



Project Name: Ground Lease - South Lake Waterway Pontoons

Submission Summary

8 Feb 2023 - 14 March 2023

Report generated on 14 March 2023

Project Overview

Council has resolved to lease portions of Council land, known as the South Lake Waterway to adjacent landowners with an existing or proposed pontoon subject to Community Consultation.

Comment was sought in relation to Council's resolution, which is to establish two long-term ground leases over the land with landowners at 5 Southwater Drive, Port Lincoln and 1/25 Jubilee Drive, Port Lincoln. The purpose of these leases is to allow the prospective lessees to erect and use a pontoon to berth a vessel and associated activities.

Unlike properties adjoining the waterway from The Mews, Lakeview Avenue, Parnkalla Avenue, Village Place and the southern end of Southwater Drive, the extent of land ownership for properties within this portion of the waterway, including the two properties that this consultation relates to, does not extend into the waterway, therefore a lease agreement and/or permit with the landowner (Council) is required for the use of the land.

The property owners of 1/25 Jubilee Drive (CT Ref: Vol 4296 Folio 477) were granted Development Approval for a proposed pontoon adjacent to their property on the South Lake Waterway in 2006. Inadvertently at the time, the requirement to issue a lease over the waterway was overlooked. Subsequently, the pontoon was constructed and remains in-situ with no lease arrangement in place.

The property owners of 5 Southwater Drive (CT Ref: Vol 5903 Folio 81) have submitted a development application for the construction of a new pontoon which is yet to be assessed, pending evidence of landowner consent, which is subject to a community consultation process. Upon completion of the consultation period, it is proposed Council will issue landowner consent for the development along with negotiating the proposed lease arrangements. The development will still require Development Approval prior to construction.


If approved, each leaseholder will be required to pay an ongoing annual fee for a fixed-term period, both of which will be determined by Council.

Please refer to the diagram included in the 'Key Documents', which shows the waterway with the 2 proposed locations highlighted and estimated waterway widths utilising GIS software. It is to be noted that the guidelines for the design of marinas recommends a minimum safe navigational width for an interior channel (South Lake Waterway) as being 20m or 1.5L (where L is the length of the longest vessel in the waterway) whichever is greater.

Council encouraged and welcomed feedback, and asked for those making a written submission to clearly articulate whether you were for or against the proposal. All identifying information will be redacted from submissions in all cases where they are made available publicly.

Ground Lease - South Lake Waterway Pontoons

Number of Submissions: 55

Sr	Subject	Description	Attachments
1	Proposed Pontoons	The water way is narrow through that area particularly near the bridge. However if you are going to grant it for two owners why not make it available to all the neighbours	-
2	Ground lease south lake waterway		-

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
3	Proposed Pontoons	Hi [REDACTED] sorry to be a pain but Im not sure PLCC can grant a lease . they could approve the build but that water is Dept Trans owned and as such it would be their decision to lease and set a figure. Interested in your thoughts Cheers [REDACTED]	-
4	Ground Lease - South Lake Waterway Pontoons	I wish to submit my comment in favour of the application (for the lease agreement to be approved) as due process has been followed and observed throughout this application. Navigational and Safety aspects will be met at the time of development approval and council has indicated that they will continue to be involved regarding the leasing agreements.	-
5	Lease 5 south water	I vote for the lease as it's great to see community members trying to make use of their property.	-
6	Ground lease - South Lake Waterway Pontoons	Attached please find a letter detailing our strong objection to the Ground Lease - South Lake Waterway Pontoons. Please ensure it is forwarded to the appropriate person.	Attachment 1
7	Ground Lease - South Lake	I am for the lease as the applicants have followed due process and meet the navigational and safety requirements. It's great to see members of the community wishing to utilise the area in front of their	-

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
	Waterway Pontoons	own houses. [REDACTED]	
8	Ground Lease - South Lake Waterway Pontoons	I am for the lease as the applicants have followed due process and meet the navigational and safety requirements and it's great to see members of the community wishing to utilise the area in front of their own houses.	-
9	South Lake Waterways Pontoons	I am for the lease as the applicants have followed due process and meet the navigational and safety requirements and it's great to see members of the community wishing to utilise the area in front of their own houses.	-
10	It's good with me!	I holiday in Port Lincoln regularly and I know this specific section of waterway as we stay across the channel from time to time. I am in favour of this application going ahead. There are plenty of other pontoons and the width of the channel is more than sufficient for this development. Having more members of the community out and enjoying the water makes for a much better atmosphere.	-
11	South Lake Waterway	It is the responsibility of property buyers and selling agents) to check and understand existing encumbrances. In this instance for waterway	-

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
	Pontoons	safety! Any non approved structures should be removed. This part of the waterway does get congested, particularly around the festive season at night when not all watercraft have lights on. Approving additional pontoons will make a mockery of those have done the right thing, and will open the way for other residents in that area! No Go!	
12	Ground Lease - South Lake Waterway Pontoons	I vote in favour of the lease	-
13	Ground Lease - South Lake Waterway Pontoons	I vote in favour of the lease	-
14	Ground Lease - South Lake Waterway Pontoons	I vote for the lease as it's great to see members of our community wishing to utilize the area in front of their house.	-

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
15	Approval of pontoons	I approve of pontoons to Saltwater Drive and Jubilee Drive Pt Lincoln- I live in Surfers Paradise Qld and there are many pontoons in small waterways here. When you live by the water you need easy access to your boat . Thankyou	-
16	ground lease south lake waterway pontoons	as the landowner of [REDACTED] i advise that i have no objection to the proposed development at 5 southwater drive. I believe there would still be sufficient room for safe manouverability of vessels. As 1/25 Jubilee drive was granted development in 2006 and has been insitu since i fail to see any problem to a similar project at 5 Southwater Drive. [REDACTED] southwater	-
17	Ground Lease - South Lake Waterway Pontoons	Hi, I wish to express my support for this proposal. Increasing the number of leases of this type along the waterway will improve the functionality of real estate in this location and support the continual development of the marina. I believe this will enhance the image of the marina intern contributing to the evolving image of Port Lincoln. Regards, [REDACTED]	-
18	South lake Waterway survey response	As a resident of Lakeview Ave I am opposed to the granting of more leases for pontoons on the waterway.	-

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
19	Approval Vote for Submission	As the owner of the property neighbouring 5 Southwater Drive, I would like to express my approval of the application for a pontoon.	-
20	Ground Lease - South Lake Waterway Pontoons	To whom it may concern, I would like to express my support for the above mentioned pontoons to be allowed to proceed. After studying your supplied diagrams I am of the opinion that there is more than sufficient room to traverse the waterway, and I believe the pontoons will be a great asset to the landholder. As there are already pontoons in place and being used, as the proposed pontoons do not exceed size of the current pontoons, I would like to give my full support for them to go ahead. Kind regards [REDACTED]	-
21	Ground lease - south lake waterway pontoons	I holiday on this beautiful waterway and have friends who live there. In my opinion pontoons make the waterway safer. As a previous boat owner, in the event of losing steering or power I would much rather use fenders and ropes to tie off to a moored vessel or pontoon than hit the rock wall. They also allow safer access to the water for children and families to swim and kayak, resulting in improved health and communal relationships. I (and my friends) are in favour of Council granting these leases.	-
22	South Lake	3 responses 1. Dangerous. Waiting for the bridge to open and if there	-

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
	Waterway	is any wind having pontoons where it is suggested it would give little sea space to keep aligned to proceed through the bridge. 2. Why did the original planners of this seaway not planned to have pontoons there. 3. Why is the council going out again asking for comment for this.	
23	Ground lease	I have a boat on the marina and have no issues with this proceedings	-
24	South Lake pontoon	I think there lease should be granted as it was already approved back in 2006. It is not in the way as I use the channel often . Keep the pontoon	-
25	South Lake Waterway	I vote to keep the pontoon and the leases that have already been approved in 2006 and paid for. If one goes the other one opposite it should go too.	-
26	South Lake Waterway Pontoons	I would like to submit that I am in favour of these proposed pontoons and believe they should be allowed to proceed.	-
27	South lake waterways	I am for the lease as applicants have followed due process and meet the navigational and safety requirements	-

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
28	For the proposal	I wish to vote for the proposed lease, I vote in favour! I stay in the area often and my stay will not be at all affected by the pontoon. I vote yes to pontoon!	-
29	Ground Lease - South Lake Waterway Pontoons	As a very frequent visitor who stays on and utilises this waterway, I don't see an issue with leases being issued to these 2 parties. The one already installed doesn't impede the channel and the other house is set back far from the bridge. I support the lease agreements.	-
30	Submission South Lake Waterway Pontoons	Regarding the Water Way Pontoon Notification!!! I am lodging my Objection to the Proposed Pontoons (so it is a No) from [REDACTED]	-
31	Ground Lease - South Lake Waterway Pontoons	To Whom It May Concern Attached please find a letter objecting to the proposed ground lease – South Lake Waterway Pontoons.	Duplicate of Submission 6
32	Submission - South Lake	Please see uploaded submission	Attachment 2

