adelaide Town Hall

Members - The Right Honourable the Lord Mayor [Sandy Verschoor];
Councillor Moran (Chair)

Councillors Abiad (Deputy Lord Mayor), Abrahamzadeh, Couros, Donovan, Hou, Hyde, Khera, Knoll,
Martin (Deputy Chair) and Simms.

1. Acknowledgement of Country

At the opening of the Committee Meeting, the Chair will state:

‘Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’

2. Apologies and Leave of Absence

Apology – Councillor Couros

3. Confirmation of Minutes – 5/3/2019 & 7/3/2019 [TC]

That the Minutes of the meeting of The Committee held on 5 March 2019, and the Special meeting of The Committee held on 7 March 2019, be taken as read and be confirmed as an accurate record of proceedings.

4. Items for Consideration and Recommendation to Council

Strategic Alignment – Liveable

4.1. Shaping Streets & Green Spaces [2018/00166] [Page 3]

4.2. Encroachment Policy Review [2017/00478] [Page 8]

Strategic Alignment - Creative

4.3. Vietnamese Boat People Monument [2018/02952] [Page 64]

Strategic Alignment - Corporate Activities

4.4. National General Assembly of Local Government 2019 [2018/04054] [Page 145]

5. Discussion Forum Item

Strategic Alignment - Smart

5.1. International Relations Review [2018/01326] [Page 151]

Strategic Alignment - Creative

5.2. Public Art Action Plan [2018/02734] [Page 165]

6. Council Member Discussion Forum Items

7. Exclusion of the Public

7.1. Exclusion of the Public to Consider [2018/04291] [Page 179]:

For the following Item for Consideration and Recommendation to Council in Confidence:

Strategic Alignment - Corporate Activities

8.1. Capital City Committee Update [s 90(3) (g)]

8. Item for Consideration and Recommendation to Council in Confidence

Strategic Alignment - Corporate Activities

8.1. Capital City Committee Update [2013/00423] [Page 182]

9. Closure

2018/00166
Public

Program Contact:
Shanti Ditter, AD Planning &
Development 8203 7756

Approving Officer:
Clare Mockler, Director Community

EXECUTIVE SUMMARY:

This report seeks to establish principles to assist Council make future decisions on the creation of new open spaces within the City of Adelaide.

This matter is the result of requests by developers of large, mainly residential projects, seeking to offer open spaces and pedestrian links to Council as public land. Council does not have a policy to assess such requests, and consequently deals with developer requests to vest land to Council on a case by case basis.

Consultation has been undertaken which has indicated a desire for new open spaces as well as improvement to existing open spaces and an interest to participate in future discussions with Council on open space planning. The consultation feedback has confirmed the benefit of establishing principles and the opportunity that the effective provision of open space can have on contributing towards Council's strategic goals of a liveable city.

Should Council adopt the principles, they will be used to review developer requests and integrated into Council decision making on its own open space decision making. Establishing the principles will also assist Council participation in the creation of new planning instruments, such as the Planning & Design Code.

RECOMMENDATION:

THAT THE COMMITTEE RECOMMENDS TO COUNCIL:

That Council

1. Adopts the draft Public Value Principles as contained in Attachment A to Item 4.1 on the Agenda for the meeting of The Committee held on 19 March 2019, as a basis for:
 - 1.1. assessing future proposals that involve a request by developers to vest land to Council as public open space and to upgrade existing public spaces.
 - 1.2. guiding the development of Evaluation Criteria containing measurable performance requirements to guide decision making.
 - 1.3. informing future Council input on preparation of the Planning & Design Code.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Liveable This project supports the Liveable Objective, the number of people in the City will have grown from 23,000 to 28,000 by 2020. Adelaide will be listed in the top three most liveable cities in the world by 2020.
Policy	The adoption of the principles would inform future Council policy development.
Consultation	Feedback from consultation has informed the preparation of this report
Resource	This activity can be managed with existing resources.
Risk / Legal / Legislative	A Council policy position will support consistent decision making
Opportunities	Supports the delivery of new open spaces and pedestrian links that improve amenity, accessibility to existing open spaces and permeability throughout the City. Enables project timeframes and risk to be reduced for developers, improving the overall investment environment.
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg. maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. At its meeting on 11 September 2018, Council resolved that a review be undertaken on the provision of open spaces and the range of delivery mechanisms available, including where developers seek to vest land in Council ownership as part of Open Space Levy contributions.
2. There is no Council Policy that guides Council in its decision making when a developer seeks to vest to Council open space created as part of a new development or proposed improvement to an existing open space.
3. City population growth is increasing demand for open space thereby requiring the creation of new spaces and improvements to existing spaces to cater for increasing use. Development policy and zoning changes (post 2012) have facilitated a significant increase in development capacity. This has occurred without a re-examination of Council's open space policies. Providing suitably located, accessible and desirable open spaces supports Council's Liveable Strategic Plan outcomes.
4. A policy will provide certainty for developers on where and what standard new open spaces will be required to be developed for Council to accept.
5. The City of Adelaide has an excellent provision of open space in the Adelaide Park Lands including the six Squares. Notwithstanding this, there are parts of the city where residents would not have access to local open space in accordance with following suggested standards for high density communities:
 - 5.1. The Best Practice Open Space in Higher Density Developments Projects report by the City of Charles Sturt in 2012, suggests open space should be within 250 metres of high-density communities; and
 - 5.2. The Heart Foundation '*Healthy by Design*' guidelines recommend that dwellings are located within 300 metres safe walking distance from small local parks and within 500 metres from a large park.
6. This report seeks Council's endorsement of a set of Public Value Principles (principles) to guide future decision making included as Attachment A to this report.
7. The draft principles have been informed through research on best practice approaches to open space planning, existing Council guideline documents and experiences and public engagement. They have also been tested against several past requests by developers who have proposed developments that seek to vest land as open space to Council. This analysis provides a robust framework that has provided staff with a good degree of confidence in the draft principles.

Consultation Feedback

8. A consultation summary report is available via ([Link 1](#)). Six submissions were received through the consultation process. Some revisions to the draft principles are proposed resulting from the feedback (**Attachment A**).
9. There has been significant interest from/in the north-west quadrant of the City. Respondents advise that there is a lack open space, poor access to the [West] Park Lands and poor streetscape quality.
10. A response received from The Heart Foundation indicates a willingness to work with Council and the community, strong support for consultation with the wider community to develop a comprehensive open space plan and strategy to guide the development of accessible public open space in the City.

Next Steps

11. Should Council adopt the draft Principles, we will use the draft Public Value Principles to assess any future development proposals. A set of evaluation criteria; which are specific measurables, will be developed by staff to assist in the assessment.
12. The draft principles will also be used to inform decisions by Council on creation of its own new open space, such as under Council's Acquisitions and Disposal of Land Policy.
13. The adoption of these principles will also guide Council involvement in the drafting of the Planning and Design Code which will replace the current Adelaide (City) Development Plan by June 2020. The consultation feedback on these guiding principles reinforces the need to update policy on the pedestrian movement network and open space considerations in parts of the city.
14. The State Planning Commission is required under the *Planning, Development and Infrastructure Act 2016* (SA) to present a report to the Minister for Planning by 1 April 2019 on alternative schemes for open space contributions and to make recommendations as to whether alternative schemes should be adopted. Staff have been liaising with the Commission to stay updated on the direction of the Commission's investigations and implications for Council.

ATTACHMENTS

Attachment A – Public Value Principles

- END OF REPORT -

Public Value Principles

At its meeting on 11 September 2018, Council resolved that a review of the provision of open spaces and the range of delivery mechanisms available, including where developers seek to vest land in Council ownership as part of Open Space Levy contributions was required as there is no Council Policy that guides Council in its decision making when a developer seeks to vest to Council open space created as part of a new development or proposed improvement to an existing open space.

It is recommended that the following principles be adopted by Council as a guide for decision making on future requests when open space is proposed to be vested to Council:

1. Places that are located to improve movement and contribute to the wider recreation network
2. Places that are integrated into the existing urban context
3. Places that are attractive and used by people of all ages
4. Places that are designed to promote public safety at all times
5. Places for people to meet and socialise
6. Places that incorporate fit for purpose infrastructure
7. Places accessible to the public without restriction and without above or underground encroachments
8. Places designed for formal and informal recreation and which can be used for a variety of events and functions
9. Use materials, designs and landscaping that are financially sustainable
10. Places that are comfortable and enjoyable throughout the year through the provision of natural and man-made shelter, furniture and landscaping
11. Places that are adaptable to climate change and lower the heat island effect
12. Places that are built to withstand wear and tear and minimise maintenance costs for the community
13. Places that are easy to use and navigate through
14. Places that ensure accessibility for all people through Universal Design



Encroachment Policy Review

ITEM 4.2 19/03/2019
The Committee

2017/00478
Public

Program Contact:
Shanti Ditter, AD Planning &
Development 8203 7756

Approving Officer:
Clare Mockler, Director
Community

EXECUTIVE SUMMARY:

The Encroachment Policy was last reviewed in 2008. Since then the Adelaide Park Lands and City Layout have received the nation's highest heritage honour and are now listed on the National Heritage Register. A range of policy changes have also been introduced that enable population and economic growth.

The Encroachment Policy review commenced in 2016. It has been informed by Elected Member workshops, consultation activities and research. Based on the feedback received, amendments have been made to the draft Policy.

The revised draft Encroachment Policy provides clarity and certainty on what is "allowed" and "not allowed" in the public realm whilst maintaining the ability for Council to vary the policy. The policy criteria is based on the principles of ensuring encroachments facilitate a public benefit; maintain public safety and mitigate public risk; and reinforce the retention of the City's strong building edge. In addition, the draft Policy will allow greater flexibility of design solutions for verandahs in Rundle Mall.

The implementation of the *Planning, Development and Infrastructure Act 2016* (SA) will change the approval process for encroachments over public land. Planning authorities will make decisions against the Planning & Design Code only and Council will not have separate opportunity to make a decision under the *Local Government Act 1999*. Council's adoption of a revised policy position will enable proactive advocacy of this policy for inclusion in the Planning & Design Code.

RECOMMENDATION:

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Receives submissions to the draft Encroachment Policy contained in Attachment A to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019.
2. Approves the response to each submission on the draft Encroachment Policy as contained in Attachment B to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019.
3. Adopts the:
 - 3.1. the revised Encroachment Policy following consideration of consultation feedback as contained in Attachment C to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019.
 - 3.2. the Fee Schedule for encroachments contained in Attachment D, to Item 4.2 on the Agenda for the meeting of The Committee held on 19 March 2019.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	<p>Strategic Alignment - Liveable</p> <p>The City of Adelaide 2016-20 Strategic Plan has a vision for Adelaide as “<i>A beautiful diverse City with an enviable lifestyle that is welcoming to people at all stages of life</i>”.</p> <p>The Draft Encroachment Policy is intended to support a public realm that is welcoming and user friendly, cultivating a positive relationship between the public and private realms and strengthens the character and identity of our Capital City.</p>
Policy	<p>The draft Encroachment Policy will be finalised and replace the 2008 Encroachment Policy (with the exception of the approach to calculation of fees that was last amended in 2014). The draft policy aligns with:</p> <ul style="list-style-type: none"> • Adelaide Design Manual (Building Interface Guidelines) • Objects on Public Footpaths Policy and Operating Guidelines • Undergrounding (Overhead Electricity and Telecommunication Cables) Policy • Cabling and Communications Policy • Outdoor Dining Policy • Lighting Policy • Public Art and Memorial Policy and Operating Guidelines.
Consultation	<p>The preparation of the Draft Encroachment Policy for consultation has involved a series of workshops with Council Members, staff and targeted peak bodies. Consultation on the draft Policy was undertaken in accordance with Council’s Communication and Consultation Plan.</p>
Resource	<p>No additional resources are required.</p>
Risk / Legal / Legislative	<p>The future enacting of the <i>Planning, Development and Infrastructure Act 2016 (SA)</i> (‘PDI Act’) will alter the process by which encroachments are approved. There will not be opportunity for Council to issue an approval for an encroachment under the <i>Local Government Act 1999</i>. It will be necessary to review the role of the Encroachment Policy as part of the transition process.</p>
Opportunities	<p>Alignment with the Strategic Plan 2016-2020 and integration with the <i>PDI Act</i> and <i>Local Government Act 1999 (SA)</i>.</p>
18/19 Budget Allocation	<p>The review was undertaken with existing resources.</p>
Proposed 19/20 Budget Allocation	<p>Not in relation to this report.</p>
Life of Project, Service, Initiative or (Expectancy of) Asset	<p>The review is anticipated to be completed in April 2019.</p>
18/19 Budget Reconsideration (if applicable)	<p>Not in relation to this report.</p>
Ongoing Costs (eg maintenance cost)	<p>The ongoing administration, monitoring and review of the Policy will be undertaken with existing resources.</p>
Other Funding Sources	<p>Not in relation to this report.</p>

DISCUSSION

Background

1. This report summarises the Encroachment Policy review, considers stakeholder feedback on the draft Encroachment Policy and recommends Policy amendments.
2. In October 2016, Council resolved to *“investigate the current policy pertaining to balcony and other encroachments in the light of the Capital City Development Plan Amendment (DPA) which substantially increased height limits”*. The Encroachment Policy has not been reviewed or updated since 2008.
3. Subsequently, a review of Council’s Encroachment Policy ([Link 1](#)) was initiated in November 2016.
4. Between April and July 2017 informal targeted consultation occurred with key stakeholders who highlighted the need to improve the Encroachment Policy with regards to design, sustainability, fees and process.
5. Two Council Member workshops have been conducted seeking feedback on the review of the Encroachment Policy, exploring opportunities and potential directions to inform the review. The first workshop took place on 21 March 2017 ([Link 2](#)) and the second on 18 August 2017 ([Link 3](#) and [Link 4](#)).
 - 5.1. At the workshops the previous Council Members indicated their support for the Policy to facilitate:

“A beautiful diverse City with an enviable lifestyle that is welcoming to people at all stages of life”.
 - 5.2. There was also supportive views on the following policy direction:
 - 5.2.1. Reinforce the retention of the City’s distinctive urban form;
 - 5.2.2. Provide greater certainty on what “will” and “will not” be approved;
 - 5.2.3. Keep public spaces in the public domain;
 - 5.2.4. Ensure encroachments facilitate public benefits;
 - 5.2.5. Not allow enclosed built form encroachments and permanent ground anchors; and
 - 5.2.6. Allow verandahs and first floor balconies to provide pedestrian shelter.
6. Based on consultation feedback and Council’s agreed policy direction, the Encroachment Policy was drafted with the following aims:
 - 6.1. Produce one (1) simplified policy document (merge Policy and Operating Guidelines into one document).
 - 6.2. Reinforce the City’s strong built form edge.
 - 6.3. Retain public spaces and ensure encroachments facilitate a public benefit.
 - 6.4. Clearly identify “acceptable” encroachments e.g. verandahs, green walls and balconies at first floor level.
 - 6.5. Clearly identify “unacceptable” encroachments e.g. permanent tensioned ground anchors, building floor area and above first floor level balconies.
 - 6.6. Revise and simplify the fee schedule.
 - 6.7. Streamline the approval process and integrate encroachment approvals with e-planning process improvements.
7. On 26 September 2017 Council adopted the Draft Encroachment Policy for the purpose of formal public consultation ([Link 5](#) and [Link 6](#)).

Public Consultation

8. Public consultation commenced on 4 October 2017 and closed on 30 October 2017. It involved:
 - 8.1. Letters to and individual meetings held with key stakeholders.
 - 8.2. Website available to the community (Yoursay.adelaidecitycouncil.com).
 - 8.3. Information sheets available online and at the Customer Centre, Libraries and Community Centres.
 - 8.4. Open invitation to meet with staff to discuss the content of the Draft Encroachment Policy.

Consultation Feedback and Outcomes

9. Seven (7) submissions were received. Copies of all written submissions are contained in **Attachment A**. **Attachment B** summarises the submissions received and how the draft Encroachment Policy is recommended to be finalised in response to the comments received.
10. Following consultation, a revised version of the Encroachment Policy was drafted incorporating the recommended responses to the submissions received and further feedback was sought from groups who made submissions (additional comments included in **Attachment A**). Peregrine Group and the SA Institute of Architects supported the proposed changes made with some suggested minor changes.
11. The UDIA and PCA remain concerned about the proposed policy position not supporting balconies above first floor level of new buildings. In response to these concerns, there will continue to be a pathway available to vary the policy based on good design, or where there are compelling reasons to vary the policy based on the individual circumstances of the development. This can continue to be facilitated through early identification and involvement in the development application process.
12. A summary of the key issues raised during public consultation are included in the table below along with an administration comment on alignment of the submissions made with the objectives of the review and suggested amendments after considering the submissions.

Theme Raised	Administration Comment
<u>Prescriptive Criteria vs Performance Based Approach</u> - The policy should be less prescriptive and considered on merit.	The policy intent is to clearly identify: <ul style="list-style-type: none"> • what encroachments “are allowed” and “not allowed” • what criteria must be complied with to maintain public safety and amenity. Contains some performance assessed criteria e.g. compatibility with building design and designed to provide pedestrian shelter. Recommendation: Provide greater clarity on standards.
<u>Above First Floor Level Balconies</u> Above first floor balcony encroachments prohibition will affect development cost and apartment affordability.	Policy Objective is to reinforce Adelaide’s unique character by maintaining and building on the City’s strong built form and street edge. In circumstances where incorporation of balconies within site boundaries is not possible, an on-merit individual assessment can be made and support provided by Council. Recommendation: No change to Policy.
<u>Verandahs and First Floor Level Balconies</u> - Upper height requirements are too prescriptive and need flexibility whilst providing weather protection.	Minimum height minimises public safety risk. Maximum height ensures canopies function effectively to provide weather protection for pedestrians. Recommendation: Delete maximum height criteria including for Rundle Mall and replace with a performance based requirement to demonstrate the pedestrian shelter is designed to provide weather protection for pedestrians.
<u>Design</u> - Policy will result in unarticulated buildings on boundaries with flat facades and inset balconies.	Development Plan encourages building articulation. Policy allows for various design methods of articulation. Recommendation: No change to Policy.
<u>Green Facades</u> - Unclear if policy relates to new buildings or pre-2017 buildings?	Agree. Recommendation: Apply policy to all buildings.
<u>Sun Shading</u> - Opportunity to consider sun shading devices.	Agree. Recommendation: Include criteria for sun shade devices.
<u>Low Energy Lighting</u> - Opportunity to support under canopy low energy lighting.	Agree. Recommendation: Include general provisions for lighting, including the use of low energy light fittings
<u>Geographic Areas</u> - The Policy imposes a one size fits all approach to different geographical areas and streets.	The aim of the review is to ensure that the Policy was simple with clear criteria to ensure public safety is maintained and risk is reduced. The Development Plan provides a spatial content for development assessment. Recommendation: No change to Policy.

<p><u>Fees</u> - Concerned annual and application fees apply to existing encroachments.</p> <p>Articulate whether annual fee applies retrospectively to existing buildings.</p>	<p>An annual fee would apply to some new encroachments.</p> <p>Status quo remains for existing encroachments. Existing permit holders could opt-in to the new fee structure.</p> <p>On 12 March 2019, Council resolved to investigate opportunities to consolidate permit and application processes for businesses. A workshop will be presented to a future Committee meeting to seek Council's input with regards to preferred principles regarding the permitted use of the public realm and when, why and how charges are applied for its use.</p> <p>Recommendation: Refine existing fee schedule whilst Council considers its future approach</p>
<p><u>Decision Making Clarity</u> - Need clarity on encroachment decisions. Council staff need to be empowered to make delegated decisions.</p>	<p>There will be greater clarity on who makes the decision on different forms of encroachment.</p> <p>Decisions on encroachments consistent with Policy will be made by Council Staff under delegation.</p> <p>Recommendation: Update delegations and sub-delegations need to reflect the Policy</p>
<p><u>Processing of Encroachment Applications</u> - Needs to be easier.</p> <p>Development Assessment Commission need to advise applicants at pre-lodgement about the Policy.</p> <p>The importance of fine-tuning the processing of encroachment applications</p>	<p>Revised processes and procedures will be put in place following adoption of the policy to ensure of use for applicants and for systems to be enhanced to improve reporting capabilities.</p> <p>Recommendation: Once Policy is adopted there will be an education program to inform users of the policy about the content and expectations of the new Encroachment Policy.</p>
<p><u>Additional provisions</u> for main entry porticos, external cladding, above canopy signage and public art.</p>	<p>Agree.</p> <p>Recommendation: Include criteria for main entry porticos, external cladding, above canopy signage and public art.</p>
<p><u>Accessibility for visually impaired</u> - Ensure green walling does not impact on accessibility for visually impaired.</p>	<p>Agree.</p> <p>Recommendation: Increase the vertical clearance of green walls to 2.5 metres from the footpath level unless it is demonstrated it will not pose a risk to pedestrian safety.</p>
<p><u>Pedestrian and Future Infrastructure Map</u> - Update Map to incorporate the Old RAH site and extend some locations unsuitable for temporary ground anchors.</p>	<p>Agree.</p> <p>Recommendation: Update the Pedestrian and Future Infrastructure Map to incorporate the Old RAH site and extend some of the locations unsuitable for temporary ground anchors.</p>

Rationale for Above First Floor Balconies

13. The rationale behind discouraging above first floor balconies is for the following reasons:
 - 13.1. Is consistent with the clear views provided by Council through workshopping the draft policy;
 - 13.2. Is consistent with the intent that encroachments should provide public benefit. First floor balconies are encouraged as they provide the public benefit of providing shade and shelter as well as informal street surveillance.
 - 13.3. Is consistent with the objectives of the Development Plan that reinforces the National Heritage Values and seeks a city form which reinforces the distinctive grid pattern layout of the City of Adelaide. One of the key urban design elements of Adelaide is Colonel Lights City Plan characterised by a unique grid layout and street network with buildings forming a strong built form and well-defined street edge.
 - 13.4. The wide streets and straight layout of the City means projections beyond the street boundary are visually obvious. Some upper level floor area encroachments have impacted on the strong visual edge of our city streets. As upper level floor area encroachments multiply over time this impacts on the character of Adelaide's streets and left unchecked, could jeopardise and erode Adelaide's strong visual built form and street edges.
 - 13.5. The revised draft policy allows existing buildings that are being retrofitted to incorporate balconies. This also supports adaptive re-use of buildings.
 - 13.6. Is consistent with the policy approach of other Australian Capital Cities; and

- 13.7. Provides a clear set of guidelines to inform the design process. A pathway will continue to be available for well-designed and appropriate proposals that don't meet the policy to be reviewed and considered by Council for approval. These outcomes can be facilitated through early engagement with development proponents.
14. The draft Encroachment Policy allows historic buildings or an existing building that is being retrofitted and adaptively re-used to incorporate balconies without incurring an encroachment permit fee.

Next Steps

15. The proposed Policy (**Attachment C** and **Attachment D**) takes effect from the date of endorsement by Council. All applications received from the date of adoption will be assessed against the new policy.
16. Encroachments approved under the previous policy will be allowed to remain provided the permit holder continues to meet the conditions of the permit. Existing permit holders will have the option of adopting the new fee schedule. New permits will be subject to a new fee schedule.
17. The Encroachment Policy operates in conjunction with current legislation (*Development Act, 1993*). In the future, it will also need to function effectively with the new *Planning Development and Infrastructure Act, 2016 (PDI Act)*.
18. The PDI Act includes changes that will impact on how decisions on new encroachments are made. Under the current provisions of the PDI Act an encroachment is acceptable having regard to any provision made by the Planning and Design Code or a design standard and the entity that has the care, control and management of the public land may impose a reasonable charge on the encroachment when the development is undertaken. The *PDI Act* is being progressively "switched-on", and the changes relating to how decisions on new encroachments are made is likely to be switched-on closer to 2020. It will be necessary to review and amend the Encroachments Policy as part of the transition process.

ATTACHMENTS

Attachment A – Submissions

Attachment B – Summary of Submissions and Councils Response

Attachment C – Proposed Encroachment Policy

Attachment D – Proposed Encroachment Fee Schedule

- END OF REPORT -

**Seven (7) submissions
received during consultation
period on Encroachment
Policy**

October/November 2017

Tim Jordan <Tim@rvjordan.com.au>
Friday, 10 November 2017 11:09 AM
Amanda McConnell
Encroachment Policy
Flag for follow up
Flagged

Dear Ms McConnell

On the 31st of October I received a letter from Lino Di Lerna in response to a number of matters that I had written to Martin Haese about. In that letter I referred to an Encroachment levy we received for a heritage listed hotel in the City.

As part of that response they advised me regarding the Council's Encroachment policy and I have got on the website and had a look at the issue. I cannot seem to find the issue that it causes me concern relating to our encroachment and I was wondering if you could call me to discuss this.

In summary we have a late 1800's heritage listed hotel with the original balcony which encroaches on to the corner of Grote and Pitt Street. Given that the veranda would be built originally (probably with some sort of approval) and is heritage listed we have no opportunity of fixing or removing the encroachment and therefore I think it is inequitable that we are forced to pay an Encroachment levy.

Finally, I find it extraordinary that as an owner who is already paying an Encroachment levy and would therefore be in your data base we were not specifically notified about this policy.

I look forward to hearing from you.

Yours faithfully

TIM JORDAN
Managing Director
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Chloe Smith

Tuesday, 24 October 2017 9:57 AM

Amanda McConnell

Draft Encroachment Policy - Responses from Submission 1 (saltypete)

Follow up

Flagged

Saltypete responses:

What is your experience or interest in relation to the Encroachment Policy?

Live in city and use the streets to go to and from work, shopping etc.

How could Council improve the Draft Encroachment Policy and its administration?

The policy seems generally adequate. However, I think it needs to be clear about the management of trees tree pruning to accommodate encroachments. There needs to be give and take, but pruning should be done in a manner to preserve the health and amenity of trees.

What are your thoughts on the proposed fee structure?

Some forms of encroachment result in the generation of building stormwater outside of the building envelope. The council could apply a fee for this and use this towards stormwater reuse within the city.

Is there any further information you would like Council to consider?

No response

No attachments

With regards

Chloe Smith

Technical/Administration Assistant

Spatial Planning and Heritage

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Think before you print!

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30 October 2017

Community Consultation
Encroachment Policy Review
GPO Box 2252
ADELAIDE SA 5001
Email: yoursay@cityofadelaide.com.au / a.mcconnell@cityofadelaide.com.au

City of Adelaide – Draft Encroachment Policy Consultation

Dear Ms McConnell

Thank you for the opportunity to provide feedback on the City of Adelaide's Draft Encroachment Policy. This letter has been produced in consultation with our Planning and Urban Design Committee, and is broken down into areas of concern.

Balcony Encroachment

Balconies above the first floor level of a building are not, under the proposed guidelines, permitted to overhang a street, laneway or public space.

According to the proposed guidelines, *"the only instance where balconies over public space may be permitted is when the balcony:*

- *is at first floor level;*
- *is designed to be open in appearance and form;*
- *is designed to improve pedestrian amenity by providing shade and shelter; and*
- *is compatible with the design of the building".*

The following criteria has not been carried across from the current to the proposed guidelines:

- *"balconies should have a total length of less than 30 percent of the building façade width at any one level above ground level; and*
- *balconies should have at least 50 percent of all the balcony floor area behind the property boundary line above ground level".*

The Property Council notes that the draft Encroachment Policy appears to directly target the removal of the opportunity to allow for upper level encroachments for balconies over the public realm, unless they are located at first floor level and contribute to the public interest through the provision of shade or shelter from inclement weather.

The current active encroachment policy (in operation since 2007) incorporates a section on balconies that allows them to occur under specific design criteria and recognises that upper level balconies *"can add visual interest to the streetscape and individual buildings"*. Under Section 1.3 *Assessment Context* the old policy recognises that the public need should be balanced between short and long-term interests, with encroachments considered in relation to the benefits that they offer to the public.

¹ pg. 5 ACC Operating Guidelines – Encroachments.

The Draft Encroachment Policy effectively removes opportunities to develop balconies above first floor level but fails to provide any justification for the change in policy approach.

The draft policy also introduces "Public Interest Criteria" which states that the policy seeks to:

- *Create a public realm that is welcoming and user friendly;*
- *Cultivate a positive relationship between the private and public realms; and*
- *Strengthen the character and identity of our capital city.*

It is the view of the Property Council that balconies can, when designed with sensitivity to their streetscape, enhance the public realm and strengthen the character and identity of Adelaide, as the Draft Policy seeks to achieve.

It should be noted that the authors and former Councilors that endorsed the current policy formed the opinion that upper level balconies could contribute to the visual interest of the streetscape and public realm, while balancing public and private interests. These interests were balanced through noting that the criteria required at least 50 per cent of the balcony floor area to be located behind the property alignment.

Many buildings have now been developed under the current guidelines and make a positive contribution to the streetscapes in which they are located while also providing the important benefit of public surveillance of the City Streets, activation of the street at the upper levels and articulation of the facades of the building fronting the street.

To remove the current policy framework and prohibit encroachments at the upper levels for buildings will create a divide between existing properties developed with encroachments and undeveloped sites.

Section 5.4 states that balconies above first floor level **must** be established with the existing property boundaries and **must not** overhang a public street or lane way. However, if a balcony is located within the property boundary then it is not an encroachment and accordingly does not need to be specified in an encroachment policy. This crosses over with Development Plan Policy and would be more appropriately incorporated into the Development Plan.

The Council could be criticized for undermining the current Development Plan Policy in this regard.

Further, the proposed encroachment guidelines are also inconsistent with *Council Wide Principle 62 of the Adelaide (City) Development Plan*.

This Principle advises, in part, that *"balconies should be integrated into the overall architectural form and detail of the development and should be cantilevered, partially cantilevered and/or recessed in response to daylight, wind, acoustic and visual privacy"*.

Fees for residential encroachment

Under the Draft Encroachment Policy the Council is now seeking to introduce an annual fee for residential property owners who enjoy the benefit of an encroachment.

Previously such fees were only applicable to commercial encroachments where property owners were potentially able to derive an income from the use of the encroachment area.

Attachment B now seeks to introduce an application fee and an Annual Fee payable per square metre of encroachment to all property owners with encroachments including residential. Accordingly, there are a number of existing residential property owners who would not be aware of the potential additional "Air Rights" tax that the council is looking to introduce to existing apartments with encroaching balconies over and above the current rates and taxes.

This tax will apply despite the fact that there is little or no public interest in the use of air rights over a public footpath. Such encroachments do not detrimentally impact on the public realm in the same way that verandah posts or lower level encroachments might impact on the street trees or the use of the public footpath.

Green Walls

Section 5.5 refers to *Green Facades and Living Walls* and the Policy seeks to ensure such structures are located within a property boundary. The current Development Plan seeks to encourage such sustainable technologies as both of these can have significant public benefit, while this policy may in fact act as a disincentive to installing green walls and roofs.

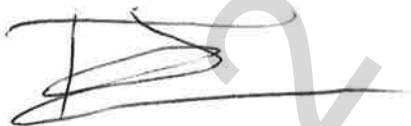
Whether they are allowable under the encroachment policy or not, the terminology refers to the acceptance of such structures on existing buildings if constructed prior to December 2017. There are a number of buildings yet to be constructed that are currently being assessed and which may be approved with such encroachments prior to the implementation of the draft policy (if adopted). The draft policy does not include a procedural section to provide clear guidance associated with the application of the encroachment operating guidelines and the relationship with any other approvals issued under different legislation.

The Property Council:

1. Objects to the prohibition of balconies above first floor level and advocates for the retention or minor modification of the existing Balcony criteria as expressed in the 2007 *Operating Guidelines for Encroachments*.
2. Objects to the introduction of the "Air Rights" tax that will require an annual fee for encroachment of residential balconies above the first-floor level.

If you or anyone from your office have any questions in relation to this submission, please don't hesitate to contact my office on 8236 0900.

Yours sincerely



Torie Brown | SA Policy Manager



Australian Institute of Architects

30 October 2017

City of Adelaide Draft Encroachment Policy

We thank you for the opportunity to meet recently with the City of Adelaide and the invitation to offer feedback on the proposed Encroachments Policy which we were provided for review.

Overview

The Australian Institute of Architects (SA) would like to commend the City of Adelaide for an effective consultation process. It is rare in our experience of policy generation in the built environment that a true consultation is undertaken prior to the circulation of a substantially resolved 'draft' document. We were particularly pleased to have opportunity to contribute prior to the drafting of the new encroachments policy, and then again now in the review of the draft. Not only has this process suggested a true engagement, but our review of the draft document at hand suggests that some of our initial feedback has been received and offered value.

Key Observations

We generally endorse the intent, broad content, structure and format of the revised 'Draft' Encroachment Policy as provided to AIA (SA) on 27/9/2017. The key areas of improvement over the previous policy are:

1. A shorter, cleaner document laid out in a logical and legible style
2. Clear policy objectives for the permission of encroachments
3. A focus on clarity regarding the permission or otherwise for an encroachment, rather than the focus on fees and management of encroachments which featured in the previous policy

Our initial feedback suggested that policy regarding encroachments should provide clarity regarding why an encroachment would be allowed (i.e. public benefit) and then simply apply a fee for management rather than focussing on how to charge fees for encroachments which perhaps should never have occurred in the first place. We believe the new policy draft effectively addresses this fundamental shift of priorities.

Suggested Improvements

We attach a marked-up version of the draft document which identifies some minor areas of potential improvement in editorial clarity. We would be happy to meet to explain any of these notations if desired. Our two overarching areas for suggested improvement comprise:

1. The replacement of ultimately prescriptive criteria with deemed to satisfy requirements but still allowing for a performance based approval.
2. Absolute clarity on who will determine decisions in performance based assessment and the formal pathway for determining if an encroachment does or does not require a permit.



We elaborate these key points:

1. Deemed to Satisfy

The policy regarding canopy encroachments as an example contains very prescriptive upper and lower height requirements. We understand the intent of these metrics to provide canopies in a human scaled zone with effective weather protection, and we support that they may form a 'deemed to satisfy' basis for approval. However, as a singular, definitive set of requirements they may preclude design solutions which for various site and project specific reasons could be reasonably supported. We suggest that a performance based assessment based on application of the public interest criteria should be included to allow consideration of alternate proposals.

2. Assessment

With the application of performance based assessment we note the importance of absolute clarity regarding the seat of responsibility for this assessment. Approval of an encroachment could be vested in many places within Council and so for clarity the policy should clearly state who will determine performance based assessment – i.e. is it the planning officer, or the DAP or the manager of infrastructure etc. It must be one, clear authority, not commentary from many.

We also note that determination of a minor encroachments appears unclear. There are policy guidelines as to what constitutes a minor encroachment, but it is unclear if this is a self-assessed or council granted position. We propose that any encroachment should require an application, and that a delegated officer within Council should be empowered to determine minor encroachment status.

Summary

We trust that our review of the draft policy for encroachments will provide benefit to ACC and thank you again for a strong and effective engagement process.

Should you seek further clarity, explanation or discussion please contact the SA Office who will be delighted to arrange the opportunity.

Regards,

Mario Dreosti
President SA Chapter
Australian Institute of Architects



30 October 2017

By e-mail yoursay@cityofadelaide.com.au

AND

Community Consultation
Encroachment Policy Review
 GPO Box 2252
 Adelaide SA 5001

Dear Sir/Madam,

Draft Encroachment Policy – Adelaide City Council

We write in respect of the Draft Encroachment Policy currently being proposed in respect of the City of Adelaide. Our submission centers around the prescriptive nature of the Draft Policy and the lack of separate consideration for Rundle Mall. Rundle Mall has unique characteristics and standing within our City and State and as such has different considerations to those for other public spaces.

Peregrine Corporation has significant CBD land holdings amongst others including 33 King William Street, 144 North Terrace, Hindley Street Car Park, East End Car Park, Adelaide Central Car Park and Charles Street Plaza. We also hold 17A, 128, 135 and 138-140 Rundle Mall.

General

We are pleased that the Council has taken action to review the encroachment policy. When the policy was first drafted, John Martins was a thriving retailer and Dazzle Land was in its prime. The creation of online shopping and its exponential growth has placed unprecedented pressure on the bricks and mortar stores to provide a compelling offer and customer experience.

The days of a uniform non-descript building with a shop name on the front door and generic products on shelves have disappeared. The physical built form of flagship retail stores has become part of a retailers brand and its identity. UniQlo has clean lines, abundant glass and red handles on escalators. Apple has no awning, no columns and a distinct silver shopfront frame. A customer would be able to look at these stores and identify the offering even if you were to remove the shop name and their registered trademarks. The very fabric of the building itself has become the essence of a retailers offering and customer experience.

The Draft Encroachment Policy seeks to impose a one size fits all approach to the whole of the CBD and consequently either by design or fate Adelaide's premium retail strip is bundled in with office buildings and other land uses. Retail continues to change and evolve faster than landlords can keep up. If we further restrict the ability of retail landlords to be nimble and adapt to changing retail trends Rundle Mall will fall further behind those that are able to offer retailers the opportunities that they are seeking.

It is noted that the Draft Encroachment Policy does not have a dedicated section referring to Rundle Mall, in essence an awning in a CBD back street is viewed and assessed in identical fashion to Rundle Mall. In fact the Draft Policy (like the current policy) only makes mention of Rundle Mall on two occasions, both references relate to under awning or under balcony lighting. This is itself seems almost superfluous given the movement to glass or transparent awnings on almost every Rundle Mall development in recent times.

The non-descript treatment of Rundle Mall is also at odds with the brand proposition of Rundle Mall as being "*unique*". The retail mix in the mall and lack of significant retail flagship representation would suggest that Rundle Mall is anything but *unique*. The further lack of consideration for brave and exciting Rundle Mall guidelines is inconsistent with the Adelaide City Council's own Development plan which calls for Rundle Mall to "*grow and evolve in response to the needs of the retail and business sectors*". An arbitrary maximum awning height of 3.7 meters simply does not allow for the current status quo in recent Rundle Mall developments let alone the ever changing and evolving trends of retail stores with height, scale and bulk.

If we do not embrace the new frontier of retail with open arms, we will continue to replace pavers, remove trees and add lights but people will still not have a reason come to Rundle Mall to shop. The nature of Rundle Mall ownership means that the ability for large scale redevelopment to create new and expansive spaces is limited. In light of this there needs to be the maximum possible flexibility so that Rundle Mall owners can have the confidence to offer and deliver exciting, new and modern retail buildings in-line with the expectations of world class retailers. The precinct needs to compete with the likes of the recently announced \$235 million upgrade of Westfield Tea Tree Plaza, multi-million dollar upgrade of Westfield Marion and West Lakes and the high-end Burnside Village. Placing strict and outdated development controls on Rundle Mall landowners prevents innovative development and prevents the attraction of new and exciting retailers to Rundle Mall when compared to other opportunities on offer outside of the CBD. The likes of Zara opening at Burnside Village before the city being a prime example.

Rundle Mall has a unique opportunity to offer what the major retail suburban shopping centres cannot. However, it needs modern and flexible guidelines to encourage and achieve world class retail outcomes.

Current Status – Rundle Mall

The current offering of encroachments in Rundle Mall ranges from no canopy at Apple to in excess of 12 meters at the Myer Centre. Falling in between these two extremes are properties such as the new Adelaide Central canopy, the Rundle Place Development, Nespresso and the list continues. Many of these canopies fall outside of the existing Encroachment Policy and will again fall outside of the proposed policy. Is it the intention of the Council that these types of encroachments (i.e. over 3.7m) will not be acceptable moving forward?

The Adelaide City Council's own canopy at Gawler Place is 7 meters in height almost double the maximum limit that this policy is seeking to impose on surrounding landowners. The very construction of the canopy by the Adelaide City Council is evidence that Rundle Mall needs its own set of guidelines to accommodate modern development. Put simply the council cannot impose one set of rules on landowners and rate payers whilst at the same time granting itself exceptions to the same rules.

It is acknowledged and agreed that a minimum awning height needs to be set to ensure vehicle clearance and the like is accommodated. However, if an awning is above 3.7m and meets a set of public interest criteria (which may contain consideration for weather protection for example) then it is strongly suggested that landlords should be encouraged to embrace such design so that Rundle Mall can continue to grow and evolve.

What retailers want

Many modern retailers are seeking larger, higher and more attractive shopfronts. It is no accident that a significant portion of any retailer's fitout budget is focused on the entry statement and first few meters of the store. The challenge for any bricks and mortar retailer is first and foremost to attract a customer from the street or mall into their store.

The ownership structure in Rundle Mall with predominantly smaller titles and narrower than desired street frontages means that we need to be innovative in how we create a sense of scale and space. The best way to do this is with shopfront height and clean lines. Any obstruction in the shopfront (i.e. an awning) will immediately draw your eyeline down and significantly reduce the sense of scale and width that you are trying to create. The street presence that the larger shopfront provides is critical to a retailer's ability to attract customers into their store and then in turn to the retailers success.

Recommendation

In comparing the Draft Encroachments Policy to those in other Australian capital cities the City of Melbourne appears to have taken the most practical approach. Their policy (Road Encroachment Operational Guidelines) sets minimum (rather than maximum) heights designed to ensure necessary clearance and public safety requirements are met (e.g. minimising structures being struck by vehicles, maximising pedestrian access and the like). The policy does not seek to limit or restrict development but it specifies minimum standards that need to be met.

The City of Melbourne then specifies no less than 20 *Public Interest Criteria* that need to be considered in assessing any encroachments. The Policy also includes *Management Principles* that must be satisfied in assessing any encroachment.

The City of Melbourne policy appears to provide significant flexibility in its approach whilst also protecting their Administration in the areas of safety and disability access amongst others.

In consideration of the approach taken in Melbourne it is recommended that the Draft Encroachment Policy be amended to:

1. Include minimum encroachment heights to ensure public safety and possible access issues are considered. Maximum awning heights are not to be included;
2. *Public Interest Criteria* and *Management Principles* are included so that matters specific to important elements of the city can be considered, i.e. specific Rundle Mall criteria relating to height and scale should be included;

The proposed approach will allow the Adelaide City Council to achieve strategic outcomes, such as Rundle Mall once again becoming the State's Premier Retail destination, whilst also ensuring a level of public amenity is provided through the Public Interest Criteria and Management Principles.