Report generated on 14 March 2023

Sr	Subject	Description	Attachments
	Waterway Pontoons		
33	Pontoons	I vote no, the reason is because if they wanted water rights they should have bought a house with water rights. If this person/people were to get this pontoon then what's stopping others from getting one then no one can use the water as it's too crowded. If an accident were to happen I would hate for it to be the councils fault and have the council pay money to fix something that could be used for better things such as continuing to fix the roads	-
34	GROUND LEASE - SOUTH LAKE - WATERWAY PONTOONS	It is our wish that this proposal be REJECTED	Attachment 3
35	I endorse approval for this proposal	I support the approval of the granting of water titles for properties currently without water titles in the South Lake waterway. The submitted proposal does not impede on navigational safety (as per the referenced Australian Standards and Dept. of Infrastructure & Transport advice), right of way access of the community to the waterway or impact existing users/residents. The proposal increases	Attachment 4

Sr	Subject	Description	Attachments
		<p> navigational safety of the waterway. In the event of a navigating vessel losing power or steerage, the impacted skipper and crew would have the ability to use ropes and fenders to safely moor to the proposed vessels/berths. Currently in this section of the waterway, they would have no option other than to run aground on the existing rock wall, causing further damage to the vessel, risking the safety and welfare of crew and posing risk of environmental contamination from the uncontrolled release of lubricants (oils) and fuels from ruptured tanks or motors. The proposed water titles in no way detract from the value of properties on the water way that currently hold water titles. Any suggestion that (if approved) the current proposal would devalue existing properties is purely speculative and holds no basis in fact. Many existing dwellings with water titles have recently (<5 years) sold for significantly less than existing properties without water titles. In respect of an argument that landowners paid a premium for properties with water titles and now stand to be detrimentally impacted if new properties were to receive water title rights, this argumentative position holds no basis in fact. Firstly, these owners will continue to derive the benefit of their water title without ongoing costs associated with an annual lease. Furthermore, the attached document titled 'Average Land Prices' details sold prices for all properties adjoining the South Lake waterway. The document captures prices paid for properties whether developed or undeveloped, and whether a water title is present or not. As can be </p>	

Sr	Subject	Description	Attachments
		witnessed in the document, over the lifetime of the South Lake waterways existence, owners of properties without a water title have, on average, paid in excess of 50% more per square meter for their properties. In conclusion, approval of these water titles has no detrimental impact (from a financial or safety perspective) to existing landowners, users of the water way or the broader community and public. Approval would increase safety for all users of the water way and provide ongoing revenue to the City of Port Lincoln Council for management and maintenance of the water way to the benefit of all users.	
36	Submission - South Lake Waterway Pontoons	We are against this proposal on safety grounds. Please see attached document.	Attachment 5
37	South Lake Water Pontoons	I'm supportive of the South Lake Water Way pontoons.	-
38	Submission South Lake Waterway	See attached letter	Attachment 6

Sr	Subject	Description	Attachments
	Pontoons		
39	Submission South Lake Waterway Pontoons	<p>Dear Sir, My property is located at [REDACTED] Port Lincoln. I am completely opposed to the proposal of additional pontoons in the South lake Waterway. The existing pontoon at 1/25 Jubilee Drive should also be removed. My current vessel has an overall length of 17.5 meters and there are larger vessels in the South Lake Waterway. Restricting the waterway with additional non compliant pontoons will impose significant safety concerns and will place the waterway users, other vessels and property at risk. There are many factors requiring consideration during the navigation of the proposed restricted width of the waterway, particularly during inclement weather or mechanical failure of a vessel. At risk are swimmers, paddleboard users, jet ski operators, the electric boat and its passengers, the dragon boat crews and other boat owners and crews. Should the Port Lincoln City Council endorse the additional pontoons in the South Lake Waterway, I would consider the Council and its Management team responsible for any damage or injury arising from the installation of said pontoons. Regards [REDACTED] Director</p>	-
40	Submission South Lake Waterway	See attachments	Attachment 7

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	Pontoons		
41	Submission South Lake Waterway Pontoons	<p>Hello, I am sorry but we do not agree or approve of the request. There is a number of issues with the proposal and missing accurate information. Firstly 1/25 Jubilee drive has a pontoon which is abusive and was never approved and should have been removed. Applying now to legalize it seems a little organized that owners can break the rules without consequence but eventually get approval. This needs to be explained. The actual usable water way is tight in that part of the channel and the 38.5m is not a accurate measure for safe passage of 2 vessels, and is misleading in this image, and considering the size of the vessels in the channel could lead to a safety risk. It would be appreciated accurate dimensions of the channel. Cement to end of lease plus 20m for marina channel then to cement ecc. This I would guess would put the 20m's to the cement on other side which is not safe due to it being over the rocks ecc. This is the principal reason why those properties never had waterway ownership assigned. Additionally, if this lease is approved why would all other properties on both sides not request the same? this would only be fair but obviously not feasible. Please take our comments with a positive approach but we do not think this is a complete and fair proposal and do not approve. Thank you Co Signed, [REDACTED]</p>	-

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42	Submission South Lake Waterway Pontoons	Good afternoon, We do not agree with the proposed pontoon on Southwater and Jubilee Drive. The reason for originally not allowing the pontoons where for safety issues and those are still valid, and they affect all homes on the waterway. Having large boats on such a narrow canal is a safety risk and there needs to be adequate room for boats to safely navigate through. There is a risk that allowing these pontoons may restricts access through where we live, having a negative impact on our land value.	-
43	Submission South Lake Waterway Pontoons	See attached	Attachment 8
44	Submission South Lake Waterway Pontoons	To the Chief Executive Officer, City of Port Lincoln Hello, my name is [REDACTED] and I write on behalf of [REDACTED] and myself to express our concerns re the possibility of Council allowing the establishment of new leased pontoons in the South Lake Waterway. We live at [REDACTED] having purchased our property in 2021. Our property has title over our pontoon and this was our main reason for purchasing the property. We understood that no further development could occur close to the lifting bridge and were happy to purchase our property. There are several reasons	Attachment 9

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		<p>why this proposal should not proceed. 1. Safety - There needs to be room at least 100m from the bridge to allow vessels to turn around particularly if the bridge does not open. This has happened to us on several occasions. 2. Allowing leased pontoons close to the bridge will restrict the waterway. Along with these pontoon the size of the boat attached to it will result in further narrowing access which is clearly not shown in the proposal 3. Clearly the establishment of leased pontoons contravenes SA Maritime Safety recommendations re providing safe navigable access in marinas. 4. The people who wish to lease a pontoon bought their properties knowing that this was not allowed on purchase. This may possibly lower the value of our properties. These people should moor their boats in the public marina provided. 5. Once a precedent is set, what will stop more leased pontoons being established making the waterway further restricted for navigation? 6. Will Council be accepting of the legal liability of an accident should collisions resulting from narrowing the navigable channel near the bridge occur? Finally, this doesn't look good in respect to the City of Port Lincoln with many of us concerned that it looks like a way the Council can raise more funds. Buyers of marina properties with water titles like us will have no confidence in the Council to support them in maintaining their safe access via the waterway and subsequent value of their property. Thank you for reading our submission. We sincerely hope that this unsafe proposal does not go ahead.</p>	

Sr	Subject	Description	Attachments
45	Submission South Lake Waterway Pontoons	Photo of existing pontoon attached	Attachment 10
46	Submission South Lake Waterway Pontoons	Sir, Madam, Attach to this email is a written submission for the South Lake Waterway Pontoons. Sincerely, [REDACTED]	Attachment 11
47	Submission South Lake Waterway Pontoons	We the land/waterway owners of [REDACTED] Port Lincoln wish to respond to the Council's resolution to establish two long-term ground leases over the land with the landowners facing on to the South Lake Waterway: We do not object to a waterway lease currently in situ for 1/25 Jubilee Drive (CT ref: Vol 4296 Folio 477). We do object to the proposed pontoon at 5 Southwater Drive (CT ref: Vol 5903 Folio 81) based on the following reasons. 1. The diagram provided with the City of Port Lincoln Community Consultation letter does not provide the exact dimensions for the proposed ground lease at 5 Southwater Drive (CT ref: Vol 5903 Folio 81) making it difficult to assess navigational safety margins at low tide. It is noted that the proposed site is highlighted in red and a yellow 38.5m measurement is given between the land borders, however this does not provide the	-

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		width measurement between the land border and the proposed ground lease site. 2. Additional to a pontoon being constructed at 5 Southwater Drive (CT ref: Vol 5903 Folio 81) there needs to be consideration for the berthing of a vessel. The proposal does not clearly indicate whether the proposed ground lease will accommodate a pontoon only or a pontoon and a vessel. 3. If a ground lease is granted to 5 Southwater Drive (CT ref: Vol 5903 Folio 81), it would significantly prejudice the opposite facing property owners as they would be not be able to erect a similar structure due to the minimum safe limit of 20m ergo limiting their ability to add value to their property. [REDACTED] Port Lincoln SA 5606	
48	Submission South Lake Waterway Pontoons	[REDACTED]	Attachment 12

Sr	Subject	Description	Attachments
49	Submission South Lake Waterway Pontoons	[REDACTED]	-
50	Submission South Lake Waterway Pontoons	To Whom it may Concern As the occupant/owner of [REDACTED] [REDACTED] I would like to express my objection to the proposed allowance of further pontoons on our waterway specifically for safety reasons. I further back the comments of [REDACTED] who has expressed succinctly my thoughts on the matter in his submission of which I am a signatory. I am available for further discussion if necessary on [REDACTED] [REDACTED]	-
51	Submission South Lake Waterway Pontoons	We [REDACTED] the land owners of [REDACTED] say (NO) to the proposal of a lease agreement with the land owners at 5 Southwater Drive Port Lincoln and 1/25 Jubilee Drive Port Lincoln. This is the third dispute of this section of the South Lake Waterway. The issues can be easily resolved by not allowing this section of South Lake Water Way be granted lease agreements now and in the future and leave this section of waterway as it was intended for safe passage for all vessels entering the bridge. Kind regards	-

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52	Submission South Lake Waterway Pontoons	<p>I support the approval of the granting of water titles for properties currently without water titles in the South Lake waterway. The submitted proposal does not impede on navigational safety (as per the referenced Australian Standards and Dept. of Infrastructure & Transport advice), right of way access of the community to the waterway or impact existing users/residents. The proposal increases navigational safety of the waterway. In the event of a navigating vessel losing power or steerage, the impacted skipper and crew would have the ability to use ropes and fenders to safely moor to the proposed vessels/berths. Currently in this section of the waterway, they would have no option other than to run aground on the existing rock wall, causing further damage to the vessel, risking the safety and welfare of crew and posing risk of environmental contamination from the uncontrolled release of lubricants (oils) and fuels from ruptured tanks or motors. The proposed water titles in no way detract from the value of properties on the water way that currently hold water titles. Any suggestion that (if approved) the current proposal would devalue existing properties is purely speculative and holds no basis in fact. Many existing dwellings with water titles have recently (<5 years) sold for significantly less than existing properties without water titles. In respect of an argument that landowners paid a premium for properties with water titles and now stand to be detrimentally impacted if new properties were to receive water title rights, this argumentative position holds no basis in fact. Firstly, these owners</p>	Duplicate of Submission 35

Sr	Subject	Description	Attachments
		will continue to derive the benefit of their water title without ongoing costs associated with an annual lease. Furthermore, the attached document titled 'Average Land Prices' details sold prices for all properties adjoining the South Lake waterway. The document captures prices paid for properties whether developed or undeveloped, and whether a water title is present or not. As can be witnessed in the document, over the lifetime of the South Lake waterways existence, owners of properties without a water title have, on average, paid in excess of 50% more per square meter for their properties. In conclusion, approval of these water titles has no detrimental impact (from a financial or safety perspective) to existing landowners, users of the waterway or the broader community and public. Approval would increase safety for all users of the water way and provide ongoing revenue to the City of Port Lincoln Council for management and maintenance of the water way to the benefit of all users. Regards	
53	Submission South Lake Waterway Pontoons	To Whom It May Concern I am responding to the application currently being considered by council for installation of hitherto forbidden pontoon structures in the South Lakes region of the marina. The marina was constructed in accordance with widely accepted minimum maritime standards for such structures, such that personal and material asset safety was of paramount importance.To consider random variation to such established standards would be	-

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		<p>dangerous, potentially litigious and patently unfair to other landowners who reside there and have obeyed current restrictions when considering where and what to purchase when becoming a homeowner in said marina. The outlined width of the waterway in question is overestimated as it does not take into account the rock reinforcement which impacts all too important depth considerations. This is crucial for larger vessels, the maximum legal length of which may be up to the width of one's property. Safe waterway width, fully cognisant of satisfactory depth, must be no less than 1.5 x vessel length. Current vessels of 17m length call the waterways home, but this may increase to prescribed maxima of 20m or more, necessitating minimum waterway widths of 30m. Taking into account the rock walls, the waterway in question is far too narrow should the proposition be passed. Large vessels struggle under various circumstances, including strong winds and tidal movement as well as the unpredictable presence of all manner of other vessels at any given time, even under current conditions, and to consider further reduction in navigable water would be not only illegal but indeed sheer lunacy. Council MUST reject this proposal or open itself up to unwanted consequences when the inevitable reduction in safety margins is translated into real life accidents, disaster or worse.</p> <p>Sincerely, [REDACTED]</p>	
54	Ground	Dear Sir, My property is located at [REDACTED] Port Lincoln. I	-

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Sr	Subject	Description	Attachments
	Lease South Lake Waterway Pontoons	<p>am opposed to the proposal of additional pontoons in the South lake Waterway at 5 south water drive. The existing pontoon at 1/25 Jubilee Drive should be removed. My vessel has an overall length of 20 meters. Restricting the waterway with additional non compliant pontoons will impose significant safety concerns and will place the waterway users, other vessels and property at risk. The majority of the large power boats moored within the canal are twin engine. Failure of one engine renders manoeuvrability severely impeded- pontoons in such close proximity is not compliant with relevant Australian and international safe navigation standards, therefore the council by departing from such standards is assuming the risk for accidents or incidents. There are many factors requiring consideration during the navigation of the proposed restricted width of the waterway, particularly during inclement weather or mechanical failure of a vessel. At risk are swimmers, paddleboard users, jet ski operators, the electric boat and its passengers, the dragon boat crews and other boat owners and crews. Should the Port Lincoln City Council endorse the additional pontoons in the South Lake Waterway, I would consider the Council and its Management team responsible for any death damage or injury arising from the installation of these pontoons.</p>	
55	Submission - South Lake	<p>I wish to object to the proposed granting of waterway pontoons in the South Lake Waterway The document forwarded to landowners</p>	-

Sr	Subject	Description	Attachments
	Waterway Pontoons	<p>shows measurements between the concrete Revetment Walls & goes on to use these measurements to calculate "Safe Navigational Widths for an Internal Channel" The granite seawall used to support the above extends approx. 7m out from the wall and apart from extreme high tides is clearly visible above the waterline most of the time At low tide the depth at the base is approx.. 1m which is not SAFE NAVIGATIONAL WATER This means that 7m each side needs to be deducted from the Revetment Wall measurements you have used No 5 South Water Drive then has 24.5m less 4m for the proposed pontoon & boat equals 20.5m We regularly have vessels up to 20m in our waterway which will require 30m to safely manoeuvre using the recommendation in your letter 1. It should also be noted that this particular area is not just a clear waterway It is in fact an area that becomes quite congested with boats having to wait for the Bridge to open as well as boats coming in the opposite direction (Particularly during summer evenings with Charter Boats & general public vessels of all sizes negotiating in the dark to see the Christmas lights) 2.</p> <p>When we all purchased our land it was clearly outlined which properties could have pontoons & those that could not for safety reasons Council will be in a dangerous situation if they step outside these recommendations 3. This application has previously been rejected & it is unbelievable that we now find out that Planning Approval has been granted ON WHAT GROUNDS ????</p>	

18 February 2023

[REDACTED]
Chief Executive Officer
City of Port Lincoln
By email: yoursay@plcc.sa.gov.au

Dear [REDACTED]

Re: Ground Lease – South Lake Waterway Pontoons

We are the owners of [REDACTED] and we **voice our strong objection** to the proposed leasing of portions of Council land, known as the South Lake Waterway to adjacent landowners.

Reasons for our objection include the consequential upping in valuation of those properties, the further narrowing of a channel that is already narrow leading up to the bridge, and setting a precedent that will lead to unintended consequences.

It is well known that properties with access to pontoons can command higher prices than those without and when we were buying property in the marina, this is one of the attributes we looked for and were prepared to pay a premium for. It was well known at the time of buying which properties had rights to the water and which did not. Prices were negotiated on that basis. By giving the property owners of 1/25 Jubilee Drive and 5 Southwater Drive a lease, you are providing them with an uplift in property value which is not available to others. This is unreasonable, unfair and discriminatory. Those property owners knew what their property entitlement was at the time of buying and made a decision on that basis.

When 1/25 Jubilee Drive were inadvertently provided with development approval, we were advised that the pontoon was to be removed if/when the landowner sold their property. By providing a long-term lease, this negates that undertaking. If Council has not charged lease fees after allowing that pontoon to be installed, Council should have it removed and revert to the original entitlement of that property, i.e. no ground lease and no pontoon.

With regards to both properties, as can be seen on the map, they are in a relatively narrow part of the channel. From our observation, often boats wait in the vicinity for the drawbridge to be raised and this causes congestion. By allowing the proposed lease and pontoons, this will exacerbate the problem. As a boat owner, we believe this creates an unnecessary safety hazard, especially over the festive period when boats come in to view the lights.

We also believe that granting the proposed leases would set a precedent with unintended consequences as others along the northern end of Southwater Drive and Jubilee Drive will make similar requests.