Conclusion


The Draft Encroachment Policy as drafted stifles the ability for *Rundle Mall [to be] enhanced as the State's premier shopping destination* by inhibiting a landlord's ability to offer modern and exciting retail developments with height and scale.

It is recommended that the prescriptive nature of the Draft Policy be replaced with Public Interest Criteria and Management Principles so that Rundle Mall is able to grow and evolve with the ever changing needs of the retail and business sectors. To this end Peregrine Corporation would be more than willing to volunteer the assistance and time of Ashley Thompson, Head of Leasing at Peregrine Corporation to collaborate with the Adelaide City Council and other stakeholders in developing a set of Criteria and Principles specifically tailored to the needs of Rundle Mall and the City of Adelaide.

As an aside, we are also strongly of the view that Rundle Mall should have a Fitout Guide in line with A grade shopping centres around the world to ensure high quality retail fitouts, signage and presentation. We would welcome a discussion to this end at some stage in the future.

Please do not hesitate to contact myself or Ashley Thompson (0439 687 662 or a.thompson@peregrine.com.au) should you have any questions or wish to discuss our submissions further.

Yours faithfully
Peregrine Corporation



Dr Sam Shahin
MBA DBCU CMA
MBBS DRACOG DCH FRACGP
Executive Director
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Urban Development Institute of Australia
 (South Australia) Inc.
 Level 7, 81 Flinders Street
 Adelaide SA 5000



Wednesday, 1 November 2017

Ms Amanda McConnell
 Senior Policy Planner of Adelaide City Council
 Community Consultation Encroachment Policy Review
 GPO Box 2252, Adelaide SA 5001
 Via email: a.mcconnell@cityofadelaide.com.au

Dear Ms McConnell,

RE: Adelaide City Council Encroachments

Thank you for the opportunity to comment on the Adelaide City Council Draft Encroachment Policy.

About the UDIA

The Urban Development Institute of Australia (UDIA) has been active in South Australia since 1971 and has over two hundred-member companies.

We boast an active membership of around fifteen hundred individuals who are involved in policy development on committees, professional development, event attendance as well as other activities, all aimed at improving the outcomes for our sector and State.

It is through these members that UDIA provides an important voice on development matters, particularly in relation to initiatives for homebuyers, urban developers, professionals and others who are involved in the sector.

UDIA's position

The City of Adelaide plays a critical role in the future of our state. A vibrant capital city is fundamental to tourism and also for providing a sense of excitement and buzz for our young people. To that end the UDIA has supported measures by the Council and State Government to make development and living easier in the City. Unfortunately, despite a number of excellent initiatives that send the right message, the current draft encroachment policy out for consultation does not.

The UDIA agrees that it is important that the character of our City be maintained and that it's heart and soul, a core strength is protected, but we are concerned that this draft encroachment policy does not achieve the right balance.

The draft policy seems to be framed in an anti-developer and confrontational manner and applies prescriptive blanket bans irrespective of merits of any particular development and its performance under the guise of increased certainty. For example, in the objectives of the Project Brief it states, "*Ensure upper level building floor areas are located behind the property boundary line*" but provides no rationale for doing so other than "raised concerns".

The UDIA appreciates the need for the updating of policies, however none of the background documentation provides any real evidence of a fundamental problem that actually exists, and seems to be more philosophical in nature. In fact, after a review of previous commentary on this matter, the premise of the submission as it relates to upper level encroachments appears to be that we should do what other states are doing. It appears that this attitude may have arisen from the fact that development heights have been relaxed over the last ten years without there being a true appreciation of what is and isn't possible under this new regime.

The UDIA is aware that the council has previously stated that with an increased height allowance there should be no need for encroachments and the background section of the draft policy reinforces this. The UDIA cautions against such sweeping and generalised statements which are ignorant of the fact that cost of construction is exponentially higher with height. Code requirements, sales risk and access to finance are all factors that also need consideration when developing at different heights.

The use of encroachments in appropriate places throughout the City area can help provide more attractive and affordable apartment living in the city, which is entirely consistent with the City's strategic plan where it states:

The loudest message from Picture Adelaide 2040 was very simple – our City must grow if we want to thrive.¹

The UDIA agrees with this aspiration but is concerned that this policy is at odds with that goal. By removing any flexibility for the use of encroachments there will undoubtedly be an impact on apartment affordability and attractiveness. Those prospective buyers who would purchase apartments in the city have a choice which includes town houses and other affordable alternatives in surrounding council areas.

We also question whether or not this policy has been costed both in a direct revenue sense as well as indirectly as it relates to the diminished attractiveness to the city and consequential reduced business activity.

With the Adelaide City Development Plan prescribing minimum apartment floor sizes and minimum requirements for private open space (i.e. in the form of balconies, decks and terraces etc.) the prohibition of balcony encroachments in apartment developments (above first floor level) will undoubtedly result in less apartments being developed and a consequential loss of Council rate revenue.

As mentioned earlier, we are not aware of any major chorus of concerns in the public with respect to encroachments above first floor level, and despite the comments that this is termed 'public land', it needs to be remembered that there is no other practical use of this space. The policy will however have a direct and real impact on the Council's strategic plans and finances.

Our observations are that the application of this policy for the prohibition of balcony encroachments above first floor level appears to be entirely aesthetic. Perversely, the prohibition of encroachments to protect the urban form is likely to result in a number of unintended and undesirable outcomes.

The first is that to comply with the encroachments policy developers will be encouraged to build on the boundary but with flat facades and inset balconies offering no articulation. There has already been public commentary about the lack of appetite for this style of development. It is also arguable that if this style is then more prevalent, the logical next step will be the encouragement of podium developments and balconies protruding, without any encroachments.

¹ <http://www.cityofadelaide.com.au/assets/Policies-Papers/docs/STRATEGY-strategic-plan.pdf> page 21

Unfortunately, this even further restricts the viability of apartment construction for the same reasons discussed above.

The policy is also silent on its application to different geographical areas and different streets. A policy for King William Street that is the same for peel Street is by anyone's measure severely deficient.

Interestingly, a number of our members have also observed that Council's own recent developments have allowed significant encroachments and it appears to be one rule for Council and another for the private sector risking their capital.

In addition, we provide the following specific feedback on the policy and look forward to further discussions with Council to ensure that this retrograde policy is not introduced:

- Road reserve and footpaths should be key criteria for analysis in determining suitable encroachments. The width of the street and footpath, surrounding buildings and design of the proposed building with an encroachment should all be taken into consideration before ruling out or prohibiting any encroachments.
- A streamlined and updated policy guideline should be developed that takes the above into account and planning staff empowered within Council to approve applications. The UDIA does not support the referral of encroachments to a full meeting of Council particularly when the project has already been approved by the State Planning Commission or their delegates.
- Consistent terminology is required, in particular as it relates to width and depth which are used interchangeably throughout the document with different meaning (refer to section 5.3 and contrast it with 5.6 as an example).
- Section 5.3 and 5.4 – CCTV coverage, the policy requires CCTV in certain circumstances, but it is unclear on the ongoing purpose and monitoring costs.
- Section 5.5 – this section is not clear as it relates to both new buildings and also buildings constructed before 2017? We also seek clarity on the definition and difference between 'green facades' and 'living walls' and when each applies. We also caution against the highly prescriptive use of the word MUST and any associated unintended consequences of such prescription.
- Fee schedule – There is nothing articulating whether the fee schedule per square metre will apply retrospectively to existing buildings.

In summary, we believe encroachments should be considered on a site-specific basis using performance based assessment criteria rather than prescriptive based policy. The UDIA believes that these are planning matters and if considered in this way by addressing the impact rather than taking the blanket 'prohibition' approach, it will be a better outcome for new residents and the Council.

We look forward to discussing these matters with you further and thank you for the opportunity to comment.

Yours sincerely,



Pat Gerace
UDIA (SA Division) Chief Executive Officer



In reply please quote: #12028431
Enquiries to: Brett Miller
Telephone: (08) 8343 2988

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30 October 2017

Community Consultation
Encroachment Policy Review
Adelaide City Council
GPO Box 2252
ADELAIDE SA 5001

To whom it may concern,

I refer to the City of Adelaide (Council)'s invitation to participate in consultation on the Council's Draft Encroachment Policy.

Recent experience regarding encroachments proposed into the public realm within the Council Area has occurred through this Department's Pre-lodgement service (including the Design Review program), and associated statutory assessment by the State Commission Assessment Panel. This experience has typically included consideration of verandah and balcony encroachments at ground and first floor level, canopies over footpaths (in some cases outside the existing Encroachment Policy heights), and balcony encroachments at upper levels.

The proposed amendments generally aim to provide greater certainty at the early stages of concept and design development for proponent groups which is encouraged, as this would provide a clear and early understanding of encroachments that would or would not be supported by the Council.

Further to verbal feedback provided recently to Council administration, the following commentary is provided on particular elements of the Draft Policy, for Council's consideration:

- The proposed policy may introduce potential for duplication and subjective interpretation of activities associated with encroaching built form being considered acceptable, or otherwise, when considered in terms of the need to maintain public safety.

Under circumstances where an authority has endorsed a certain land use associated with a development, the specific nature of that activity (e.g. use of outdoor furniture placed within a first floor balcony for residential purposes) could become the focus for interpreting whether the encroachment itself would be satisfactory. This may introduce a perceived need to introduce conditions of use (e.g. use of fixed furniture only), and could duplicate effort

applied during assessment of development against policy concerning potential safety hazards.

Similarly, consideration of whether an encroachment would maintain adequate daylight and sunlight to the street level or on adjoining buildings may duplicate the intent of Council Wide Micro-climate and Sunlight and Building Siting policy, which would typically be considered during development assessment.

- The proposed requirement to incorporate and operate closed-circuit television (CCTV) cameras underneath canopies and beneath balconies at ground level where CCTV coverage is obscured from other locations has the potential introduce considerable disincentive to providing pedestrian shelter and first floor balconies due to the likelihood of additional cost and operational / maintenance obligations, should those cameras be privately owned and monitored.

Should the intent of the proposed policy be to integrate additional CCTV cameras within the Council's City Wide network, unexpected obligations could be imposed on a development proponent to provide appropriate network connections, particularly where coverage is low, and consequential burden/s with respect to monitoring by Police Security Services Branch.

It is understood that information detailing the extent of CCTV coverage within the City Wide network is generally treated confidentially, as its disclosure or broad dissemination could provide intelligence for planning of anti-social or criminal activities. On this basis there may be inadequate information available to a development proponent to substantiate whether existing coverage is obscured (or otherwise) in a given location within the Council area, unless some other means of indicating the extent of coverage without compromising the network's integrity can be provided.

- An opportunity exists to consider specified maximum projections and vertical/blade type sun shading in the context of the Capital City (Design Quality) DPA requirement for 'innovative external shading devices on all of the western side of a street facing facade' for developments proposed to exceed the maximum building height envisaged by the Development Plan.
- An opportunity exists to support the principles of universal access with regards to the bridge and overpass encroachments, and to support carbon neutral ambitions through selection of low energy light fittings under canopies, with specific colour temperature and vandal resistance properties.
- An opportunity exists to provide further descriptions or diagrams to support the intent of 'open' or 'enclosed' balconies, green facades, bridges and overpasses, ground anchors, footings and pilings. The summary diagram provided on page 3 of the document titled 'Encroachment_Policy_Information_Sheet' could also be included within the Encroachment Policy document for a clear pictorial description of the policy amendments.

Thank you for the opportunity to provide feedback on the Draft Encroachment Policy.

If you have any questions regarding this feedback please contact Mr Brett Miller, Team Leader, CBD & Inner Metro, on (08) 8343 2988 (brett.miller@sa.gov.au) or Ms Belinda Chan, A/ Team Leader, Design, on (08) 8402 1805 (belinda.chan@sa.gov.au).

Yours sincerely,



Robert Kleeman
Unit Manager Development Assessment

Additional submissions on revised version of Encroachment Policy

November 2018

- Peregrine Property
- Australian Institute of Architects

From: [Ashley Thompson](#)
To: [Amanda McConnell](#)
Subject: Summary of comments Regarding revised draft Encroachment Policy
Date: Tuesday, 20 November 2018 10:44:44 AM
Attachments: [image001.jpg](#)

Hello Amanda

Thank you for meeting with me yesterday regarding the revised Draft Encroachment Policy. We appreciate the opportunity to provide feedback on improving the Policy further.

By way of summary our feedback is below:

Overall, the revised draft Encroachment Policy is an improvement on the current Encroachment Policy and the previous draft Policy that we were consulted on.

Verandahs

The revised policy better addresses our concerns about the original maximum height prescribed for verandahs, onus is now on the applicant to demonstrate that the encroachment will provide pedestrian shelter from sun and rain.

To ensure clarity of policy interpretation it is recommended that “have a minimum depth of 600mm” be revised to “have a minimum projection of 600mm”.

The purpose of the requirement for verandahs to “be pitched no greater than 10° if fully glazed” is questioned. What is its purpose and is it required? The criteria requirement to “improve pedestrian comfort by providing shelter from sun and rain” and “be compatible with and integrated into the design of the building and adjoining buildings” would sufficiently address this issue in the same manner. It is recommended that this is removed from the policy.

Signage

The policy does not provide criteria for individual letter signs above the canopy fixed to the building façade e.g. the new H&M signage on Rundle Mall. It would be useful to add a second diagram for this form of signage and include it as an example of an acceptable encroachment within part 3 of the criteria for managing encroachments.

Please do not hesitate to contact me if you have any further questions or require feedback.

Kind regards

Ashley Thompson
Head of Leasing

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Australian Institute of Architects

21 November 2018

Amanda McConnell
 Senior Policy Planner
 City of Adelaide

Via email: A.McConnell@cityofadelaide.com.au

c.c: Rick Hutchins: Manager – Spatial Planning and Heritage R.Hutchins@cityofadelaide.com.au

Dear Amanda,

Thank you for the time to meet with yourself and Rick Hutchins on Monday 19 November 2018 to discuss the latest draft of your revised *Encroachments Policy*. The Australian Institute of Architects SA supports your ambition to revise this policy and broadly endorse the draft reviewed with you.

We support the greater focus on encroachments as a means to offer public benefit rather than an opportunity for private use of public space and the amendment to the fee structure to eliminate charges which relate to an encroachment for this purpose.

We support that a clearer set of guidelines around encroachments will address current uncertainty in expectations and enable the planning assessment system to better anticipate compliance or otherwise with encroachment policy and therefore condition or require appropriate ACC support as part of planning approval.

In our meeting we noted some minor further commentary regarding:

- Clarity in use of the word 'road' with regard to road reserve, or footpath or carriageway
- Change in terminology to 'projection' rather than 'depth' for minimum canopy requirements
- Change in description for portico design to allow for contrasting design solutions which are high quality and appropriate but not necessarily matching the building (or adjacent buildings) style.
- Acknowledgment of ACC's own requirements for access to services for lighting and CCTV infrastructure located on private buildings and exemption from encroachment compliance for these items.

Thank you for the opportunity to be consulted in a meaningful fashion at a series of stages in the development of this policy, we value the contribution we have been able to effect.

Sincerely,

Mario Dreosti
 Chapter President
 Australian Institute of Architects - South Australia

ATTACHMENT B

Draft Encroachment Policy Summary and Response to Submissions

External Submissions

Sub No.	Name	Submission Summary	Comment	Council Response
1.	Tim Jordan RV Jordan Property	<u>Encroachment Fees for Heritage Verandah</u> Council raises money by subterfuge such as the Encroachment levy. This has been levied on our heritage building which has an old-style heritage verandah and there is no opportunity to remove the encroachment.	Noted. The Encroachment Policy seeks to remove annual fees for heritage building encroachments if the encroachment was built before 1945.	No change.
2.	Saltypete	a. <u>Tree Pruning</u> The policy seems adequate. There needs to be clarity about the management of tree pruning to accommodate encroachments. Pruning should be done in a manner to preserve the health and amenity of trees.	The City of Adelaide has a Tree Management Framework which provides management guidelines for tree related issues within the City of Adelaide and includes criteria for managing tree pruning.	No change.
		b. <u>Stormwater Reuse</u> Some encroachments result in the building up of stormwater outside of the building envelope. The council could apply a fee for this and use this towards stormwater reuse within the city.	Noted. The re-use of stormwater is outside the scope of the Encroachment Policy. The Building Code of Australia (BCA) requires all structures to be drained to a legal point of discharge. Residential additions over 50 square metres require the installation of rainwater tanks for water re-use.	No change.
3.	Torie Brown Property Council	a. <u>Balcony Encroachments</u> Buildings under the current guidelines make a positive contribution to the streetscape and provide the benefit of public surveillance. The new policy will create a divide between existing properties developed with encroachments and undeveloped sites. If the balcony is located within the existing building line it is not an encroachment and does not need to be specified in the Encroachment Policy. This crosses over with the Development Plan Policy and would be more appropriately	Noted. The intent of the policy is to provide a clear and simple framework that identifies what encroachments “are allowed” and “not allowed”. Some upper level balcony and floor space encroachments have impacted on the setback character of streets they are located on. As upper level balcony and floor space encroachments multiply over time this could impact on the character of Adelaide’s streets and left unchecked, these could jeopardise and erode Adelaide’s strong visual built form and street edges. Recent zoning changes have provided increased capacity to remove unnecessary restrictions on	No change.

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Sub No.	Name	Submission Summary	Comment	Council Response
		incorporated into the Development Plan.	<p>floorspace to provide balconies within their own site boundaries.</p> <p>The Development Plan and Encroachment Policy aim towards the same vision and are not conflicting with each other.</p>	
		<p>b. <u>Fees for Residential Encroachments</u></p> <p>Concerned that application fee and annual fee per square metre applies to all property owners with existing encroachments. Concerned that owners are unaware of the potential additional "Air-Right" tax that the Council is looking to introduce to existing apartments.</p> <p>Such encroachments do not impact on the public realm in the same way verandah posts or lower level encroachments may impact on street trees or the use of footpaths.</p>	<p>The annual encroachment fee would apply to new encroachments. The status quo for all existing encroachments would remain as currently stands.</p> <p>It is recommended that the fee schedule be revised to include that the status quo for all existing encroachments remain.</p> <p>Existing encroachment permit holders may opt in to the new fee structure if they prefer.</p>	Revise Fee Schedule.
		<p>c. <u>Green Walls</u></p> <p>The Development Plan encourages sustainable technologies as they have significant public benefit. The policy may act as a disincentive to installing green walls and roofs due to the terminology of accepting structures on existing buildings if constructed prior to December 2017. There are a number of buildings yet to be constructed that are currently being assessed and which may be approved with such encroachments prior to the implementation of the draft policy (if adopted).</p>	<p>The intent of the policy is to encourage green wall technologies. On this basis, it is recommended that the policy be revised to delete reference to being constructed prior to December 2017 to enable it to apply to existing and new buildings.</p>	Revise policy relating to Green Wall s.
		<p>d. <u>Procedure</u></p> <p>The draft policy does not include a procedural section.</p>	<p>The current procedure for processing encroachments has been reviewed and a new procedure is being developed.</p> <p>An information sheet outlining the procedure for</p>	No change.

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			encroachments will be available on the City of Adelaide website and the process will be incorporated as part of Electronic-Planning.	
4.	Mario Dreosti Australian Institute of Architects	<p>a. <u>Improvements Acknowledged</u></p> <p>The draft policy provides the following improvements:</p> <ul style="list-style-type: none"> · A shorter, cleaner document laid out in a logical and legible style · Clear policy objectives for the permission of encroachments · A focus on clarity regarding the permission or otherwise for an encroachment, rather than · the focus on fees and management of encroachments. 	Noted.	No change.
		<p>b. <u>Prescription Criteria vs Performance Based Approach</u></p> <p>The replacement of prescriptive criteria with deemed to satisfy requirements but still allowing for a performance based approval.</p> <p>The policy regarding canopy encroachments contains very prescriptive upper and lower height requirements with the intent to provide canopies in a human scaled zone with effective weather protection. However, as a single, definitive set of requirements they may preclude design solutions which could be reasonably supported.</p> <p>Suggest that a performance based assessment based on application of the public interest criteria should be included to allow consideration of alternate proposals.</p>	<p>To minimise public safety risk, it is important to incorporate minimum height requirements.</p> <p>The underlying reason for the maximum requirements is to ensure canopies provide weather protection. There is scope to provide weather protection from the summer sun through performance based criteria for the applicant to demonstrate whether the canopy can provide adequate weather protection from sun through design solution.</p>	Delete maximum height criteria including for Rundle Mall and replace with a performance based requirement to demonstrate the pedestrian shelter is designed to provide weather protection for pedestrians

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		<p>c. <u>Decision Making Clarity</u></p> <p>Absolute clarity on who will determine decisions in performance based assessment and the formal pathway for determining if an encroachment does or does not require a permit. There needs to be clarity regarding the seat of responsibility for this assessment. The policy should clearly state who will determine performance based assessment - i.e. is it the planning officer, DAP or the manager of infrastructure etc. It must be one, clear authority, not commentary from many.</p>	<p>The procedures for processing encroachments is also been reviewed as part of the Encroachment Policy review. It is intended that a clear and simplified procedure for processing permits will be established. In addition, there will be clarity on who is responsible for making decisions on different forms of encroachments. Feedback however will continue from different departments within the Council as is important to ensure the encroachments meet the relevant legislative requirements and that they will not conflict or restrict Council's future infrastructure plans.</p>	No change.
		<p>d. <u>Minor Encroachments</u></p> <p>The determination of minor encroachments is unclear. There are policy guidelines as to what constitutes a minor encroachment, but it is unclear if this is a self-assessed or council granted position.</p> <p>All encroachments should require an application, and a delegated Council officer should have the power to determine minor encroachment status.</p>	<p>All encroachments will require an application and Council Administration will have the delegated authority to determine if the proposal has minor encroachment status.</p>	No change.
5.	Dr Sam Shahin Peregrine Corporation	<p><u>Verandahs - One Size Fits All</u></p> <p>The policy seeks to impose one size fits all approach to the whole of the CBD. Retail changes and evolves fast. If we further restrict the ability of retail landlords to be nimble and adapt to changing retail trends Rundle Mall will fall further behind those that are able to offer retailers the opportunities, they are seeking.</p> <p>The policy does not have a dedicated section referring to Rundle Mall. Only references to Rundle Mall is in regard under awning or balcony lighting which seems superfluous given the</p>	<p>To minimise public safety risk, it is important to incorporate minimum height requirements.</p> <p>The underlying reason for the maximum requirements is to ensure canopies provide weather protection from sun and rain. There is scope in the new Policy to provide weather protection by being less prescriptive and putting onus on the applicant to demonstrate whether the canopy can provide adequate weather protection from sun and rain through design solution.</p>	Delete maximum height criteria including for Rundle Mall and replace with a performance based requirement to demonstrate the pedestrian shelter is designed to provide weather protection for pedestrians

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		<p>movement to glass or transparent awning on almost every Rundle Mall development.</p> <p>The maximum awning height of 3.7metres does not allow the current status quo in recent Rundle Mall developments or the ever changing and evolving trends of retail stores with height, scale and bulk.</p> <p>There needs to be maximum flexibility for Rundle Mall owners to have the confidence to offer and deliver exciting, new and modern retail buildings in line with expectations of world class retailers.</p> <p>Strict and outdated controls on Rundle Mall land owners prevents innovative development and the attraction of new and exciting retailers. Rundle Mall has a unique opportunity to offer what major retail suburban shopping cannot. It needs modern and flexible guidelines to encourage and achieve world class retail outcomes.</p> <p>Minimum awning height needs to be set to ensure vehicle clearance. However, if an awning is above 3.7 metres and meets a set of public interest criteria e.g. weather protection, landlords should be encouraged to embrace such design so that Rundle Mall can continue to grow and evolve.</p> <p>Many modern retailers are seeking larger, higher and more attractive shopfronts.</p> <p>Melbourne sets minimum heights to ensure clearance and public safety requirements are met.</p>		
6.	Pat Gerace UDIA	<p>a. <u>Balance</u></p> <p>Concerned the Encroachment Policy does not achieve the right balance.</p>	Noted.	No change.
		<p>b. <u>Prescriptive Blanket Bans</u></p> <p>The policy applies prescriptive blanket bans irrespective of merits of the development under</p>	The intent of the policy is to provide a clear and simple framework that identifies what encroachments "are allowed" and "not allowed". Some upper level	No change.

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		<p>the guise of increased certainty. E.g. “ensure upper level building floor areas are located behind the property boundary line”.</p> <p>There is no evidence that this is a problem.</p>	<p>floor area encroachments have impacted on the setback character of streets they are located on. As upper level floor area encroachments multiply over time this could impact on the character of Adelaide’s streets and left unchecked, these could jeopardise and erode Adelaide’s strong visual built form and street edges.</p>	
		<p><u>c. Increased Height</u></p> <p>Cautious with increased height allowance there should be no need for encroachments.</p> <p>The cost of construction is higher with height. Need to consider Code requirements, sales risk and access to finance.</p> <p>Encroachments in appropriate places can provide more attractive and affordable apartment living in the city, consistent with the strategic plan.</p> <p>Removing encroachment flexibility will impact on apartment affordability and attractiveness.</p> <p>Question whether direct and indirect revenue has been as it relates to the diminished attractiveness to the city and consequential reduced business activity.</p> <p>The Development Plan prescribes minimum apartment floor sizes and private open space requirements (i.e. in the form of balconies, decks and terraces etc.). The prohibition of above first level balcony encroachments in apartment developments will result in less apartments being developed and a consequential loss of Council rate revenue.</p> <p>Application of this policy appears to be entirely aesthetic. The prohibition of encroachments to protect the urban form is likely to result in</p>	<p>Noted. Encroachments have been considered in relation what benefits they offer the public.</p> <p>Encroachments can add to visual interest of the streetscape and pedestrian amenity. However, inappropriate encroachments can also erode the City’s strong visual built form edge and confuse the public and private boundaries.</p> <p>The aim of the policy is to reinforce the special and unique character of Adelaide by maintaining and building on the City’s strong built form and street edges.</p> <p>Most of the encroachment permit sites have been of sufficient size and capacity to provide balconies within their own site boundaries.</p> <p>Recent zoning changes have provided increased capacity to remove unnecessary restrictions on floor space to provide balconies within their own site boundaries. On this basis, the Encroachment Policy should not impact on development viability.</p>	<p>No change.</p>

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		unintended and undesirable outcomes.		
		<p>d. <u>Design</u></p> <p>To comply with the policy, developers will build on the boundary with flat facades and inset balconies offering no articulation. There has already been public comment about the lack of appetite for this style of development. It is also arguable that if this style is then more prevalent, the logical next step will be the encouragement of podium developments and balconies protruding, without any encroachments. This further restricts the viability of apartment construction.</p>	<p>Noted. The provisions within the Adelaide (City) Development Plan encourages well designed buildings to be articulated by various design methods such as articulating building entries, avoiding unbroken building elevations, architectural features etc. Specific provisions are provided within the Encroachment Policy to allow for the various design methods of articulating a building e.g. architectural features, sunshades and hoods.</p> <p>Buildings can continue to incorporate recessed balconies above the first-floor level within existing site boundaries.</p>	No change
		<p>e. <u>Geographical Approach</u></p> <p>The policy is silent on its application to different geographical areas and different streets. A policy for King William Street that is the same for Peel Street is severely deficient.</p> <p>The width of the street and footpath, surrounding buildings and design of the proposed building with an encroachment should all be taken into consideration before ruling out or prohibiting any encroachments.</p>	<p>The aim of the policy is to reinforce the special and unique character of Adelaide by maintaining and building on the City's strong built form and street edges.</p> <p>Decisions in relation to design and location context can continue to be made as part of the overall development design during the Development assessment process.</p>	No change.
		<p>f. <u>Council Development</u></p> <p>Council's developments have allowed significant encroachments. There seems to be different rules for Council and the private sector risking their capital.</p>	The Encroachment Policy would apply to future City of Adelaide development.	No change.
		<p>g. <u>Delegated Authority</u></p> <p>Planning staff should be empowered to approve applications. The UDIA does not support the</p>	The procedures for processing encroachments is also been reviewed as part of the Encroachment Policy review. It is intended that a clear and	No change.

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		referral of encroachments to a full meeting of Council particularly when the project has already been approved by the State Planning Commission.	simplified procedure for processing permits will be established. In addition, there will be clarity on who is responsible for making decisions on different forms of encroachments and it is intended that most encroachment decisions will be made by Council Administration under delegated authority. At the conclusion of the review process, it is intended that there will be an education program to inform DPTI and DAC about the content and expectations of the Encroachment Policy.	
		h. <u>Consistent Terminology</u> Consistent terminology is required e.g. width and depth are used interchangeably (refer to section 5.3 and contrast it with 5.6).	Noted. It is recommended amendments are made to ensure consistency of terminology.	Revise Verandahs, Awnings and Pergolas and Signage provisions.
		i. <u>CCTV</u> Section 5.3 and 5.4 - the policy requires CCTV in certain circumstances, but is unclear on the ongoing purpose and monitoring costs.	The requirement to maintain CCTV coverage currently exists within the existing Encroachment Policy. If the proposal was to impact on the viewing of <u>existing</u> CCTV coverage, it would be the applicant's responsibility to pay for the installation of a new CCTV. The CCTV would become a Council asset and all operational and maintenance costs associated with running of the CCTV would be borne by Council.	Revise criteria for Verandahs, Awnings and Pergolas and Balconies.
		j. <u>Green Facades</u> Section 5.5 - unclear whether it relates to new buildings and buildings constructed before 2017?	To avoid confusion and provide greater clarity it is recommended that the criteria for Green Facades and Living Walls is revised to apply to all buildings.	Revise for Green Facades and Living Walls criteria.
		k. <u>Green Facades vs Living Walls</u> Seek clarity on the definition and difference between 'green facades' and 'living walls' and	Green facades and living walls are a means of growing plants in a vertical arrangement. The main difference is the structure the plants are grown in.	Provide definitions for 'green facades' and 'living walls' in

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		when each applies.	A green façade will generally have climbing plants weaving themselves in and around a framework of mesh, wires or cables. Living walls contain potted plants rather than climbers. They are pre-planted in boxes, tubs or trays and then hung on a wall vertically. For clarity, it is recommended that a definition is provided for 'green facades' and 'living walls' within the definition section of the policy.	the Glossary.
		i. <u>Use of the Word MUST</u> Caution against the use of the word MUST and any associated unintended consequences of such prescription.	The use of the word MUST has been used to clearly outline what criteria needs to be met to ensure the public interest criteria is met i.e. maintain public safety, public amenity and adequate daylight or sunlight. The intent is to ensure greater certainty as to what encroachments are allowed and what criteria must be met.	No change
		m. <u>Fee Schedule</u> Need to articulate whether the annual fee will apply retrospectively to existing buildings.	Agree. The intent is that it does not apply retrospectively. Existing permit holders will be able to opt-in to the new fee schedule.	Revise Fee Schedule.
		n. <u>Performance Based Assessment</u> Encroachments should be considered on a site-specific basis using performance based assessment criteria rather than prescriptive based policy. It will produce better outcomes for new residents and the Council than a prohibited blanket approach.	There are elements of performance based assessment criteria within the policy such as the proposal being compatible with the design of a building and designed to provide pedestrian shelter. The purpose of the prescriptive criteria is to clearly set out what provisions must be complied with to maintain public safety and public amenity.	No change.
7.	Robert Kleeman Dept of Planning, Transport and	a. <u>Duplication of Policy</u> The proposed policy may introduce potential for duplication and subjective interpretation of	The purpose of the Encroachment Policy is to provide clear criteria for managing different forms of encroachments in the public realm and clearly set	No change

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	Infrastructure	<p>activities associated with encroaching built form being considered acceptable, or otherwise, when considered in terms of the need to maintain public safety.</p> <p>Where an authority has endorsed a certain land use associated with a development, the specific nature of that activity (e.g. use of outdoor furniture placed within a first floor balcony for residential purposes) could become the focus for interpreting whether the encroachment itself would be satisfactory. This may introduce a perceived need to introduce conditions of use (e.g. use of fixed furniture only), and could duplicate effort applied during assessment of development against policy concerning potential safety hazards.</p>	<p>out what provisions must be complied with to maintain public safety and amenity as well as maintain Adelaide's strong identifiable townscape character through strong urban form and well defined built form edges to the street.</p> <p>Land use and the overall design approach to development would be addressed via the Development Plan assessment process.</p>	
		<p>b. Micro-Climate</p> <p>Consideration of whether an encroachment would maintain adequate daylight and sunlight to the street level or on adjoining buildings may duplicate the intent of Council Wide Micro-climate and Sunlight and Building Siting policy, which would be considered during development assessment.</p>	<p>It is agreed that maintaining adequate and daylight is considered as part of the planning assessment. However, given that encroachments are within the public realm and have potential to impact on the amenity of the public space, it is important that the minimisation of overshadowing is reinforced within the Encroachment Policy.</p> <p>The Development Plan and Encroachment Policy aim towards the same vision and are not conflicting with each other.</p>	No change.
		<p>c. CCTV's</p> <p>The requirement to incorporate and operate closed-circuit television (CCTV) cameras underneath canopies and beneath balconies at ground level where CCTV coverage is obscured from other locations has the potential introduce considerable disincentive to providing pedestrian shelter and first floor balconies due to the</p>	<p>The requirement for CCTV coverage currently exists within the existing Encroachment policy. If the proposal was to impact on the viewing of <u>existing</u> CCTV coverage, it would be the applicant's responsibility to pay for the installation of a new CCTV. The intent is that the CCTV would become a Council asset and all operational and maintenance costs associated with running of the CCTV would be</p>	Revise criteria for Verandahs, Awnings and Pergolas and Balconies

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		<p>additional cost and operational / maintenance obligations, should the cameras be privately owned and monitored.</p> <p>If the intent of the proposed policy is to integrate additional CCTV cameras within the Council's City Wide network, unexpected obligations could be imposed on a development proponent to provide appropriate network connections, particularly where coverage is low, and consequential burden/s with respect to monitoring by Police Security Services Branch.</p> <p>CCTV coverage within the City-Wide network is generally treated confidentially, as its disclosure could provide intelligence for planning of anti-social or criminal activities. There may be inadequate information for the applicant to substantiate whether existing coverage is obscured in a location, unless there is another means of indicating the extent of coverage without compromising the network's integrity.</p>	borne by Council.	
		<p>d. <u>Sun Shading</u></p> <p>Opportunity exists to consider specified maximum projections and vertical/blade type sun shading in the context of the Capital City (Design Quality) DPA requirement for 'innovative external shading devices on all of the western side of a street facing facade' for developments proposed to exceed the maximum building height envisaged by the Development Plan.</p>	Agree, there is opportunity within the Encroachment Policy to include a section on shade projections within the Encroachment Policy.	Include a new section on shade projections within Above Ground Encroachments.
		<p>e. <u>Universal Access</u></p> <p>There is opportunity to support the principles of universal access with regards to the bridge and overpass encroachments.</p>	Agree. It is recommended that universal access is introduced as criteria for bridges and overpasses.	Include universal access criteria to the Bridges and Overpass provisions.

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		<p>f. <u>Low Energy Lighting</u> Opportunity exists to support carbon neutral ambitions through selection of low energy light fittings under canopies, with specific colour temperature and vandal resistance properties.</p>	Agree. Opportunity exists to include general provisions for lighting, one criteria would include the use of low energy light fittings.	Revise Lighting provisions to encourage low energy light fittings.
		<p>g. <u>Diagrams</u> There is opportunity to provide further descriptions or diagrams to support the intent of 'open' or 'enclosed' balconies, green facades, bridges and overpasses, ground anchors, footings and pilings.</p>	Agree. There is an opportunity to provide a visual description of what is required for many of the encroachments.	Incorporate visual diagrams where appropriate.
		<p>h. <u>Summary Diagram</u> The summary diagram provided on page 3 of the document titled 'Encroachment Policy Information Sheet' could be included within the Policy for a clear pictorial description of the policy amendments.</p>	Agree, for a clear pictorial description it is recommended that the summary diagram be included within the Encroachment Policy.	Include Summary Introduction.

ENCROACHMENT POLICY

Date this document was adopted

legislative

PURPOSE

This Policy provides criteria for managing different forms of encroachments in the public realm to ensure they contribute positively on public safety or amenity and supports the application of the Development Plan objectives of maintaining Adelaide's strong identifiable townscape character through strong urban form and well-defined built form edges to the street. It provides the basis for Council's assessment and decision making on encroachments as land custodian of public roads. Encroachments over parks, reserves or private land are not covered by this Policy.

STATEMENT

Application of this document

No building or structure (including pipes, wires, cables, fixtures, fittings, ground anchors or other objects) shall be erected or installed in, on, across, under or over Council land unless prior written permission has been issued by Council in accordance with *Section 227* of the *Local Government Act 1999*, the *Development Act 1993*, and the *Planning, Development and Infrastructure Act 2016* (when in effect) and the conditions determined by Council are complied with.

The Encroachment Policy takes effect from the date of adoption by Council. All applications for an Encroachment Permit received after that date will be assessed against this Policy.

Encroachments approved under the previous policy will be allowed to remain and will not be charged retrospective fees provided the Permit holder continues to meet the conditions of the Permit. If the previously approved encroachment is removed, any new encroachment installed in its place would have to meet the requirements of this Policy.

The overall design approach to development as defined by the *Development Act 1993* is addressed via the development assessment process.

The Policy objectives are to:

- Create a public realm that is welcoming and user friendly;
- Cultivate a positive relationship between the private and public realms; and
- Strengthen the character and identity of our Capital City.

This Policy sets out the conditions which are specific to managing encroachments over public roads and will:

- provide a clear framework for controlling encroachments;
- provide for consistent decision making;
- ensure encroachments do not create public safety risks;
- reinforce the importance of retaining the City's distinctive urban form;
- support the provision of pedestrian-friendly streetscapes accessible to all users;
- support verandahs and first floor level balconies that provide shelter;

- support green infrastructure measures that contribute to a more liveable City; and
- prevent above first floor balconies and floor area encroachments.

Council will assess all encroachments against the criteria for managing different forms of encroachments detailed in **Attachment A**. Fees and charges which might be applicable to approved encroachments are detailed in **Attachment B** and will be included in Council's annual business fees and charges.

OTHER USEFUL DOCUMENTS

Related documents

- Adelaide Design Manual
- Objects on Public Footpaths Policy and Operating Guidelines
- Outdoor Dining Policy and Operating Guidelines
- Lighting Policy and Operating Guidelines
- Undergrounding (Overhead Electricity and Telecommunication Cables) Policy
- Parklet Program Operating Guidelines
- Cabling and Communication Policy
- City Works Operating Guidelines
- National Heritage Listing of the Adelaide Park Lands and City Layout.

Relevant legislation

- *Local Government Act 1999*
- *Encroachments Act 1944*
- *Development Act 1993 and Development Regulations 2008*
- *Planning, Development and Infrastructure Act 2016*
- Adelaide (City) Development Plan
- *Disability Discrimination Act 1992*
- *Building Code of Australia 2016*
- *Electricity Act and Regulations 1996*
- *Telecommunications Act and Regulations 1993*
- Australian Standards
- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

architectural features – are the details and component parts that, together, form the architectural style of buildings and structures e.g. fins, blades, cornices, eaves, sills, mullions and architraves.

awning – a sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a window or doorway.

encroachment – is any structure erected or installed in, on, across, under or over Council land including structures that straddle a title boundary from private land onto public land (including roads and community land).

external cladding – material affixed flush with the exterior building façade.

entrance portico – is a structure that defines the entrance into a building.

green facades – are a means of growing plants in a vertical arrangement and will generally have climbing plants weaving themselves in and around a framework of mesh, wires or cables.

living wall – is a means of growing plants in a vertical arrangement and contain potted plants. they are pre-planted in boxes, tubs or trays and then hung on a wall vertically.

pergola – an open trellis-like roof which can be used to support climbing plants.

permanent ground anchor – is a structural element installed into rock or soil to provide stability of structures as a site is excavated and where the final structure may not provide sufficient support. They are used where a structure needs a permanent solution.

public road – a class of land owned in fee simple by Council, the classification of which determines how that land is managed in accordance with the Local Government Act 1999 and other acts.