As stated in the first paragraph, we are **strongly opposed** to Council's proposed ground lease.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

06 MAR 2023

Submission – South Lake Waterway Pontoons

We strongly disagree with the proposal for Council to establish the two long-term ground leases with the purpose to allow prospective lessees to erect and use a pontoon to berth vessels and associated activities as mentioned due to the following issues and initial subdivision approvals and conditions:

- 1) With the proposed installation and lease of this waterway a pontoon so close to the bridge **will create a navigational hazard and safety issues for both the incoming and outgoing vessels and also for the lessees safety of any vessel and persons using their pontoon for activities.**

We note that you have marked the channel width as 38.5m wide from concrete wall to concrete wall but this does not reflect correctly the actual channel width due to the extended rock retaining wall which at low tide (regular low tides of 0.1-0.2) reduces the channel width/access considerably. There needs to be safe passage provided with enough space and adequate usable depth (approx. 3 metres) for large vessels to navigate, pass and manoeuvre safely before proceeding to pass under the bridge. A personal account [REDACTED] as regular waterway users in a deep draught yacht, is that on many occasions it has been witnessed and also needed to be able to quickly manoeuvre in that area when unforeseen challenging situations have arisen. Also if two boats arrive at the same time to access the channel through the bridge (one incoming, one outgoing) there must be enough room for boats to manoeuvre or turn around safely in gusty conditions or an emergency to avoid collision, this is especially evident with larger 15-18m Rivas.

- 2) This is the third time that this proposal has been raised with a precedent having been set by previous Council members with good reasons for rejecting such applications. Council should be fully aware of the numerous issues approval would raise, ie: liability, insurance, disregard of the original development approval along with concerns for safety and fairness to those residents that have purchased the land (with water) at a premium price in good faith.
- 3) When purchasing a property on Southwater Drive the contract/title provides full disclosure and the purchase is done so with full knowledge and awareness if a pontoon can be installed or not. The blocks along Southwater Drive were purchased by owners for \$300,000 - \$320,000+ in 2004 to secure water rights whilst the blocks with no water rights such as 5 Southwater Dr were purchased for approx half this price.
If this proposal is approved, then Council are effectively devaluing all ratepayer's properties with water ownership in the area by being selective to two.
- 4) NOTE: Unit 1/25 Jubilee Dr is a **Community Titled** property (group of 10) with a public shared walkway/thoroughfare passing the pontoon which presents numerous liability issues.

Please understand our position in this matter as you must give consideration to provide safe access to the users of this waterway.

We therefore respectfully request that this proposal is rejected.

Landowners:

[REDACTED]

[REDACTED]

(See electronic copy submitted via Council Website – yoursay)

[REDACTED]

(Discussed and confirmed via email correspondence)

[REDACTED]

(See confirmation of letter via [REDACTED] separate submission)

4th March 2023

06 MAR 2023

SUBMISSION

FROM:- [REDACTED]

RE:- SOUTH LAKE – WATERWAY PONTOONS

1/25 JUBILEE DRIVE + 5 SOUTHWATER DRIVE

1. The latest proposal should have been mailed to all land holders/ Ratepayers rather than dropping the letter at each residence, as there are no letterboxes (no mail delivery to Marina), as the letters were found laying on ground, poked in fences etc. Also, Port Lincoln Times & PL Council website not viewed by Ratepayers at all times to be able to view this proposal. Some envelopes, were not delivered to 2 residences and also some owners live in the 5606 postcode but do not reside at their property at South Lake.
2. Council made the error in the past by “someone” signing off on an application for 1/25 Jubilee Drive, rather than being dealt with in the correct manner.
3. It also should be taken into consideration that premium prices have been paid for properties with existing pontoon approval.
4. In 2011 and 2012 we all went through this process and since then Council has failed its ratepayers and you will notice that 50% of people voting at that time voted to keep the pontoon (that 50% did not have approval to have one of their own pontoons).
5. Further costs & time have been wasted due to outcome not being completed in 2012. Also, currently most Ratepayers and Councillors had not been fully aware of what has happened in the past. Council legal advice (Griffins Lawyers dated 02/02/2012 marked attention [REDACTED] - Record # 12012791) states Council Options 2 (1.2)

a. “if that person cannot obtain a lease or licence the pontoon cannot be erected or used”

6. The present pontoon owner at 1/25 Jubilee Drive has not paid Council any remuneration/rates for the use of the water, as stated for 17 years and yet all people in the blue marked areas have paid rates on their water during that time.
7. If pontoons are allowed in the restricted area then everybody will be putting their hands up for one, which will not only be an embarrassment to Council but a safety issue as well.
8. As seen on the supplied plan of the waterway the said 1/25 Jubilee Drive, pontoon blocks smooth access to the existing pontoon at to 40 Parnkalla Drive.
9. Also at times at 1/25 Jubilee Drive, we have had to walk over 240V power extension lead from the owners home to the pontoon laying over the public footpath.
10. In conclusion please refer to Council Report - File Ref REP201249 Section 1.4 Summary dated 7 May 2012 - Author Katrina Allen

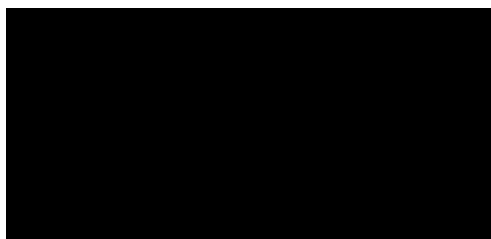
"With the benefit of hindsight and with additional research applied to the original development application and the necessity for a lease over the community land, the residential pontoon system adjacent to Unit 1/25 Jubilee Drive should not have been approved as has been the case.

To secure the South Lake waterway for unrestricted navigation of vessels as original planned it is suggested that Council not support any future application for deeds over community land in the waterway and that a policy position as such be adopted by Council.

Being mind full of the oversight by Council staff in approving the development application in 2006 it is suggested that Council, at its cost negotiate with the owner of the pontoon system for its remove, sale or purchase."

It is our wish that this proposal be REJECTED

LANDOWNER:



Summary Average Price paid per Square Meter on South Lake WaterwayExisting Dwelling **WITH** Water Title \$ 593.69Existing Dwelling **WITHOUT** Water Title \$ 1419.75Land only **WITH** Water Title \$ 582.99Land only **WITHOUT** Water Title \$ 1326.06**Average Price paid per Square Meter for property WITH a Water Title \$ 588.34****Average Price paid per Square Meter for property WITHOUT a Water Title \$1,372.91**

Number	Address	Area(sqm)	Price	\$ per sqm	Water Title	Sale date	Detail
13	Bridge Crescent	507	640000	1262.33	No	Jul-21	Est dwelling
13	Bridge Crescent	507	178000	351.08	No	Apr-13	Est dwelling
13	Bridge Crescent	507	560000	1104.54	No	Oct-04	Est dwelling
1/25	Jubilee Drive	207	330000	1594.20	No	Feb-02	Est dwelling
1/25	Jubilee Drive	207	35000	169.08	No	Aug-99	Unknown
2/25	Jubilee Drive	208	575000	2764.42	No	Mar-22	Est dwelling
2/25	Jubilee Drive	208	485000	2331.73	No	Mar-08	Est dwelling
2/25	Jubilee Drive	208	487500	2343.75	No	Jul-03	Est dwelling
2/25	Jubilee Drive	208	230000	1105.77	No	Feb-01	Est dwelling
3/25	Jubilee Drive	207	510000	2463.77	No	Dec-08	Est dwelling
3/25	Jubilee Drive	207	35000	169.08	No	Aug-99	Unknown
4/25	Jubilee Drive	207	430000	2077.29	No	Apr-16	Est dwelling
4/25	Jubilee Drive	207	242000	1169.08	No	Nov-00	Est dwelling
5/25	Jubilee Drive	265	550000	2075.47	No	Mar-22	Est dwelling
5/25	Jubilee Drive	265	35000	132.08	No	Aug-99	Land only
6/25	Jubilee Drive	266	400000	1503.76	No	Feb-18	Est dwelling
6/25	Jubilee Drive	266	345000	1296.99	No	Dec-02	Est dwelling
6/25	Jubilee Drive	266	255000	958.65	No	May-01	Est dwelling
6/25	Jubilee Drive	266	215000	808.27	No	Mar-00	Est dwelling
6/25	Jubilee Drive	266	35000	131.58	No	Aug-99	Land only
7/25	Jubilee Drive	208	530000	2548.08	No	Mar-20	Est dwelling
7/25	Jubilee Drive	208	475000	2283.65	No	Mar-18	Est dwelling
7/25	Jubilee Drive	208	37500	180.29	No	Feb-01	Land only
7/25	Jubilee Drive	208	70000	336.54	No	Aug-99	Land only
8/25	Jubilee Drive	207	665000	3212.56	No	Jan-22	Est dwelling
8/25	Jubilee Drive	207	605000	2922.71	No	Dec-14	Est dwelling
8/25	Jubilee Drive	207	37500	181.16	No	Feb-01	Land only
8/25	Jubilee Drive	207	70000	338.16	No	Aug-99	Land only
9/25	Jubilee Drive	208	590000	2836.54	No	Mar-22	Est dwelling
9/25	Jubilee Drive	208	480000	2307.69	No	May-19	Est dwelling
9/25	Jubilee Drive	208	450000	2163.46	No	Jan-05	Est dwelling
9/25	Jubilee Drive	208	20000	96.15	No	Apr-00	Land only
10/25	Jubilee Drive	240	500000	2083.33	No	Feb-14	Est dwelling
10/25	Jubilee Drive	240	500000	2083.33	No	Dec-08	Est dwelling

OFFICIAL

10/25	Jubilee Drive	240	475000	1979.17	No	Jan-07	Est dwelling
2/2	Parnkalla Avenue	588	175000	297.62	Yes	Jun-98	Est dwelling
1/4	Parnkalla Avenue	569	570000	1001.76	Yes	Jul-07	Est dwelling
1/4	Parnkalla Avenue	569	495000	869.95	Yes	Jan-15	Est dwelling
1/6	Parnkalla Avenue	381	450000	1181.10	Yes	Feb-06	Est dwelling
1/6	Parnkalla Avenue	381	230000	603.67	Yes	Jun-01	Est dwelling
1/6	Parnkalla Avenue	381	181000	475.07	Yes	Apr-01	Est dwelling
2/6	Parnkalla Avenue	373	520000	1394.10	Yes	Jan-12	Est dwelling
2/6	Parnkalla Avenue	373	171000	458.45	Yes	Jun-99	Est dwelling
8	Parnkalla Avenue	1181	598000	506.35	Yes	Jan-16	Est dwelling
8	Parnkalla Avenue	1181	270000	228.62	Yes	May-01	Est dwelling
8	Parnkalla Avenue	1181	59000	49.96	Yes	May-93	Land only
10	Parnkalla Avenue	1274	92000	72.21	Yes	Jul-01	Land only
10	Parnkalla Avenue	1274	55000	43.17	Yes	Mar-93	Land only
1/12	Parnkalla Avenue	657	150000	228.31	Yes	Dec-95	Est dwelling
2/12	Parnkalla Avenue	683	530000	775.99	Yes	Sep-19	Est dwelling
2/12	Parnkalla Avenue	683	155000	226.94	Yes	Nov-97	Est dwelling
2/12	Parnkalla Avenue	683	138000	202.05	Yes	Jul-94	Est dwelling
14-16	Parnkalla Avenue	2205	300000	136.05	Yes	Apr-94	Est dwelling
18	Parnkalla Avenue	736	540000	733.70	Yes	Apr-07	Est dwelling
18	Parnkalla Avenue	736	297500	404.21	Yes	Mar-01	Est dwelling
18	Parnkalla Avenue	736	229000	311.14	Yes	Apr-94	Est dwelling
20	Parnkalla Avenue	744	217000	291.67	Yes	Dec-95	Est dwelling
20	Parnkalla Avenue	744	53000	71.24	Yes	Oct-93	Land only
22	Parnkalla Avenue	752	199000	264.63	Yes	Apr-93	Land only
22	Parnkalla Avenue	752	515000	684.84	Yes	Feb-16	Est dwelling
22	Parnkalla Avenue	752	515000	684.84	Yes	Feb-16	Est dwelling
22	Parnkalla Avenue	752	199000	264.63	Yes	Apr-93	Land only
24	Parnkalla Avenue	679	560000	824.74	Yes	Feb-17	Est dwelling
24	Parnkalla Avenue	679	230000	338.73	Yes	Feb-96	Unknown
24	Parnkalla Avenue	679	174000	256.26	Yes	Nov-93	Land only
26	Parnkalla Avenue	659	590000	895.30	Yes	Aug-21	Est dwelling
26	Parnkalla Avenue	659	590000	895.30	Yes	Oct-17	Est dwelling
26	Parnkalla Avenue	659	660000	1001.52	Yes	Sep-07	Est dwelling
26	Parnkalla Avenue	659	262500	398.33	Yes	Dec-00	Land only
28	Parnkalla Avenue	650	640000	984.62	Yes	Dec-21	Est dwelling
28	Parnkalla Avenue	650	550000	846.15	Yes	May-15	Est dwelling
28	Parnkalla Avenue	650	470000	723.08	Yes	Mar-05	Est dwelling
28	Parnkalla Avenue	650	248000	381.54	Yes	Mar-00	Land only
28	Parnkalla Avenue	650	230000	353.85	Yes	Dec-97	Land only
30	Parnkalla Avenue	448	495000	1104.91	Yes	Jan-12	Est dwelling
30	Parnkalla Avenue	448	600000	1339.29	Yes	Feb-08	Est dwelling
30	Parnkalla Avenue	448	523800	1169.20	Yes	Feb-05	Est dwelling
30	Parnkalla Avenue	448	285000	636.16	Yes	Mar-01	Est dwelling
1/32	Parnkalla Avenue	623	500000	802.57	Yes	Mar-06	Est dwelling
2/32	Parnkalla Avenue	460	650000	1413.04	Yes	Jun-22	Est dwelling
1/34	Parnkalla Avenue	560	750000	1339.29	Yes	Dec-22	Est dwelling

OFFICIAL

1/34	Parnkalla Avenue	560	580000	1035.71	Yes	Aug-14	Est dwelling
1/34	Parnkalla Avenue	560	240000	428.57	Yes	Oct-98	Land only
36	Parnkalla Avenue	857	75000	87.51	Yes	Oct-99	Land only
36	Parnkalla Avenue	857	48000	56.01	Yes	Mar-93	Land only
38	Parnkalla Avenue	879	730000	830.49	Yes	May-13	Est dwelling
38	Parnkalla Avenue	879	510000	580.20	Yes	Dec-01	Est dwelling
38	Parnkalla Avenue	879	280000	318.54	Yes	Mar-94	Land only
1/40	Parnkalla Avenue	625	615000	984.00	Yes	Aug-10	Est dwelling
1/42	Parnkalla Avenue	362	290000	801.10	Yes	May-13	Est dwelling
1/42	Parnkalla Avenue	362	341000	941.99	Yes	Nov-00	Est dwelling
1	Southwater Drive	649	720000	1109.40	No	Jun-21	Est dwelling
1	Southwater Drive	649	220000	338.98	No	Oct-10	Est dwelling
1	Southwater Drive	649	560000	862.87	No	Oct-04	Est dwelling
3	Southwater Drive	464	730000	1573.28	No	Mar-19	Est dwelling
3	Southwater Drive	464	227500	490.30	No	Jun-08	Est dwelling
3	Southwater Drive	464	560000	1206.90	No	Oct-04	Est dwelling
5	Southwater Drive	462	950000	2056.28	No	Feb-22	Est dwelling
5	Southwater Drive	462	945000	2045.45	No	Dec-12	Est dwelling
5	Southwater Drive	462	230000	497.84	No	Feb-08	Land only
5	Southwater Drive	462	560000	1212.12	No	Oct-04	Land only
7	Southwater Drive	457	300000	656.46	No	Oct-19	Land only
9	Southwater Drive	532	950000	1785.71	Yes	Jan-14	Est dwelling
9	Southwater Drive	532	813000	1528.20	Yes	Jul-10	Est dwelling
9	Southwater Drive	532	260000	488.72	Yes	Apr-07	Land only
9	Southwater Drive	532	220000	413.53	Yes	May-04	Land only
11	Southwater Drive	587	270000	459.97	Yes	Mar-05	Land only
11	Southwater Drive	587	280000	477.00	Yes	Oct-03	Land only
13	Southwater Drive	576	280000	486.11	Yes	Oct-03	Land only
15	Southwater Drive	534	780000	1460.67	Yes	Oct-21	Est dwelling
15	Southwater Drive	534	325000	608.61	Yes	Sep-03	Land only
17	Southwater Drive	573	840000	1465.97	Yes	Dec-09	Est dwelling
17	Southwater Drive	573	185000	322.86	Yes	Aug-04	Land only
18	Southwater Drive	756	225000	297.62	Yes	Apr-18	Land only
18	Southwater Drive	756	230000	304.23	Yes	Oct-19	Land only
1	The Mews	843	183000	217.08	Yes	Nov-96	Est dwelling
1	The Mews	843	29000	34.40	Yes	Aug-93	Land only
3	The Mews	936	560000	598.29	Yes	Mar-03	Est dwelling
3	The Mews	936	53000	56.62	Yes	Jun-93	Land only
5	The Mews	1154	630000	545.93	Yes	Sep-22	Land only
5	The Mews	1154	450000	389.95	Yes	Mar-16	Land only
5	The Mews	1154	120000	103.99	Yes	Oct-00	Land only
5	The Mews	1154	80000	69.32	Yes	Sep-94	Land only
3	Village Place	764	220000	287.96	Yes	Apr-00	Land only
4	Village Place	827	260000	314.39	Yes	Apr-00	Land only
5	Village Place	640	70000	109.38	Yes	Aug-97	Land only
7	Village Place	638	735000	1152.04	Yes	Apr-19	Est dwelling
7	Village Place	638	280000	438.87	Yes	Oct-00	Est dwelling