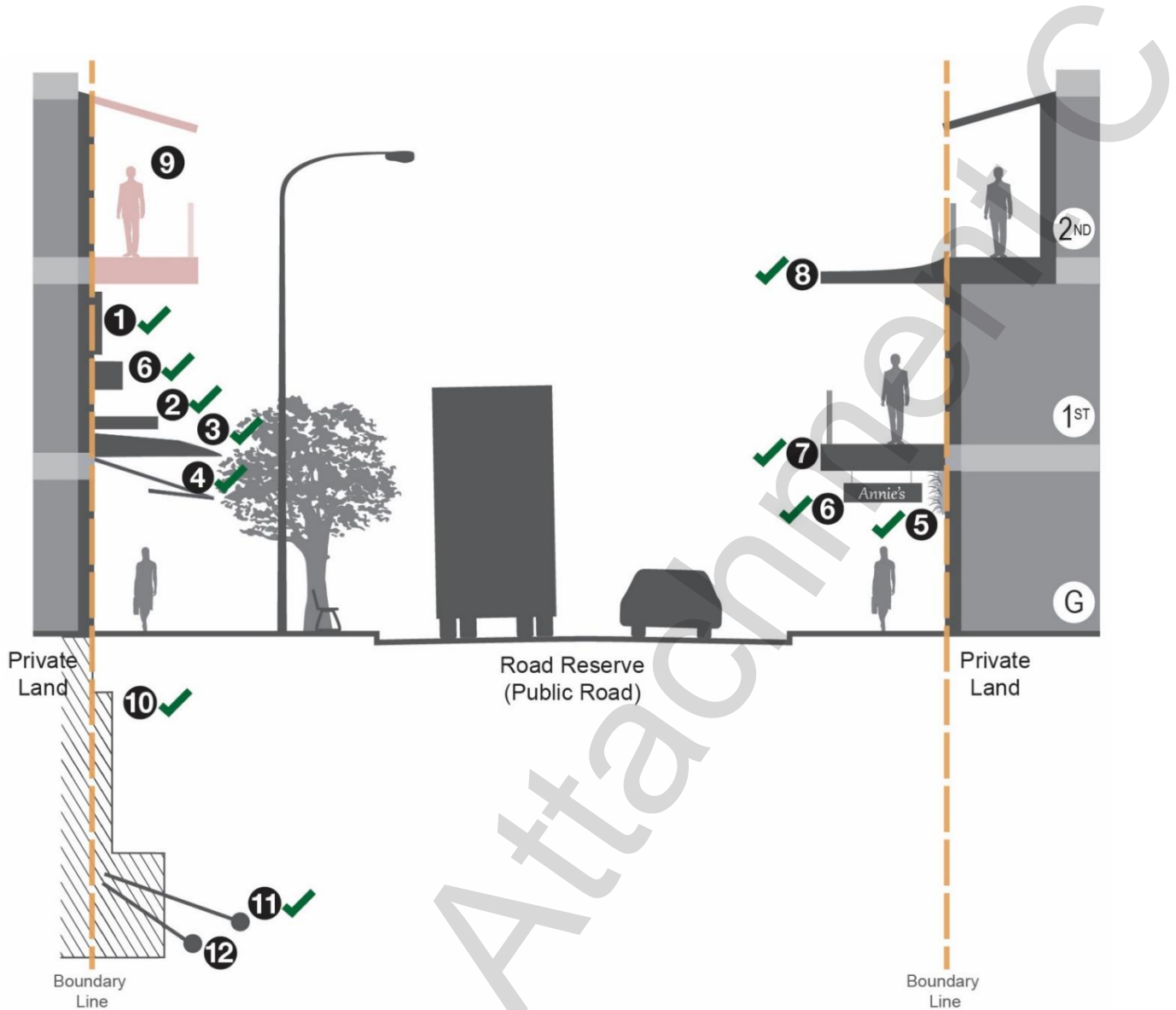
It includes facilities such as carriageways, road reserve, footpaths, pavement and associated features for public travel and is all the area of land that is within the boundaries of a road.

shading device – a projecting feature on the exterior of a building, over a window that provides shade.

temporary ground anchor – is a structural element installed into rock or soil to provide stability of structures for a limited period of time (up to 2 years) as a site is excavated. They are designed to last until the building can support the excavation, rendering the anchors obsolete. When no longer required the anchors are destressed, unloaded or cut so that the anchor no longer provides support and can be removed if required. 'Destressing' is the removal of load or bearing capacity of the ground anchor, such that the ground anchor is no longer providing any structural support.

universal access – is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.

verandah – an open-walled roof attached to the exterior of a building to provide shelter.



Examples of Different Encroachments (refer to Attachment A - Criteria for Managing Encroachments)

- | | |
|--|---|
| 1. Example of Architectural feature or external cladding | 7. Verandah and First Floor Balcony Encroachment. |
| 2. External Shading Device Encroachment. | 8. First Floor Verandah/Awning Encroachment. |
| 3. Fixed Awning Encroachment. | 9. Above First Floor Balcony Encroachment. |
| 4. Retractable Awning Encroachment. | 10. Concrete Piling Encroachment. |
| 5. Green Wall Encroachment. | 11. Temporary Ground Anchor Encroachment. |
| 6. Under and Above Canopy Sign Encroachment. | 12. Permanent Ground Anchors. |

ADMINISTRATIVE As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed for currency at least annually as part of the review of delegations. Those requiring detailed consideration are flagged in the current forward Council Policy Program.

review history:

Review date	Authorised	Changes
28/01/97	Council	Notice Boards and Signs
10/02/97	Council	Encroaching Air Conditioners
28/07/08	City Strategy and Policy Committee	Reviewed fees, minor encroachments and minor variations
11/08/08	City Strategy and Policy Committee	Reviewed fees for heritage and character encroachments
16/12/14	Council	Review of encroachment fees
26/09/17	Council	Draft produced for consultation

contact:

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Attachment A - Criteria for Managing Encroachments

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FIGURE 1 - PEDESTRIAN AND FUTURE INFRASTRUCTURE MAP

1. INTRODUCTION

Council is the custodian of the public realm in the City of Adelaide. The role of this Policy is to ensure encroachments do not diminish the health, safety and amenity of the public for present and future use and contribute positively to Adelaide's identifiable built form character. If a proposed encroachment meets the criteria within the Policy, the proposal may still be subject to assessment against the Development Plan (future Planning and Design Code) and Building Code, in accordance with the requirements of the *Development Act 1993* and *Planning, Development and Infrastructure Act 2016* (when in effect).

These guidelines provide criteria for managing different forms of encroachments and assists in implementing the objectives of the Policy that seek to create a public realm that is welcoming user friendly, cultivates a positive relationship between the private and public realms and strengthens the character and identity of our Capital City. They apply to structures or parts of buildings that project or encroach into public road located within the City of Adelaide boundaries.

2. UNACCEPTABLE ENCROACHMENTS

The following forms of encroachment are not allowed:

- Above first floor balconies (unless an existing building as per section 4.2.6).
- Floor area encroachment including habitable floor or occupiable floor area of a building, enclosed balconies and structures that occupy a public road, airspace above a public road and/or land beneath a public road.
- Third party signage.
- Mechanical and plant equipment including air-conditioning units, electrical plant equipment.
- Tunnels, underpasses except for future public transport and underground car parking.
- Permanent tensioned ground anchors.

3. ACCEPTABLE ENCROACHMENTS (where an Encroachment Permit is not required)

The following forms of encroachment do not require an Encroachment Permit.

Examples might include, but are not limited to:

- butt-out bins;
- under footpath electricity service connections to private properties;
- architectural features e.g. cladding, cornices, eaves, sills, mullions and architraves; and
- pipes and services on existing buildings that cannot be incorporated within the property boundary e.g. flues and downpipes.

Accepted encroachments that cannot practically be incorporated within the private property boundary MUST:

- not encroach over a vehicle carriageway;
- not present a safety risk to pedestrians or other users of the public road;
- be appropriately secured to the building;
- not interrupt pedestrian movement or public road;
- avoid water dripping or discharging onto a public road; and
- not interfere with existing services and on-street activities.

If an accepted encroachment meets the above criteria, it MUST meet all the following criteria (where relevant):

- be setback a minimum of 600mm from the kerb edge or 1 metre from a street tree, light pole or street furniture element;
- not narrow the footpath width to less than 1.8 metres;

- have a minimum vertical clearance height of 2.5 metres above the footpath level;
- be not less than 600mm high above the footpath level; and
- not encroach horizontally more than 150mm into the public road.

4. DEEMED TO SATISFY ENCROACHMENTS

Encroachments that do not meet the criteria in 2.0 and 3.0 require an Encroachment Permit. Encroachments which require a permit must comply with the following criteria:

- Public Benefit Criteria
- Above Ground Encroachment Criteria
- Below Ground Encroachment Criteria

4.1 PUBLIC BENEFIT CRITERIA

All new encroachments MUST:

- maintain public safety; and
- maintain and/or improve public amenity.

In addition, encroachments must comply with the criteria for Above and Below Ground Encroachments.

4.2 DEEMED TO SATISFY ABOVE GROUND ENCROACHMENT (requires an Encroachment Permit)

Above ground encroachments MUST be consistent with the following:

- Constructed of high quality, durable and low maintenance materials;
- Can be removed if required;
- Avoid water dripping or discharging onto a public road;
- Will not affect the planting and growth of street trees;
- Will not affect traffic signs or visibility of traffic control devices e.g. traffic signals;
- Will not affect the operation of emergency vehicles or personnel; and
- Avoid impeding access to all above ground and subsurface services in the public road reserve.

4.2.1. Architectural Features

Architectural feature encroachments such as MUST:

- be constructed of durable materials compatible with the surface structure to which it is fixed;
- have a minimum vertical clearance of 2.5 metres above the footpath level (unless it can be demonstrated that it will not pose a risk to pedestrian safety);
- have a maximum projection of 1.2 metres over a public space which exceeds 10 metres in width and a maximum of 600mm over a public space which is less than 10m in width; and
- avoid the use of materials that produces glare, discomfort or danger to pedestrians and users of vehicles.

4.2.2. External Cladding

External cladding encroachments added to existing buildings MUST:

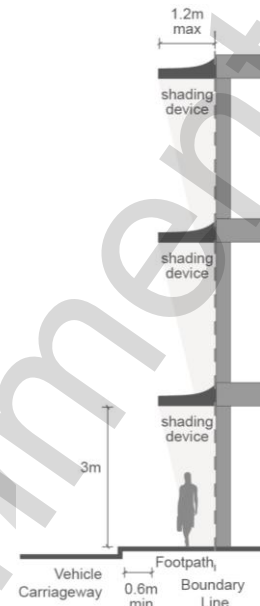
- be constructed of durable materials compatible with the surface structure to which it is fixed;
- have a minimum vertical clearance of 2.5 metres above the footpath level (unless it can be demonstrated that it will not pose a risk to pedestrian safety);

- have a maximum projection of 150mm beyond the property boundary; and
- avoid the use of materials that produces glare, discomfort or danger to pedestrians and users of vehicles.

4.2.3. External Shading Devices

External shading device encroachments MUST:

- be constructed of durable materials compatible with the surface structure to which it is fixed;
- have a maximum projection of 1.2 metres over a public road.
- be setback a minimum of 600 mm from the kerb edge or 1 metre from a street tree, light pole or street furniture element (or greater for traffic requirements); and
- have a minimum vertical clearance between the top of the footpath and lowest underside of the shading device of 3 metres or 5 metres above the level of a vehicular carriageway.

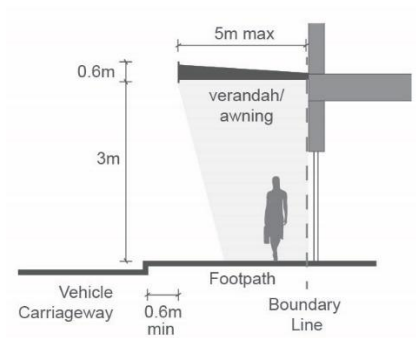


Example of External Shading Devices

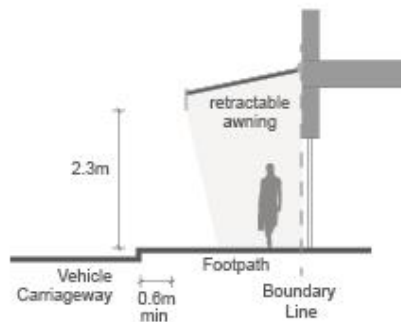
4.2.4. Verandahs, Awnings and Pergolas

Verandahs, awnings and pergola encroachments MUST:

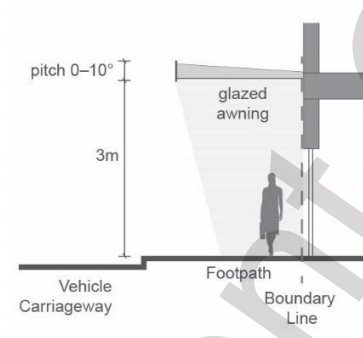
- provide pedestrian comfort by providing shelter from sun and rain;
- be setback a minimum of 600mm from the kerb edge or 1 metre from a street tree, traffic signal, light pole or street furniture element (or greater for traffic requirements);
- have a minimum setback of 600mm from the wall of the building that adjoins a laneway;
- have a minimum vertical clearance between the top of the footpath and lowest underside of the verandah or pergola of 3 metres or 5 metres above the level of a vehicular carriageway;
- in the case of retractable awnings, have a minimum vertical clearance of 2.3 metres above the footpath level when fully lowered and 3 metres when fully retracted;
- have a minimum projection of 600mm;
- not extend more than 5 metres from the boundary line;
- avoid narrowing the width of the footpath to less than 1.8 metres (or greater in a high pedestrian area identified in **Figure 1- Pedestrian and Future Infrastructure Map**);
- incorporate lighting on the underside of verandahs, awnings or pergolas at ground level where street lighting is obscured; and
- be designed to incorporate CCTV cameras on the underside of verandahs, awnings or pergolas at ground level where existing CCTV coverage has been obscured by the verandah, awning or pergola.



Example of Verandah/Awning



Example of Retractable Awning

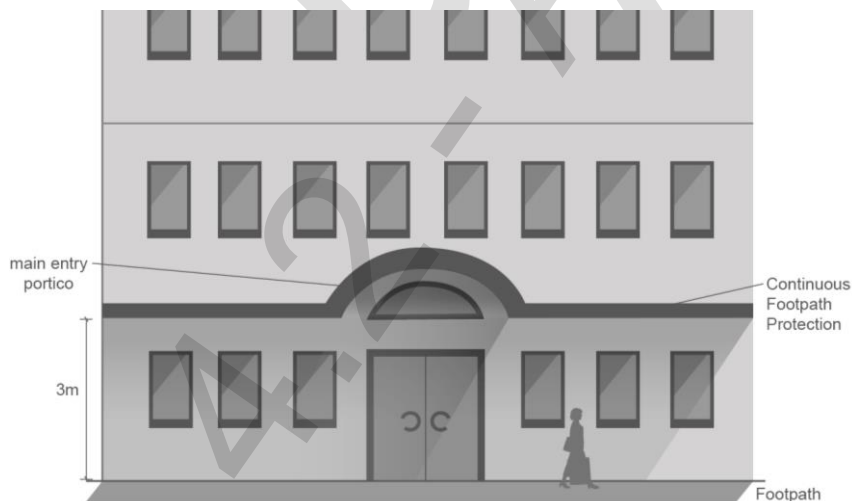


Example of Glazed Awning

4.2.5. Entrance Porticos

Entrance portico encroachments MUST:

- be provided above the main entrance of the building;
- provide pedestrian comfort by providing shelter from sun and rain;
- is setback a minimum of 600mm from the kerb edge or 1 metre from a street tree, traffic signal, light pole or street furniture element (or greater for traffic requirements);
- have a minimum vertical clearance between the top of the footpath and lowest underside of the verandah or pergola of 3 metres or 5 metres above the level of a vehicular carriageway;
- avoid narrowing the width of the footpath to less than 1.8 metres (or greater in a high pedestrian area identified in **Figure 1 - Pedestrian and Future Infrastructure Map**;
- be of a size and scale appropriate to the building's proportions and width of the street; and
- have a maximum height up to the ceiling of the first floor.

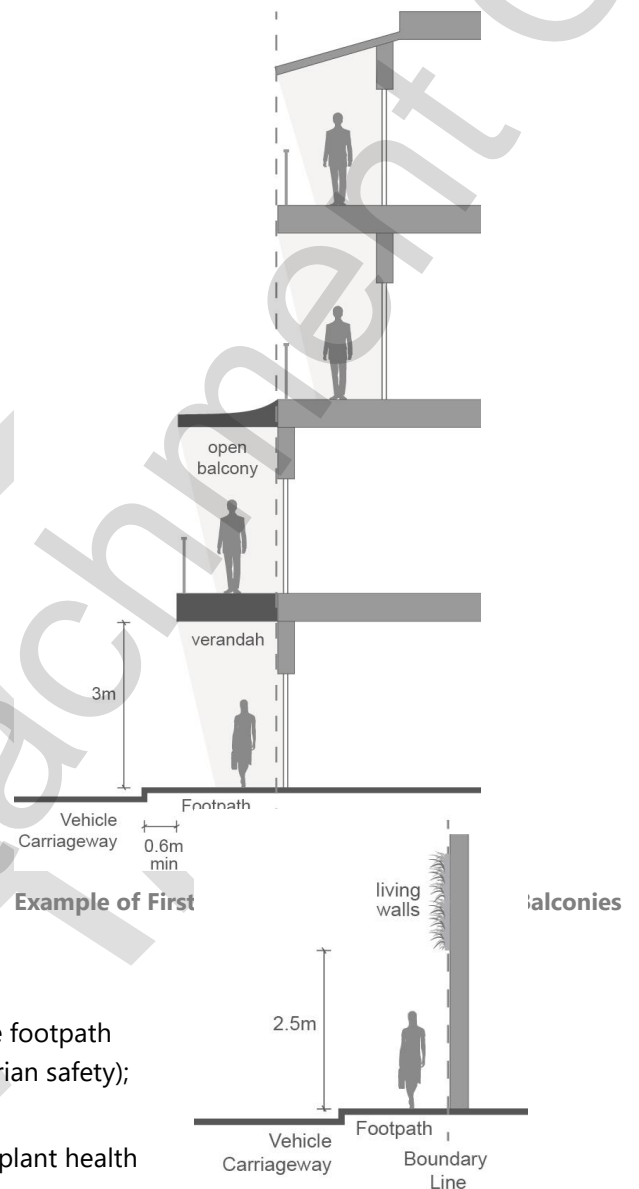


Example of Main Entry Porticos

4.2.6. Balconies

Balcony encroachments where the balcony is at first floor level or the building is an existing building (built before 1 March 2019) that is being retrofitted and adaptively re-used may be permitted, provided that it:

- is designed to be open in appearance and form (excluding the use of clear PVC blinds);
- is setback a minimum of 600mm from the kerb edge or 1 metre from a street tree, traffic signal, light pole or street furniture element (or greater for traffic requirements);
- has a minimum vertical clearance between the top of the footpath and lowest underside of the balcony of 3 metres or 5 metres above the level of the vehicular carriageway;
- incorporates lighting on the underside of the balcony at ground level where street lighting is obscured; and
- is designed to incorporate CCTV cameras on the underside of the balcony at ground level where existing CCTV coverage has been obscured by the balcony.



Example of First

Example of Green Facades and Living Walls

4.2.7. Green Facades and Living Walls

Green facades and living wall encroachments on new buildings must be incorporated within existing site boundaries at ground floor level.

Green facades and living walls on all buildings MUST:

- have a minimum vertical clearance of 2.5 metres above the footpath level (unless demonstrated it will not pose a risk to pedestrian safety); and
- be maintained, pruned and watered as required to ensure plant health and pedestrian safety.

4.2.8. Signage

Under awning signage encroachments MUST:

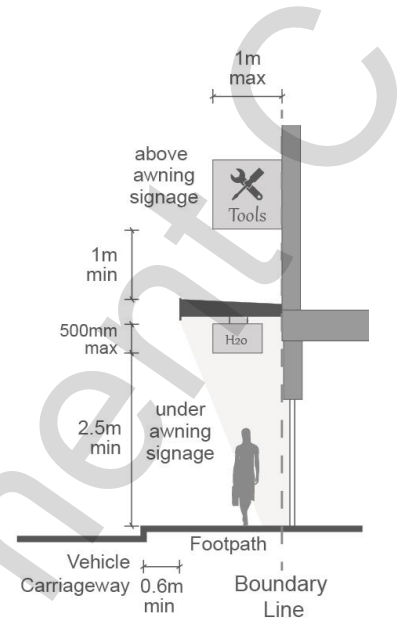
- have a minimum vertical clearance of 2.5 metres between the footpath level and the underside of the sign; and
- have a minimum setback of 600mm from the kerb edge or 1 metre from a street tree, light pole or street furniture.

Above awning signage encroachments MUST:

- avoid extending more than 1 metre from the boundary line; and
- be a minimum of 1 metre above the awning line.

Wall mounted signage encroachments MUST:

- have a minimum vertical clearance of 2.5 metres above the footpath level (unless it can be demonstrated that it will not pose a risk to pedestrian safety); and
- have a maximum projection of 150mm beyond the property boundary.



Example of Under and Above Awning Signage

4.2.9. Public Art

Public art encroachments MUST:

- have a minimum setback of 600mm from the kerb edge or 1 metre from a street tree, light pole or street furniture;
- avoid narrowing the width of the footpath to less than 1.8 metres;
- avoid obstructing pedestrian movement in and out of a building;
- be designed and constructed to ensure pedestrian safety; and
- avoid impeding sightlines or mobility for pedestrians i.e. bus stops and crossing roads.

4.2.10. Lighting

Lighting encroachments MUST:

- operate between the hours of dusk until dawn;
- be energy efficient;
- be fit for public purpose in a public environment;
- avoid glare that produces discomfort or danger to pedestrians and users of vehicles; and
- has a minimum vertical clearance height of 2.5 metres above footpath level.

Lighting must comply with Council standards and guidelines and is subject to individual technical assessment by Council staff.

4.2.11. Pipes and Services

Pipes and service encroachments for new buildings MUST be incorporated within the property boundary.

Pipes and services for existing buildings will only be considered in circumstances where it is demonstrated that there is no viable alternative and the service is necessary.

Pipes and services for new buildings must comply with Council standards and guidelines and are subject to individual technical assessment by Council staff.

4.2.12. Bridges and Overpasses

Bridges and Overpasses must comply with Council standards and guidelines and are subject to individual technical assessment and require determination by Council.

Bridge and overpass encroachments are discouraged and will only be considered in the following circumstances:

- there is an access requirement between two adjacent buildings above street level and there is no viable access alternative at street level;
- the encroachment will not redirect pedestrian activity and affect the viability of existing tenancies at street level;
- the encroachment will not impact on the public road amenity through loss of views, vistas or sunlight access; and
- incorporates lighting on the underside of the bridge or overpass at ground level where street lighting is obscured; and
- incorporates lighting on the underside of the bridge or overpass at ground level where street lighting is obscured.

If the bridge or overpass meets the above criteria, it MUST:

- have a minimum underside vertical clearance of 3.5 metres above footpath level;
- have a minimum underside vertical clearance of 5 metres above the level of a vehicular carriageway;
- be largely visually permeable to maintain views and sunlight through the structure;
- be universally accessible;
- allow for the growth and preservation of street trees;
- ensure access for emergency services and vehicles; and
- have a maximum width of 6 metres.

4.2.13. Other Above Ground Encroachments

All other above ground encroachments will be performance assessed against the criteria for 'Accepted Encroachments' or other parts of the Policy considered relevant.

4.3 DEEMED TO SATISFY BELOW GROUND ENCROACHMENT (requires an Encroachment Permit)

Where a development encroaches under a public road, it MUST:

- not impact on street trees or services; or
- hinder envisaged future underground transport or movement alternatives.

4.3.1. Electricity Service Connections

An underground electricity service connection installed in the footpath from an SA Power Network service point to a private property for the purpose of providing electricity is considered to be an accepted encroachment. However, works must comply with Council standards and guidelines and are subject to individual technical assessment by Council staff. Each installation will require separate Council approval.

4.3.2. Service Pits / Hatches, Cabling and Other Services

Service pits, hatches and cabling must comply with Council standards and guidelines and are subject to individual technical assessment by Council staff.

4.3.3. Ground Anchors, Footings and Pilings

Footings, pilings and temporary ground anchor encroachments will only be permitted where:

- they do not hinder, damage or interfere with existing or future Council infrastructure works; and
- they are not located within the areas unsuitable for ground anchors illustrated within **Figure 1- Pedestrian and Future Infrastructure Map**.

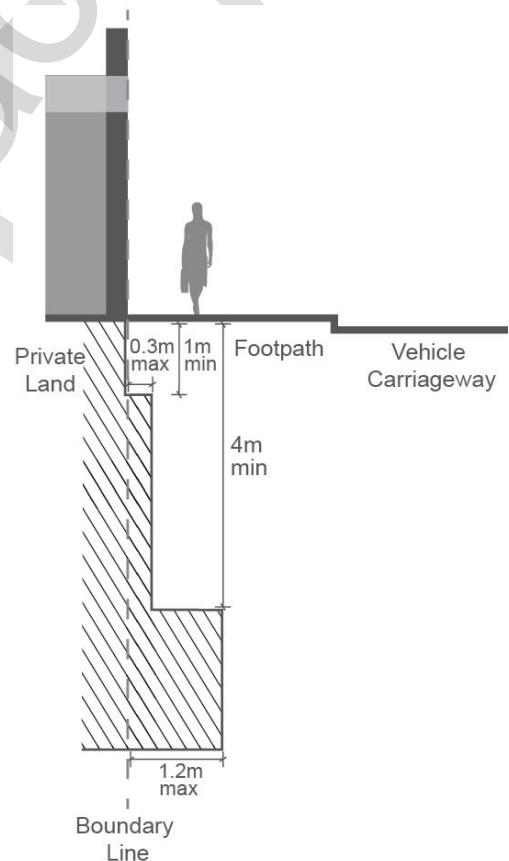
Where the above circumstances exist, footings and pilings MUST:

- have a minimum depth of 1 metre below the level of the footpath or vehicular carriageway;
- not encroach horizontally more than 300mm onto a public street or public place when less than 4 metres below the level of the footpath or vehicular carriageway; and
- not encroach more than 1.2 metres onto a public street or public place when 4 metres or more below the level of the footpath or vehicular carriageway.

Footings and pilings must comply with Council standards and guidelines and are subject to individual technical assessment by Council staff.

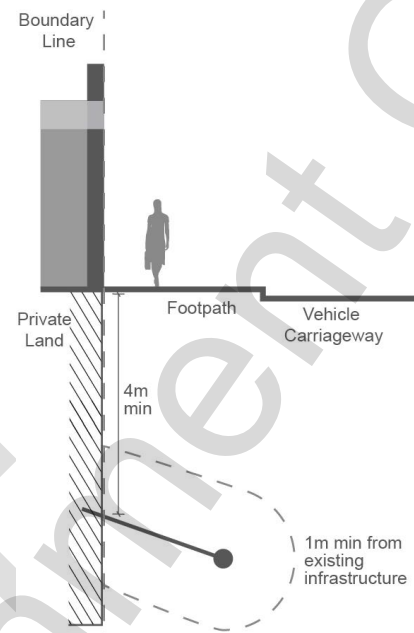
Temporary ground anchors MUST:

- be de-stressed (made inactive) prior to project completion;
- be installed a minimum of 4 metres below the existing natural surface;



Example of Footings and Pilings

- be installed a minimum of 1 metre from any existing underground infrastructure (service providers may require greater clearances and should be consulted);
- ensure that the temporary ground anchor head is accessible for the duration that the temporary ground anchor is under tension for inspection and maintenance;
- provide maintenance records of live ground anchors;
- undertake geotechnical testing to confirm soil and groundwater conditions in the zone where temporary ground anchors are proposed;
- be installed and tested to confirm performance, prior to installation of the working anchors;
- maintain minimum clearance zones around active temporary ground anchors at 0.6m x anchor fixed length; and
- provide 'as constructed' documentation showing the location of ground anchors to Council.



Example of a Temporary Ground Anchor

Permanent ground anchors are not allowed (refer to **Section 2**).

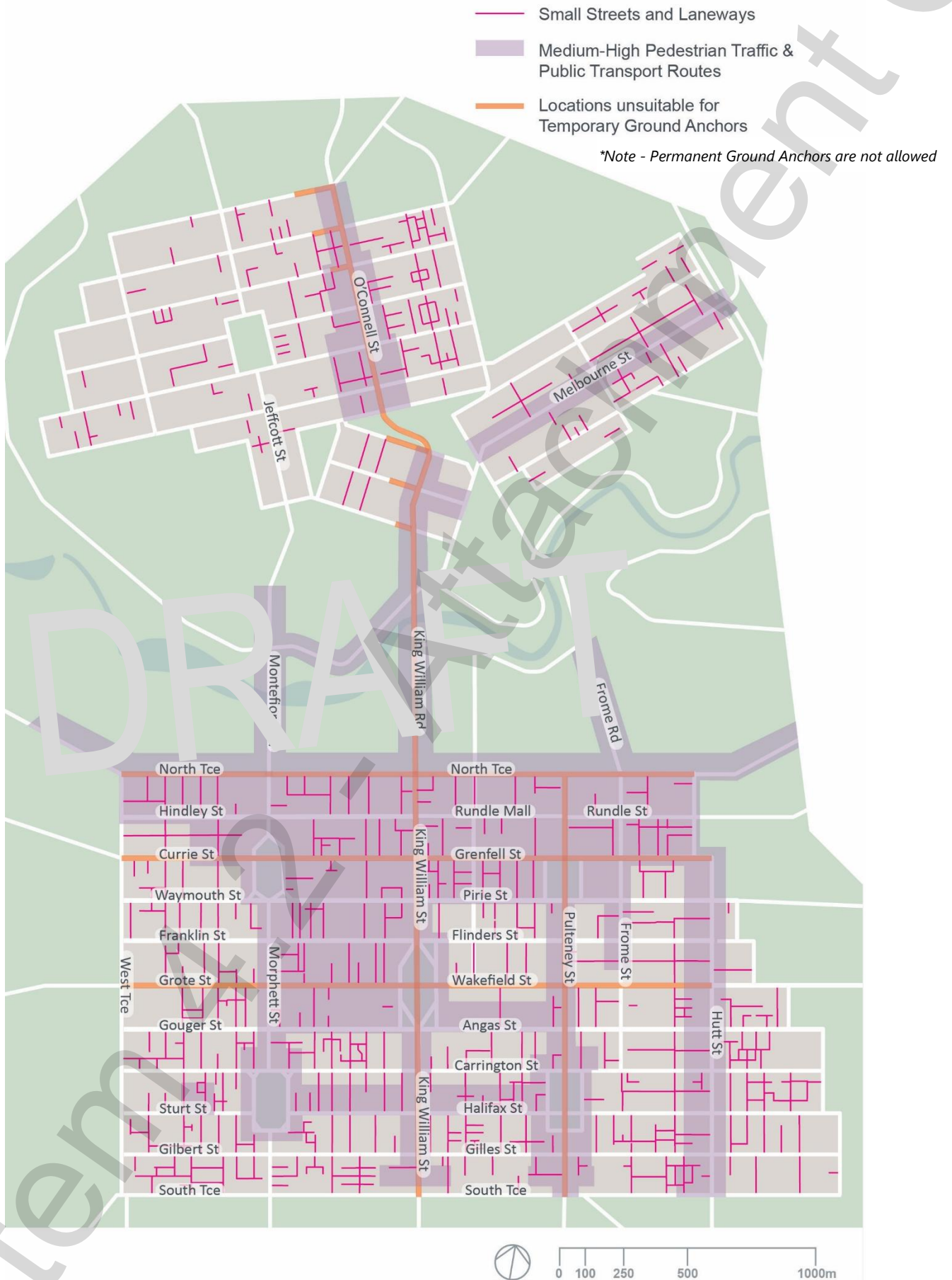
Temporary ground anchors must comply with Council standards and guidelines and are subject to individual technical assessment by Council staff.

Council will require applicants to complete a 'Temporary Ground Anchor Encroachment Agreement' which will set out the conditions and financial arrangements, which can include a temporary bond. This is to encourage applicants to provide post-construction confirmation that the ground anchors have been de-tensioned, and details of the location of the de-tensioned ground anchor infrastructure, and that any other requirements have been addressed.

4.3.4. Other Below Ground Encroachments

All other below ground encroachments will be performance assessed against the criteria for 'Accepted Encroachments' or other parts of the Policy considered relevant and subject to individual technical assessment by Council staff.

FIGURE 1 - Pedestrian and Future Infrastructure Map



ATTACHMENT D - ENCROACHMENT PERMIT FEE SCHEDULE

- A permit may have conditions attached thereto including the payment of a fee set by Council.
- The holder of a permit shall comply at all times with all conditions set out in the encroachment permit.
- Fees for the permit shall be paid on the issue.
- Permit fees shall be paid calculated at the rate indicated in Schedule 1 for the number of weeks remaining until the 31st day of December and thereafter paid on the 1st day of January in each year at the rate until such time as the encroachment must be removed or the maximum period for which any permit may be issued has expired.
- Pre-existing encroachments have the option of adopting the fee structure and fees payable set out in Schedule 1.
- If the permit fee is not paid, Council may recover the fee from the permit holder or cancel the permit.
- Where a permit is cancelled or expires, the permit holder shall undertake that such encroachment is removed within twenty-eight (28) days and that all affected surfaces shall be made good to the satisfaction of the City of Adelaide unless otherwise approved by Council.
- All Bonds must be payable prior to the commencement of construction. Bonds will be refunded when the applicant's Structural Engineer or Geotechnical Engineer provide certification that the ground anchors have been appropriately de-stressed (made inactive) and any damage to public land has rectified to the satisfaction of Council.

SCHEDULE 1*

Structure	Application Fee	Fee Payable
State or Local Heritage Places <ul style="list-style-type: none"> • Encroachment constructed before 1945 and/or contributes to the character of the building. • Property owner has entered into a Land Management Agreement pursuant to Sect 57 of the Development Act 1993 to conserve building elements similar to state or local heritage listing. <i>Note: fee discounts do not apply to new enclosed floor space, advertising, footings and the like and where plastic blinds are installed on an upper floor balcony.</i>	\$0	\$0
Architectural Feature External cladding External shading device Main entry portico Green Facades/Living Wall Public Art Lighting Signage Verandah / Pergola / Awning at ground level Balcony (residential - at first floor level) Balcony - where building is an existing building (built before 1 March 2019) that is being retrofitted and adaptively re-used.	\$0	\$0
Balcony (non-residential) Balcony (residential - above first floor level) Bridge / Overpass Duct Footings / Pilings Lift or escalator footing or pit Tunnel / Underpass Underground car park Verandah / Pergola above first floor level Other Structure	\$0	\$35 per m ² per annum
Temporary Ground Anchors**	\$130	Once off fee: \$750 per Ground Anchor Refundable Bond: \$5000 per Ground Anchor Maximum Bond Value: 500K

*Encroachment Fees to be reviewed on yearly basis as part of the budget review. Existing encroachments sought to be regularised through issuing of a valid Encroachments Permit (and any seeking Development Approval) will not be charged retrospective fees.

**Ground anchors in the fee schedule relate to temporary ground anchors only. Permanent anchors are not supported and fees are to be assessed on a case by case basis.

Vietnamese Boat People Monument

ITEM 4.3 19/03/2019
The Committee

Program Contact:
Sean McNamara, AD Community
& Culture 8203 7640

Approving Officer:
Clare Mockler, Director
Community

2018/02952
Public

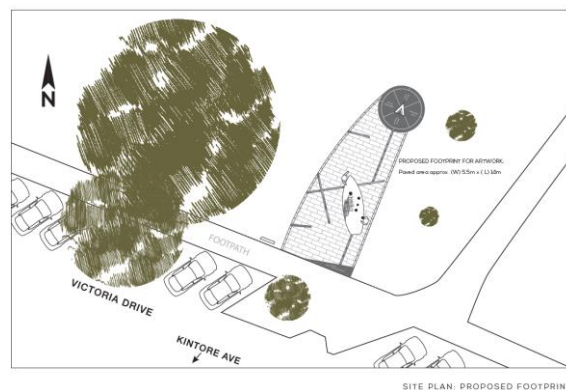
EXECUTIVE SUMMARY:

The City of Adelaide (COA) was approached by the Honourable Tung Ngo, Member of the Legislative Council and Committee Co-Chair of the Vietnamese Boat People Monument Association (VBPMA), in June 2017 to express the interest of the VBPMA in the donation of a high quality and meaningful memorial to the COA. His Excellency the Honourable Hieu Van Le AC, Governor of South Australia, is the patron of the project and highly supportive of the memorial.

The proposed memorial will celebrate the contribution that Vietnamese refugees have and continue to make to South Australia. It will reflect the remarkable journeys, strength and resilience of Vietnamese refugees, and share the Vietnamese community's profound gratitude to Australians for embracing and assisting refugees as part of the South Australian community.

In accordance with the COA's current Public Art and Memorials Policy (2016) and the associated Public Art and Memorials Guidelines (2016), the VBPMA have made a commitment to fund the full establishment of the memorial, including estimated maintenance costs for a minimum of 15 years.

The proposed site is within Park 12, Red Gum Park/Karrawirra, near the intersection between Kintore Avenue and Victoria Drive at the location shown in **Attachment A**.



RECOMMENDATION:

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

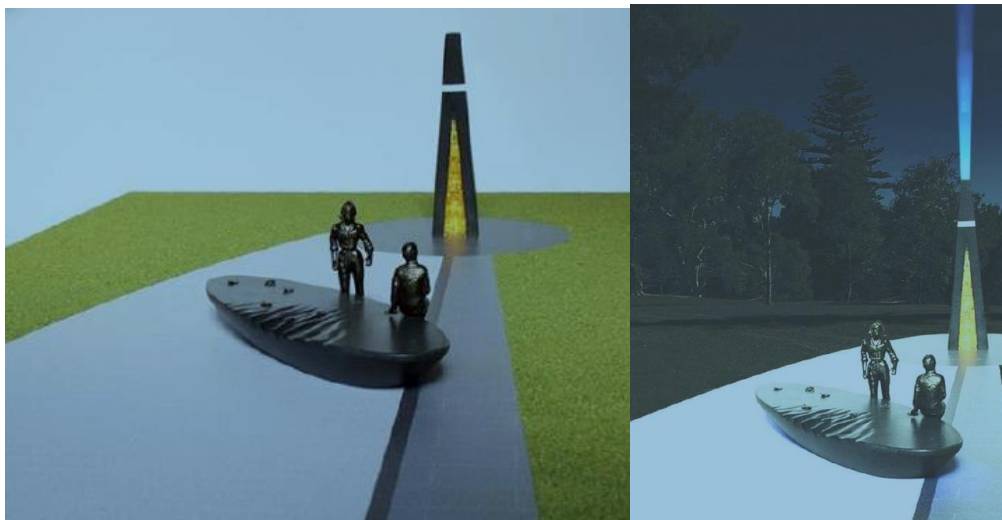
1. Accepts the donation of a fully funded Vietnamese Boat People Monument, including establishment costs and a minimum of 15 years maintenance costs, from the Vietnamese Boat People Monument Association, designed as shown in **Attachment A** to Item 4.3 on the Agenda for the meeting of The Committee held on 19 March 2019, subject to design modifications to reduce identified public accessibility risks and to facilitate protection and maintenance of the surrounding Park Lands grass, and subsequent development approval.
2. Notes that at the meeting of the Adelaide Park Lands Authority held on 24 January 2019 the Board agreed to support the location of the proposed Vietnamese Boat People Monument within Park 12, Red Gum Park/Karrawirra.
3. Approves the location of the proposed Vietnamese Boat People Monument within Park 12, Red Gum Park/Karrawirra, at the location shown in **Attachment B** to Item 4.3 on the Agenda for the meeting of The Committee held on 19 March 2019.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment – Creative Creative - support businesses, community groups and individuals to grow their contribution to the creative, cultural and artistic life of the city.
Policy	Public art and memorials are central to the aspirations in the Cultural Strategy and objectives of the Public Art and Memorials Policy. The location of public art and memorials within Park 12, Red Gum Park/Karrawirra, is consistent with the Adelaide Park Lands Management Strategy to create dynamic, active and tranquil spaces. It aligns particularly with Action 7 of Strategy 1.2 to “provide opportunities for the development of permanent and temporary public artworks and memorials across the Park Lands”; Action 8 of Strategy 1.2 to “locate public artworks at sites visible from a variety of vantage points”; and Action 7 of Strategy 1.3 to “encourage and support unique attractions in the Park Lands”.
Consultation	The donor has engaged with the Vietnamese community as well as with key stakeholders located closely to the proposed site for the memorial in Park 12. The Public Art Round Table and internal partners have also been consulted. All are supportive of the proposal.
Resource	Implementation will be delivered through Administration’s existing capacity.
Risk / Legal / Legislative	An organisational reputation risk exists to COA should Council not endorse the proposal, given the work undertaken to date by the donor to prepare this request and the expectations across State Government, other local councils, key stakeholders and the Vietnamese community that it will proceed.
Opportunities	The opportunity exists to deliver a contemporary memorial of high artistic value that will add to the distinctive and cultural identity of the City, will promote the City and Park Lands as a destination, and will inspire growing numbers of people to visit and value the Park Lands. The full cost of \$510k of the proposed memorial (including \$455k establishment and \$55k maintenance for a minimum of 15 years) will be fully funded by the donor.
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	The proposed donation of the monument to the City of Adelaide is for perpetuity. As a long-term asset the expectation is that the memorial would be maintained for a minimum of 15 years, consistent with the existing City of Adelaide Public Art and Memorials Policy and associated Guidelines.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	The donor will provide funding towards the estimated \$55k future maintenance and management costs of the memorial for a minimum of 15 years.
Other Funding Sources	To date the donor has secured commitment of \$450k, including from the State Government, local government councils, Vietnamese business sponsors and the wider local Vietnamese community members.

DISCUSSION

1. Arts South Australia administered an assessment panel for the development of the memorial design, composed of representatives of the VBPM, COA and the Arts South Australia Art for Public Places panel.
 - 1.1. The preferred concept is a collaboration by Tony Rosella and Ash Badios, both respected local artists with previous and relevant experience developing public art works of comparable quality and scale.
2. The proposed design for the memorial tells the story of a journey through the eyes of two (2) young Vietnamese children as shown in **Attachment A**. It embodies the notion of family, both in its strength and its survival across generations. The sculptural forms are designed to be visually captivating, inspiring and uplifting; evoking curiosity, contemplation and seeking to educate the wider community about the resilience, hope and gratitude of the Vietnamese Boat People.
 - 2.1. The memorial, occupying a space 4.5m wide by 15.5m long, will consist of four (4) sculptural elements that are linked across a granite and slate pathway, symbolising the journey across the ocean. The key features are a large-scale boat sculptured from local black granite that will serve as seat for reflection, two (2) cast bronze child figures with realistic features, five (5) bronze lotus flowers, and a beacon that stands 3.2m high, carved from granite with internal gold leaf detail.
 - 2.2. The lotus flowers travel towards the beacon, representing a new beginning, shelter, home and symbolising the precious gift exchanged between two cultures.
 - 2.3. Subtle and low voltage lighting will be incorporated into the memorial, including a blue colour emanating from under the base of the boat and a gentle white beam that will shine up from the beacon.
 - 2.4. Complementing the memorial will be engraved narrative, informative and acknowledgment plaques in both Vietnamese and English; and low maintenance landscaping replicating the native plantings that already exist in the Park Lands.



3. The proposed site for the memorial is within Park 12, Red Gum Park/Karrawirra, near the intersection between Kintore Avenue and Victoria Drive, at the location shown in **Attachment B**.
 - 3.1. This site is preferred because it is near water, has high visibility, is easily accessible, and is tranquil; all of which support the intentions of the memorial. The site:
 - 3.1.1. faces onto the River Torrens, a body of water that is central to the concept of the memorial.
 - 3.1.2. is prominent and easily accessible by the public. There is substantial nearby road parking, access to public transport by bus or tram, and given its close proximity to the footpath would be fully accessible by wheelchair.
 - 3.1.3. is in an intimate grassed area of the Park Lands which would enable contemplation and reflection. The site can accommodate visitation without compromising the scenic views and use of the surrounding area, and the open space around the memorial would allow for a range of social and cultural gatherings, further activating the Park Lands.

- 3.2. The location of the memorial in Park 12 will complement and add value to the established cultural, historical and educational character of the area. The memorial will contribute to the existing discovery trail of significant memorials within the precinct, including the ANZAC Centenary Memorial Walk along Kintore Avenue, and the Aboriginal and Torres Strait Islander War Memorial and Australian Vietnamese War Memorial in the Torrens Parade Grounds.
 - 3.2.1. The close association of the memorial to the Australian Vietnamese War memorial is especially important, in recognition that the war and the boat journey are irretrievably linked in history and both Vietnamese and Australian culture.
- 3.3. Other sites initially considered included Festival Plaza, Pinky Flat and Rymill Park. These are all high use event spaces and not considered to be as culturally appropriate. Locations further afield in the Park Lands in the south, west and north were also not considered to be as visible and readily accessible.
4. Consultation regarding the proposed memorial was undertaken internally across programs and with the CoA's Public Art Round Table (PART) and Adelaide Park Lands Authority (APLA). Consultation (outlined in **Attachment B**) confirmed that the memorial substantially meets Council policy, strategy and standards, and is of high artistic merit.
 - 4.1. Consultation identified some modifications required in the design to address potential slippage on the granite paver; storm-water management and drainage onto the surrounding grass; relocation of the information plaque to be set back from the footpath edge; and maintenance considerations for the gold leaf on the beacon. The artists are responsive and accommodating of working with Administration to address these requirements, prior to submission and approval of the design through the Development Approval process.
 - 4.2. PART considered the artistic merit and cultural value to be of high quality. The rigour of the selection process and the extensive experience and capability of the artistic team was noted. Members considered the design to be strong, thoughtful and balanced. The appropriateness of the site was discussed with the majority of members supportive of the site.
 - 4.3. At the APLA meeting on 24 January 2019, the Board agreed to support the proposal to locate the proposed memorial in Park 12.
5. The VBPM has conducted extensive consultation within the Vietnamese community and with key stakeholders situated in close proximity to the proposed site. Consultation (outlined in **Attachment B**) strongly supports the concept of the memorial, the high-quality contemporary design, and the proposed location. A memorial that celebrates Adelaide's multi-cultural society is considered to be a valuable addition to the Park Lands and is expected to be a popular cultural tourism destination.
6. The Aboriginal Community has been engaged through CoA's Reconciliation team. Consultation (outlined in **Attachment B**) found that there are no Kurna cultural heritage sensitivities regarding the proposed site for the memorial. Cultural heritage monitoring will be undertaken in consultation with Kurna elders as part of the preparations for and active installation of the memorial. Due to the significance of the memorial and the close ties between Kurna and Vietnamese community in Adelaide Uncle Lewis O'Brien will be asked to conduct a Welcome at the opening/ launch of the memorial.
7. Administration commends that the Committee recommends that Council accepts the donation of the proposed Vietnamese Boat People Monument, designed as shown in **Attachment A**, subject to design modifications that reduce public accessibility risks and maintenance of the Park Lands grass surrounds, and satisfactory development approval; and that Council approves the proposed memorial to be sited at the preferred location within Park 12, Red Gum Park/Karrawirra, near the intersection between Kintore Avenue and Victoria Drive, at the location shown in **Attachment B**.

ATTACHMENTS

Attachment A – Design proposal for the Vietnamese Boat People Monument

Attachment B – Overview of the Vietnamese Boat People Monument

- END OF REPORT -

Item 4.3 - Attachment A



PUBLIC ARTWORK

PROJECT: Vietnamese Boat People Public Artwork

CLIENT: The Vietnamese Boat People Monument Committee

DATE: July 2018

Item 4.3 - Attachment A

TONY ROSELLA
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South Australia. 5031

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INTRODUCTION

Tony Rosella (sculptor), in collaboration with Ash Badios (graphic designer) present the following design for the Vietnamese Boat People Public Artwork commissioned by the Vietnamese Boat People Monument Association. The artwork will be located in the Adelaide CBD, on the picturesque and tranquil River Bank below the intersection between Kintore Avenue and Victoria Drive.



Proposed Artwork Location

PROPOSED ARTWORK

The proposed public artwork *Guiding Light* is the interplay of the symbolic and the narrative. Throughout our research it was apparent that the characteristics of hope, resilience, gratitude and the notion of a better future predicate the journey to Australia's shores for the Vietnamese Boat People. It seeks to demonstrate the inner strength and courage needed to flee everything that is loved and familiar to begin a foreign life in a foreign land.

The sculptural forms invoke curiosity, contemplation and seek to educate. The artwork conceives within the viewer a sense of awe at the journey undertaken and gives rise to a deeper understanding of the sacrifices made by those that set upon this voyage. It looks to educate the viewer of adversities overcome by the survivors and the heavy price that was paid by those who did not survive the perilous journey. Through story telling the work affirms the uniting bond between all boat people that was struck the moment that their individual journeys began.

In its scale and thematic, the artwork will be visually captivating, inspiring and uplifting. It will create an immediate impact upon arrival for visitors and passers by. Further to the sculptural components, the artwork is complimented by informative/educational plaques and elements of thoughtful landscaping.

CONCEPT STATEMENT

The envisioned artwork for the Vietnamese Boat Peoples' Monument is the narrative of a journey seen through the eyes of two young children. It's a generational story born from oppression. A journey marred with peril, yet fuelled by hope for a better future. The arrival point is gratitude – gratitude for their survival and to the Australians who welcomed them. Three integral sculptural elements collaborate respectfully to tell the journey's story. The work incorporates the past, the present, and looks to the future.

Central to this emotive work is the notion of family – both its strength and its survival across generations. The artwork honours the sacrifices made by one generation so that another may flourish. The work seeks to promote empathy within the broader community by conveying the themes of this epic journey – **Resilience, Hope, Future and Gratitude**. The viewer is engaged within the context of the work as they move through the space via a broad welcoming pathway that unites the sculptural elements.

A large sculpted form reminiscent of a boat provides the first staging for the narrative. Alongside the boat play two young children, a girl and boy. The granite surface echoes the ever-changing temper of the open seas – calm and still in parts, unforgiving and turbulent in others. The boy releases a lotus into this vast ocean, symbolising the start of the long and hazardous journeys bravely undertaken by the Vietnamese Boat People.

The lotus is a powerful symbol understood in both eastern and western cultures – a metaphor for rising above adversity, commitment and optimism for the future. Employed within the artwork this visual cue strikes at the heart of the Vietnamese Boat peoples' experience. The releasing of the Lotus flower is an expression of optimism for the future yet this action is suffused with remembrance, evoking reflection of a generation's sacrifice.

CONCEPT STATEMENT

The lotus flowers travel toward the horizon in the format of the southern cross where a beacon stands tall – a guiding light, a new beginning, shelter – home. When darkness falls, its gentle beam of light streams upward – forever guiding the way to this place of freedom and opportunity. The beam is also symbolic of a light forever burning in remembrance of loved ones passed.



CONCEPT DESIGN

This artwork is imagined as a narrative piece, a journey. Individual sculptural elements collaborate to honour, reflect, inform and educate the viewer about the Vietnamese Boat Peoples' collective experience and impart their gratitude for the life in Australia they now share.

The viewer is welcomed to the space from the northern footpath of Victoria Drive, adjacent to the end of Kintore Avenue. The artwork consists of four integral sculptural elements that are linked by a stone paved pathway which symbolises the journey. The paved pathway is approx 4.5m wide x 15.5m long and features a broad, welcoming entrance. Here, plantings form a gateway from the footpath into the artwork. As visitors enter the area they view Adelaide City Council interpretative signage with imagery and an outline of the history of the Vietnamese Boat People. To the left of entrance resides the acknowledgement plaque.

The area is paved in subtle tones of grey Granite. A broken length of slate intervenes the paved area, its haphazardness is reminiscent of the oceans crossing. Etched into its surface are quotes. These are the voices of the Vietnamese Boat People. Connecting directly with the audience the texts recall emotions and the reality of the journey. The survivors' truths inform and give rise to the authenticity of the viewers' experience.

Centred within the work, the observer is arrested by, a large abstract black granite form, low to the ground. Nautical in shape, it is approx 4m in length by 1.5m wide and rises approx 450mm from the ground. It is accessible from all sides. The top surface is polished and reflective depicting a still body of water whilst another smaller area is densely sculpted representing a stormy and unrelenting ocean. At night, soft low-voltage lighting blue in colour will emanate from the base of the stone and create the illusion of the stone itself being adrift.

CONCEPT DESIGN

At the side of the stone form play two bronze life-size figures of young Vietnamese children. They place a bronze lotus flower upon the surface of the 'ocean' that is imagined by the polished granite surface. The lotus flower mimics a weathered boat cast upon the vast ocean and becomes the pivotal point where a conversation is begun about the Vietnamese Boat People, their heritage and their legacy. Further adrift upon the ocean's surface float another 5 bronze lotus flowers which have been released and are travelling steadily toward the beacon ahead in the formation of the Southern Cross, a navigational aid.

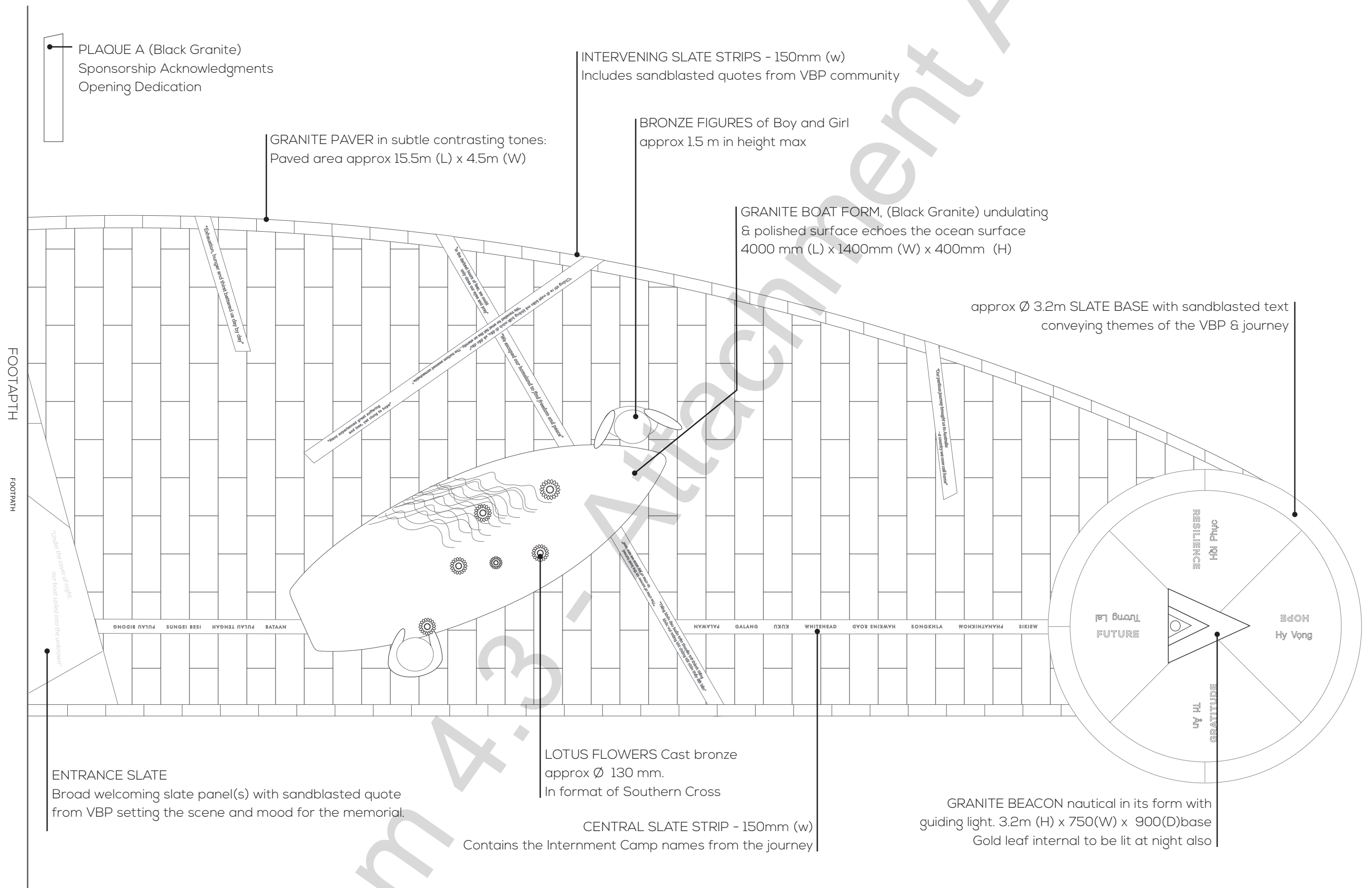
The paved surface slopes gently upwards further elevating the beacon at the pathway's end. The beacon stands tall, approx 3.2m in height and 750 mm in width at its base. Its black form and contrasting stone banding is reminiscent of nautical way-finders that guide vessels safely into shore. Grounded in rock, it is set upon a natural slate base approx 3.2 m in diameter. Upon this base are etched in both English and Vietnamese, four words – Resilience, Hope, Future and Gratitude. Simple yet powerful words that form the bedrock of the Vietnamese Boat People's experience.

Inside the beacon is gold leaf detail, simulating a shimmering horizon of optimism and dreams to be realised. The gold-leafed element is also symbolic of a precious gift given, exchanged between two cultures. For one, the gift of a better life, and in return, an offering of gratitude from the Vietnamese community to the Australian people.

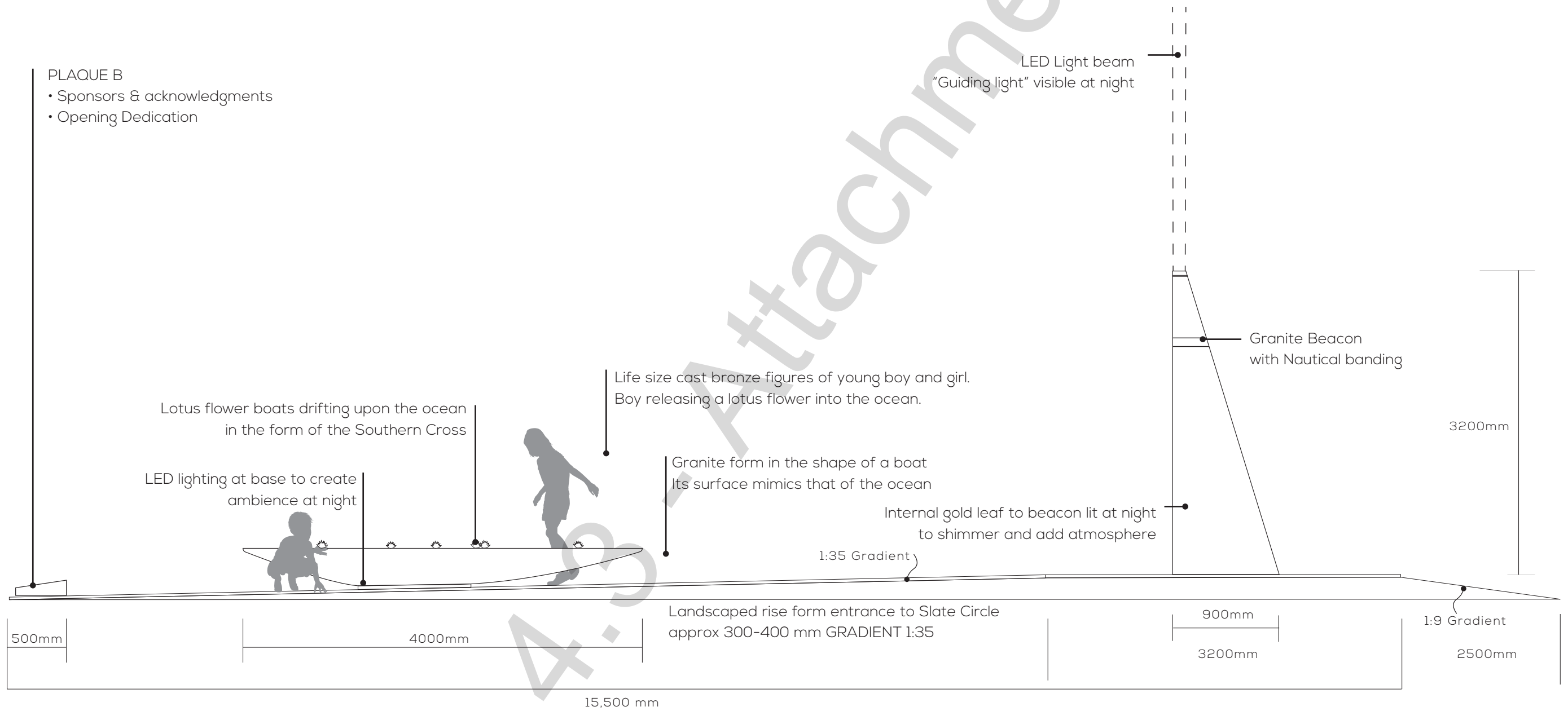
By night, a gentle beam of light shines from the beacon, upwards into the sky. Its subtle ambiance will be created by low-voltage coloured LED. This light will capture the attention of visitors and attract passers-by. A gentle, unwavering beam, reminiscent of both a guiding light and a symbolic eternal flame.



SITE PLAN: PROPOSED FOOTPRINT

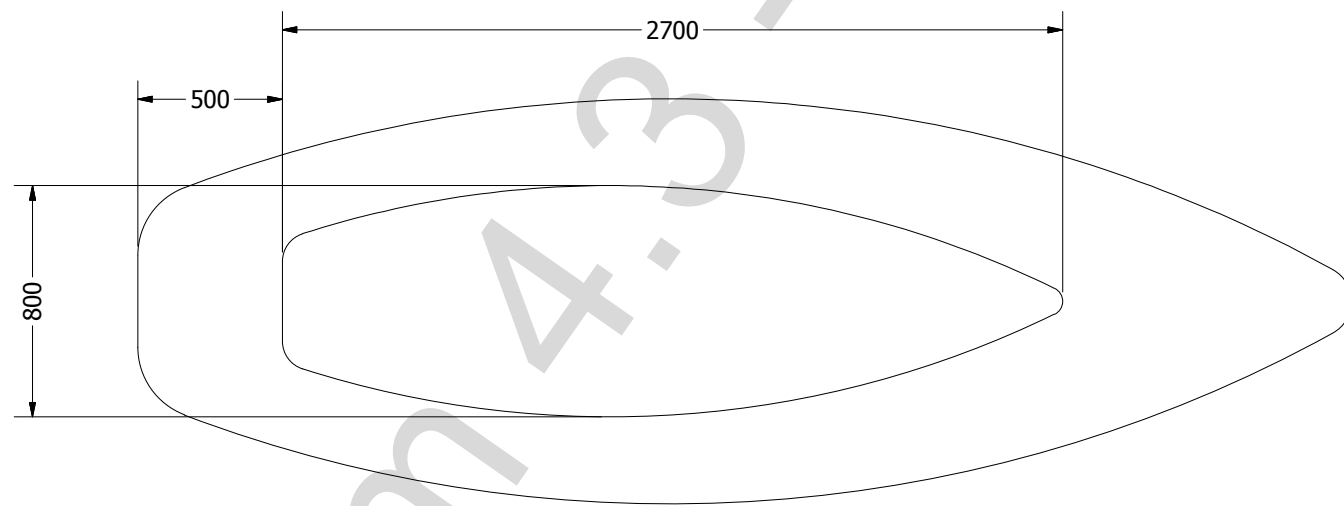
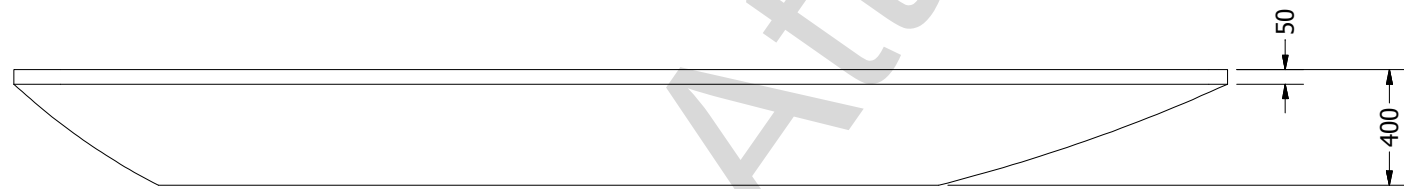
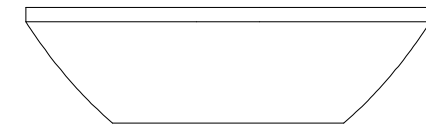
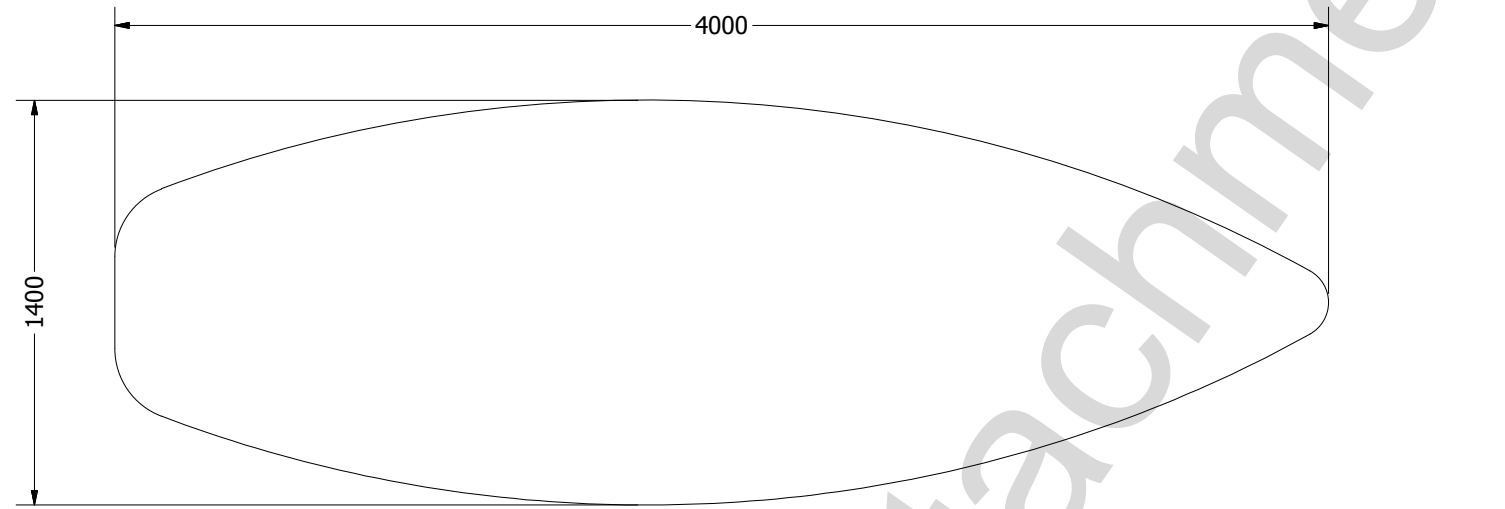


PLAN VIEW: CONCEPT DETAIL



SIDE ELEVATION

KEY SCULPTURAL ELEMENTS



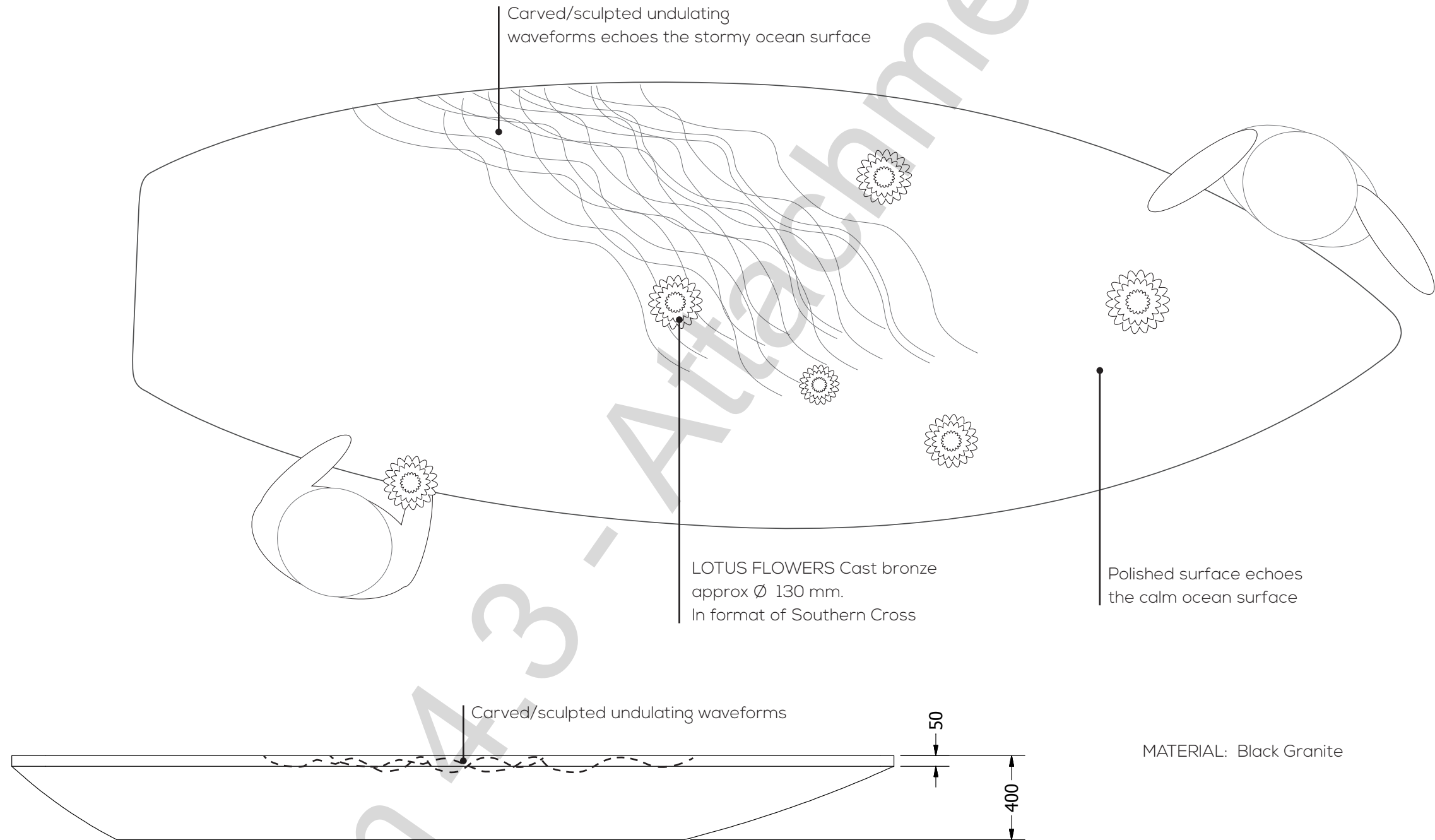
Approximate mass: 3300kg
Volume: 1.2m³

Finish: Polished

MATERIAL: Black Granite

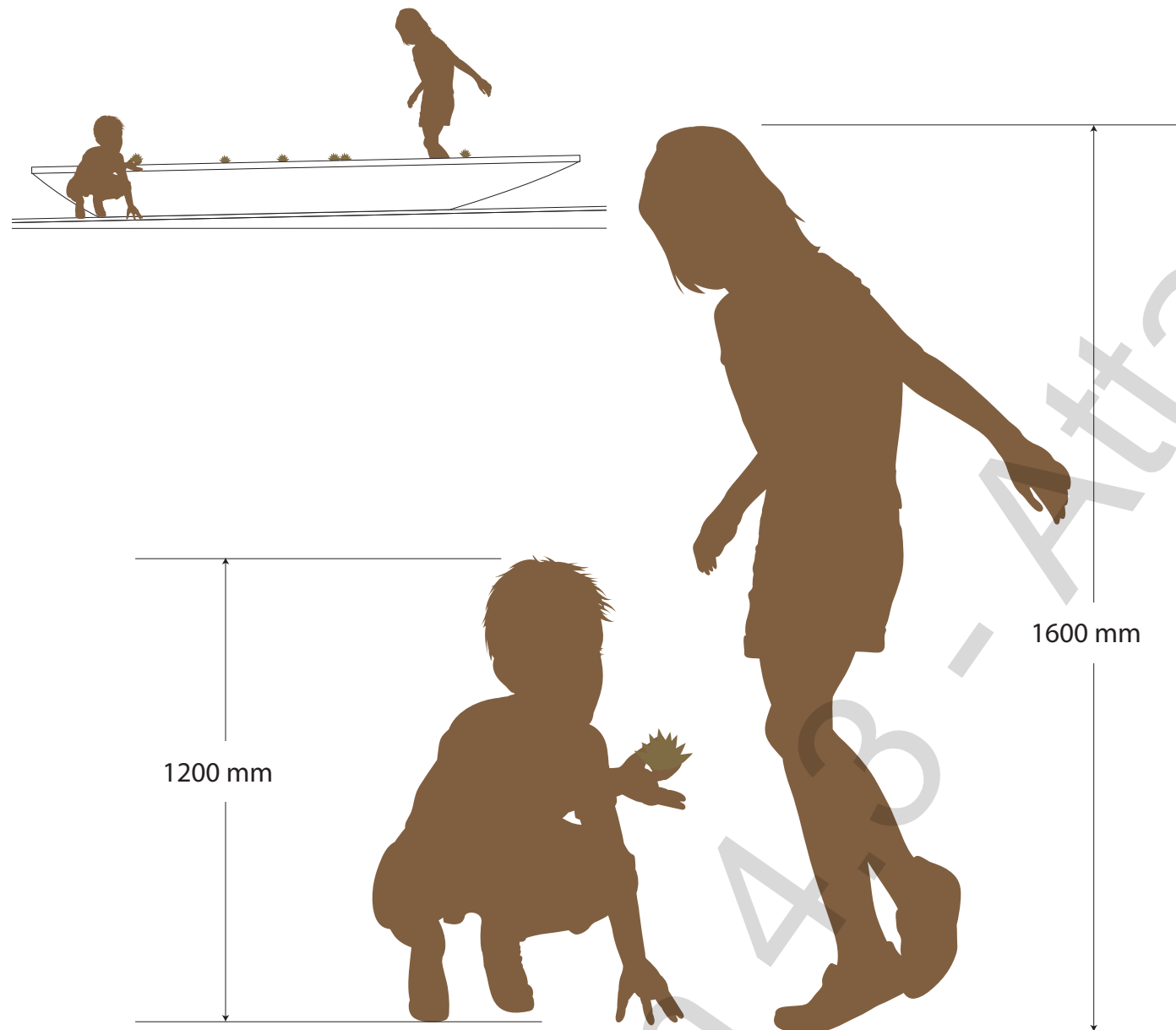
BOAT FORM

KEY SCULPTURAL ELEMENTS



BOAT FORM: SURFACE DETAIL

KEY SCULPTURAL ELEMENTS

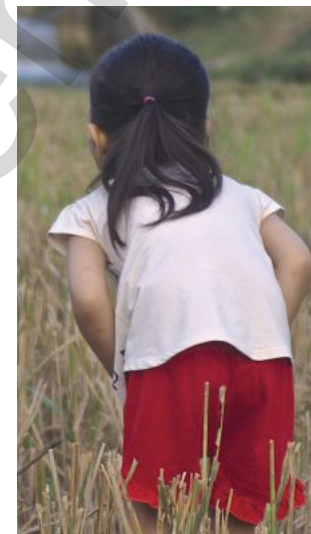
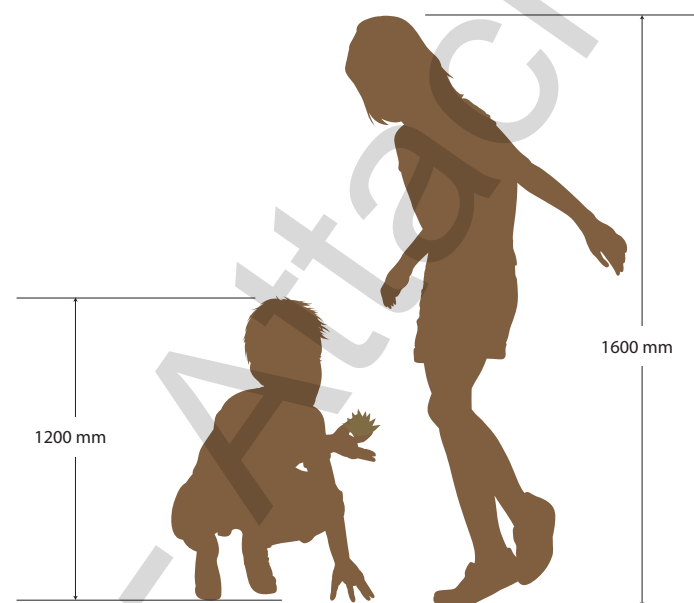


BOY	
Age	5-7 yrs
Posture	Crouched down on haunches Engaged at boats surface
Expression	Engaged Curiosity Playful Wonderment
Attire	Modern western attire, shorts t-shirt, sandals
Action/Intent	Placing Lotus/boat upon the oceans surface
GIRL	
Age	13-15 yrs
Posture	Standing, Face towards boy , Eyes looking back to beacon Arm gesturing towards beacon
Expression	Engaged, informative, nurturing, caring happy
Attire	Traditional Dress - Áo bà ba (refer image& description pg 17)
Action/Intent	Education, informing, imparting story and experience of the boys' ancestors

BRONZE FIGURES: DETAIL APPEARANCE



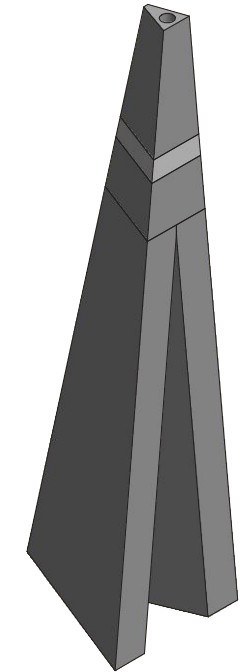
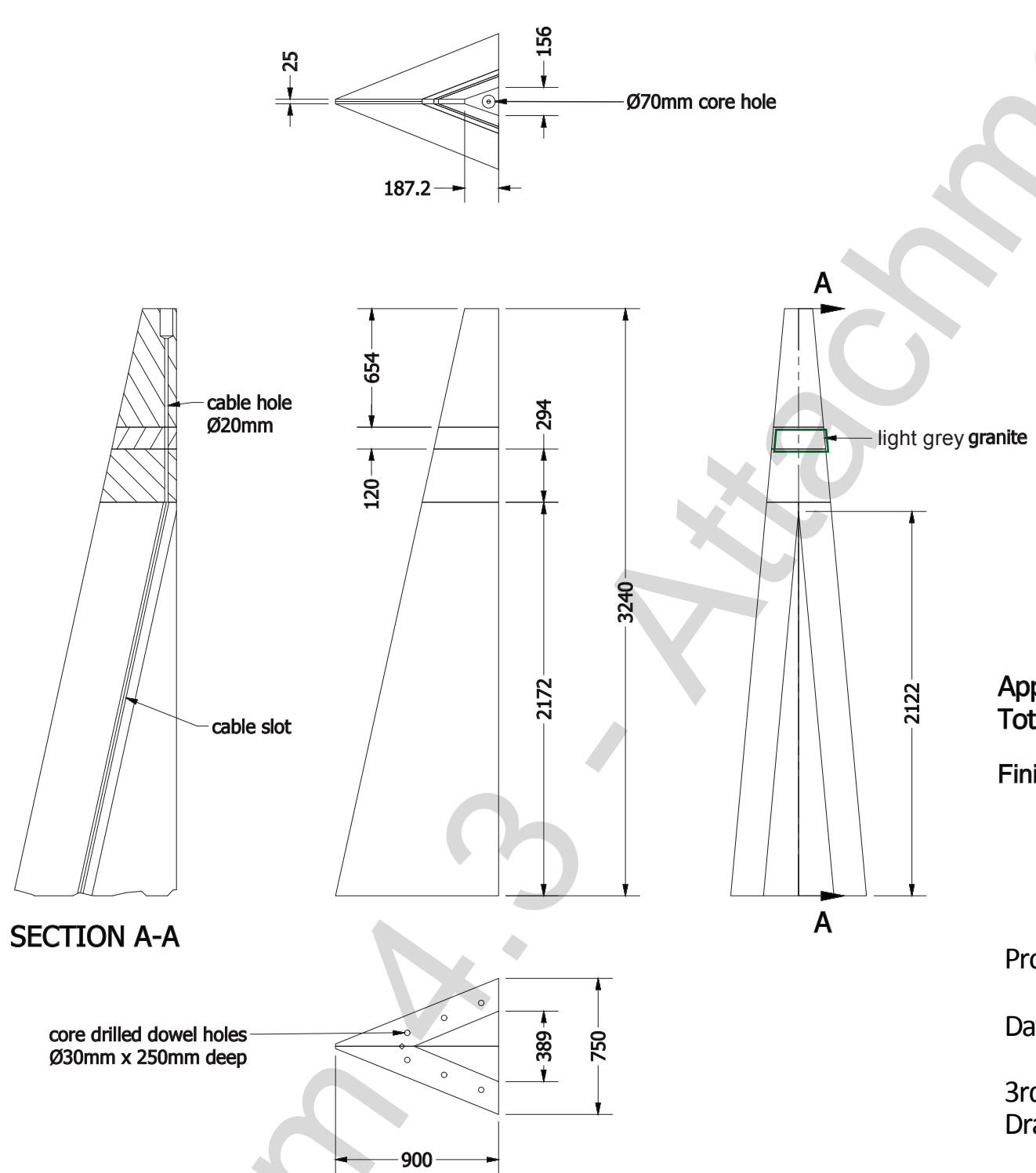
BOY ATTIRE: Western shorts and t-shirt, modern everyday casual. sandals or sneakers on feet.



GIRL ATTIRE: Often worn as a top and bottom set, the áo bà ba is typically a long-sleeved, button-down silk shirt with a scooped neck paired with silk pants. The shirt will be somewhat long and split at the sides of the waist, forming two flaps, customarily with two pockets .