OFFICIAL

7	Village Place	638	70000	109.72	Yes	Oct-96	Land only
7	Village Place	638	53000	83.07	Yes	Aug-94	Land only
8	Village Place	639	71800	112.36	Yes	Apr-95	Land only
8	Village Place	639	55000	86.07	Yes	Sep-94	Land only
15	Lake View Avenue	765	650000	849.67	Yes	Jun-03	Est dwelling
15	Lake View Avenue	765	410000	535.95	Yes	Nov-01	Est dwelling
15	Lake View Avenue	765	55000	71.90	Yes	Jan-94	Land only
17	Lake View Avenue	612	450000	735.29	Yes	Jun-01	Est dwelling
17	Lake View Avenue	612	355000	580.07	Yes	Apr-98	Land only
19	Lake View Avenue	649	75000	115.56	Yes	Sep-94	Land only
21	Lake View Avenue	597	500000	837.52	Yes	Nov-05	Est dwelling
21	Lake View Avenue	597	58000	97.15	Yes	Oct-94	Land only
23	Lake View Avenue	630	75000	119.05	Yes	Mar-00	Land only
23	Lake View Avenue	630	62000	98.41	Yes	Feb-97	Land only
23	Lake View Avenue	630	55400	87.94	Yes	Nov-94	Land only
26	Lake View Ave	1008	440000	436.51	Yes	Dec-21	Land only
28	Lake View Ave	942	1200000	1273.89	Yes	Mar-16	Est dwelling
28	Lake View Ave	942	65000	69.00	Yes	Dec-94	Land only
2/30	Lake View Ave	372	592000	1591.40	Yes	Apr-15	Est dwelling
2/30	Lake View Ave	372	675000	1814.52	Yes	Mar-09	Est dwelling
2/30	Lake View Ave	372	315000	846.77	Yes	Oct-95	Land only
32	Lake View Ave	972	900000	925.93	Yes	Mar-16	Est dwelling
32	Lake View Ave	972	1091000	1122.43	Yes	Mar-08	Est dwelling
34	Lake View Ave	1066	1230000	1153.85	Yes	May-22	Est dwelling
34	Lake View Ave	1066	700000	656.66	Yes	Mar-96	Land only
36	Lake View Ave	1169	860000	735.67	Yes	Apr-08	Est dwelling
36	Lake View Ave	1169	815000	697.18	Yes	May-03	Est dwelling
36	Lake View Ave	1169	380000	325.06	Yes	Jun-01	Land only
38	Lake View Ave	1050	1137000	1082.86	Yes	Dec-19	Est dwelling

Submission - South Lake Waterway Pontoons

We do not support the proposal to establish two ground leases on the South Lake Waterway. Our objection relates to safety risks for boat users of the canal. The two proposed leases are in the area of the canal where it narrows and as such there is already an increased risk for boat users for incidents with other boats and infrastructure. This risk will increase if pontoons are established in this part of the canal. There is a bottle neck where the canal narrows under the footbridge and this creates a risk where two or more boats are wishing to enter and/or exit the canal at the same time. This is of particular concern for a smaller boat where the other boat is much larger and one of the boats has to go closer to the side of the canal and wait for the other boat to pass under the footbridge. If the new pontoons are established the area where the other boats can safely wait along the canal will be reduced. In addition, the canal is not only used by residents who live along the canal so the minimum safe navigational width should not only be determined by resident's boats but also by all the boats that use the canal. In December of every year the number of boats that use the canal increases significantly as boat users come up the canal to view the Christmas lights put up by residents along the canal. Some of these boats, such as the ones that run tours to see the Christmas lights, are very large. Decreasing the safe navigational width of the canal with the proposed leases will further increase the risk to boat users particularly at this time of the year where there are increased number and size of boats using the canal.



16-20-2-35 I 236776

Attachment 6

23 FEB 2023

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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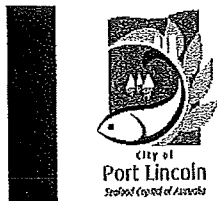
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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



REPORT

Committee	ORDINARY COUNCIL
Meeting Date	Monday 7 May 2012
Report Author	Katrina Allen
	DIRECTOR CORPORATE & COMMUNITY SERVICES
File Ref	REP201249

1. COMMUNITY CONSULTATION

1.1. *Proposal - Deed South Lake Waterway*

Community comment was sought on a proposal to issue a deed (lease) over a portion of the South Lake waterway.

The property owners of 1/25 Jubilee Drive (CT Ref: Vol 4296 folio 477) were granted approval (DA 931/069/06) to install a pontoon adjacent to their property in 2006. Inadvertently at the time, the requirement to issue a lease over the waterway was overlooked.

1.2. *Background Discussion*

The area occupied by the pontoon is approximately 27m² and the pontoon is proposed for exclusive use of the owners. The area which will be covered by the Deed does not appear to impede on the required marina channel which has a minimum clearance of 19 metre in width.

If approved, the applicants will be required to pay an ongoing annual fee, which will be determined annually by Council. A deed can be issued for a maximum of 21 years under the *Local Government Act 1999, Section 202*.

A copy of the Legal advice received (refer Confidential report MDES 5th March 2012) is attached for member's information, and is summarised as follows:

- An approval given under the *Development Act 1993* can not be revoked
- Council has discretion to grant a lease/deed pursuant to *Local Government Act 1999, Section 202*
- Council is under no obligation to grant a lease/deed, and may request the pontoon be removed in a reasonable time frame
- A pontoon to be 'erected or used' within this waterway controlled by Council needs **both**:
 - Development approval under the *Development Act*, and
 - a lease/deed under the *Local Government Act 1999*

ATTACHMENT I2012791

1.3. Discussion Detail

Written submissions were sought on seeking community feedback on the issue of the Deed, with consultation closing on Friday 20th April 2012. Sixty three property owners in the Parnkalla Channel were contacted and supplied copies of the information, other interested members of the community were notified through a public notice on Councils news page and website.

ATTACHMENT N2012542

PUB201212

Twenty four written submissions were received, with 12 objecting and 12 supporting the issue of the Deed. These are attached for member's consideration and summarised below.

ATTACHMENTS

RECORD NUMBER	SUPPORT/OBJECT	CORRESPONDENT/S	SUMMARY OF REASONS
I20122832	Object		Should remain 'no go zone'
I20122682	Object		Believe if was approved with no mention of lease then it can not be changed
I20122596	Object		Safety of other boat users, other landowners in Parnkalla water way own water rights
I20122663	Object		
I20122488	Object		safety
I20122467	Object		Value of other properties , channel too narrow
I20121197	Object		Precedent, safety
I20122854	Object		Right of way concerns, believe illegal structure
I20122842	Object		Others own waterway
I20122863	Object		Safety, channel narrow
I20122905	Object		Area should be for manoeuvring craft, safety issue
I20122903	Object		No community consultation when approved, remove
I20122802	Support		
I20122637	Support		
I20122319	Support		
I20122275	Support		
I20122274	Support		
I20122248	Support		
I20122214	Support		
I20122221	Support		
I20122222	Support		
I20121196	Support		
I20122138	Support		
I20122904	Support		

1.4. Summary

With the benefit of hindsight and with additional research applied to the original development application and the necessity for a lease over the community land, the residential pontoon system adjacent to Unit 1/25 Jubilee Drive should not have been approved as has been the case.

To secure the South Lake waterway for unrestricted navigation of vessels, as originally planned it is suggested that Council not support any future applications for deeds over community land in the waterway and that a policy position as such be adopted by Council.

Being mind full of the oversight by Council staff in approving the development application in 2006 it is suggested that Council, at its cost negotiate with the owner of the pontoon system for its removal, sale or purchase.

Recommendation

That pursuant to the Local Government Act 1999, Section 202, having given consideration to the submissions received during the public consultation process, legal advice received and location of the property relative to the South Lake waterway, Council does not support the issue of a deed to enable the positioning of a residential pontoon and all associated structure adjacent to Unit 1/25 Jubilee Drive.

And that further, notification be issued to the property owners of Unit 1/25 Jubilee Drive, Port Lincoln that in consultation with Council and at Council's cost, the existing pontoon structure be removed within a period of six months from the date of notice.

2. POLICY REVIEWS

The following Policies have been reviewed by Council administration and Elected Members and are tabled for adoption.

Information Technology	19.63.3
Code of Conduct for Council Employees	12.63.12

Recommendation

That policies 19.63.3 '*Information Technology*' and 12.63.12 '*Code of Conduct for Council Employees*', as presented be adopted as policies of the City of Port Lincoln.

3. MOTOR HOME REST AREAS

Correspondence has been received from Sarin Property Group in relation to the authorised Motor home rest areas pursuant to By-law No. 4 and the trial period. Council passed a motion in February 2011 to undergo public consultation (CO 11/0016) and point (3) that was consulted on, was that no permit would be required for a 12 month period.

A reply has been sent to the Sarin Property Group notifying them that the twelve month trial period was only able to commence once the Council By-laws were operational, and the appropriate motion was passed to allow overnight camping clause 9.11.3 in the two designated areas (CO 11/0286).

ATTACHMENTS I20122746

O20121950

Officers Comment

For information



G R I F F I N S
L A W Y E R S



P56
E-MAILED
2.2.12

Our Ref: 70615jnm

2 February 2012

[REDACTED]
City of Port Lincoln
PO Box 1787
PORT LINCOLN SA 5606

City of Port Lincoln	
ENTERED	
7 FEB 2012	
Assess No:	12012791
GDS Code:	15-3-2.1
Assessable:	[REDACTED]
X Ref 12012324	
N20124	
Scanned	<input checked="" type="checkbox"/>
File	<input type="checkbox"/>

By Post & By Email: developmentcontractor@plcc.sa.gov.au

developmentcontractor@plcc.sa.gov.au

Dear [REDACTED]

Advice – Re: Pontoons

I refer to your email and enclosure of 17 January 2012.