BRONZE FIGURES: DETAIL APPEARANCE

KEY SCULPTURAL ELEMENTS



Approximate total mass: 1140kg
 Total Volume: 0.414m³
 Finish: Polished

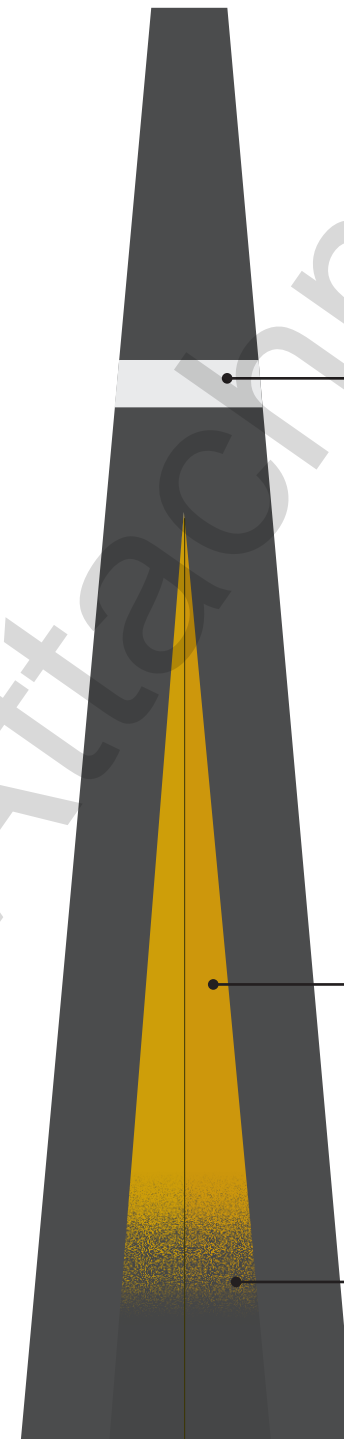
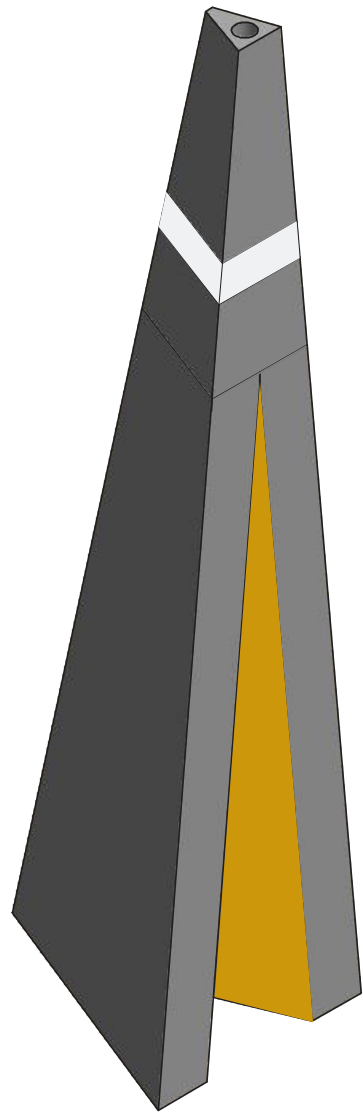
Project: Vietnamese Boat People Memorial - Beacon

Date: 5/06/2018

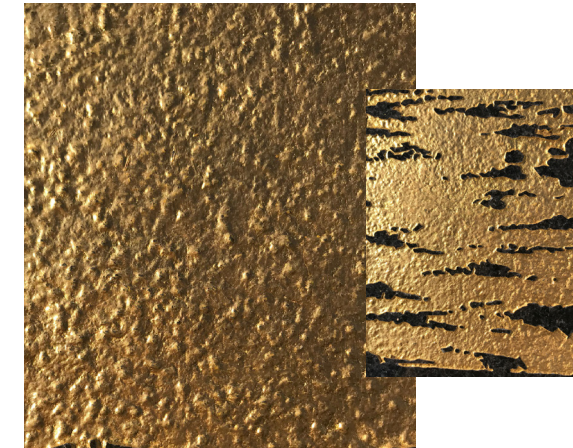
3rd Angle Projection
 Drawn: DJS McMurray

BEACON

KEY SCULPTURAL ELEMENTS



Light Grey Granite

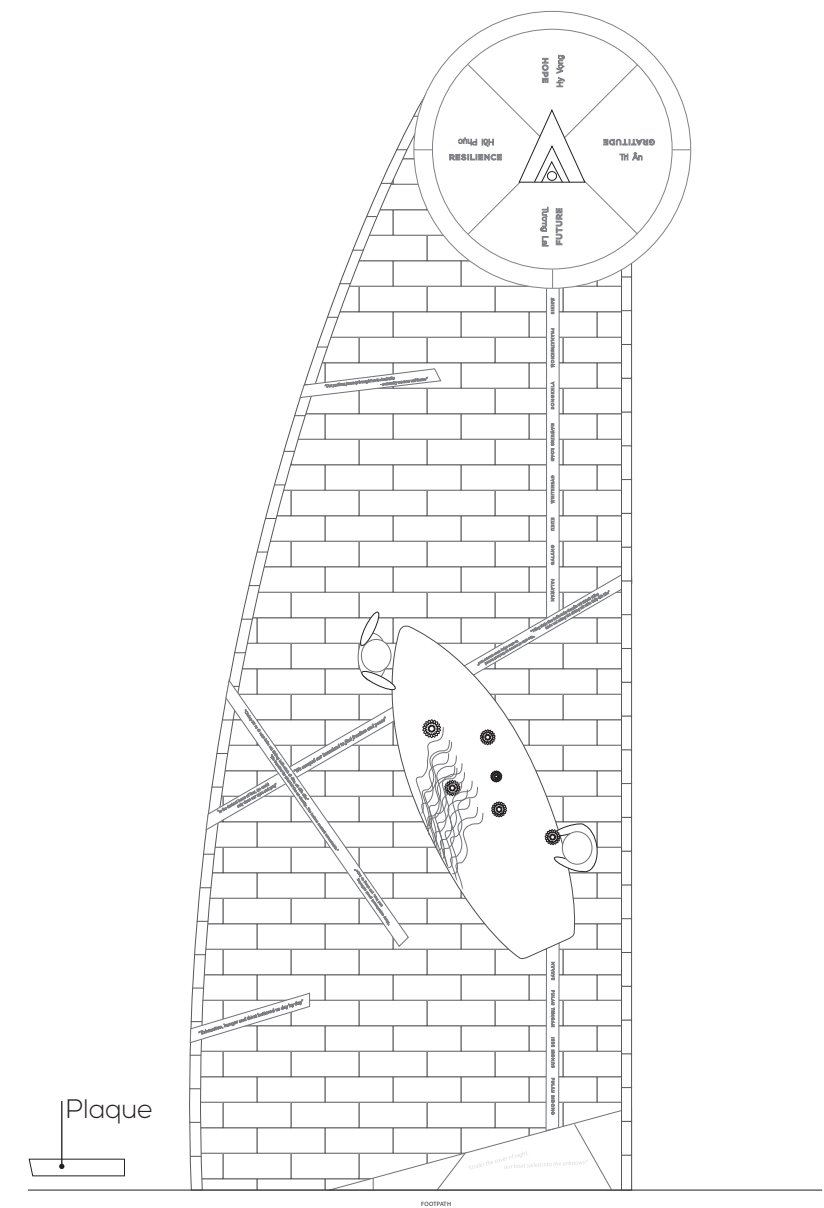


Gold leaf to internal panels

Gold leaf to finish/fade/graduate
approx 300mm above ground level

BEACON: INTERNAL DETAIL

Situated at side of the broad entrance to the artwork. Comprised of cast bronze plaque and granite base stone it is a modern simple form and will acknowledge the sponsors of the artwork and commemorate the opening of the artwork.



Location of Acknowledgment plaque adjacent to the artwork

DEDICATION & ACKNOWLEDGMENT PLAQUE: LOCATION



Cast bronze plaque embedded into raised angled granite stone form.

VBPM committee logo to possibly appear in colour

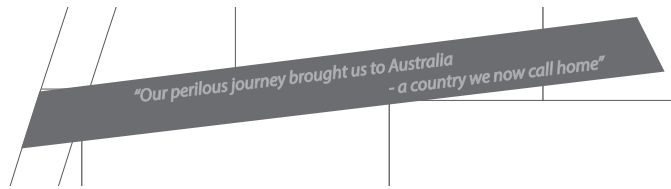
Cast bronze plaque example with typical finish to background making text and detail prominent and greater legibility



DEDICATION & ACKNOWLEDGMENT PLAQUE: DETAIL

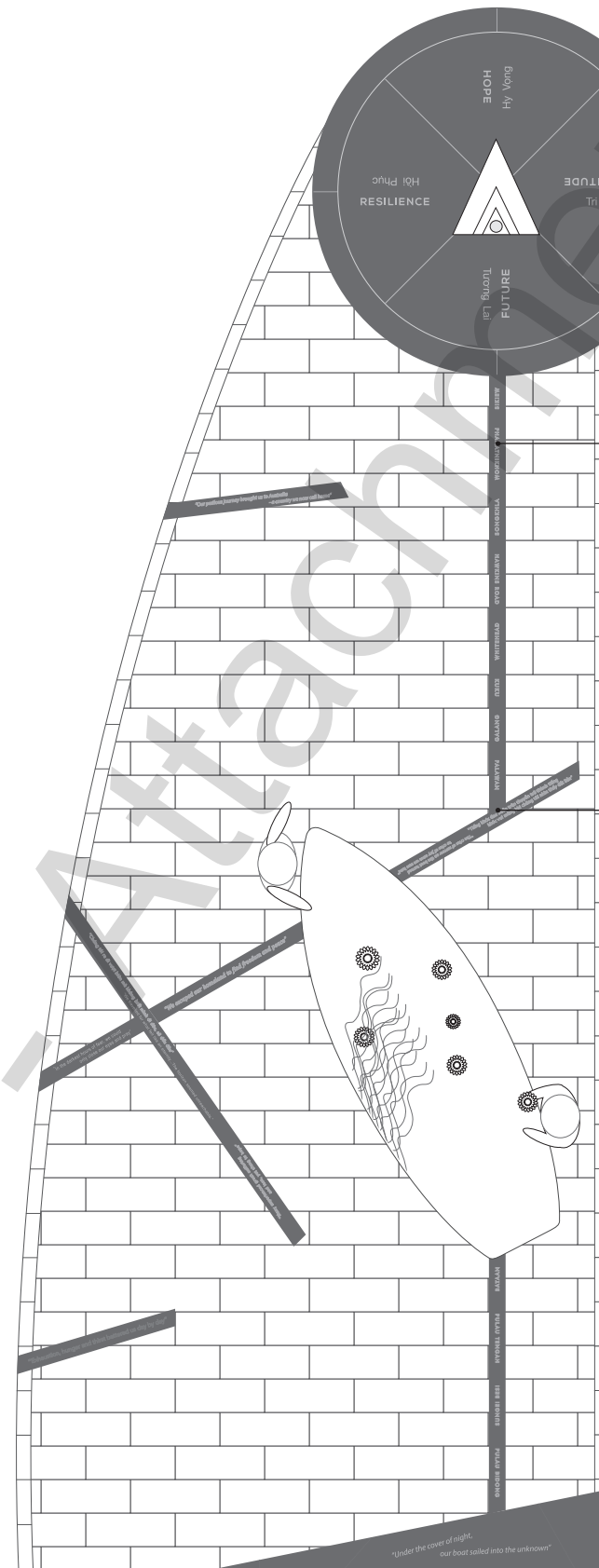
PAVING DETAIL INCLUSIONS

Slate strips are varying lengths x approx 150mm wide
 MATERIAL: Mintaro Slate



Examples of Slate strip.

Examples of Sandblasted text into slate.

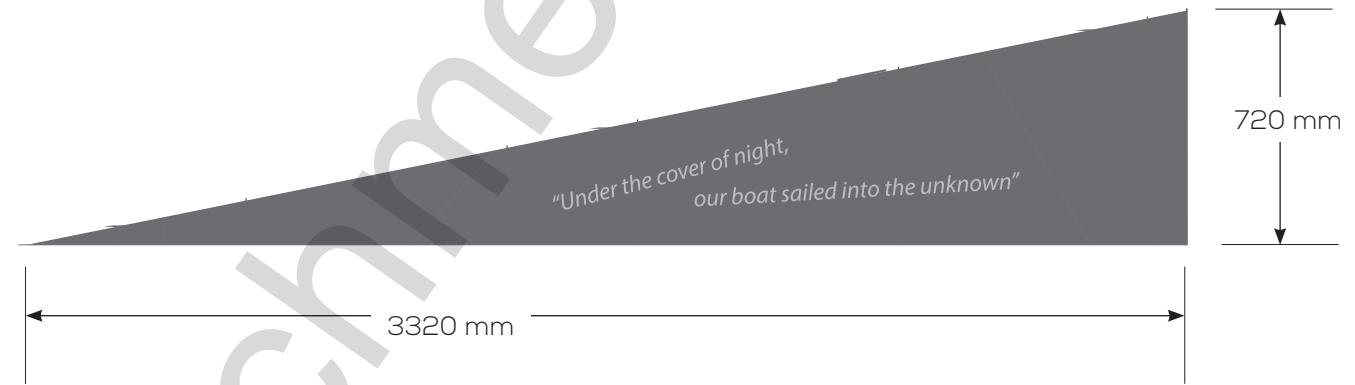


Central Slate strip to contain the names of internment camps that VBP experienced during their journey.

- Intervening Slate strips;
- Contain direct quotes from VBP about their emotions and experiences of the journey.
 - A mixture of quotes in both English and Vietnamese
 - Variety of typefaces are employed to illustrate different voices/individuals
 - Quotes to be sandblasted directly into slate

INTERVENING SLATE STRIPS

PAVING DETAIL INCLUSIONS



Slate Entrance Stone

- Welcomes visitors into the artwork
- 30mm thick Mintaro Slate 4x sections
- Sandblasted Text initiates the journey
- Text elements appear in both English and Vietnamese
- Outer circle joins directly to central slate strip

Slate Circle

- 30 mm thick Mintaro Slate
Inner circle 4x sections / Outer Circle 4x sections
- Sandblasted Text of the Themes of the journey
- Text elements are placed North, South, East and West of the beacon echoing points of a compass
- Text elements appear in both English and Vietnamese
- Outer circle joins directly to central slate strip

SLATE ENTRANCE & CIRCLE

LIGHTING & ELECTRICAL

BOAT FORM:

Beneath the large boat for soft LED blue light emanates to highlight the base of the stone. As if the boat form itself is adrift on an ocean.

BEACON:

- Internal LED up-lighting to golden detail. Atop the beacon a soft beam of light travels upward to the heavens: A GUIDING LIGHT, ushering travellers to safety. The LED beam is also reminiscent of an eternal flame remembering loved ones lost at sea.

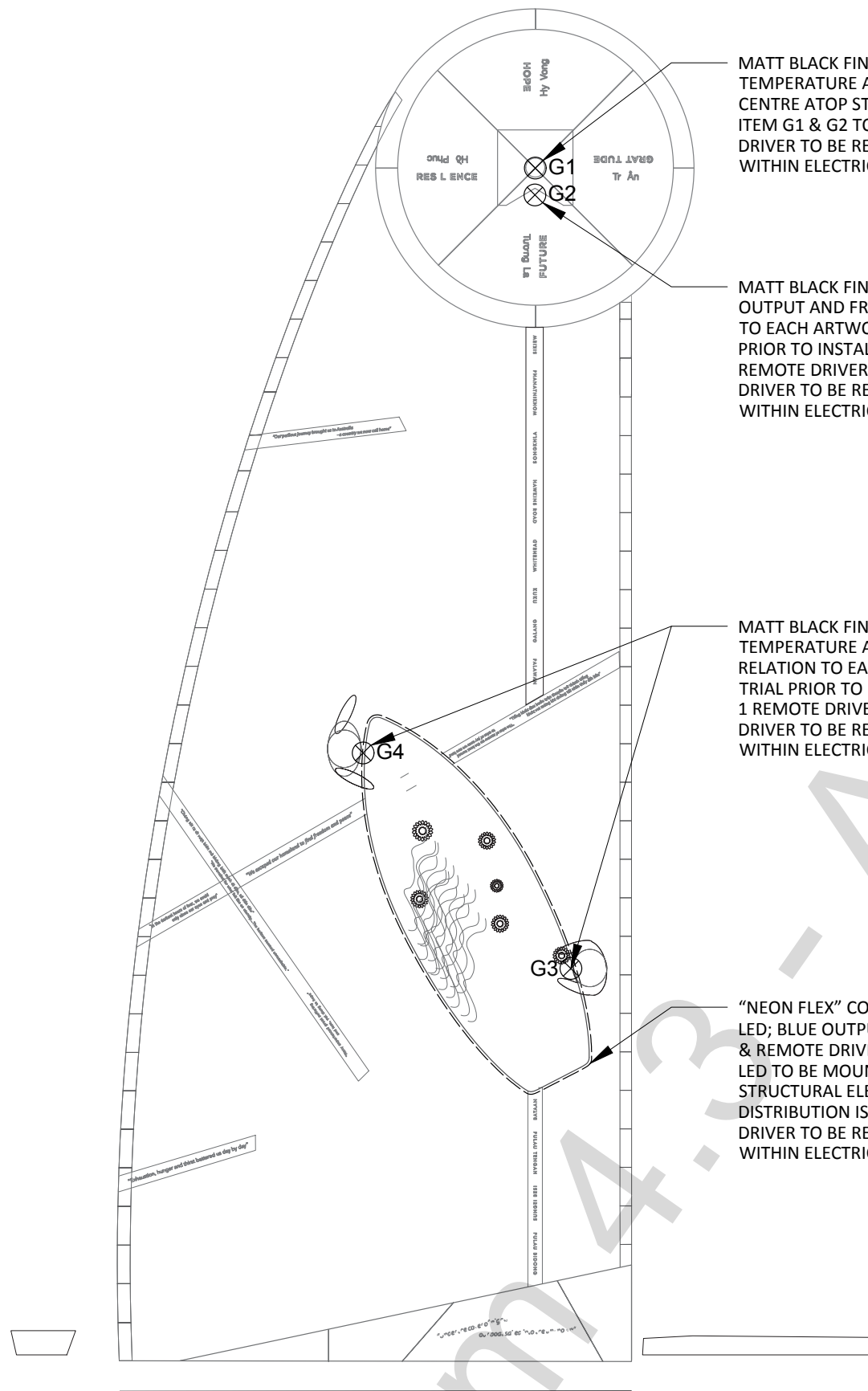
FIGURES:

Soft directed spotlighting mounted at paving level highlight the figures of the children. (not shown in illustration)

NB: Concept Only Illustration...Figures are to be in different position



ARTISTIC IMPRESSION: NIGHT LIGHTING



MATT BLACK FINISH, IP68, HIGH OUTPUT LED; 4000K COLOUR TEMPERATURE AND 10 DEGREE BEAM. LUMINAIRE TO BE CENTRE ATOP STRUCTURAL ELEMENT RECESSED TO BE FLUSH. ITEM G1 & G2 TO BE WIRED TO 1 REMOTE DRIVER. DRIVER TO BE REMOTED LOCATED IN IP RATED ENCLOSURE WITHIN ELECTRICAL PIT.



MATT BLACK FINISH, IP68, HIGH OUTPUT LED; AMBER LIGHT OUTPUT AND FROSTED LENS. FINAL LOCATION IN RELATION TO EACH ARTWORK TO BE DETERMINED IN OFF-SITE TRIAL PRIOR TO INSTALLATION. ITEM G1 & G2 TO BE WIRED TO 1 REMOTE DRIVER. DRIVER TO BE REMOTED LOCATED IN IP RATED ENCLOSURE WITHIN ELECTRICAL PIT.



MATT BLACK FINISH IP68 HIGH OUTPUT LED; 3000K COLOUR TEMPERATURE AND FROSTED LENS. FINAL LOCATION IN RELATION TO EACH ARTWORK TO BE DETERMINED IN OFF-SITE TRIAL PRIOR TO INSTALLATION. ITEM G3 & G4 TO BE WIRED TO 1 REMOTE DRIVER. DRIVER TO BE REMOTED LOCATED IN IP RATED ENCLOSURE WITHIN ELECTRICAL PIT.



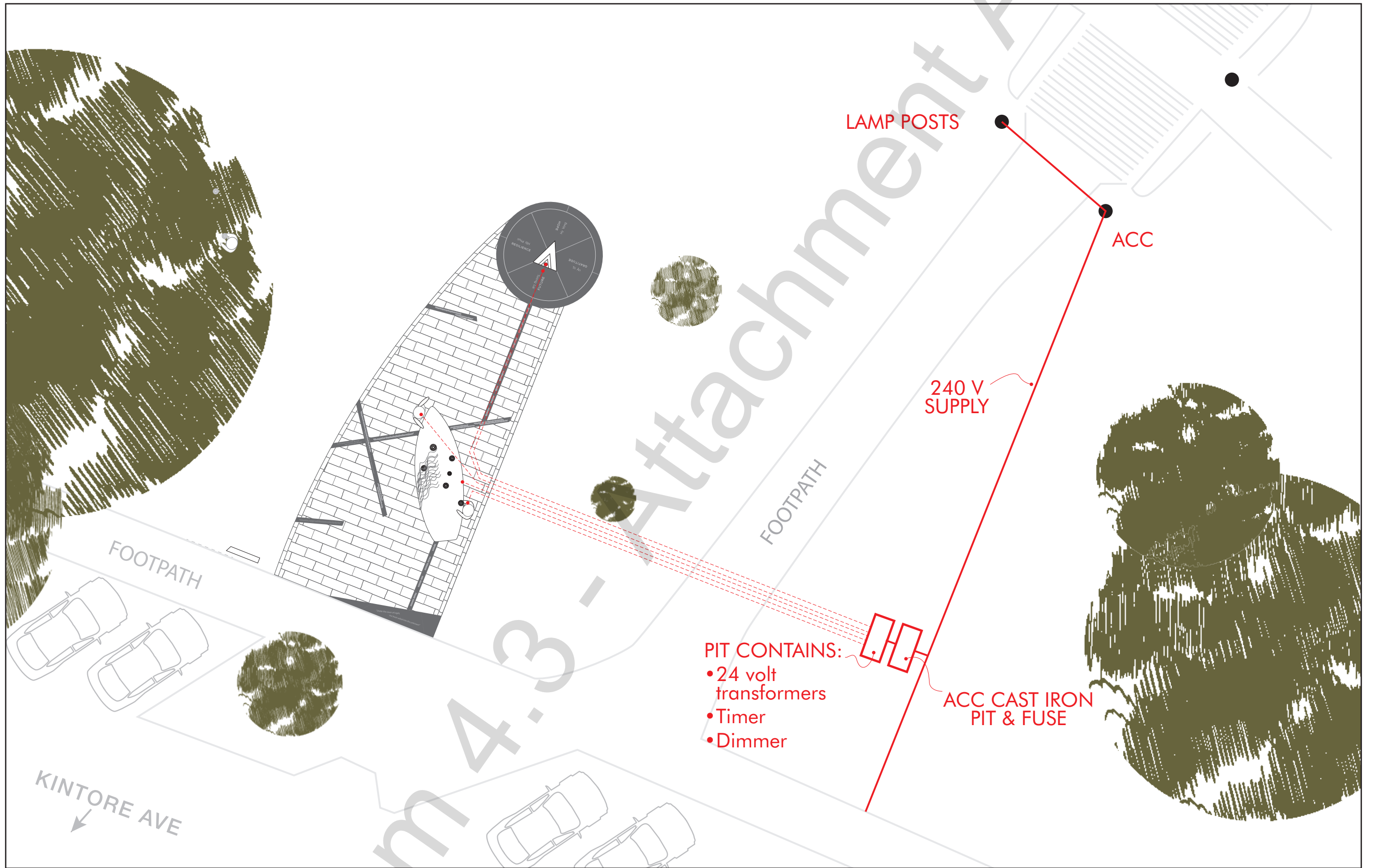
"NEON FLEX" CONTINUOUS IP67 IK08 CONTINUOUS FLEXIBLE LED; BLUE OUTPUT, 24VDC, 10 W/M WITH MOUNTING CLIPS & REMOTE DRIVER. LED TO BE MOUNTED VERTICALLY ONTO STAINLESS STEEL STRUCTURAL ELEMENT UNDER BOAT SUCH THAT LIGHT DISTRIBUTION IS LATERALLY OPTIMISED. DRIVER TO BE REMOTED LOCATED IN IP RATED ENCLOSURE WITHIN ELECTRICAL PIT.



Refer Appendix for product details



SUITE 7, 1329 HAY STREET
WEST PERTH, WA 6005
P: 08 9485 1017 E: admin@lxgroup.com.au



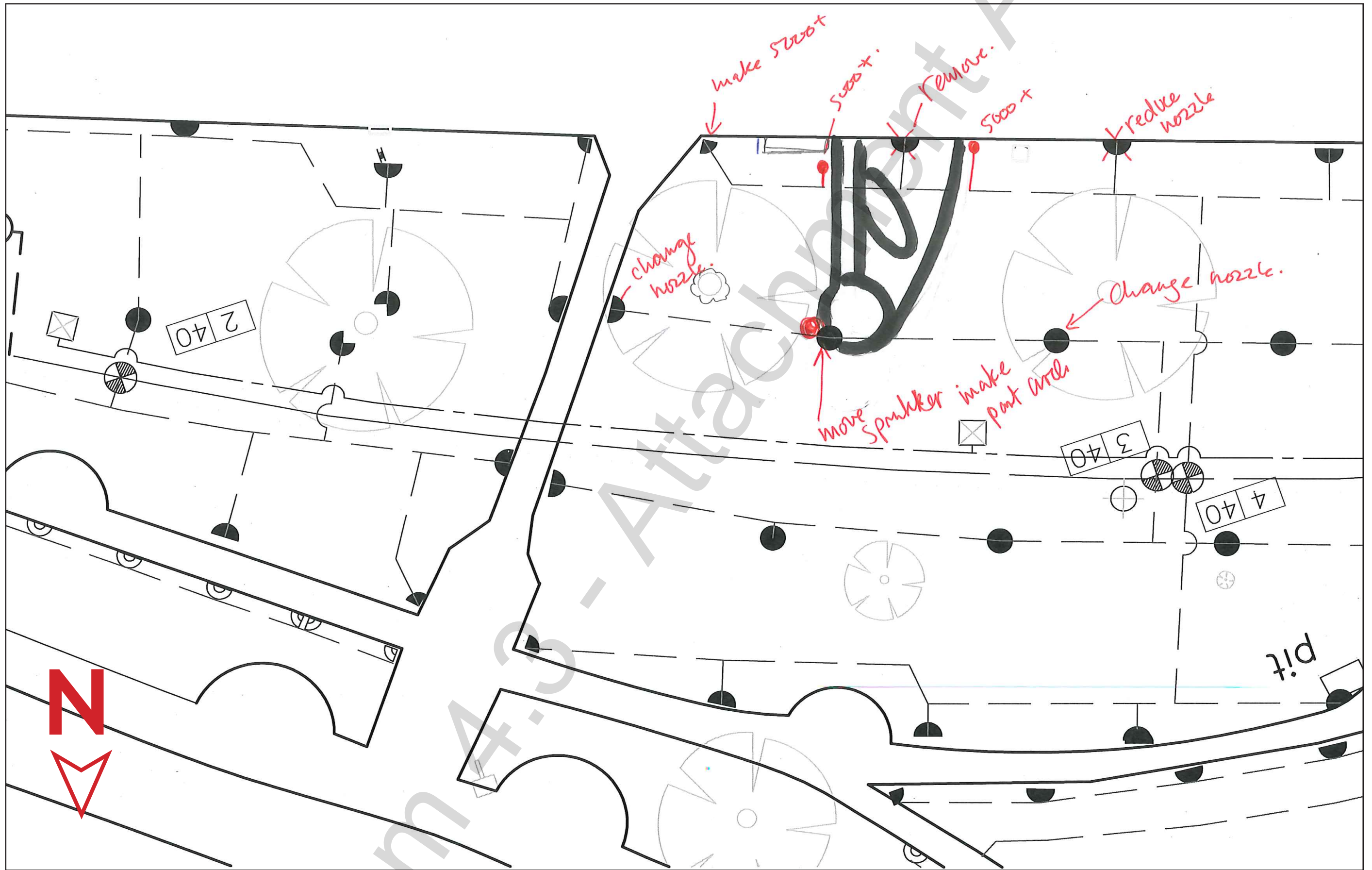
LIGHTING SCHEMATIC

LANDSCAPE DETAIL

- > Entrance plantings to be of low rise distinctive foliage shape.
- > Low maintenance leafy natural grasses typical of ACC plantings within the precinct can ideally be employed.
- > Alternate: Possibly Cycads or similar

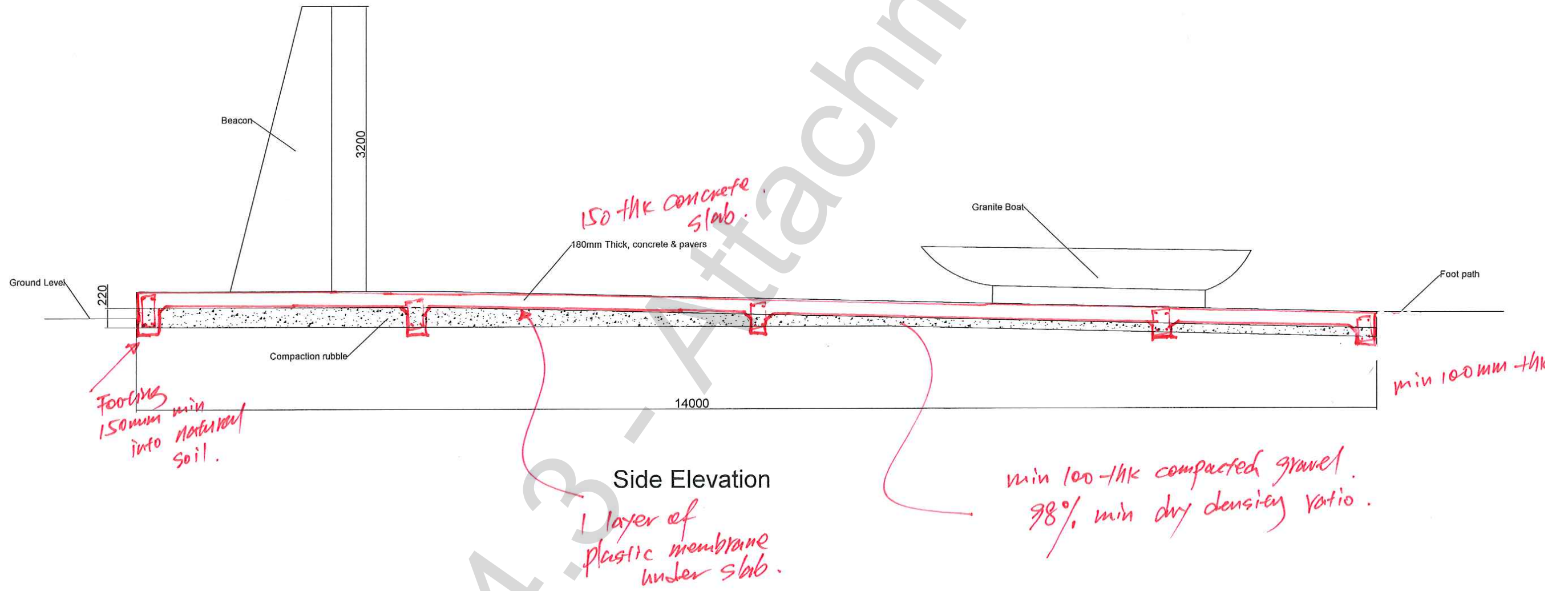


PLANTINGS

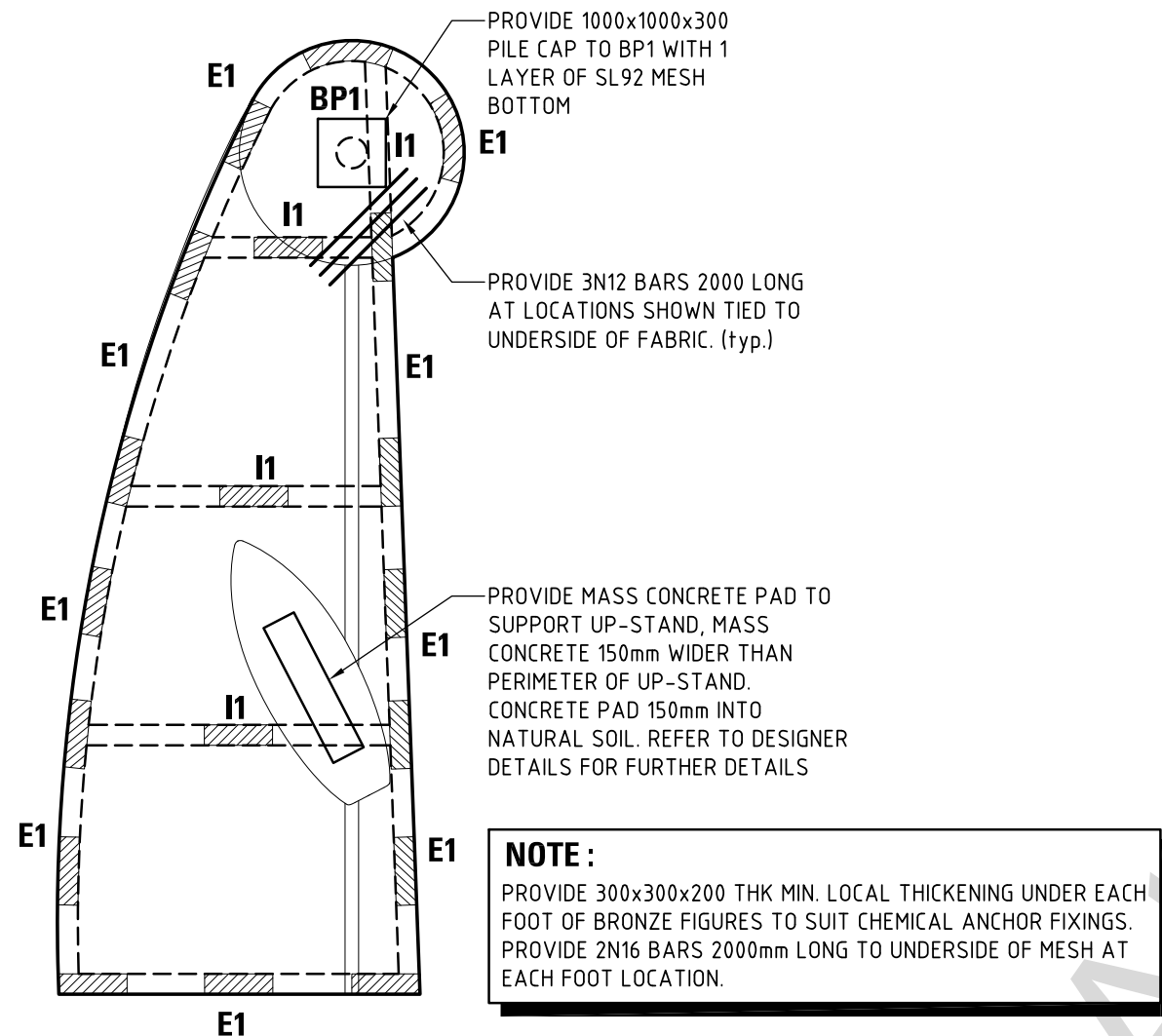


IRRIGATION PLAN

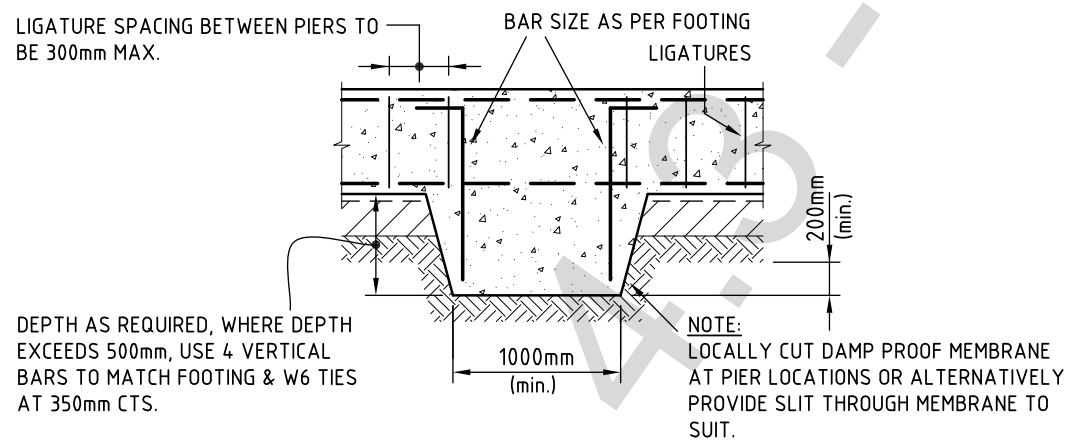
ENGINEERING DRAWINGS



SIDE ELEVATION

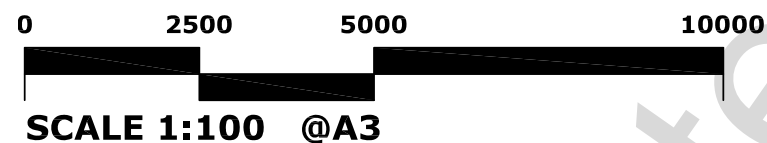


FOOTING LAYOUT
SCALE 1:100



TYPICAL TRENCHED PIER DETAIL

N.T.S.
NOTE:
 PROVIDE PIERS AT ALL FOOTING CORNERS AND JUNCTIONS AND INTERNALLY AT MAXIMUM 2500mm CLEAR SPACING. IF IN DOUBT, CONTACT THIS OFFICE PRIOR TO TRENCHING.



FOOTING NOTES

- F1** MINIMUM STRENGTH OF CONCRETE: $F'c = 25 \text{ MPa}$ (MIN.)
- F2** COVER TO REINFORCEMENT:
 SLAB: 20mm TOP
 BEAMS: 40mm ALL ROUND
 STRIP: 65mm ALL ROUND
- F3** MINIMUM LAP OF REINFORCEMENT:
 FABRIC: 2 CROSSWIRES + 25mm
 N12 BARS: 600mm
 N16 BARS: 800mm
- F4** WHERE THE DEPTH OF UNDER SLAB FILL EXCEEDS 300mm & NOT COMPACTED TO SPECIFICATION, INCREASE SLAB THICKNESS BY 30mm AND ADD SL72 BTM. PROVIDE BACKHOE PIERS TO ALL FOOTINGS AS PER THE DETAIL PROVIDED IN THE FOOTING CONSTRUCTION REPORT.
- F8** FOOTINGS MUST BE FOUNDED A MINIMUM OF 150mm INTO FIRM NATURAL GROUND, HENCE DEEPER FOOTINGS MAY BE REQUIRED.
- F16** DENOTES BACKHOE TRENCHED PIERS AT 3000 CTS., MAX., 1000 LONG x FOOTING WIDTH WIDE. PIERS TO BE FOUNDED 150mm INTO NATURAL SOIL. WHERE THE PIER DEPTH EXCEEDS 500mm PROVIDE 4N16 VERTICAL & DECREASE LIGATURE SPACING TO 300 CTS., BETWEEN PIERS

FOOTING SCHEDULE

SITE CLASSIFICATION: H1-D/P (FILL & TREE)
 WIND CLASSIFICATION: 41m/s
 EARTHQUAKE CATEGORY: EDCII

FOOTING	DEPTH	WIDTH	REINFORCEMENT	LIGATURES
E1	300	300	2N12 TOP & BTM	W8-300
I1	300	300	2N12 TOP & BTM	W8-300
BP1	# 1800	450Ø	4N16 VERTICAL+200COG	W8-300
SLAB	150mm THK, SL92 TOP & BTM (U.N.O.)			

PILE DEPTH STARTS BELOW PILE CAP.