You seek my advice in regard to a number of development applications involving pontoons in the Southern Lake Waterway, within the Lincoln Cove Marina. The water is known as the "Southern Lake" and is under the care and control of Council.

I note:

1. Council has recently resolved **not** to support the lease of a portion of waterway adjacent to number **5 Southwater Drive**, Port Lincoln which would have enabled the approval of a Development Application for a pontoon.
- 2.1 Council's Director of Corporate and Community Services Katrina Allen, has requested that a legal opinion be sought in regard to an existing pontoon at **1/25 Jubilee Drive**, which inadvertently received development approval (in April 2006) without a lease arrangement for the waterway being sought nor obtained. The pontoon has since been constructed.
- 2.2 This pontoon structure is not attached to the property at 1/25 Jubilee Drive, as there is a linear shaped allotment running along the front of this and other properties known as Section 974 (CD 5750/29) which is under the care of Council and is part of the Parnkalla Walking Trail.

With regard to this existing pontoon (at **1/25 Jubilee Drive**), Council seeks advice on the following:

1. What are Council's options?
 - 1.1 Can approval be revoked?

ADELAIDE

MELBOURNE

SYDNEY

PERTH

49 Flinders Street Adelaide SA 5000 GPO Box 2077 Adelaide SA 5001 Telephone +61 8 8410 2020 facsimile +61 8 8410 1920 email@griffins.com.au
GMG Legal Services Pty Ltd an Incorporated Legal Practice ABN 19 074 972 231

www.griffins.com.au

JNM:NAF:P70615_007.doc

- 1.2 Should a lease be issued retrospectively?
- 1.3 Term of lease?
- 1.4 Can Council set a fee for the issue of the lease for future years?
2. The effect this advice may have on current outstanding and future applications within this waterway?

I advise as follows:

1. Council's options - 1/25 Jubilee Drive

1.1 Can approval be revoked?

Once development approval under the *Development Act 1993* has been granted, communicated to the applicant and acted upon, it cannot be revoked.

1.2 Should a lease be issued retrospectively?

As we have indicated in previous advice (3 July 2008):

- a) Council has a discretion whether or not to grant a lease or licence.
- b) Before granting a lease or licence it must follow the procedures set out in Section 202 of the *Local Government Act 1999*.

Notwithstanding the grant of development approval under the *Development Act* Council is under no legal obligation to grant a lease or licence and may, if it wishes, now request the pontoon be removed but give a reasonable time to do so.

1.3 Term of lease?

Council has a complete discretion as to the term of a lease but it cannot exceed 21 years pursuant to Section 202(4) of the *Local Government Act*.

1.4 Can Council set a fee for the issue of the lease for future years?

Yes but the conditions of the lease must clearly set this out.

2. The effect this advice may have on current outstanding and future applications within this waterway?

1.1 A person wishing to erect and use a pontoon within the waterway controlled by Council needs both:

- a) Development approval under the *Development Act*; and
- b) A lease or licence under the *Local Government Act*.

1.2 If that person cannot obtain a lease or licence the pontoon cannot be erected nor used.

- 1.3 With regard to the current outstanding/future applications within this Waterway:

a) 5 Southwater Drive

Development plan consent should be refused as the application is now hypothetical as Council will not support a lease.

b) Units 9 and 10 Jubilee Drive

Council may also, if Council is not supportive of a lease, refuse development plan consent as the application is hypothetical.

c) 7 Southwater Drive

Council may also, if Council is not supportive of a lease, refuse development plan consent as the application is hypothetical.

If you have any queries please do not hesitate to contact me.

Yours faithfully
GRIFFINS LAWYERS



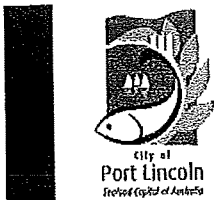
JOHN MCELHINNEY

Direct email: jmcclhinney@griffins.com.au
Direct line: (08) 8113 5119
Mobile: 0418 821 563



Assess No (Link To RATES)	Postal Address	Name	Init	House No.	Street Name	Street Type
A7747				25	JUBILEE	DRIVE
A7748				25	JUBILEE	DRIVE
A7749				25	JUBILEE	DRIVE
A7750				25	JUBILEE	DRIVE
A7751				25	JUBILEE	DRIVE
A7752				25	JUBILEE	DRIVE
A7753				25	JUBILEE	DRIVE
A7754				25	JUBILEE	DRIVE
A7755				25	JUBILEE	DRIVE
A7756				0/25	JUBILEE	DRIVE
A8406				1/2	JUBILEE	DRIVE
A4249				8	LAKE VIEW	AVENUE
A4250				6	LAKE VIEW	AVENUE
A4251				4	LAKE VIEW	AVENUE
A4252				2	LAKE VIEW	AVENUE
A4254				8	LAKE VIEW	AVENUE
A4255				6	LAKE VIEW	AVENUE
A4256				4	LAKE VIEW	AVENUE
A4257				2	LAKE VIEW	AVENUE
A7181				U1/30	LAKE VIEW	AVENUE
A7182				U2/30	LAKE VIEW	AVENUE
A4379				BTH28	NORTH QUAY	WHARF
A4189				RES	PARNKALLA	AVENUE
A4199				RES	PARNKALLA	AVENUE
A4200				RES	PARNKALLA	AVENUE
A4203				U1/42	PARNKALLA	AVENUE
A4205				38	PARNKALLA	AVENUE
A4206				36	PARNKALLA	AVENUE
A4209				30	PARNKALLA	AVENUE
A4210				28	PARNKALLA	AVENUE

A4211		6	PARNKALLA	AVENUE
A7078		3/42	PARNKALLA	AVENUE
A7177		1/34	PARNKALLA	AVENUE
A7178		2/34	PARNKALLA	AVENUE
A7614		1/44	PARNKALLA	AVENUE
A7615		2/44	PARNKALLA	AVENUE
A8026		1/32	PARNKALLA	AVENUE
A8027		2/32	PARNKALLA	AVENUE
A9855		1/40	PARNKALLA	AVENUE
A9856		2/40	PARNKALLA	AVENUE
A8666		4	SOUTHWATE R	DRIVE
A8667		6	SOUTHWATE R	DRIVE
A8668		8	SOUTHWATE R	DRIVE
A8669		9	SOUTHWATE R	DRIVE
A8670		7	SOUTHWATE R	DRIVE
A8677		2	SOUTHWATE R	DRIVE
A8678		4	SOUTHWATE R	DRIVE
A8679		6	SOUTHWATE R	DRIVE
A8680		8	SOUTHWATE R	DRIVE
A8682		15	SOUTHWATE R	DRIVE
A8683		13	SOUTHWATE R	DRIVE
A8684		3	SOUTHWATE R	DRIVE
A8685		1	SOUTHWATE R	DRIVE
A8686		11	SOUTHWATE R	DRIVE
A8687		9	SOUTHWATE R	DRIVE
A8688		7	SOUTHWATE R	DRIVE
A8689		5	SOUTHWATE R	DRIVE
A4275		3	VILLAGE	PLACE
A4276		5	VILLAGE	PLACE
A4277		7	VILLAGE	PLACE
A4278		8	VILLAGE	PLACE
A4279		6	VILLAGE	PLACE
A4280		4	VILLAGE	PLACE



PUB201212

2-56-T3 P61

PUBLIC NOTICE

COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Community comment is sought on a proposal to issue a deed (lease) over a portion of the South Lake waterway.

The property owners of 1/25 Jubilee Drive (CT Ref: Vol 4296 folio 477) were granted approval to install a pontoon adjacent to their property in 2006. Inadvertently at the time, the requirement to issue a lease over the waterway was overlooked.

The area occupied by the pontoon is approximately 27m² and the pontoon will be for exclusive use of the owners. The area which will be covered by the Deed does not impede on the required marina channel which has a minimum clearance of 19 metre in width.

If approved, the applicants will be required to pay an ongoing annual fee, which will be determined by Council.

An area plan and a plan of the approved Development Application for the pontoon (931/069/06) is available for viewing at the Council office. For further information please contact Bob Milic, on 8621 2300.