NOTE TO CONTRACTOR: (EXISTING/NEW FILL)

EXISTING FILL UP TO 500mm HAS BEEN FOUND ON SITE. ALSO, A NEW FILL UP TO 220mm IS TO BE BROUGHT ON SITE TO ACHIEVE THE REQUIRED FINISH FLOOR LEVEL (FFL). ENGINEER TO CONFIRM BACKHOE PIERS DURING TRENCH INSPECTION

PRELIMINARY



PT Design Pty Ltd 141-149 Ifould Street Adelaide SA 5000
 T [08 8412 4300] E [ptdesign@ptdesign.net.au]

Designed | KW | Drawn | KAP

28.06.18	PRELIMINARY ISSUE	A
Date	Description	Rev
Project PROPOSED ARTWORK VIETNAMESE BOAT PEOPLE MEMORIAL		
Drawing Title FOOTING LAYOUT		N

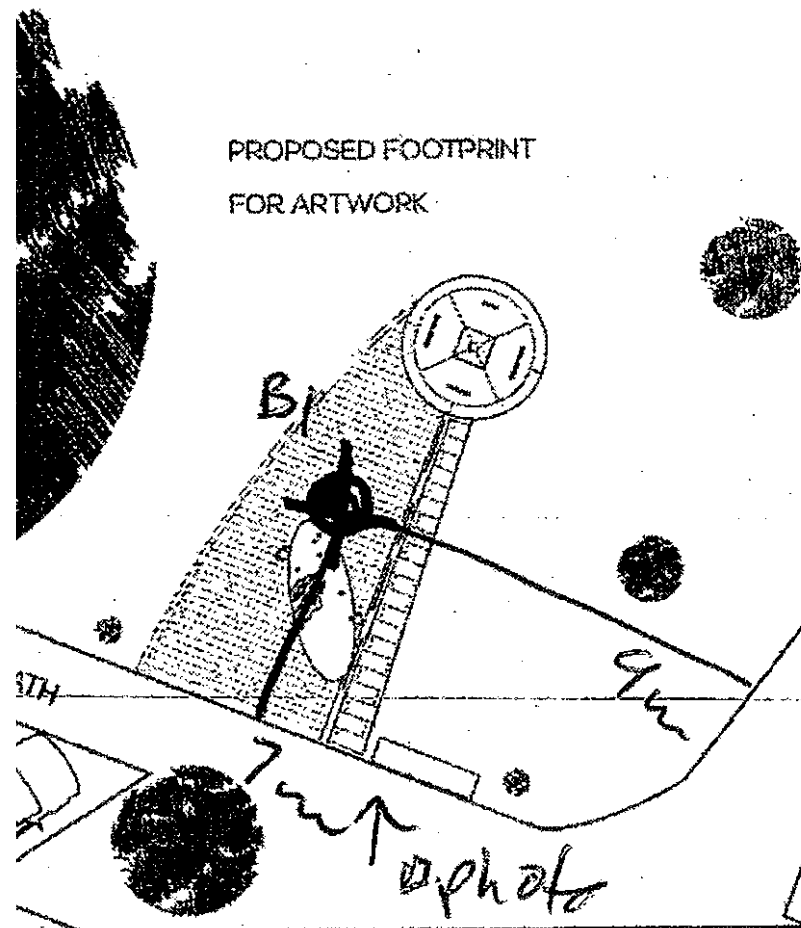
ENGINEERING: PREPARATION & FOOTINGS

SURFACE BORE LOG

SITE: Victoria Drive (Riverbank) ADELAIDE JOB NO: 20271

PT DESIGN
141 - 149 Ifould Street
ADELAIDE SA 5000
Ph: (08) 8412 4300

DATE: 15/6/2018

DRILLED BY:
A & S DrillingLOGGED BY:
Fred EneverSAMPLING METHOD:
PUSH TUBE

HOLE 1	SOIL DESCRIPTION	TEXTURE	COLOUR	FMC	REACT.	Est Ipt	BRG.	SYMBOL
0-500	Mixture sandy, silty clays	-	Dark brown mottled	-	-	(.025)	-	Fill
500-700	CLAY silty	F	Dark grey brown	< PL	M	.02	M	CL
700-1050	CLAY sandy, silty	F	Brown mottled	Da	M	.02	M	CL
1050-1550	CLAY silty, sandy	F	Brown	Da	LM	.015	M	CL
1550-2100	CLAY silty	F	Dark brown	< PL	M	.02	M	CL
2100-2500	CLAY silty, few gravels	F	Brown mottled	< PL	M	.02	M	CL
2500-3400	CLAY silty	VF	Brown/grey mottled	< PL	MH	.025	M	CL CH
3400-4000	CLAY sandy, silty	F & Fb	Brown mottled	Da	L	.01	M	CL SC

Abbreviations

S,VS soft, very soft
F,VF firm, very firm
St, VSt stiff, very stiff
H hard
Fb friable
Fg fine grained

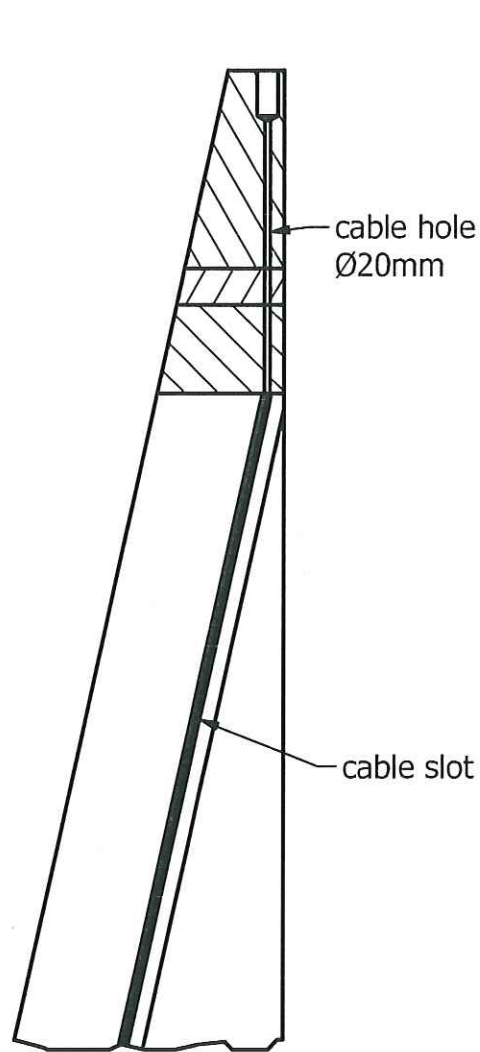
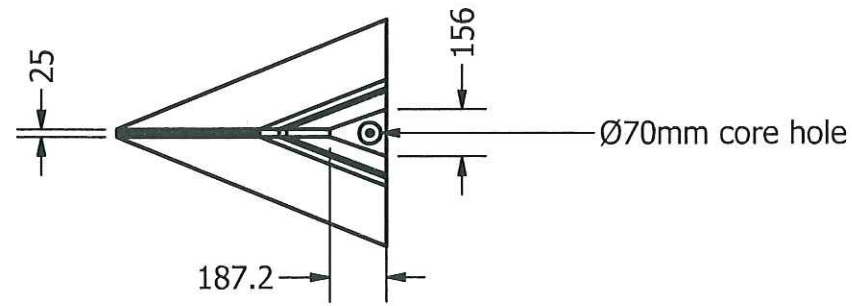
GW,GP,GM,GC: Gravelly Soils
SW,SP,SM: Sandy Soils
SC: Clayey Sands, Low Plasticity
ML: Silt Soils, Low Plasticity
CL: Clay Soils, Low Plasticity
CH: Clay Soils, High Plasticity

MC Moisture Content
PL Plastic Limit
OMC Optimum MC
L,M,H Low, Medium High
NP Non Plastic
P Plasticity

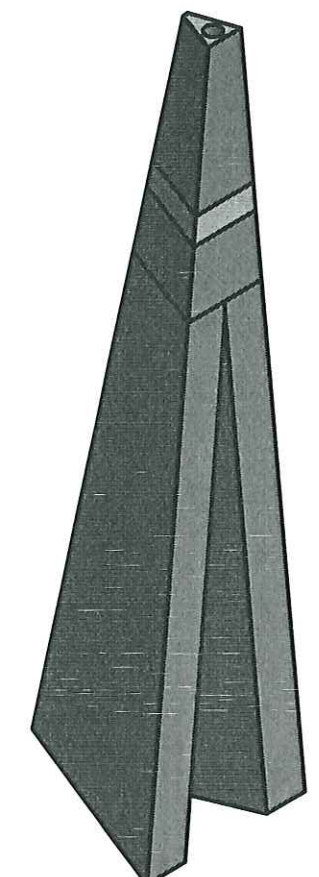
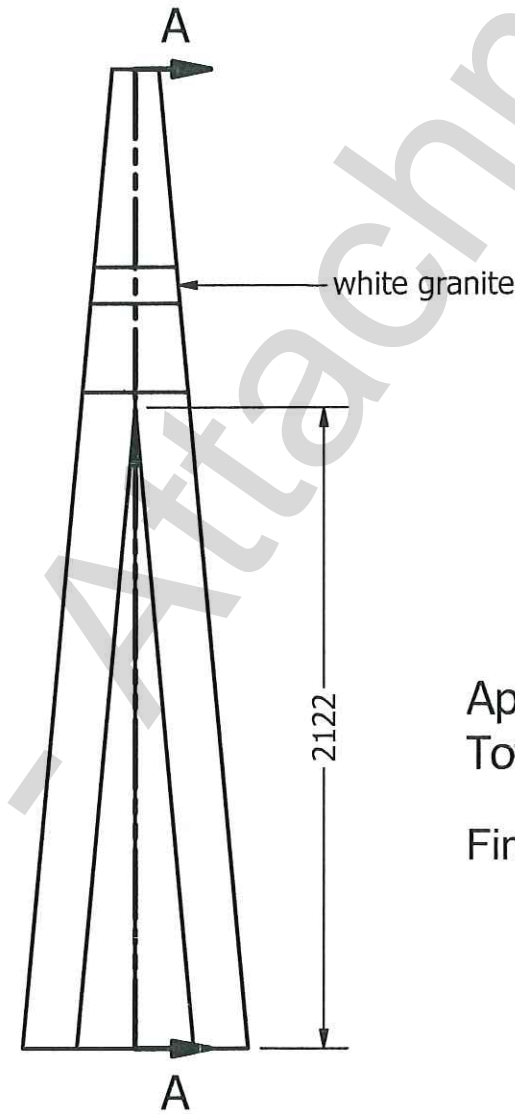
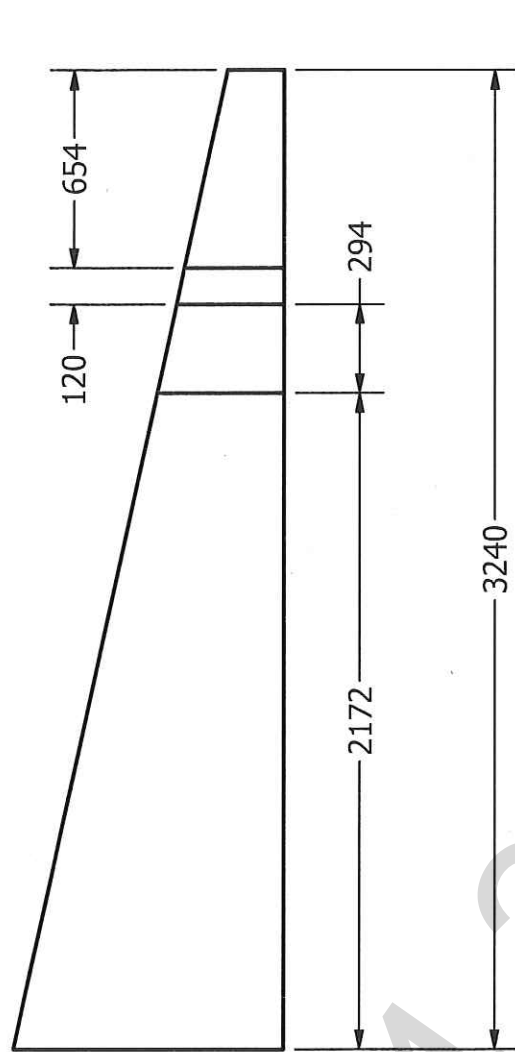
< Less than, Greater than
Da Damp
Mo Moist

PT DESIGN

ENGINEERING: SOIL TEST

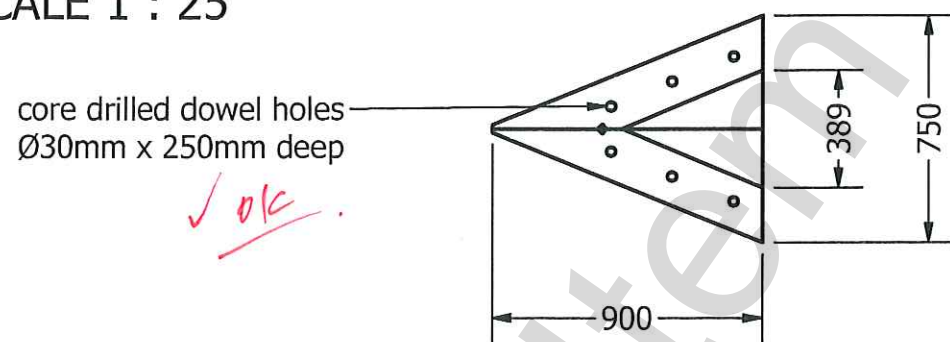


SECTION A-A
SCALE 1 : 25



Approximate total mass: 1140kg
Total Volume: 0.414m³
Finish: Polished

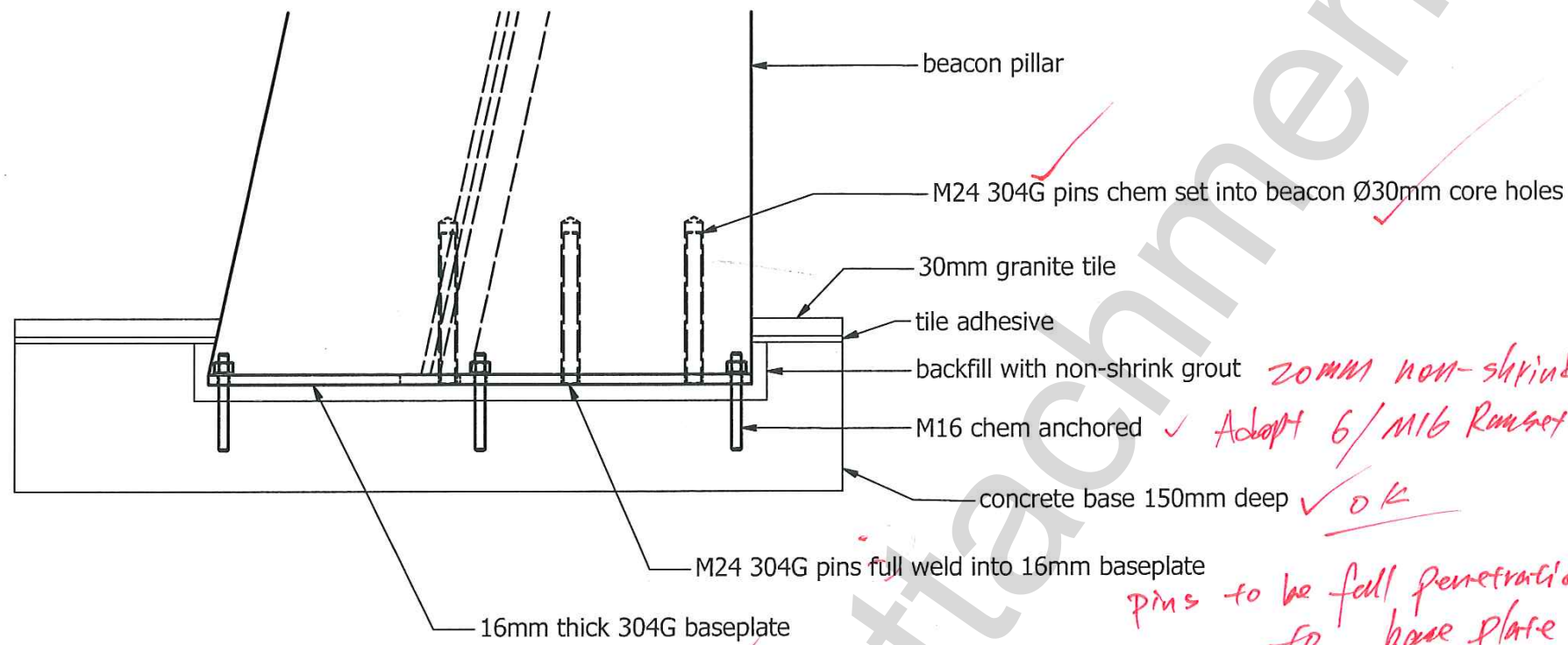
*✓ ok.
heavy enough
to resist
overturn due to wind.*



✓ ok.

Project: Vietnamese Boat People Memorial - Beacon
Preliminary only
Date: 5/06/2018
Scale 1:25 A3
3rd Angle Projection

ENGINEERING: BEACON



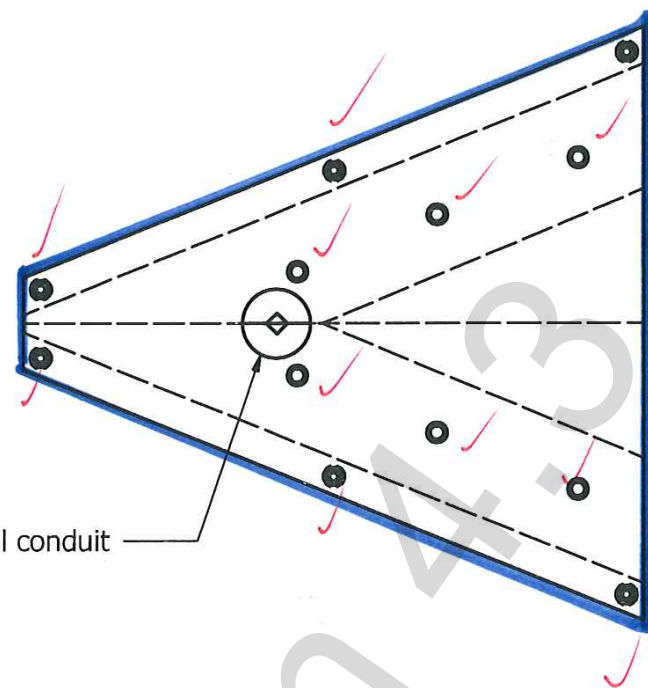
Adopt Ramset Chemset Reo 502 chemical anchors.

20mm non-shrinkage grout.

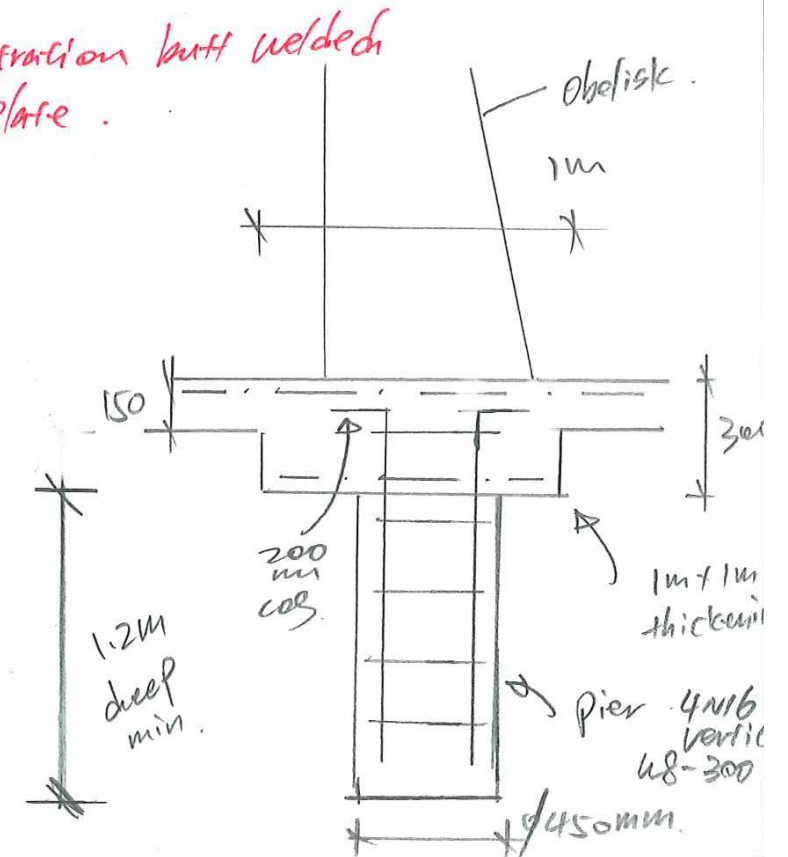
Adopt 6/M16 Ramset Chemset 10 anchors 150mm into slab

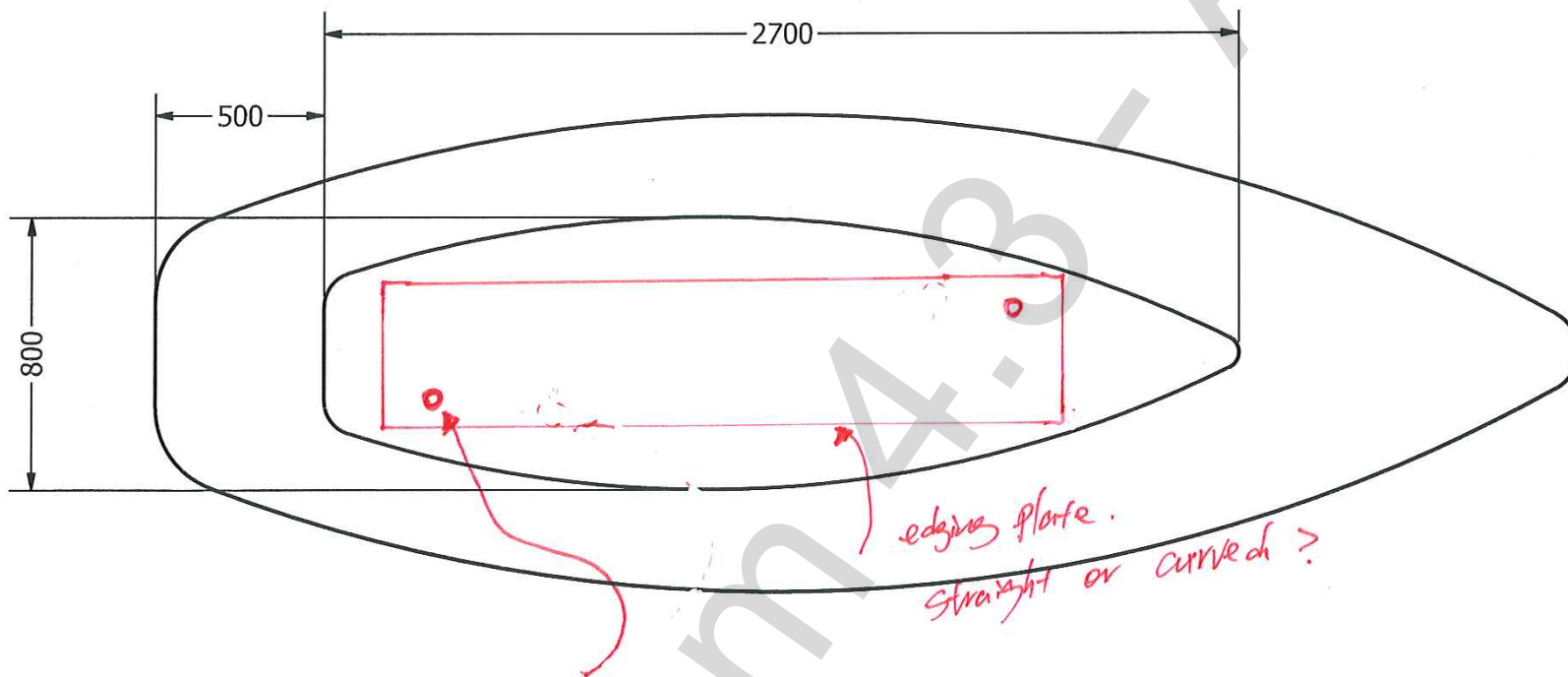
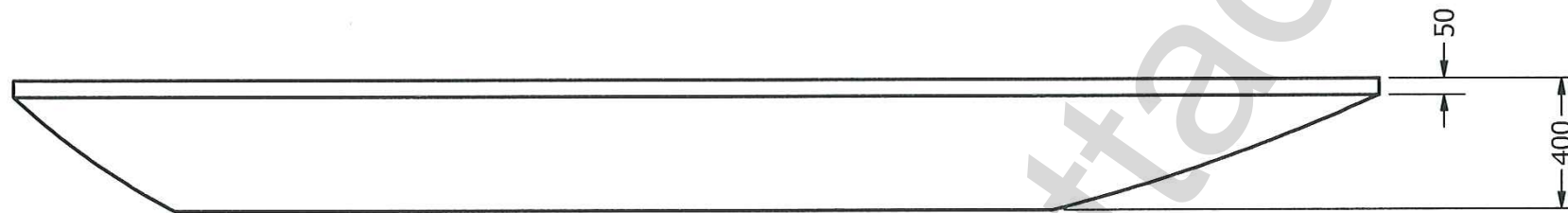
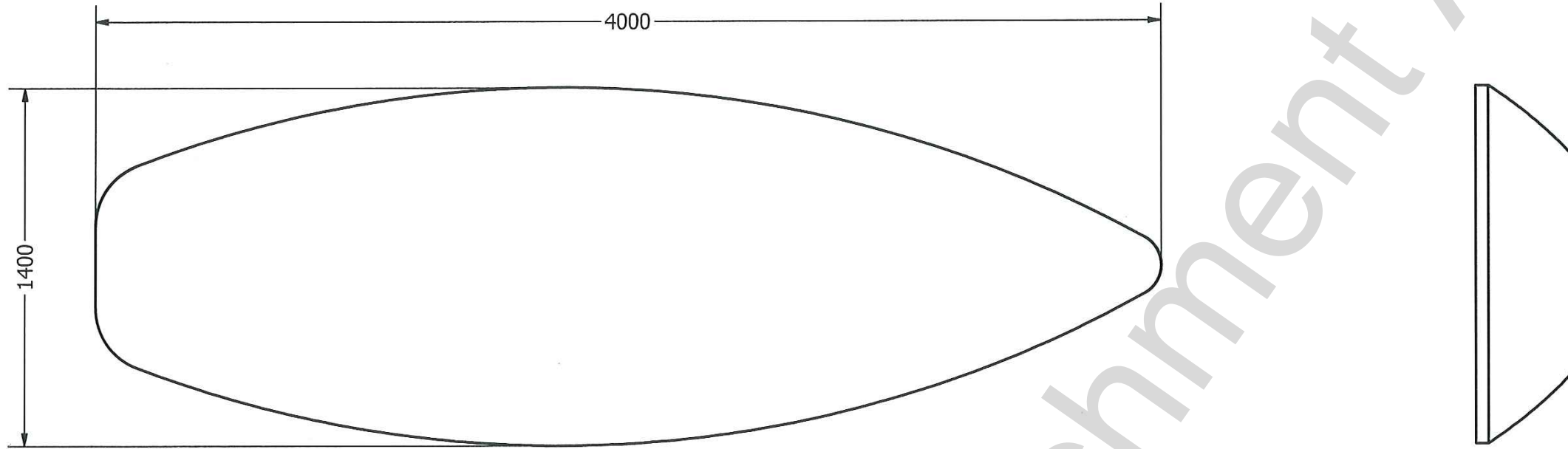
OK

pins to be full penetration butt welded to base plate.



Full 16mm thick Gr 304 base plate. OK





Approximate mass: 3300kg ✓ ok

Volume: 1.2m³

Finish: Polished

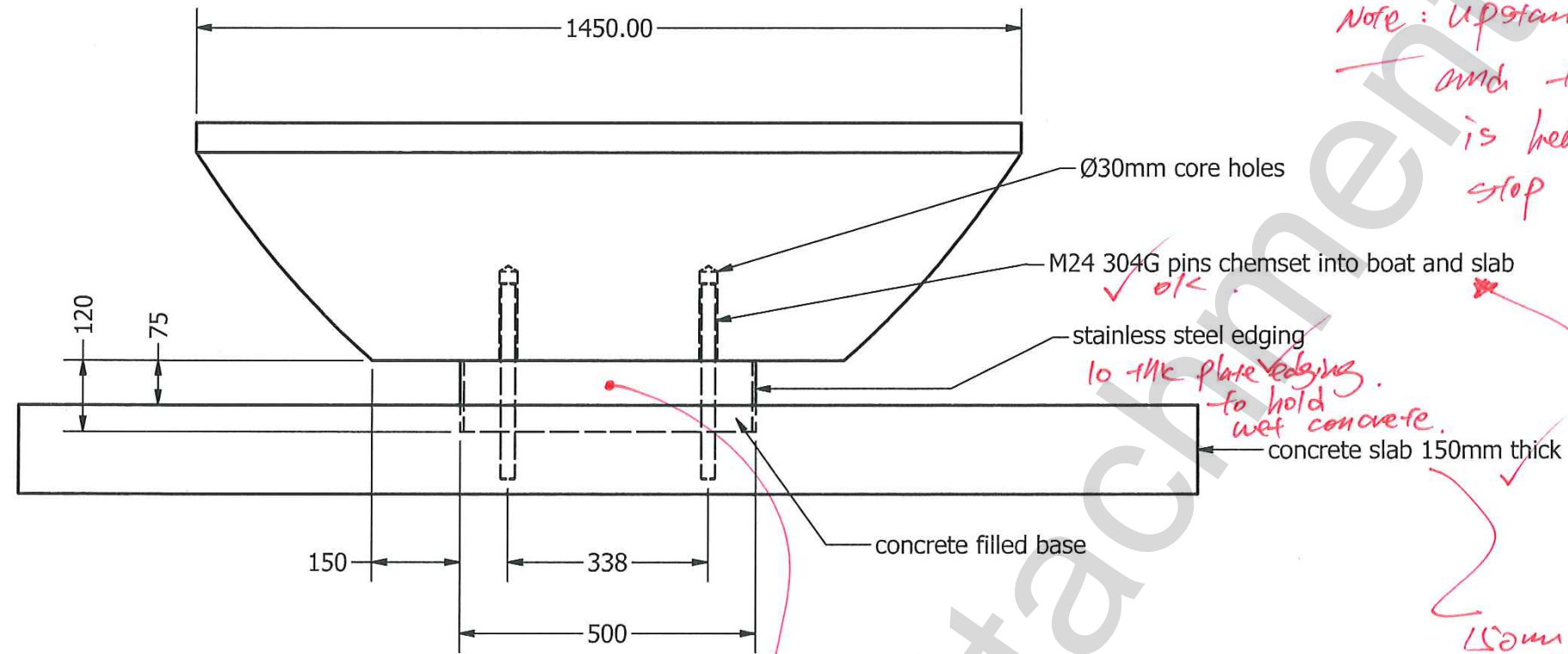
Project: Vietnamese Boat People Memorial - Boat detail

Date: 5/06/2018

Scale 1:20 A3

3rd Angle Projection

ENGINEERING: BOAT FORM



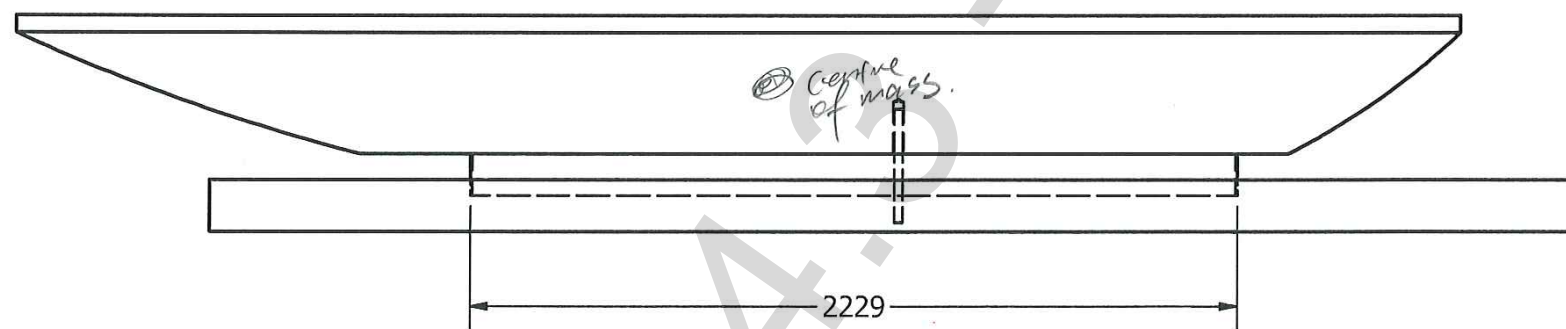
Scale 1:10

*Note: upstand check.
 and the weight of boat
 is heavy enough to
 stop overturning when
 people standing along edges.*

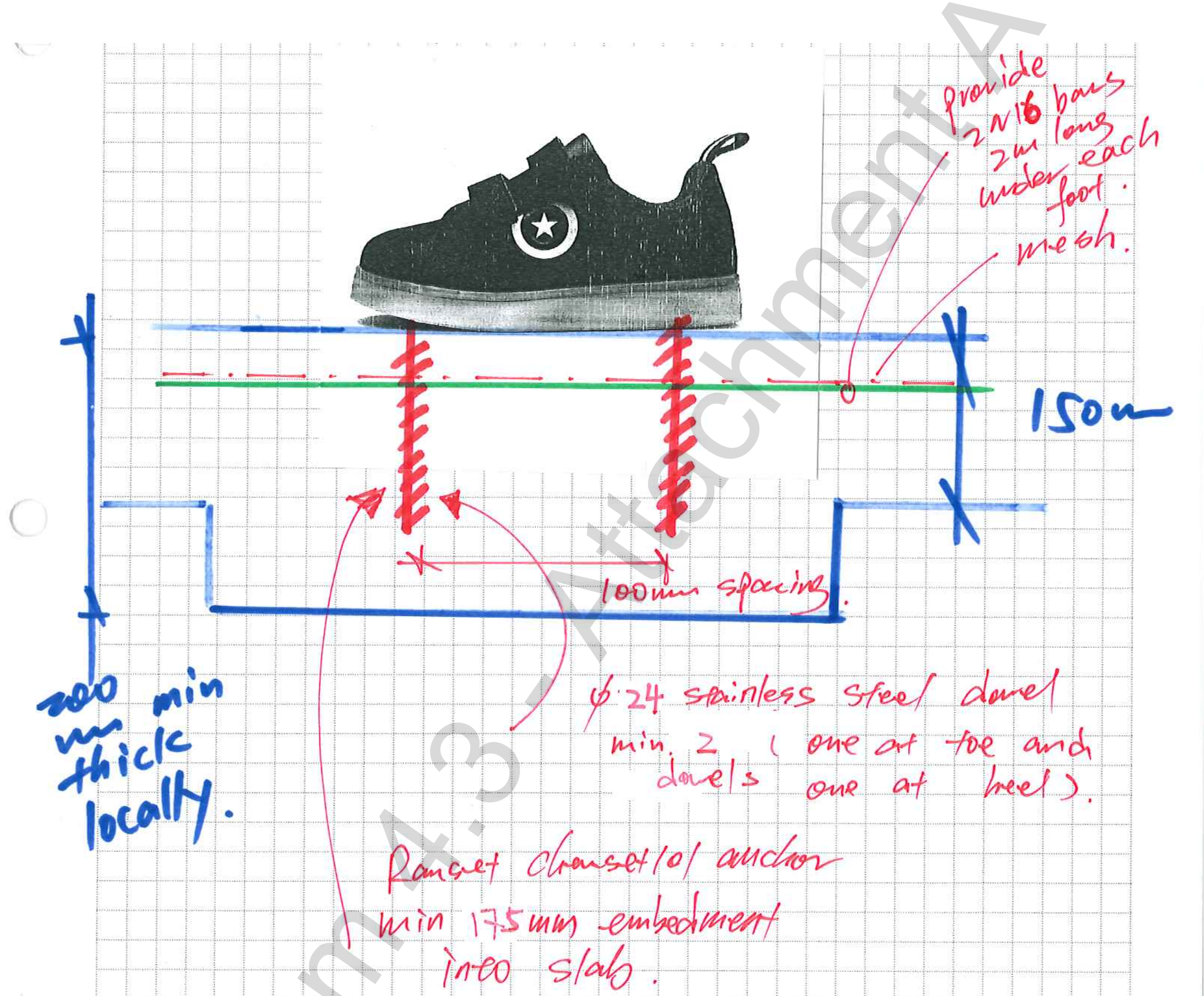
*could you
 stagger them?
 see plan.*

*150mm thick
 slab
 ok to
 support the boat.*

*ensure concrete
 in the upstand
 is well compacted.*



Scale 1:20



MATERIALS & METHODS

All materials are robust and proven fit for the desired purpose.

SCULPTURAL ELEMENTS

Large Boat Form	Carved and polished from a solid piece of Black Granite.
Children's Figures (x2)	Cast Bronze
Beacon	Carved and polished from solid granite. Made in 3 sections of black and off white. Possible detailing in gold leaf Possible patterning to be sand blasted into granite
Lotus Flowers (x6)	Cast Bronze
Cement Footings	Cement re-enforced footings to be poured on site

LIGHTING

Guiding Light in Beacon	Low Voltage LED light shaft Colour to be determined
Beacon	In-ground LED low voltage up light(s) at base of beacon
Boat Lighting	Low voltage LED Light strips at under base of boat form. Blue in colour
Artwork	Spotlighting upon key sculptural elements where appropriate mounted upon existing infrastructure (to be investigated in design development)

PAVING

Various tones of Granite and Slate sheet. Light grey to dark grey.
Saw and water jet cut.

PLANTINGS

Entrance plantings to be of low rise distinctive foliage shape
Possibly Cycads or similar

MAINTENANCE

Minimal maintenance required overall

SCULPTURAL ELEMENTS

Granite, Slate

A water pressure blast is recommended every three years, subject to environmental conditions

Cast Bronze

Cast elements re-waxed every 3 years

Suggested Product: Feast/Watson Natural Camauba Wax

LIGHTING

Low Voltage LED

Minimal maintenance required due to long life span of LED lighting. Refer appendix for product details.

PAVING

A water pressure blast is recommended every three years, subject to environmental conditions.

PLANTINGS

General landscape maintenance as per direction from Adelaide City Council.

RISK ASSESSMENT

CONSIDERATIONS

Granite Paving	Exfoliated non slip surface will employed to the paving surface
Granite Boat Surface (top)	Highly polished surface presents a small risk if climbed upon it in wet weather. NB: Adjacent Anzac Walk employs similar polished surface upon garden bed edges.
Granite Boat Edge	Anti Skate fins will be employed along edge if deemed necessary*. * Further consultation with ACC will be undertaken NB: Proximity of bronze figures on either side will minimalise run up access to boat edge thus minimal skate fins will be required.
Beacon	Standing 3m tall, due polished surface and form the beacon has no footholds and presents minimal climbing risk
Cast Bronze Lotus	Located upon the granite boat surface the cast bronze lotus will be sculpted with dull edges and minimal protrusions low to the surface of the boat presents (Approx 130mm Ø x 30mm from surface of boat)

RISK ASSESSMENT

Visibility at Night

Key Sculptural elements are illuminated at night.

- > Beneath the boat emanates a blue light illuminating surrounding paving.
- > Bronze figures will be up lit
- > Beacon will have an internal lower light which will softly illuminate the form

General Site light ambiance at night is under consultation with ACC regarding improvements/additions to lighting in the area

Landscape & Paving Gradient

From entrance footpath the artwork floor is raised at a gentle incline to 300m above ground level at the beacon end. Gradient 1:35 . Surrounding the artwork the grassed area will be flush with artwork paving edge then will gradually fall away to ground level extending approx 2.5 meters beyond the paving edge. Gradient 1:9.

IMPACT OF ARTWORK

FLORA & FAUNA

LIGHTING Diffused light with minimal impact to surrounding natural environment is employed for:

- 1) Blue light emanating beneath the boat form
- 2) Beacon Internal up-light set at ground level
- 3) Bronze figure up-lights at ground level
- 4) Beacon up-light: 15watts /1500 Lumen with 10° beam angle*

*To be confirmed after on site tests and consultation with ACC

No light is directed towards and/or into adjacent trees.

Refer lighting Plan Pgs: 26-27

DISABILITY ACCESS

Artwork is fully accessible from the footpath entry at Victoria Rd for wheelchair to eastern side of the boat and around beacon. Small gradient to artwork floor from entry. Total Gradient - 1:35

Gradient of artwork floor is within disability access standards.

INSURANCE



14 June 2018

Guildhouse Inc
STATION ARCADE SA 5000

A division of
Jardine Lloyd Thompson Pty Ltd
ABN 69 009 098 864

Level 1
148 Frome Street
ADELAIDE SA 5000
GPO Box 1693
ADELAIDE SA 5001

Tel 1300 853 800
Fax: +61 8 8235 6448
Direct +61 8 8235 6496
Julie.Lyon@jlta.com.au
www.localcommunityinsurance.com.au

Certificate of CurrencyOur Ref MCRAFT-023334

INSURANCE CLASS	Public & Products Liability	
INSURED NAME	Guildhouse on behalf of Accredited and Allied Members noting Tony Rosella as an Accredited Member	
INTERESTED PARTY	Adelaide City Council	
POLICY EXPIRY DATE	1 May 2019	
SITUATION	Worldwide except USA and Canada where the policy only applies subject to Endorsement H40 North America	
INTEREST	Legal liability to third parties for Injury and/or Damage to Property caused by an occurrence in connection with the Insured's business	
LIMIT OF LIABILITY	General Liability	\$20,000,000 any one occurrence.
	Products Liability	\$20,000,000 any one occurrence and in the aggregate any one Period of Insurance.

INSURANCE

DEDUCTIBLE / EXCESS

The insured shall bear the first \$250 of each and every Property Damage claim or series of claims arising out of any one Occurrence except for North American exports where the excess is \$10,000 any one occurrence inclusive of 1.3 Supplementary Payments.

INSURER

QBE Insurance (Australia) Ltd

PROPORTION

100.000%

POLICY NUMBER

ATA172000PLB

SPECIAL PROVISIONS

Interested Party Endorsement

Word or term 'You, Your or Insured' at 2.21 (d) under 2. DEFINITIONS is deleted and replaced with:

(d) Interested Party

Adelaide City Council in respect of their liability for one of the insureds designated in paragraphs 2.21 You, Your or Insured (a) to (g) caused by the performance of work or activity for the Interested Party named, but subject always to the extent of coverage and the limit of liability provided by this policy. Indemnity will not be provided where any claim arises from the negligence of the party named in this endorsement.

SITE ACCESS & PERMITS

Access to site will be from driveway at north eastern side of the artwork site adjacent to Old Police Building

Vehicle access: Trucks, crane etc can access the grassed area

Key points to consider;

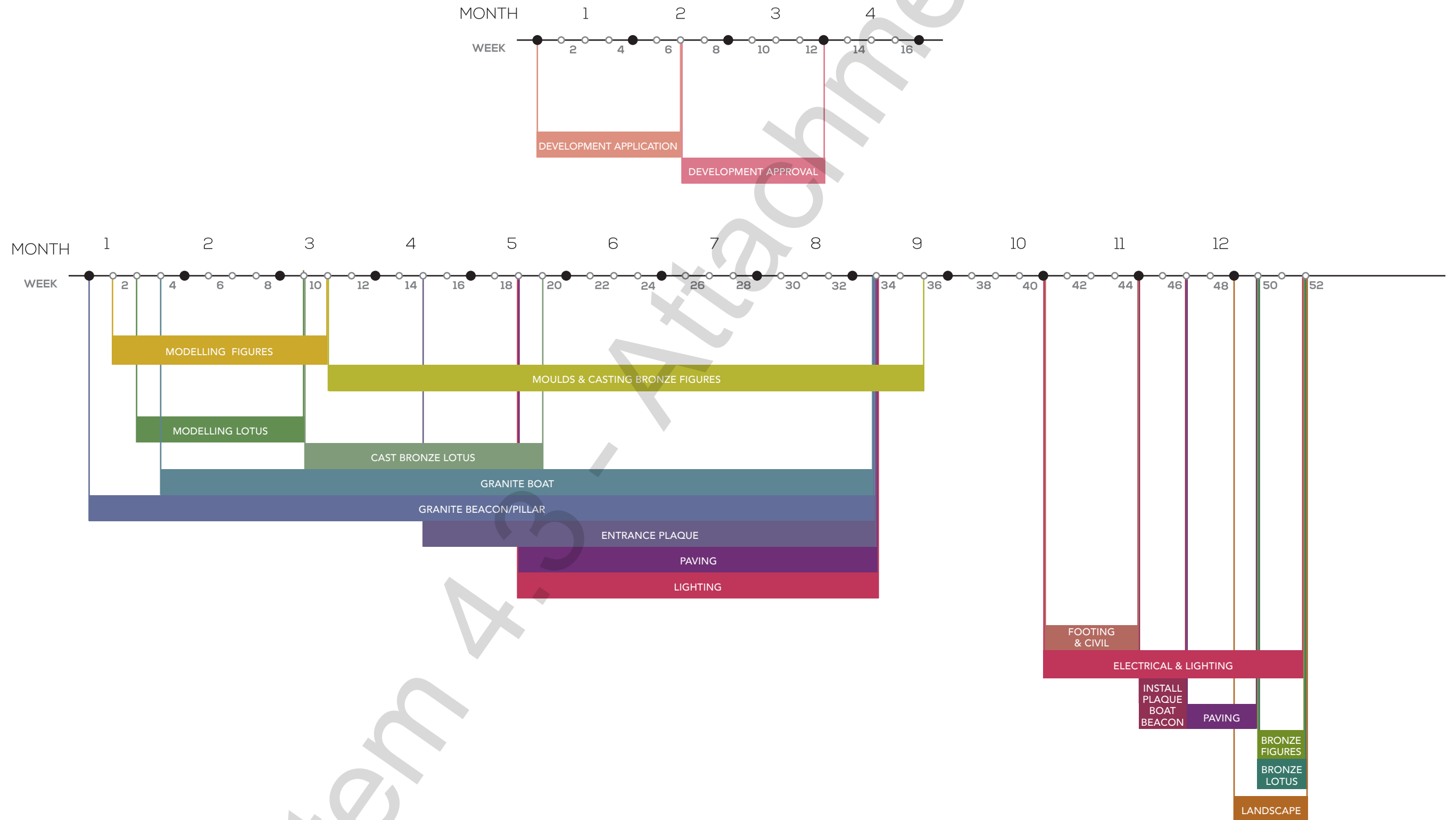
- Mark up Irrigation including sprinkler heads to be avoided by heavy vehicles
- Selecting an access/egress route which vehicles must adhere to will also minimize any spread of landscape damage.

- The ground needs to be hard when accessed.
 - › Lots of rain will not be the best time with everything underfoot being soft. This can aggravate damage to irrigation systems and leave mess with wheel ruts etc. This can be negated with suitable tracking that vehicles can drive on which spreads the weight of the tyres.

PERMITS

Permits will be acquired as per ACC directive.

INDICATIVE TIMELINE



INDICATIVE BUDGET

PHASE 3: COMMISSION	\$	SUB TOTAL
ARTIST FEES		\$ 35,000 .00
FABRICATION - GRANITE BOAT & BEACON		
Project Management	4,800.00	
Assistant labor + Management Ash	3,000.00	
GRANITE BOAT	31,000.00	
Wave carving & development casting	4,500.00	
S/S ellipse base support, grout backfill, core drill.	3,040.00	
Boat form development and templates	1,500.00	
GRANITE BEACON	25,000.00	
Gold leaf - inner beacon	2,000.00	
S/S Base plate	1,500.00	
Detailing and installation detail	1,500.00	
		\$77,840.00
BRONZE ELEMENTS		
Bronze figures	55,000.00	
Bronze figure modeling	30,000.00	
Bronze lotuses and modeling	8,400.00	
		\$93,400.00
EXPENSES		
Freight - truck	1,500.00	
Freight - courier	2,100.00	
CAD - working drawings	1,500.00	
Travel & Accommodation	3,500.00	
		\$ 8,600.00

INDICATIVE BUDGET

OVERHEADS		\$
Accounting & bookkeeping	500.00	
Insurance; work in transit	1,500.00	
		\$ 2,000.00
<hr/>		
CONCRETE AND SITE PREPARATION		
Site excavation & preparation	6,640.00	
Concreter labour	3,400.00	
Concrete footing	11,120.00.00	
Concrete pump	800.00	
		\$ 21,960.00
<hr/>		
INSTALLATION AND SITE WORK		
Crane and freight	4,000.00	
Fixings, consumables & misc.	1,600.00	
Fence hire	1,400.00	
Labour	20,000.00	
Traffic management	600.00	
		\$ 27,600.00
<hr/>		
LANDSCAPING AND REINSTATEMENT		
Landscape & reinstatement	2,800.00	
Plants & borders	750.00	
Irrigation	800.00	
		\$ 4,350.00
<hr/>		
ACC PERMITS, LEVEY & DEVELOPMENT APPLICATIONS		\$ 3,960.00
<hr/>		
ENGINEERING INSPECTIONS		\$ 480.00
<hr/>		

INDICATIVE BUDGET

PAVING	\$
Granite paving	18,450.00
Installation	17,800.00
Beacon base circle material - slate	4,750.00
Water jet cutting	5,520.00
Slate strips	3,400.00
Sandblasting text	3,500.00
Sealant	1,600.00
Granite slabs for edge paving	560.00
Entrance slate and water-jet cutting	1,780.00
	\$ 57,360.00
LIGHTING AND ELECTRICAL SUPPLY	
ACC fuse & cast iron pit - supply and install	6,000.00
Trenching 18m	1,500.00
Labour	4,800.00
Water proof casing, timer and transformers	1,340.00
Lights	3,360.00
Cable, hardware etc.	600.00
Electrician	1,400.00
S/S Fabrication - up light supports & strip light casing	2,460.00
P3 pit & install	480.00
	\$ 21,940.00
PLAQUE, GRANITE STONE, TEXT REVIEW	\$ 9,250.00
CONTINGENCY 10 %	\$ 40,000.00
GST Exclusive TOTAL \$ 403,260.00	

CONTRACTORS AND SUPPLIERS

ENGINEERING

PT Engineers

Ifould St, Adelaide. 5000. SA.

Contact: Kevin Wang ph. 8295 8677

ELECTRICAL CONTRACTOR- IN GROUND BOX/ ACC FUSE & SWITCH-BOARD

Berry & Le Cornu

1 Venum St, Magill. 5072. SA

Ph. 8332 3655

SITE PREPARATION / EXCAVATION

Civex Contracting

JimmyTheodosi 0422 142 600

civexcontracting@gmail.com

FOOTINGS & CONCRETE

Manoli Kalioros 0433 300 516

e.kalioros@gmail.com

TRANSPORT, CRANE AND INSTALLATION

James Contract Supplies

Wingfield Rd, Wingfield

Contact: Hugh Ph. 8348 6900

PAVING

Anyscape

Contact: Sam McCallum

Ph. 0430 998 100

BRONZE FIGURES CASTING AND PATINA

Tim Thomson

Crafers SA

Ph.83392155

BEACON AND GRANITE BOAT

Tillett Memorials

Coglin St

Bowden

Ph.8346 0971

LIGHTING CONSULTANT

24 V LED LIGHTING INSTALLATION

Southern Cross Electrical

15 Maria St, Thebarton. 5031. SA

Contact: Charlie ph.0408 825 744

Power supply - ADELAIDE CITY COUNCIL

CONTRACTORS AND SUPPLIERS

BEACON GRANITE BOAT AND PAVERS

SD Tillett Memorial
 3 Coglin St
 Hindmarsh, 5007. SA

BRONZE SERVICE PLAQUES

All plaques, Adelaide.
 Contact: David Rouse ph. 0424176973

SLATE SUPPLY

Tillett Memorials.
 3 Coglin St., Hindmarsh 5007. SA
 Contact: Chris Tillett
 Ph. 83460971

FENCE HIRE

Ready Fence
 18 first St Wingfield 5013 SA
 Ph. 8244 6688

INSURANCE

Maria Lambrou (Couni) QPIB
 City Rural Insurance Brokers Pty Ltd
 200 Greenhill Road Eastwood SA 5063
 GPO Box 7138 Hutt St Adelaide SA 5000
 Ph. 8272 7785

LIGHTING CONSULTANT

Illumination & Technology
 LVX Global
 Contact: Corey Gray
 Ph.0412225217

LIGHTING PRODUCTS

Aqualux lighting
 Unit 4/12A Rodborough Rd,
 Frenchs Forest, NSW, 2086, Australia
 PO Box 6059, Frenchs Forest
 NSW, 2086, Australia

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
RESPONSES

Item 4.3 - Attachment A



Site Rationale	51
Stake Holder & Community Engagement	55
Commitment to Fund	63

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION SITE RATIONALE

The artwork site located in the Adelaide CBD, on the picturesque and tranquil Torrens River Bank below the intersection between Kintore Avenue and Victoria Drive. The artwork site located in the Adelaide CBD, on the picturesque and tranquil Torrens River Bank below the intersection between Kintore Avenue and Victoria Drive.



Proposed Artwork Location

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
SITE RATIONALE

KEY JUSTIFICATIONS FOR SITE RATIONALE:

- Location faces onto a body of water, reflecting the symbolic and narrative experience of the monument to scale. The water is reflective of the journey that has taken place.
- The site is prominent and easily accessible by the public. There are no apparent physical barriers or deterrents such as hills/obstacles (flat area), with accompanying pathways directly in-front or access routes nearby.
- Substantial nearby road parking, increasing accessibility or visitation by the public.
- The location provides a large amount of space creating a zone of contemplation/reflection for visitors.
- High visibility to the public and can accommodate the large integral components of the monument without apparent compromise to scenic views of the surrounding area.

It is envisaged that the VBPM will compliment and contribute further to the established aesthetic integrity and unique cultural character of the areas around Victoria Parade and Kintore Avenue. These include the Anzac Walk to the south, Indigenous and Aboriginal Torres Strait Islander War Memorial the and the Vietnamese War Memorial to the west. All of which are easily accessible from the chosen location.

Further to this a continuity of high quality, durable and easily maintained materials evident within other memorials will be employed throughout the VBPM. A cohesive look and feel will add to the strength of the Historical and Educational pathway being developed by the Adelaide City Council. Suggested materials are reflective of best practice approaches/national practice found in other key monuments around the country.

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
SITE RATIONALE

Material considerations that further enhance/inform the experience of the monument as outlined in the Concept Design are:

- GRANITE BOAT FORM, (Black Granite) undulating & polished surface echoes the ocean surface
- THE BEACON, Its black form and white stone banding is reminiscent of nautical way-finders that guide vessels safely into shore. Grounded in rock, it is set upon a natural slate base.
- PAVING, The area is paved in subtle tones of locally sourced granite and slate

The use of Black granite and Mintaro Slate are materials found within South Australia further contextualising the monuments it's connection to place.

RESPONSE TO ADELAIDE PARK LANDS MANAGEMENT STRATEGY

The envisaged Vietnamese Boat Peoples Monument is a unique artwork that will enrich the cultural fabric, aesthetic and artistic value of the renowned Adelaide Park Lands and surrounding precincts. The locations' open yet intimate grassed area along Victoria Drive opposite Kintore Avenue provides an enhanced ambiance further supporting the artwork. Contemporary and emotive in its design the artwork will attract visitors and engage them via discovery of the history of the Vietnamese boat people and the story of their journey.

This is imparted through the sculptural elements of the artwork and further reinforced by ACC interpretive signage nearby. The artwork will contribute to the enhanced visitor experience to the area as it extends

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION SITE RATIONALE

the discovery trail of significant monuments within the precinct. Namely the Anzac Walk and Indigenous Aboriginal and Torres Strait Islander War Memorial and the Vietnamese War Memorial to name a few.

The sculptural elements and their educational content are both highly inspirational and reflective by nature. Thus encouraging many varied groups and individuals to make it an iconic destination. At given times of the year the monument will act as a place of meeting and ceremony for a range of social, cultural and interaction between visitors, the Vietnamese community and the broader South Australian population. Further activating public engagement within the picturesque Adelaide Park Lands.



Proposed artwork site in relation to other Adelaide Park Lands significant Walks, Gardens and Monuments.

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT

This artwork is imagined as a narrative piece, a journey. Individual sculptural elements collaborate to honour, reflect, inform and educate the viewer about the Vietnamese Boat Peoples' collective experience and impart their gratitude for the life in Australia they now share.

After discussion with the Governor of South Australia and key people in the Vietnamese community, the Vietnamese Boat Peoples Monument Association (VBPM) was formed and registered as non-profit organisation in late 2016. The Association was to oversee the fundraising for the design and construction of the Vietnamese boat people monument. The Association was launched to the community in July 2017. More than 550 people attended a dinner event including Councillor Houssam Abiad who was representing the Lord Mayor.

Since all members of the VBPM are inexperienced with public art work, the Association approached Arts SA to seek their support to assist with the writing of the artist brief and more importantly to access a public arts expertise for the design, construction of the monument. The Association also requested Arts SA to assist in the running of an Expression of Interest (EOI) and a short-listing process and the ongoing contractual agreement with the final selected artist(s). Arts SA is supporting the Association through Ms Sue Lorraine, Arts Development Officer, Public Art and Design.

On Wednesday, 1 November 2017, Arts SA opened call for EOI's and the interested artists had until Friday, 24 November 2017 to send in their expression. A total of 8 responses were received of which 3 artist teams were selected to progress to the concept development stage. All submissions received were compliant with the EOI requirements as defined in the Artist Brief.

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT

A Project Advisory Panel consisted of 5 members:

- Two members of VBPM Association
- An Adelaide City representative
- An Arts SA representative
- A representative from Vietnamese community.

Panel members discussed and evaluated the written and visual material and the selection of shortlisted artists/artist teams was decided by consensus.

The panel recommended the following three artist/artist teams to be contracted to develop concept designs.

- CHEB, Christine Cholewa & Deb Jones
- Johnnie Dady & Exhibition Studios
- Tony Rosella & Ash Badios

The selected artists/artist teams were contracted to develop a concept design proposal and each were paid a fee of \$5,000. This process can reflect a commitment to engage and encourage best practice around opportunities with the Creative Community of Adelaide.

On the 14th December, 2017, the Governor of South Australia who is a big supporter of the monument project hosted a morning tea at Government House for the selected three artists and the selection panel along with members of the VBPM. His Excellency told of his journey to Australia and his life experience as a boat person living in Australia. The Association is regularly informed the Governor of the monument development.

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT



Image: The Association's appreciation card to thank its supporters.

His Excellency also wrote to the City manager in August 2017 requesting the Council to assist the Association to identify a location to build the monument, (refer letter in appendix)

The Association also organised a community forum in late January 2018 to allow members of the Vietnamese community to tell their life story directly to the artists/artist teams. It's important for the artists to meet with the community so that before they start their concept design. The purpose of this meeting was not about

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT

the community telling the artists what concept design to come up with, but it was an opportunity for the artists to hear first hand about the journey and challenges many boat people were facing living in refugee camps and in Australia.

The Association invited three groups of Australian Vietnamese community to be part of the forum. The first group were first generation of Australian Vietnamese who were mostly in their 60's and most would have arrived in Australia in their late 20's or early 30's from refugee camps in South East Asia. The next group was a younger first generation of boat people who would have arrived in Australia in their early teens, and now, most would have children of their own. The last group was a young Australian Vietnamese in their early 20's who were born in Australia. It was important to hear from these young Australian about their Vietnamese heritage and the challenges they were facing.

The artists team also had an opportunity to speak to Father Maurice Shinnick OAM, a catholic priest who had been helping and working with Vietnamese refugees and other refugees for over 20 years. Fr Shinnick is well known in the Vietnamese community and to hear from him about his perspective and experience of the Vietnamese culture from an Anglo-Saxon of point of view.

A dinner event was organised for 23 March, 2018 for the artists/artist teams to present their concept design to the community before they did their presentation with the Project Advisory Panel. The event was heavily promoted in a local Vietnamese newspaper and posters of the event were put in major grocery stores and restaurants.

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT

The event was also an opportunity for the Association and the artists to engage with the community about each concept design. More than 520 people were present at the dinner event. After the dinner event, the three concept designs and their meaning were promoted in a local Vietnamese newspaper and the Association's Facebook page.

The feedback from some of the older Vietnamese was that they wanted a monument to be more of a memorial similar to other monuments built interstate and overseas. They felt the three concept designs were very modern and did not look like a memorial. However, the Association's objective for Adelaide's monument was about the celebration of the Vietnamese culture and its success in contributing to Australian society. It would be a symbol to thank Australia and its people for welcoming and settlement of millions of refugees.

The Association wanted the artists to come up with a concept that was more about the future generation and modern enough so that other culture could enjoy too. After hearing the Association's objective and purpose for the monument, majority if not all concerned people were onside and agreed with the direction of the Association.

A presentation meeting was held for the three artists/artist teams to present their concept in details to the Advisory Panel. After assessing the three concepts, the Advisory Panel recommended Tony Rosella and Ash Badios concept design were successful. The Association committee members then met and also endorsed that recommendation from the Panel.

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT

The Association uses several forms of media to keep the public informed. For social media, the association has its own Facebook page and the Co-Chair of the Association who is Member of Parliament has large following on his Facebook page also posted regular information about the progress of the monument.

Below are some comments on the Co-chair's Facebook page when the winning concept was announced. The Association also uses a local Vietnamese newspaper to inform readers of the Association's events and the progress of the project. Timeline of Articles & Adverts published in the local Vietnamese newspaper:



Christina Le Gastby ✓✓ Looks amazing can't wait to see the final product. 🍌🍌



Cat Blaikie Great work Tung & Minh. Sorry if I missed it. Where will the monument be located?



Tung Ngo Corner of Kintore Avenue and Victoria Drive (riverside) [Manage](#)



Cat Blaikie Great. Look forward to it Tung. Thanks.



Ziaul Khan Jewel Hi Tung, u should invite other community to celebrate the inauguration



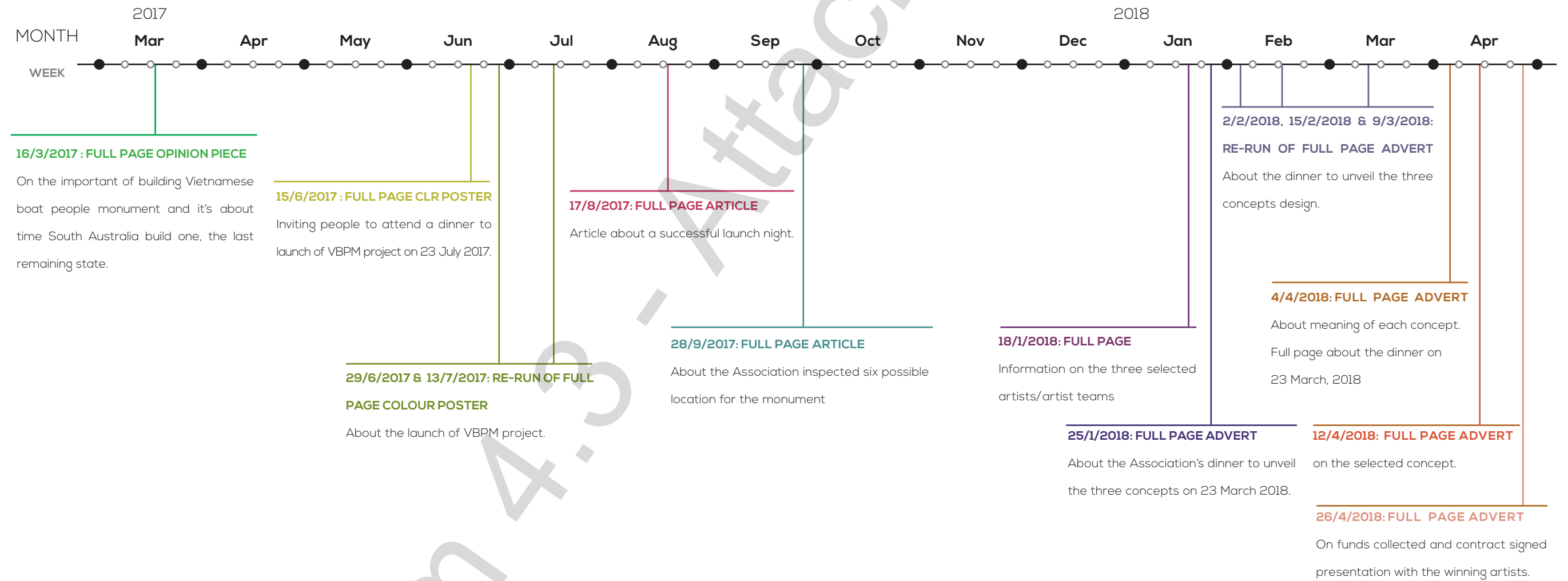
Tung Ngo **Ziaul Khan Jewel** noted. What an excellent idea. We'll be in touch with other communities, hopefully in 12 months time to make it a day for celebration



MP Cao Love this design; the meaning is very nice too.

**VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT**

TIMELINE OF ARTICLES AND ADVERTS PUBLISHED



VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
STAKE HOLDER &
COMMUNITY ENGAGEMENT

The Co-Chair of the Monument also tweeted a congratulatory message on his account about the winning artists. The post received more than 2400 views. His twitter account has many prominent followers such media and politicians.



**VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
COMMITMENT TO FUND**

The cost of building the monument is estimated to be about \$420,000 (plus GST). The Association is a non-profit organisation and is GST registered. The Association has so far received GST reimbursement from the ATO on the GST that it has paid.

The current financial status of VBPM Association are:

1. The Association has secured \$200,000 (Plus GST) from the State Government. This funding is being held in its bank account and so far, used \$19,800 to pay for the winning artist team for the design and development stage, plus \$35,200 for a retaining deposit. In total \$55,000 has been spent from this funding.
2. The Association has also secured a one-off grant of \$15,000 (plus GST) from Art SA for public arts & design which the Association used to paid for the three artists' fees for preparing a concept design.
3. The Association has secured the maximum of 10 people to be major sponsors of the monument and each sponsor is to pay \$15,000, for the total amount of \$150,000. The Association has asked for each sponsor to sign a contractual commitment and to pay a minimum of \$3,000 deposit to secure their sponsorship spot. The remaining amount is to be paid at a later stage when council development approval is given. Out of the 10 major sponsors that were signed up:
 - a. Three paid in full (\$15,000)
 - b. Three paid \$10,000 deposit.
 - c. One paid \$5,000 deposit.
 - d. Three paid \$3000 deposit.

VIETNAMESE BOAT PEOPLES MONUMENT ASSOCIATION
COMMITMENT TO FUND

4. The Association has secured a \$40,000 commitment from both Port Adelaide Enfield and Salisbury Councils for the building of the monument in Adelaide CBD. Both councils voted unanimously to sponsor the Association of \$20,000 each (please see enclosed letters). The Association has also written to Charles Sturt Council seeking similar supports and currently is waiting for a decision from Charles Sturt Council.
5. At the launch of the Association in July 2017 and the dinner to unveil the three concepts design in March 2018, the Association received closed to \$45,000 in cash donation from the community. The Association now has about \$42,000 after paying some incidental bills from this fund.

The Association feels its finance is in a strong position to pay for all the costs associated with the building of the monument. The Association has decided not to do further fundraising until it has secured Adelaide City Council developing approval for the building of the monument. The Association has further plans for fundraising events and to accept donations from businesses and individuals who indicated to contribute to a smaller amount.

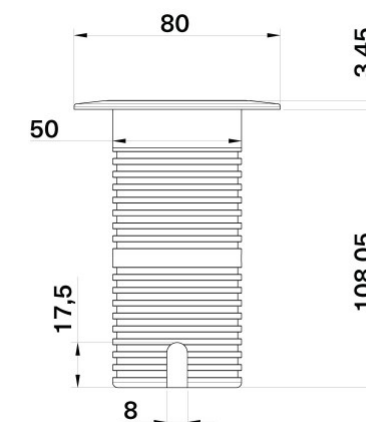
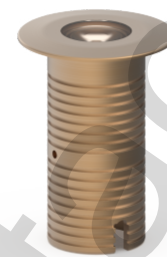
APPENDIX

Lighting product Specification Sheets
Paver Sealing Specification Sheet
Office of Governor General Support Letter

Item 4.3 - Attachment A



AQL-530 Uplight



CONFIGURED OPTIONS

ORDER CODE	AQL-530-BK-X12WM
FINISH OPTION	Matt Black
OPTICAL OPTION	Medium (25)
LED OPTION	X12 LED (550lm)
LED COLOR	Warm White (3000K)

SPECIFICATIONS

PRODUCT CODE	AQL-530
FAMILY	Phoenix
OPTIC OPTIONS	Narrow (10), Medium (25), Wide (40), Wall Washer / Cut off
FINISH OPTIONS	Antique Bronze, Matt Black, Natural Brass, Copper, Brushed Chrome
LAMP OPTIONS	X03 LED (300lm), X12 LED (550lm)
LED COLORS	Warm White (3000K), Cool White (5500-6000K), Red, Green, Blue, Amber
CONSTRUCTION	Solid Cast Brass
CABLE	900mm Aqualux 2-Core Silicone / PTFE Cable
ELECTRICAL	12V ~ 24V AC / 15V ~ 24V DC MultiSource Driver
WARRANTY	3 Year Construction, 3 Year Electrical
IP RATING	IP68
NOTES	



AQS-505 Neon Flex Top view

IP67 Neon Flex Top View

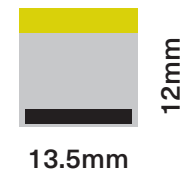


TECHNICAL

Product Code	AQS-505 - TOP VIEW
Product Family	AQS LED / Flex
Mounting	Clips / Profile
Construction	Eco-PVC + Silicone Encapsulation
Electrical	24V DC
Watts / M	10
Lumens / M	494 (3000K)
Max Run Length	10M (20M if looped circuit)
PSU Compatibility	24V DC Constant Voltage
Dimming Support	Various
Min. Bend Radius	30mm (60mm Diameter)
Cut Interval	100 mm
LED	SMD3528 144/M
CRI	80+ CRI
Protective Coating	Silicone Encapsulation
Cable	500mm 2-Core Tail
IP Rating	IP67
IK Rating	IK08
Warranty	2 Year Aqualux Warranty 5 Year Option Available
Additional	Cut / Join Service

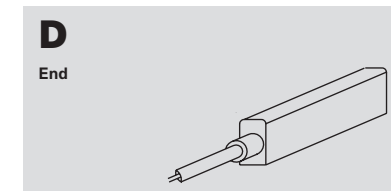
Dimensions

Cross section dimensions of the AQS-505



Cable Entry

Cable entry is Direct / D01.



Technical Data Sheet

Enhance Penetrating

Sealing

7 Day Technical Support 1800 655 711

Testing Approvals: N/A

Description			
<p>Enhance Penetrating is a highly water repellent treatment that penetrates deep into surfaces to cure and impede the passage of moisture. Enhance Penetrating reacts with soluble salts in cementitious surfaces to block capillaries whilst still allowing the substrate to release retained moisture, i.e. breathe.</p>			
Features and Benefits			
<ul style="list-style-type: none"> • Penetrating treatment • Allows area treated to ‘breathe’ • ‘Invisible’ protection • Does not increase slipperiness of surface 	<ul style="list-style-type: none"> • Enhances life of pavers and serviceability • Suppresses efflorescence (white salts) • Reduces spalling by minimising water penetration 		
Areas of Use			
<ul style="list-style-type: none"> • Clay brick • Concrete pavers • Stencilled concrete • Concrete and concrete block 	<ul style="list-style-type: none"> • In-situ concrete and reconstituted stone paving • Natural stone • Exposed aggregate panels • Reconstituted limestone 		
Technical Data			
Number of Coats:	2	Recoat (@25°C):	1 hour
Spreading Rate Per Coat:		Colour:	Clear
1 st Coat	2-4m ² /L	Curing time:	48 hours
2 nd Coat	4-6m ² /L	Thinner:	Mineral turpentine
Wet Film Per Coat:	N/A	Shelf Life:	12 months
Application Guide			
<p>Surface Preparation</p> <ul style="list-style-type: none"> • Ensure all surfaces are clean, dry and free of contaminants. • Any white efflorescence salts must be removed by dry brushing with a stiff bristle brush. The affected area should then be wiped down with white vinegar followed by cleaning with a damp cloth or mop. Allow to thoroughly dry. • Ensure surface is dry by either testing with a moisture meter or by placing a square metre sheet of black plastic on an area most likely to be damp. Place into position as sun gains heat and remove as sun loses heat. If condensation appears on plastic, do not apply product. Repeat until no condensation appears. <p>Application Procedure and Equipment</p> <ul style="list-style-type: none"> • Application equipment should be by airless spray or for small areas a long nap roller suitable for solvent borne products. • Whilst pavers must be saturated, do not allow the product liquid to sit on surface. If it does not penetrate into surface. Spread surplus with a brush until saturated into surface. • 1st coat – apply and allow to dry. • Apply 2nd coat when the first is sufficiently dry (to touch). • Allow at least 24 hours before product comes in contact with water. 			



GOVERNMENT HOUSE
ADELAIDE

Our Reference: 15/01/217

Wednesday 2nd August 2017

Mr M Goldstone
Chief Executive
City of Adelaide
GPO Box 2252
ADELAIDE SA 5001

Dear Mr Goldstone

As you may be aware, an organisation called the Vietnamese Boat People Monument Association Inc. has recently been formed in South Australia. The organisation is co-chaired by the Hon Tung Ngo MLC and Mr Minh Thai Nguyen.

The aim of the organisation is to establish a monument that commemorates the Vietnamese boat people's journey, acknowledges their contribution to Australia and pays tribute to Australia and its people for welcoming Vietnamese refugees.

His Excellency the Governor is very supportive of the Association and its aims.

The Association has sought His Excellency's views on an appropriate site for the eventual monument. I understand that the preferred location is Rymill Park.

His Excellency believes this is a matter which would be better discussed with Council and has indicated as much to the Association. I understand that there have indeed been some preliminary discussions between your staff and Association members.

I know that His Excellency would appreciate whatever cooperation you may be able to extend in this matter.

Yours sincerely

Hugh Borrowman
Official Secretary to the Governor

GPO BOX 2373, ADELAIDE, SOUTH AUSTRALIA 5001, TELEPHONE (08) 8203 9800, FACSIMILE (08) 8203 9899
www.governor.sa.gov.au

Item 4.3 - Attachment A

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Attachment B – Overview of the Vietnamese Boat People Monument

1. Background

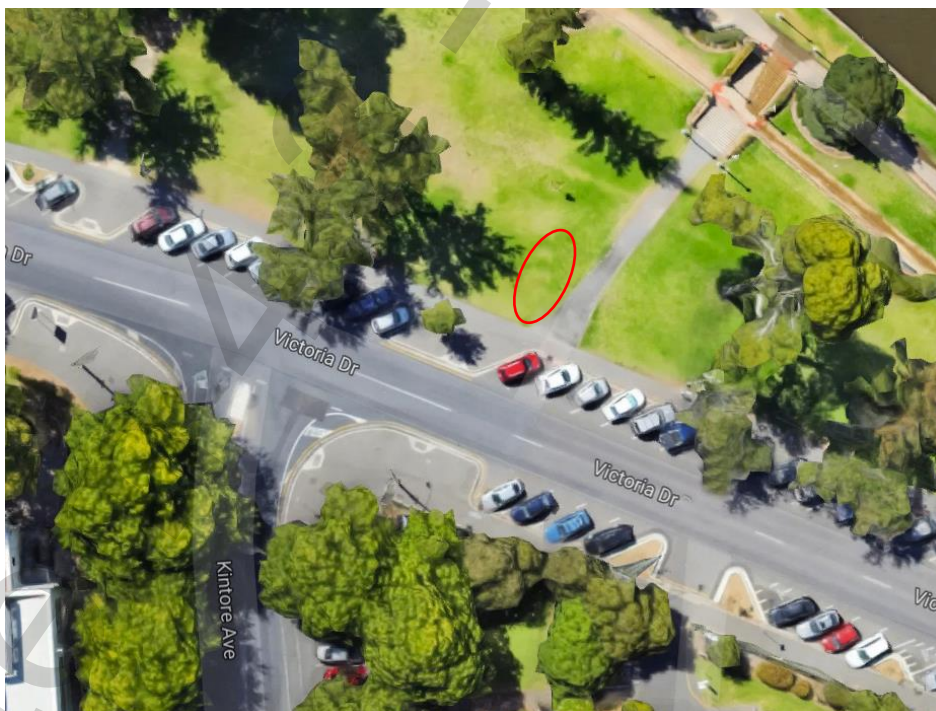
The past Lord Mayor Martin Haese was approached by the Honourable Tung Ngo, Member of the Legislative Council and Committee Co-Chair of the Vietnamese Boat People Monument Association (VBPMA), in June 2017 to express his interest in coordinating the development and donation of a high quality and meaningful memorial to the City of Adelaide (COA).

The proposed memorial will celebrate the contribution that Vietnamese refugees have and continue to make to South Australia. It will reflect the remarkable journeys, strength and resilience of Vietnamese refugees, and share the Vietnamese community's profound gratitude to Australians for embracing and assisting refugees as part of the South Australian community.

His Excellency the Honourable Hieu Van Le AC, Governor of South Australia, is the patron of the project and is highly supportive of the memorial. The VBPMA, consisting of six Vietnamese community members, was formed to oversee the design and construction of this significant cultural asset and has been active in advocating for the memorial. More than 520 people attended a fund-raising event in March 2018 and provided input into the design requirements.

2. Proposed location

The proposed site for the memorial is within Park 12, Red Gum Park/Karrawirra, near the intersection between Kintore Avenue and Victoria Drive.





SITE PLAN: PROPOSED FOOTPRINT

3. Funding

In accordance with the COA's current Public Art and Memorials Policy (2016) and the associated Public Art and Memorials Guidelines (2016), the VBPMA, as donor, has made a commitment to fund the full establishment of the Vietnamese Boat People Monument.

To date the VBPMA has secured commitments of \$450k, as follows:

- \$15k project seed funding, used for the concept development phase, from Arts South Australia;
- \$200k from the South Australian Government;
- \$40k from the Port Adelaide Enfield and Salisbury Councils;
- \$150k from ten (10) major sponsors within the Vietnamese business community; and
- \$45k cash donations raised from the wider Vietnamese community.

The Charles Sturt Council has agreed in principle to \$20k support, pending a council resolution, and the additional fundraising is planned pending Council endorsement of the project.

4. Consultation

Consultation regarding the proposed memorial was undertaken internally across programs and with the COA's Public Art Round Table (PART). The VBPMA has also conducted extensive consultation with the Vietnamese community and key stakeholder situated in close proximity to the proposed site for the memorial.

Internal consultation confirms that the memorial substantially meets Council policy, strategy and standards. The design of the memorial is original and of high artistic standard; the site is considered suitable; the work will be made of durable, robust, high-quality materials according to comprehensive engineering advice; it will be sufficiently lit at night; no negative impact on flora and fauna have been identified; and the location will not directly impact existing events.

PART considered the artistic merit and cultural value of the proposed memorial to be of high quality. The rigour of the selection process and the extensive experience and capability of the artistic team was noted. Members considered the design to be strong, thoughtful and balanced. They appreciated the creative nature of the memorial and applauded that it is being developed by artists. The cultural significance of the memorial was noted, and it was thought to be appropriate and timely that this story is told.

PART members acknowledged the need for a clear future policy and guideline in respect to locating memorials in the Park Lands. The current review of the COA's Public Art and Memorials policy will address this concern.

The appropriateness of the site for this specific proposed memorial was discussed, with the majority of members supportive of the site.

- It was considered by some members of PART that the proposed site provides a place of relief from the urban environment. In response, other PART members reflected that the memorial would provide a place of contemplation.
- The size of the memorial and its footprint in the Park Lands was discussed and acknowledged to be quite large, however considered to be appropriate to its cultural significance.
- The relevance of water to the memorial was recognised and the need for it to be located close to water was acknowledged. Options discussed included a location overlooking the ocean or elsewhere long the River Torrens in the City.

On balance, PART was supportive of the proposed design and site.

Consultation with the **Aboriginal community** found that there are no Kaurna cultural heritage sensitivities of the proposed site on the banks of KarraWirra Pari at the end of Kintore Avenue that are a barrier to this piece of public art being installed at that location. Usual cultural heritage monitoring will be required and undertaken in consultation with Kaurna elders as part of the preparations for and active installation of the memorial. Due to the significance of the memorial and the close ties between Kaurna and Vietnamese community in Adelaide, especially in relation to the Adelaide International Bird Sanctuary, Uncle Lewis O'Brien will be asked to conduct a Welcome at the opening/ launch of the memorial.

Key stakeholder consultation strongly supports the concept of the memorial, its high-quality contemporary design, and the proposed location. A memorial that celebrates Adelaide's multi-cultural society is considered to be a valuable addition to the Park Lands and is expected to be a valuable cultural tourism destination.

Mr Bill Denny AM BM, Co-Chair of the **Vietnam War Memorial Committee** considers that proposed memorial will be a fitting celebration of what South Australians have built together and the possibilities of our future. He strongly supports the concept and location of the memorial, and honours the shared story and connection with the Australian Vietnamese War Memorial.

Rob Manton, **Director Veterans SA**, is supportive of the development of the proposed Vietnamese Boat People Monument. Veterans SA respects that the memorial is being developed in response to the wishes of the local Vietnamese community. The close association of the proposed memorial to the existing Vietnam War Memorial is considered important, with the respectful space between the two memorials noted and appreciated.

Mr Kim Henshaw, Chief Executive **Returned Service League (RSL) SA/NT** considers that the proposed memorial will be a worthwhile addition to the Park Lands. The RSL supports the presentation of cultural diversity on the Park Lands, recognises that people of Vietnamese origin are an important part of our community, and supports the communication of the positive by-products of undesirable conflict. The RSL appreciates the connection and logical location for the memorial near the Vietnamese War Memorial, and considers the design attractive and accessible.

The **University of Adelaide**, represented by Ms Libby Dowling, Environmental Project Officer and Ms Mirna Heruc, Director University Collections, wholeheartedly supports the proposal and welcomes further engagement with the project as it comes to fruition. They envisage that the wider campus community will be interested in the monument's design and message. The University is working on plans to create a more welcoming, community-oriented campus through public realm upgrades and considers that the proposed location of the monument further supports activation of the river frontage.

Mr Greg Mackie OAM, Chief Executive Officer **History Trust of South Australia** is very supportive of the proposal. The proposed location of the memorial was noted to be visible and engaging from Kintore Avenue and the design is considered lovely and tranquil.

Ms Christine Ross and Mr Andrew Lolic, proprietors of **Lounders BoatShed Café** have no objections to the proposed Vietnamese Boat People Monument. They endorse both the design and location of the proposed memorial, believing that the memorial will add to the activation of the riverbank in a complementary fashion to the café, enabling the Park Lands to be more user friendly. The proprietors appreciate the concept and intent of the proposed memorial in recognising the importance of migration and cultural understanding, and they feel that the memorial has global potential to promote Adelaide as an international destination. The modern design of the proposed memorial is considered to be impressive, appealing and will inspire individuals to connect and interpret it in many ways. The use of the lotus flower as a symbol of resilience and strength is especially powerful. The proposed location of the memorial next to the stunning ambience of the river is considered perfect. Additionally, in this location the memorial will be beautifully centred between the North Terrace cultural institutions, the Migration Museum, ANZAC walk, the development at Lot 14, and the re-development of the Festival Centre, adding to a walking trail that links the river and the city.

Mr Barry Matthews, proprietor of **Jolley's Boat House** has provided support for the proposal.

The Management Committee of the **Torrens Rowing Club** is pleased to support the proposed Vietnamese Boat People monument. The concept behind the memorial is considered an asset for the riverbank area. The Committee considers that the proposed memorial is complementary to the master planning currently underway for Park 12, and appreciates that it would be one piece of a larger project to upgrade the area.

Mr Jim Dounas and Mr Phil Wilson, Assistant Principals representing **Adelaide High**, are highly supportive of the proposed memorial being developed in the vicinity of the school's rowing shed on the River Torrens. The school regards the memorial as a fitting tribute to Australia's multi-cultural society and values its educational aspects, telling a significant story in Australian history. The school supports art and education being made available to the wider community in the Park Lands, and considers that the memorial will become a destination of interest. The proposed location for the memorial is considered appropriate given its close association to the Migration Museum. The design of the memorial is considered fantastic and the use of high-quality materials is recognised as important to

ensure that the memorial has long lasting value. The symbolic and simple 21st presentation of the memorial is thought to align well with the City of Adelaide's key intention to be a Smart city.

Mr Tim Hennessy, Director of Rowing **St Peters College** has no concerns and is supportive of the proposal. The school recognises that activity on the river and the bank adds to the vibrancy of the Park Lands, and the considers that the proposed memorial will fit well with intentions to more regularly activate the school's boatshed. Conceptually, the memorial is considered to be a timely addition to the city, and its future facing intent should allow the memorial to maintain significance into the future. The design of the memorial is considered clever and exciting.

Ms Bianca Schuman, Managing Director, **Popeye** is totally supportive of the proposed Vietnamese Boat People monument. She considers that the design of the memorial is beautiful, uplifting, and that it will blend in and complement the surrounding Park Lands. It was also acknowledged that the memorial would make a great addition to the Popeye tour along the river.

5. Risk Assessment recommendations

Risk assessment considered potential pedestrian slipping, tripping, climbing and sharp protrusions; safety at night; vehicle accident; and driver distraction.

Risk	Controls	Risk Rating post control
Granite Paving	Exfoliated non-slip surface that meets P4 requirements will be employed to the paving surface.	low
Granite Boat Surface (top)	Highly polished surface presents a small risk if climbed upon it in wet weather. Similar polished surface is found in the garden bed edges on the adjacent Anzac Walk. Artists to apply wax coating.	low
Granite Boat Edge	Proximity of bronze figures on either side will minimalise run up access to boat edge. The size of the surrounding also limits skating ability.	medium
Beacon	Standing 3m tall, due to its polished surface and form the beacon has no footholds and presents minimal climbing risk.	low
Cast Bronze Lotus	Located upon the granite boat surface the cast bronze lotus will be sculptured with dull edges and minimal protrusions low to the surface of the boat presents (approx. 130mm x 30mm from surface of boat). Minimal risk to people. Lotus flowers will be secured with structural pins to reduce risk of theft.	low
Visibility at Night	Key Sculptural elements are illuminated at night.	low

	<ul style="list-style-type: none"> • Beneath the boat emanates a blue light illuminating surrounding paving • Bronze figures will be up lit • Beacon will have an internal lower light which will softly illuminate the form <p>Light levels will meet required standards for the public realm.</p>	
Landscape & Paving Gradient	<p>From entrance footpath the artwork floor is raised at a gentle incline to 300mm above ground level at the beacon end. Gradient 1:35. Surrounding the artwork the grassed area will be flush with artwork paving edge then will gradually fall away to ground level extending approx. 2.5 metres beyond the paving edge. Gradient 1:9</p> <p>Artists will consider water run-off towards the footpath and with engineering advice will modify the design as required to include drainage between the memorial and the footpath.</p>	low
Driver Distraction	<p>The memorial is placed within the Park Lands proper beyond the footpath at the road edge. The lighting proposed is less than street lamps and does not pose a driver distraction.</p>	low
Cyclist Accident	<p>The artwork will be placed only on the grassed area and will not impact the footpaths nearby.</p>	low

It will be essential for the artists to ensure that granite and slate pavers meet slip testing standards, light level safety regulations are adhered to, and that the artists modify the design to address potential slippage on the smooth upper surface of the sculptural boat form.

Other modifications required will be for the design to address adequate storm-water management and drainage onto the surrounding grass; relocation of the information plaque to be set back from the footpath edge; and maintenance considerations for the gold leaf on the beacon. The artists are responsive and accommodating of working with Administration to address these requirements, prior to formal submission of the design through the standard Development Approval process.

National General Assembly of Local Government 2019

ITEM 4.4 19/03/2019
The Committee

Program Contact:

Jacki Done, AD People & Governance 8203 7256

2018/04054
Public

Approving Officer:

Steve Mathewson, Director Services

EXECUTIVE SUMMARY:

The National General Assembly of Local Government (NGA) will be held in Canberra from 16-19 June 2019.

The theme of the 2019 NGA is '*future focussed*'.

The Australian Local Government Association (ALGA) is calling for motions for consideration at the NGA.

Council approval is sought to appoint a Council representative as a voting delegate for the NGA.

By participating in the NGA the Council can contribute to the national debate on matters that require Federal intervention or support that will directly advance Council's Strategic Plan objectives.

RECOMMENDATION:

THAT THE COMMITTEE RECOMMENDS TO COUNCIL

That Council:

1. Appoints a Council Member to represent Council as a voting delegate at the 2019 National General Assembly of Local Government to be held in Canberra from 16-19 June 2019.
2. Approves submission of the following Notice of Motions to the 2019 National General Assembly of Local Government:
 - 2.1. That ALGA works with local governments, and lobbies the Australian Government, to develop Australian standards for the provision of national standards for cycling infrastructure including separated bikeways.
 - 2.2. That ALGA lobbies the Australian Government for changes to the *Telecommunications Act 1997* (Cth) and/or the *Telecommunications (Low-Impact facilities) Determination 2018* to either:
 - Remove public payphones from the definition of "low-impact facility", or
 - Otherwise require planning approval for payphones.

IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	Strategic Alignment - Corporate Activities This report contributes to Council's 2016-2020 Strategic Plan by providing opportunity to shape the future of the city and state by influencing local government policy at a national level.
Policy	Not as a result of this report.
Consultation	Council Members were invited by E-News on 15 February 2019 to submit Motions on Notice for consideration of Council, and offered the support of Council Administration in preparing any proposed items.
Resource	Preparation for and meeting attendance for the participating Council member including liaising with Council staff members for guidance in relation to Council's positions on relevant matters.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	Submission of Motions on Notice to and attendance at the National General Assembly provides Council with the opportunity to shape the future of local government in South Australia.
18/19 Budget Allocation	Not as a result of this report. Costs associated with attending the NGA can be met within existing resources. Estimated expenses of attending a maximum of approximately \$3228 per voting delegate or representative comprising flights (from \$189 - \$327 each way), registration (\$989 - \$1199) plus three (3) nights' accommodation (from \$210 - \$375 per night) and optional social dinners over two nights (\$110 networking dinner and \$140 NGA dinner).
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

1. The 2019 National General Assembly of Local Government (NGA) will be held in Canberra from 16-19 June 2019.
2. The NGA represents an important opportunity for Council to influence the national policy agenda.
3. The NGA also provides opportunities for attendees to hear from leaders across government and to have one on one access to some of the country's most influential decision makers.
4. The theme for this year's NGA is *future focussed*. The NGA program can be viewed [here](#).

Appointment of Council's Voting Delegate & Cost of Attendance

5. Council's consideration of appointing a voting delegate is sought.
6. Registration fees range from \$989 for early bird bookings made on or before 10 May 2019 to \$1199 for late registrations received after 7 June 2019.
7. Economy flights range from \$189 - \$327 each way.
8. The approximate cost for registration and three (3) nights' accommodation is anticipated between \$1619 - \$2324 per delegate.
9. Two optional social functions are not included in the registration cost:
 - 9.1. Monday, 17 June – Networking Dinner at the Australian War Memorial - \$110 per attendee
 - 9.2. Tuesday, 18 June – NGA Dinner at Parliament House - \$140 per attendee.
10. Costs associated with the attendance of two delegates at the NGA can be met from within existing budget allocations.

Motions

11. The Australian Local Government Association (ALGA) is calling for motions to be submitted to the 2019 NGA.
12. Further information is contained in the *Call for Motions Discussion Paper 2019* [\[Link 1\]](#).
13. To be eligible for inclusion in the NGA Business Papers motions must meet the following criteria:
 - 13.1. Be relevant to the work of local government nationally
 - 13.2. Be consistent with the themes of the NGA
 - 13.3. Complement or build on the policy objectives of the Local Government Association of South Australia
 - 13.4. Be from a council which is a financial member of their state or territory local government association
 - 13.5. Propose a clear action and outcome
 - 13.6. Not be advance on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
14. Consistent with the process used throughout 2018 to garner motions on notice for previous LGA as well as ALGA forums, Council Members were invited by E-News on 15 February 2019 to submit Motions on Notice for consideration of Council. Administration support was offered to Council Members interested in developing proposed items.

15. The following motion has been proposed by a Council Member for submission to the NGA:

15.1. **Motion 1**

That ALGA works with local governments, and lobbies the Australian Government, to develop Australian standards for the provision of national standards for cycling infrastructure including separated bikeways.

National Objective

Infrastructure provided for people who ride cycles on streets and roads is managed by various road authorities and local councils around Australia.

There is guidance for the design of these facilities (via Australian Standards and 'Austroads' Guidelines), however current advice is limited to the provision of basic facilities.

It is widely acknowledged that the provision of a safe and low-stress cycle network would result in cycles being a legitimate transport choice for more people.

'Cycles' in this context include bicycles, scooters, cargo bikes, unicycles, tricycles, and other mobility devices that use human power.

Development of a more integrated and standardised approach to a cycling network would involve the installation of specialised infrastructure and traffic control devices, rather than line-marking of cycle lanes, which has been the majority approach in Australia to date.

The development of a safe cycle network would have significant and wide-ranging health, environmental and economic benefits for individuals, wider society and all levels of government.

To fill the gap in applicable standards, many transport authorities have developed their own guidance for the provision of cycling infrastructure, which focus on the types of facilities that could be used by all.

Consistent with the approach for other traffic control devices, it is appropriate that a national set of standards and guidelines be developed to ensure that all relevant authorities are provided with a uniform set of approved approaches that can be applied on-street.

This will ensure a standardised suite of approaches, fostering engagement with communities, and supporting implementation by relevant authorities and all who utilise cycles.

Summary of Key Arguments

People riding cycles benefit in a range of ways - improved physical and mental health, money saved from the alternative car or public transport travel, as well as experiencing flexibility, speed and reliability in travel times.

There are also significant benefits to society when an individual chooses to ride a cycle – congestion on our road or public transport networks is reduced, overall health costs and required investment in public transport and road networks are lower, the impact on our carbon footprint is reduced and noise levels, air quality, the sense of community in our streets and the liveability of our cities improves.

Current levels of cycle riding in Australia are low. Nationally only 1.1% of trips to work are by bike, compared with 68.7% by car. (ABS 2016).

The biggest barrier to getting more people to cycle is a concern for their safety in the road environment. Research has shown that people are much more likely to choose cycling as a transport mode if the infrastructure provided is physically separated from traffic, rather than traditional painted cycle lanes.

There are currently no national standards or guidelines in Australia for the planning, design and implementation of physically separated cycling infrastructure or other facilities that could be used to form a safe and inclusive cycling network.

The national standards/guidelines that are currently in place focus on line-marked cycle lanes and other 'advisory' treatments that appeal to a very small section of the community. These guidelines exclude the cycle riding needs of most of the population.

In countries with a long history of cycling, there are well developed national standards and guidelines for the planning, design and construction of appropriate infrastructure that create networks of safe riding environments, which allows cycling to be a legitimate transport choice for all communities.

Countries such as Denmark and the Netherlands have high rates of cycle riding among all sections of their communities, including children riding to school as well as older people riding as part of their daily lives. Cities in these countries generally enjoy a high quality of wellbeing and often rank highly in liveability indices. In these cities the high levels of cycle use helps to reduce congestion, improve air quality, keep the community healthy and happy and reduce the need for investment in infrastructure for traffic and public transport.

It is well documented that providing a connected network of safe cycling facilities that are separated from traffic is likely to significantly increase the number and variety of people that choose to use cycles. This is borne out by the significant increases in cycle use in the various locations where safe facilities have been provided.

As has been experienced in a several cities worldwide, the development of connected networks of safe cycling facilities is likely to have a significant positive impact on Australian cities.

16. The following additional motion is suggested for submission to the NGA:

16.1. **Motion 2**

That ALGA lobbies the Australian Government for changes to the *Telecommunications Act 1997 (Cth)* and/or the *Telecommunications (Low-Impact facilities) Determination 2018* to either:

- **Remove public payphones from the definition of "low-impact facility", or**
- **Otherwise require planning approval for payphones.**

National Objective

The Telstra SmartHub project is a national project involving the installation of digital payphones with associated large format digital signage. The digital payphones replace existing payphones in most cases, although there may be additional ones installed too. At 2.64m high and 1.09 metres wide the digital payphones are considerably bigger than the existing payphones. The signage is a 75-inch LED screen mounted to the back of the payphone housing and a smaller LED screen above the payphone instrument.

According to the *Telecommunications (Low-Impact facilities) Determination 2018* under the *Telecommunications Act 1997 (Cth)*, Telstra may install the digital payphones and LED screens without approval (although a permit is required in the City of Adelaide). While the public payphone, cabinet or booth can be used to display advertising related to the supply of standard telephone services, approval is required for commercial third-party advertising.

This is a national roll-out, occurring in five capital cities (Perth, Brisbane, Melbourne, Sydney and Adelaide), in the first instance. Payphones are located throughout Australia in urban, regional and remote areas as part of Telstra's Universal Service Obligation (USO). The physical environment of local communities, and the capacity to influence planning outcomes, is an interest shared by Local Government Authorities.

The proposals herein to remove public payphones from the definition of 'low-impact facility' or otherwise require planning approval for SmartHubs are potential national solutions to a national problem.

Summary of Key Arguments

Payphones were last substantially redesigned in the late 1980s. Customer expectations of services and facilities have changed since then. The new digital payphones offer wi-fi and USB charging points and other features such as emergency messaging that Councils could tap into.

While it is not unreasonable for payphones to be redesigned to meet contemporary demands, there is a question about the reasonableness of a determination that public payphones are a “low impact facility”, given their size, and the inclusion of a large format LED screen for advertising. The planning and road safety issues associated with such signage (illumination, animation, advertisement changeover time, orientation to the roadway, location in relation to traffic lights) exist irrespective of the content of the advertising i.e. whether it is third-party or not.

The effect of the low-impact determination in the USO is that councils and State planning authorities have no role in determining the number or location of payphones. Nor is there authority to deny the advertising component (other than for display of third-party advertising).

It is also noted that Telstra’s planned display of third party advertising in breach of the USO has significant potential to devalue existing commercial arrangements that some Councils have in place for products such as bus shelter advertising.

Telstra has around 17,000 pay phones, yet more than 99% of Australians have access to one commercial mobile network. Usage of payphones when measured between 2010 and 2014 showed to be decreasing dramatically, with reports indicating that only 9 per cent of people had used a payphone in the six months to May 2013.

The 2017 Aust Govt Productivity Commission Inquiry into the Telecommunications USO determined that it may not be required as a voice fixed line is to be made available to every residence and business premise (as guaranteed by the Federal Government with rollout of the NBN), and decided that no change to the USO would be considered until 2032. In recognition of this the roll out of the SmartHubs could be considered premature, particularly given the planning considerations raised by their size and potential use to display advertising content.

Requiring planning approval for the installation of SmartHubs would allow each Council to assess applications with reference to planning considerations relevant to the proposed site. In the case of payphones, those considerations could include matters such as pedestrian safety, the safety of road users, and placement in relation to traffic lights.

ATTACHMENTS

Nil

- END OF REPORT -

INTERNATIONAL RELATIONS REVIEW

Workshop Purpose:

To seek Elected Members' views on a long-term International Relations Strategy that will enable Adelaide to achieve clear economic, social and cultural benefits in alignment with the City of Adelaide 2016-2020 Strategic Plan and beyond.

A SMART CITY WITH
A GLOBALLY
CONNECTED AND
OPPORTUNITY RICH
ECONOMY

SMART

PROGRAM: Economic Development & Tourism

AUTHOR: Christine Sutcliffe | APPROVING OFFICER: Matt Grant

The Committee Meeting - Agenda - 19 March 2019



Key Messages

- This purpose of this workshop is to share initial findings of a review of City of Adelaide's International Relations and associated activities and to seek Elected Members' views on further international relations activities that will enable the City of Adelaide to achieve clear economic, social and cultural benefits to ratepayers, workers and visitors to the City.
- Ernst & Young has been contracted to complete an independent review.
- Expected outcomes include:
 - Better define the City of Adelaide's (CoA) role in the international context to achieve CoA Strategic Plan objectives
 - A decision making framework, including criteria for when, how and why City of Adelaide (CoA) would engage in international activity

IMPLICATION

COMMENT:

Policy

Corporate Travel Policy and Elected Members' Standing Orders.

Consultation

Extensive consultation has been undertaken with key stakeholders including government and relevant industry bodies.

Resource

Subject to Council endorsement of the outcomes of International Relations Review.

Risk / Legal / Legislative

Subject to Council endorsement of the outcomes of International Relations Review.

Opportunities

Subject to Council endorsement of the outcomes of International Relations Review.

IMPLICATION	COMMENT:
18/19 Budget Allocation	\$477,132 (including 3 FTE) 6.3% of Economic Development & Tourism budget 0.22% of Council overall budget
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Proposed 19/20 Budget Allocation	\$502,141 (including 3 FTE)
Ongoing Costs (eg maintenance cost)	Subject to Council endorsement of the outcomes of International Relations Review.
Life of Project or Life Expectancy of Asset	Subject to Council endorsement of the outcomes of International Relations Review.
Other Funding Sources	Not as a result of this report.

KEY QUESTION

Are there specific international opportunities that Elected Members consider the City of Adelaide should be pursuing?

KEY QUESTION

Do Elected Members have specific comments/views on the proposed international program evaluation framework?

The City of Adelaide 2016-2020 Strategic Plan includes the following actions relating to international relations:

Key Strategic Plan Actions:

Action 1.1.11 – Smart

Showcase the City as the location of choice for international and national trade and investment, especially for the knowledge, arts and cultural sectors through our sister cities and other partnerships and connections, and align with State Government economic targets for increasing foreign investment, service exports and skilled migration.

Action 1.4.01 – Smart

Become a world-renowned education City by supporting and partnering with the City's education sector to attract and retain international, national regional South Australian local students, and highly credentialed academic research staff.

Action 1.4.02 – Smart

Strengthen relationship with Study Adelaide via continued support from 2016 to 2020 to market Adelaide as an international student destination.

Action 2.1.13 – Green

Develop international trade, investment and tourism opportunities based on our green and clean reputation.

Action 4.3.02 – Creative

Work with partners and stakeholders to develop Adelaide as the premier international arts market, especially within the Asian region.

Action 4.3.02 – Creative

Attract people from around the world, especially from China and India, to spend more time and experience more hospitality activities in the city.

Action 4.3.03 – Creative

Support the Adelaide Convention Bureau financially and in-kind to encourage longer stays and add value to the visitor experience, especially in areas that support council's strategic agenda.

Background

Existing CoA international relationships have mostly been based on sister city relationships with an emphasis on cultural exchange and more recently supporting local businesses explore opportunities in these markets. To date activities relating to international relations have been reactive in nature and based on requests from State Government, Elected Members and specific groups/associations.

Activities have included but not been limited to:

- Grant / Sponsorship funding for community events in Adelaide;
- Public art installations / donations;
- Hosting inbound Government / business / interest group delegations;
- Participating in State Government led outbound delegations; and
- Leading business outbound delegations.

More recently, strategic partnerships with StudyAdelaide and the Adelaide Convention Bureau have yielded strong economic outcomes for the city from international engagement (e.g. growth in number of international students, growth in number of international business events being held in Adelaide).

An International Relations Strategy is required for Council to maximise its existing relationships, support international opportunities, leverage opportunities as they arise in emerging geopolitical landscapes, to operate in a proactive way and to ensure effective return on investment for ratepayers.

Year	Inbound	Outbound
2016	19	10
2017	26	3
2018	17	2

There are resource implications for both inbound (catering, gifts, itinerary preparation, transport) and outbound delegations (flights, accommodation, travel expenses, promotional colateral).

Existing International relationships

Sister Cities

- Christchurch, New Zealand, formalise in 1972
- George Town, Penang, Malaysia, formalised in 1973
- Himeji, Hyogo, Japan, formalised in 1982
- Austin, Texas, USA, formalised in 1983
- Qingdao, Shandong Province, People's Republic of China, formalised in 2014 (former Friendly City since 2001)

Friendly Cities

- Chengdu, Sichuan Province, People's Republic of China, formalised in 2001
- Dalian, Liaoning, People's Republic of China, formalised in 2001

International Agreements

- Letter of Intent of Qingdao-Adelaide Media & Cultural Exchanges and Cooperation, Qingdao Municipal Government, China, signed in April 2016
- Tourism Cooperation Agreement, Qingdao Municipal Commission of Tourism Development, signed May 2017
- MOU on the Cooperation in the field of Smart City Initiatives, Jaipur Development Authority, India, signed October 2017
- Draft Cultural MOU with the City of Edinburgh, pending endorsement from the City of Edinburgh following their international review in 2019

Other

- UNESCO City of Music
- CISCO Lighthouse City

Recent international relations activities have achieved the following outcomes:

China - Qingdao Mission outcomes – Over a 3 year period local film production company 57Films have secured large tv series production engagements with QTV (Qingdao TV) including Chef Exchange in conjunction with Beijing’s Ciwen Media, a 36 episode series ‘SPEED’ and a 30 series Chinese television series “If time flows back”.

All filmed in Adelaide and Beijing, SPEED episode 1 alone was televised to an audience of 33M audience in China (October 2018) and both SPEED and “If time flows back” created an estimated 95 full time jobs, the employment of hundreds of extras and \$4 million in economic impact (expenditure).

Singapore – A high net worth investor roundtable was coordinated by City of Adelaide in July 2018 and hosted by the Australian High Commissioner to Singapore’s residence. Following this a large commercial property in Waymouth Street was purchased and a further investment funding pipeline established for those present at the roundtable. Adelaide as a place to invest, underpinned by Ten Gigabit Adelaide, was actively promoted.

Austin, Texas – After hosting owner Austin Fashion Week at Adelaide Fashion Festival 2018, 5 local fashion designers were invited and showed in Austin Fashion Week in February 2019 raising their profile amongst buyers in the US and expected orders to flow (growing local business in new markets). This happened under the Sister City banner.

All activities are increasing awareness of Adelaide’s brand and as a place to visit, study, live and invest.

Rationale for having an International Engagement strategy:

- The City of Adelaide's approach to International Relations has often been reactive.
- In a globally connected world, international relationships are critical to growth.
- International relationships should provide diplomatic, social cultural and economic benefits.
- Businesses are increasingly adapting to be globally competitive and participate in international engagement to seek new revenue sources (exports)
- Population growth within Adelaide and South Australia is stagnant. Selling products or services into a static market provides limited opportunities to grow beyond increasing market share from domestic consumers.
- To maximise return on investment and enable benefits of international engagement to flow through to businesses and residents, there needs to be strategic coherence of investment.
- Defining the role of the City of Adelaide in the international context is important to ensure efficient and effective investment.
- The recent State Government commissioned Joyce Review has highlighted growth through international engagement as a key priority for Government / business.

Scope of Ernst & Young review:

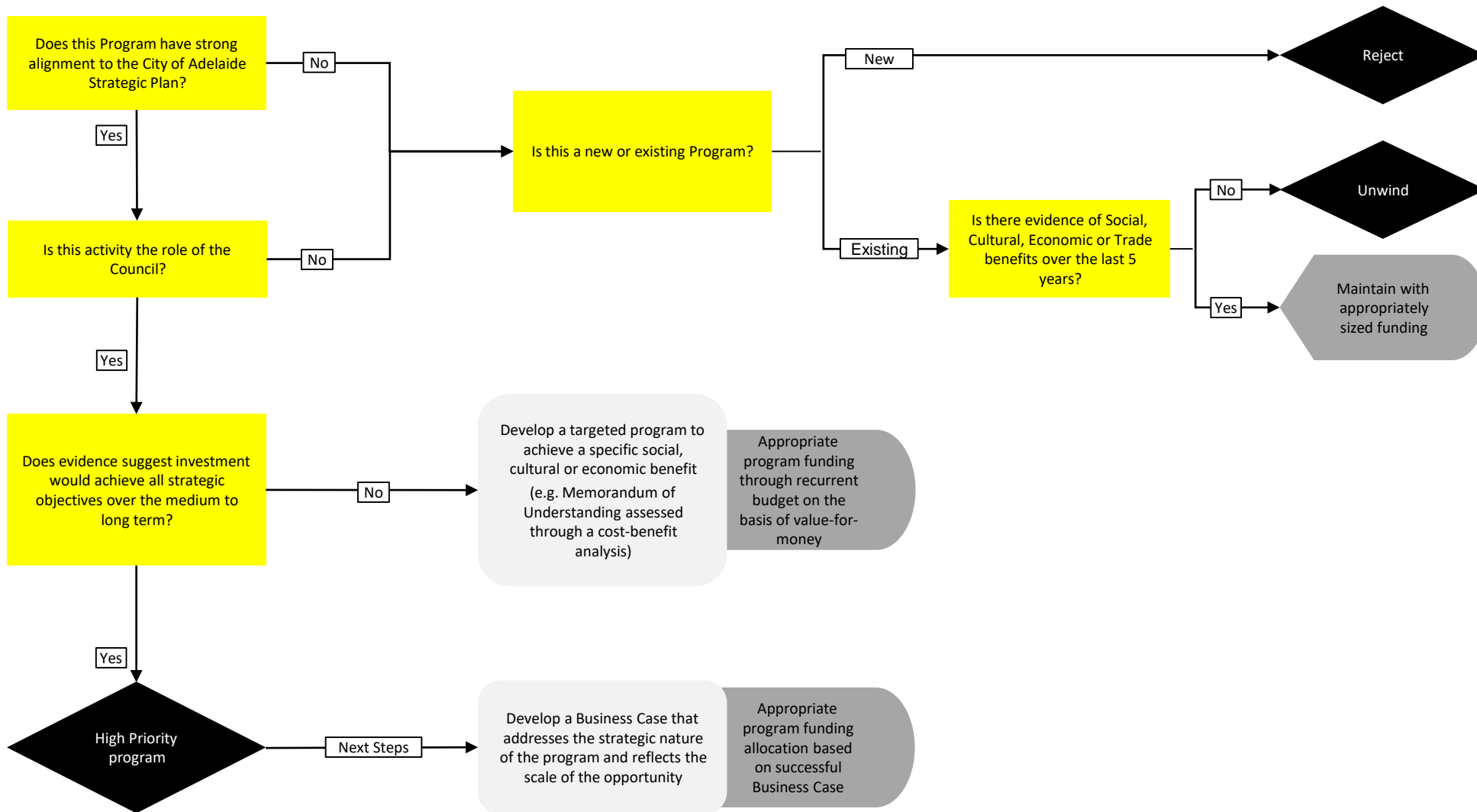
Ernst and Young were engaged to undertake an independent review of the CoA's international relations activities etc.

- Analyse the City of Adelaide's current international relations activities and the broader international development activities of the State and Federal Government
- Engagement with program delivery partners, Council executive and Elected Members
- A comparative analysis of best practice activities of other Australian Councils
- Develop an evaluative framework / decision making criteria for assessing future investment
- Implementable recommendations
- Stakeholder engagement as part of the review included:
 - **Strategic Partners – Adelaide Convention Bureau, StudyAdelaide**
 - **South Australian Tourism Commission**
 - **Adelaide China Business Council, Australian India Business Council and other business chambers**

High Level Initial Findings

1. Improvements can be made to reporting on funding for existing programs to assist with transparency
2. Existing programs can be improved to allocate funding to meet the changing needs of international relationships
3. Applying a structured investment evaluation approach will assist in the prioritisation of funding

Draft International Engagement Program Evaluation Framework



KEY QUESTION

Are there specific international opportunities that Elected Members consider the City of Adelaide should be pursuing?

KEY QUESTION

Do Elected Members have specific comments/views on the proposed international program evaluation framework?

PUBLIC ART ACTION PLAN

Workshop Purpose:

To seek feedback from Council on the policy directions and approach for the development of a revised Public Art Action Plan, Public Art Guidelines and Memorials Guidelines

PROGRAM: COMMUNITY AND CULTURE

AUTHOR: Sarah Feijen | APPROVING OFFICER: Clare Mockler

The Committee Meeting - Agenda - 19 March 2019

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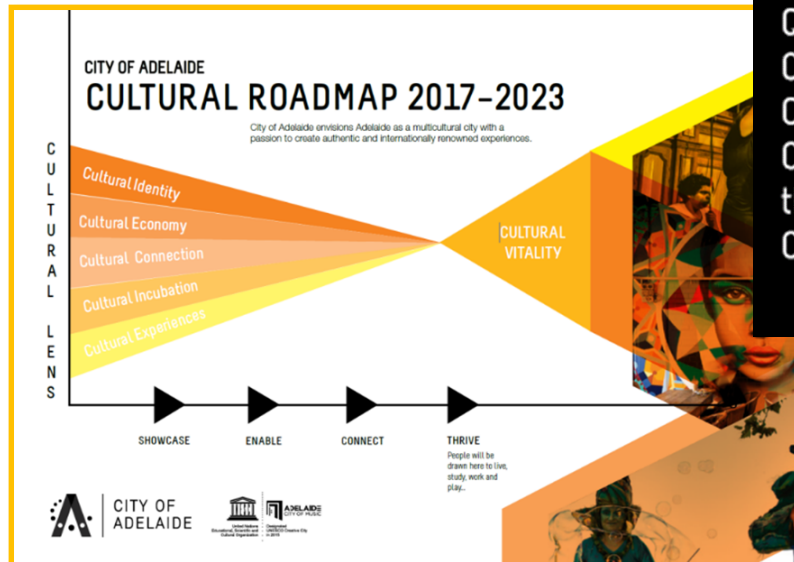
A
MULTICULTURAL
CITY WITH A
PASSION TO
CREATIVE
AUTHENTIC AND
INTERNATIONALLY
RENOUNDED
EXPERIENCES



CREATIVE

This project will result in a revised **Public Art Action Plan 2019 – 2022**, to replace the current Public Art Action Plan 2014-2019. The project will also deliver new **Public Art Guidelines** and **Memorials Guidelines**.

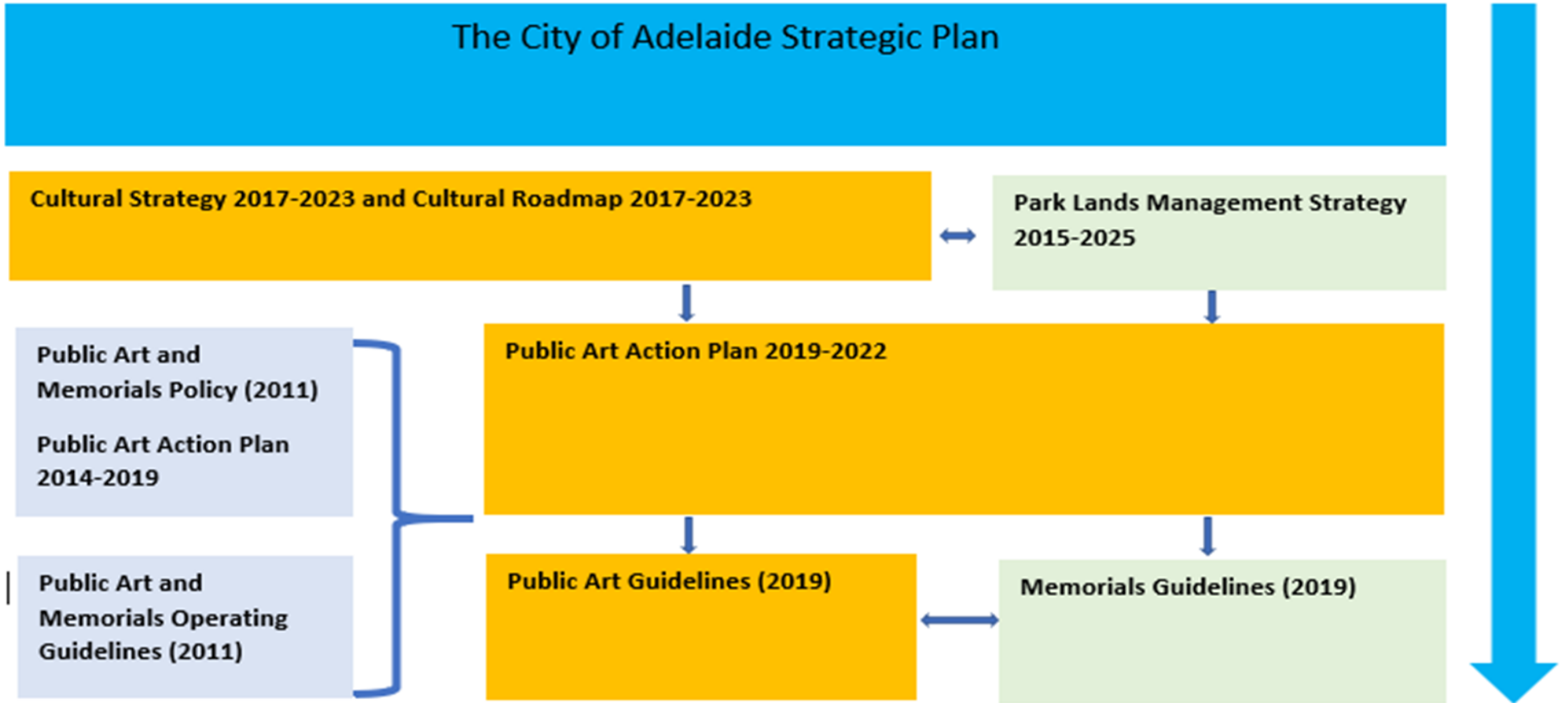
Council’s 2017-2023 Cultural Strategy and Cultural Roadmap were endorsed in 2017. The current Public Art Policy and Action Plan 2014-2019 does not align with Council’s Cultural Strategy.



WHAT WILL BE DIFFERENT IN OUR APPROACH

Culture around the edges	→	Culture as a lens that informs everything we do
Quiet achiever	→	Internationally celebrated
Council as a regulator	→	Easier to do business with
Culture in silos	→	Connected through culture
Culture makers feel they must leave to flourish	→	Culture makers come, stay and thrive
Cultural season	→	City of year-round diverse cultural experiences

Public Art Policy Structure → Proposed Policy Structure 2019 and beyond



- Adelaide is a global Creative City designated by UNESCO in 2015 as a City of Music
- Council's Cultural Strategy 2017-2023 identifies shared cultural aspirations for the City and aims to apply a cultural lens to everything we do
- Public art and live music are the two art forms assigned specific Action Plans under the Cultural Strategy, which enables the following:
 - Strategic Partnership with organisations co-delivering Public Art outcomes
 - Public Art Grants through the Arts and Cultural Grants Program.
- Council is the owner of a public art collection in the public realm valued at approximately \$55 million
- Council is responsible for commissioning and maintaining the collection
- The decision making process, delivery and resourcing of Memorials sits separately to Public Art and a new set of Memorials Guidelines will be delivered with this project.
- The Public Art Action Plan will have 3-4 Goals, achieved through a number of Actions
- The Public Art Action Plan will align with the Cultural Strategy aspirations, and be guided by the *draft* Statements of Intent
- Accompanying Public Art Guidelines will set out key processes including internal protocols and targets, approaches for working across Council Programs to deliver Public Art, and best practice process for working with artists and external bodies

IMPLICATION	COMMENT:
Policy	The current Public Art Policy [Link 1] and Action Plan 2014-2019 [Link 2] does not align with Council’s Cultural Strategy. A new Public Art Action Plan 2019-2022 will sit under the Cultural Strategy, replacing the current Public Art Policy and Action Plan. New Public Art Guidelines and Memorials Guidelines will accompany the document to detail process and protocols to deliver the Action Plan.
Consultation	The consultation process commenced in the first half of 2018. A stakeholder forum was held in May 2018, Public Art Roundtable provided input in February and a further community forum will be held in March. Community Consultation via Your Say Adelaide Open 11 Feb, Closed 29 March.
Resource	This project will be developed within the resources of the Culture and Lifelong Learning Team and operational budget.
Risk / Legal / Legislative	Risk – Reputational, No legal issues to do with the development of the Plan, Relevant legislation will be adhered to
Opportunities	Opportunity to elevate Adelaide’s reputation as a global Creative City through embedding high quality public art in our capital works projects, investing, partnering and taking greater risks with Public Art that create conversation, pride and attract visitors to the City

PUBLIC ART ACTION PLAN BUDGET / FINANCIAL IMPLICATIONS:

IMPLICATION	COMMENT:
18/19 Budget Allocation	The Public Art operations budget is \$109.8k, of which \$15k is allocated to the development of a revised Public Art Action Plan. The Public Art Capital budget is \$208k. The balance of the commitment of the 1.3% of the Council's Capital Renewal and Strategic Enhancement budgets is delivered as part of the capital works program.
18/19 Budget Reconsideration (if applicable)	N/A
Proposed 19/20 Budget Allocation	Council is currently being consulted on the 2019/2020 budget for Public Art as part of the integrated business planning process.
Ongoing Costs (eg maintenance cost)	Asset Management has established budgets and schedules for the ongoing maintenance of permanent artworks, undertaken in consultation with Public Realm
Life of Project or Life Expectancy of Asset	Public Art Assets are categorised in accordance with lifespan, and maintenance, decommissioning planned in accordance with Asset Management Plans. Permanent works will be maintained for a minimum of fifteen (15) years, including monitoring, cleaning, refreshing coating and minor damage repair.
Other Funding Sources	External funding including partnerships, donations and philanthropic gifts enable new works

Current Public Art and Memorials Policy and Guidelines - Review Findings

What is working well

- Articulated a need for high quality works, in both materiality and artistic merit
- Established a commitment of 1.3% of Council's Capital Renewal and Strategic Enhancement budgets annual funding for the commissioning of artworks and coordinating and administering the policy
- Provided a framework for expert advice through the Public Art Round Table

What needs to change

- Does not reflect best practice and is outdated
- The principles guiding Public Art and Memorials are intertwined, when in reality each have very different roles and outcomes
- Silent on some key issues such as philanthropic donations
- Processes are difficult to navigate

Current Public Art Action Plan 2014-2019 - Review Findings

What is working well

- Created a primary understanding of the importance of Public Art in contributing cultural, social and economic value in a Creative City
- Created frameworks for artists/artwork to be involved in new and creative projects and outcomes
- Worked with a range of Culture Makers/artists at varying points in their careers

What needs to change

- Tightly defined projects, not allowing for flexibility based on review and change annually
- No measurable outcomes for inclusivity
- Did not address maintenance, legacy management and project support

Memorials Considerations

What is working well

- Memorials are fully funded prior to approval
- The maintenance costs are factored in for 15 years
- Initiated by cultural heritage and community engagement drivers

What needs to change

- Timing is not controlled
- There is no agreed approach to location planning
- Consultation processes are not timely, they lag behind key decision points

KEY QUESTION

Does Council have any feedback on the draft Directions and Statements of Intent?

KEY QUESTION

Is continuing the current approach to fund Public Art through the Capital Renewal and Strategic Enhancement budget supported?

KEY QUESTION

Should Memorials in the City be planned for in the same way as Public Art?

KEY QUESTION

What else would Council like to include or have considered?

First draft of Goals (based on 7 March at the Public Art Forum Workshops)

Adelaide is a creative city that:

1. is confident on the global stage
2. is a public art destination
3. attracts and values artists
4. is committed to investment in public art



1. Experience



2. Diversity and Intercultural Dialogue



3. Depth, Complexity and Quality



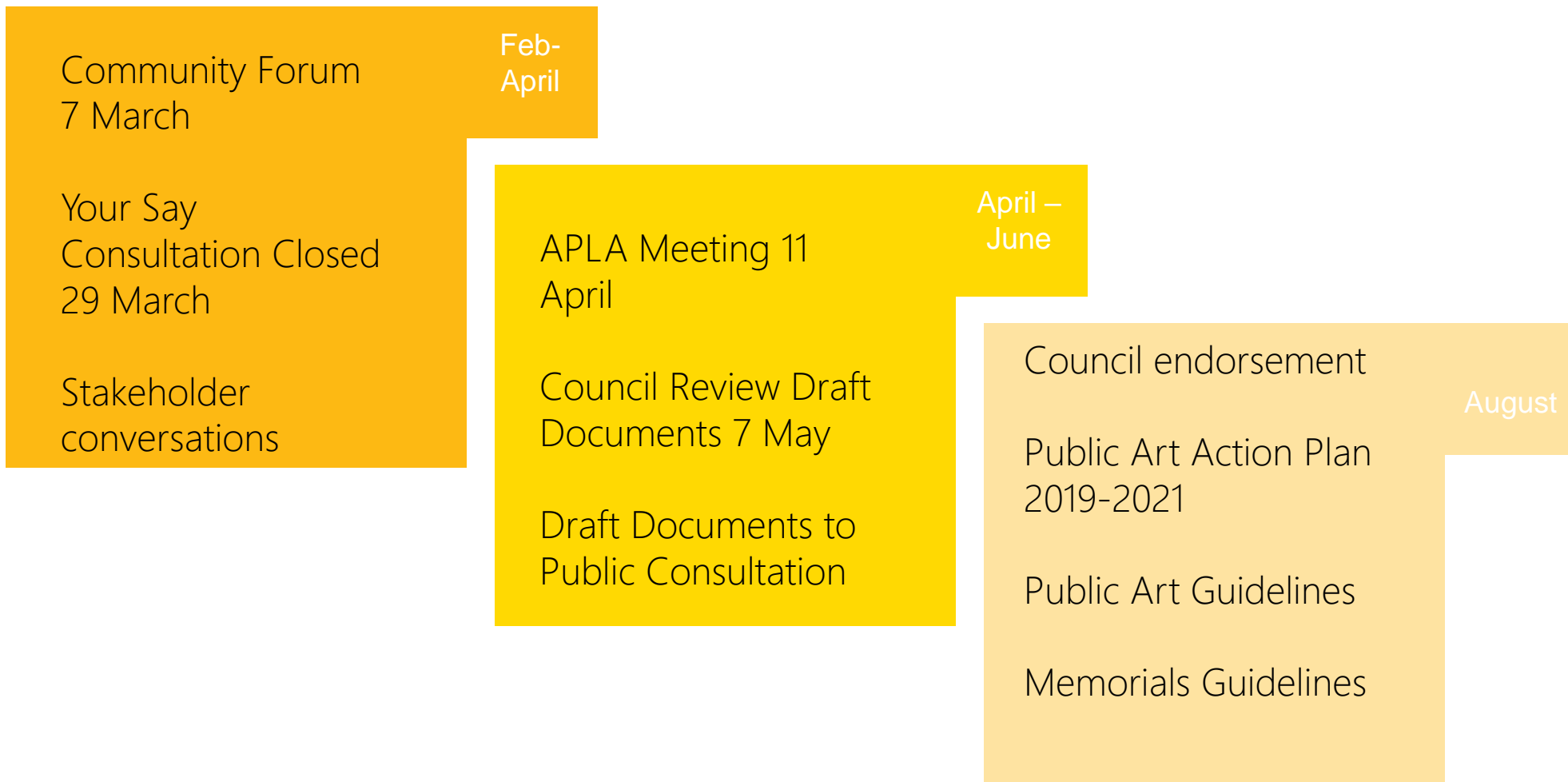
4. Investment and Economic Value



5. Interconnection and Planning



6. Collaboration



KEY QUESTION

Does Council have any feedback on the draft Directions and Statements of Intent?

KEY QUESTION

Is continuing the current approach to fund Public Art through the Capital Renewal and Strategic Enhancement budget supported?

KEY QUESTION

Should Memorials in the City be planned for in the same way as Public Art?

KEY QUESTION

What else would Council like to include or have considered?

Exclusion of the Public

ITEM 7.1 19/03/2019
The Committee

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

2018/04291
Public

Approving Officer:
Mark Goldstone, Chief
Executive Officer

EXECUTIVE SUMMARY:

It is the recommendation of the Chief Executive Officer that the public be excluded from this Committee meeting for the consideration of information and matters contained in the Agenda.

For the following Item aligned with the *City of Adelaide Strategic Plan 2016-2020* for Consideration and Recommendation to Council in confidence:

Strategic Alignment – Corporate Activities

8.1 Capital City Committee Update [s 90(3) (g)]

The Order to Exclude for Item 8.1:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 8.1:

THAT THE COMMITTEE:

1. Having taken into account the relevant consideration contained in s 90(3) (g) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of The Committee dated 19/3/2019 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 8.1 [Capital City Committee Update] listed on the Agenda.

Grounds and Basis

This Item is confidential to ensure that the Council does not breach any law, any duty of confidence, or other legal obligation or duty.

The disclosure of information in this report would breach 'cabinet in confidence' information presented to the Capital City Committee and the *City of Adelaide Act 1998* which has provided for a State/Capital City intergovernmental forum (the Capital City Committee) to operate 'in confidence' and a breach of the associated duty of confidence and legal obligation or duty as a member of the inter-governmental forum.

The Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information be acting contrary to the Capital City Committee operational provisions and could prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)* this meeting of The Committee dated 19/3/2019 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 8.1 [Capital City Committee Update] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (g) of the Act.

DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of a Council Committee must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council Committee may order that the public be excluded from attendance at a meeting if the Council Committee considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 87(10) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following matter is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 8.1 – Capital City Committee Update
 - 6.1.1 Is not subject to an Existing Confidentiality Order.
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (g)
 - (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;

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 8.1

Capital City Committee Update

Section 90 (3) (g) of the *Local Government Act 1999 (SA)*

Pages 182 to 185