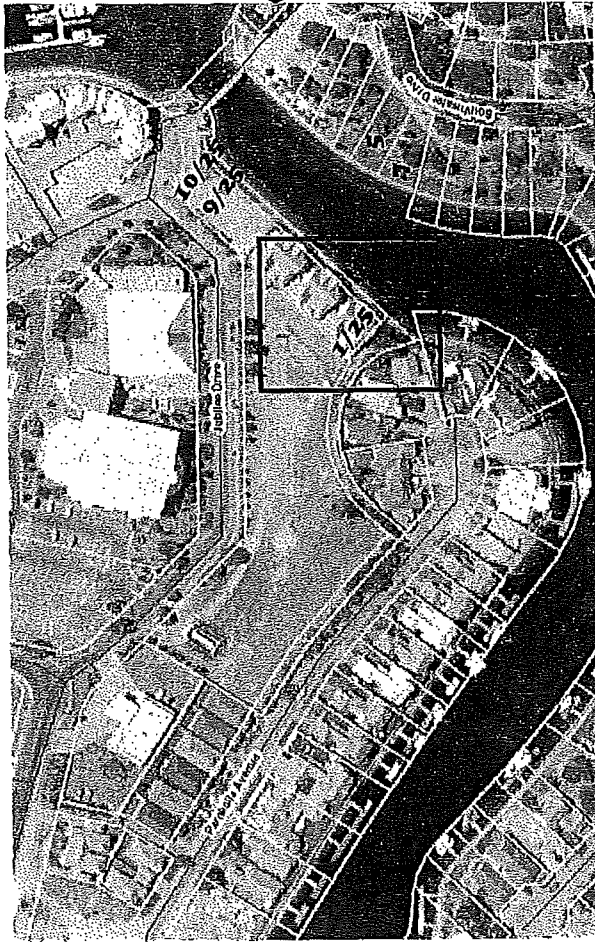
Written submissions to Council, by post, email or fax, will be received until 5pm on Friday 20th April 2012

Katrina Allen
Acting Chief Executive Officer

N2012937
16.20.1.13

Location of subject properties and map
showing cadastral boundaries

More up-to date aerial of location





City of Port Lincoln

Address: Level One, Civic Centre, 60 Tasman Terrace, Port Lincoln SA 5606
Postal Address: PO Box 1787, Port Lincoln SA 5606
Email: plcc@plcc.sa.gov.au Web: www.portlincoln.sa.gov.au
Telephone: (08) 8621 2300 Fax: (08) 8621 2399

SCANNED

18 APR 2012

120122832

16.20.2-153

Template No

16-20-T5

COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: PORT LINCOLN SA 5606
Postal Address: [REDACTED]
Suburb: PORT LINCOLN SA 5606
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☒ YES I OBJECT TO THE ISSUE OF THE DEED
☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

The 'No Go Zone' for pontoon and boat access is beyond the Freehold waterfront blocks in South Lake. It was established to enable safe navigation access to the bridge and in the case of a bridge failure to allow a safe area to turn around, especially on windy days. In purchasing our block we knew this area to be a "No Go Zone" allowing us unrestricted access to our pontoon through this zone. Policies and procedures are put in place so there are

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☐ YES
☒ NO

Contd: clear guidelines and the area in dispute is a 'No Go' for pontoons and boats. This draws a line in the sand and should solve any ongoing issues.



City of Port Lincoln

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Email:
Telephone:

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plcc@plcc.sa.gov.au
(08) 8621 2300

Web: www.portlincoln.sa.gov.au
Fax: (08) 8621 2399

Template No

16-20-T5

16.20.2.5
12 APR 2012
120122682

ENTERED

COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: PT. LINCOLN
Postal Address: [REDACTED]
Suburb: KEITH
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☒ YES I OBJECT TO THE ISSUE OF THE DEED
☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

We feel if the pontoon approval was applied for and approved with no mention of an annual lease then it can't be changed - But if the annual lease was mentioned in all paper work for the pontoon to be approved then it should be changed but not to be back dated.

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☐ YES
☒ NO



City of Port Lincoln

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Telephone:

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(08) 8621 2300

Web: www.portlincoln.sa.gov.au
Fax: (08) 8621 2399

I20122596
10 APR 2012

Template No 16-20-T5

P65

COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: Port Lincoln
Postal Address: [REDACTED]
Suburb: GLENUNGA, S.A. 5064
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☒ YES I OBJECT TO THE ISSUE OF THE DEED
☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

- ① Safety in relation to other boat users
- ② The initial design of the MARINA designated this Area as a Non Pontoon Zone
- ③ The other LAND OWNERS in PARKALLA ARE OWNERS OF WATER RIGHTS in front of their properties
- ④ Potential to reduce land value of existing properties

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☐ YES
☒ NO



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plcc@plcc.sa.gov.au
(08) 8621 2300

Web:
Fax:

Template No

www.portlincoln.sa.gov.au
(08) 8621 2399

16.20.2.5
12012 266P66
16.20.15
12012 266P66
ENTERED
12 APR 2012

COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: PORT LINCOLN SA 5606

Postal Address: [REDACTED]

Suburb: Adelaide 5000

Email Address:

Phone Number:

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☒ YES I OBJECT TO THE ISSUE OF THE DEED

☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☐ YES

☒ NO



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Fax:

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(08) 8621 2399

ENTERED

Template No

16-20-T5

120122488

03 APR 2012

16.20.25

COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

SCANNED

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: Lincoln Cove Port Lincoln

Postal Address: [REDACTED]

Suburb: Teorak Rdns SA 5605

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☒ YES I OBJECT TO THE ISSUE OF THE DEED

☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

1. I HAVE A 55 FT BOAT AND IT IS DANGEROUS
TO HAVE ANY PONTOON IN THAT AREA SO CLOSE
TO THE BRIDGE IN A RESTRICTED AREA
2. ANY COLLISION COSTS OF VESSELS WAITING
TO PROCEED THROUGH THE BRIDGE WILL BE TO
THE COUNCILS COST AS THE PONTOON WERE NOT
UNLAWFULLY OPERATED BY COUNCIL

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☐ YES

☒ NO



City of Port Lincoln

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Postal Address: PO Box 1787, Port Lincoln SA 5606
Email: plcc@plcc.sa.gov.au
Telephone: (08) 8621 2300

ENTERED

Web: www.portlincoln.sa.gov.au
Fax: (08) 8621 2399

12012 2467
3 APR 2012 P68

16-20-T5

16.20.2.5

SCANNED

COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: Port Lincoln

Postal Address: [REDACTED]

Suburb: Port Lincoln

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☒ YES I OBJECT TO THE ISSUE OF THE DEED

☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

1. Potential to set a precedent for other properties in the area that do not have water ownership/lease entitlements
2. Value of property will increase with lease which it was not entitled to. Owner did not pay for it so should not be entitled
3. With pontoon channel too narrow and will make passing/turning difficult especially with bridge not opening/breaking down
4. Owner may use it for commercial advantage rather than personal use (eg lease it to someone else)

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☐ YES

☒ NO



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23 MAR 2012
Template No 16-20-T5

P69

COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: Port Lincoln
Postal Address: [REDACTED]
Suburb: Port Lincoln 5606
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☒ YES I OBJECT TO THE ISSUE OF THE DEED

☐ NO I SUPPORT THE ISSUE OF THE DEED



City of Port Lincoln

23 MAR 2012

120121197

Record No: 16.20.2.5

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

Responsible: Bob
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File: ☐

1. DO NOT WANT TO SET PRECEDENCE FOR OTHER MARINA PONTOON INSTALLED IN RESTRICTED AREA FOR NAVIGATION
2. DANGER FOR NAVIGATION IF BRIDGE IS UP & VESSEL COMING OPPOSITE DIRECTION
3. IF PONTOON WERE ALLOWED TO STAY IT WOULD STRAY FROM INST STANDARDS FURTHER

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☐ YES

☒ NO


4. ALTHOUGH NOT THE POINT IN QUESTION THE ILLEGALLY APPROVED PONTOON BY COUNCIL SHOULD BE REMOVED. IT IS DANGEROUS & OUT OF CHARACTER WITH THE AREA

PORT LINCOLN SA 5606

SCANNED

Director Corporate & Community Services
Port Lincoln City Council
PO Box 1787
PORT LINCOLN SA 5606


18th April 2012

 <p>City of Port Lincoln Local Government of South Australia</p>	City of Port Lincoln	
	19 APR 2012	
	Record No:	120122854
	GDS Code:	16.20.2.5
Responsible: Katrina		Scanned <input type="checkbox"/> File <input type="checkbox"/>

RE: Proposed Deed for Pontoon South Lake waterway Marina Precinct Port Lincoln SA

We refer to your advertised proposal and would pose the following comments and objections.

- The issue is not that council overlooked a lease over the waterway where an illegal pontoon exists in section 785, the reality is that council were in error when they approved the pontoon in the first instance in fact when I questioned your officer [REDACTED] at the time as to why there was a pontoon in that location he admitted in front of witnesses that he made an error and should not have allowed it.
- Council are acting illegally by proposing this development/lease and leave themselves open to legal action from all the residents with property adjacent to the Parnkalla Channel. The subject illegal pontoon and associated water license is located in section 785 as delineated on GP 403/1986 this section is subject to a registered Right of Way on the title of each landowner adjacent to the Parnkalla Channel(see copy of my title attached (A).
- "A Right of Way is a contract made between parties to give an individual, a company, a council or other authority (grantee) the right to use the landowner's property (grantor) for a particular purpose. While an easement or right of way grants rights it also has the effect of partially restricting the use of that part of the land affected by the easement or right of way."
Most easements or right of way are registered on the title of the property and remain as the land is bought and sold. They remain on the title until both the grantor and the grantee agree for them to be removed."
- "Any building/structure that impedes access to the grantee is prohibited. For the same reason a right of way should not be fenced off to prevent access for those entitled to the benefit of the right of way. All landholders should enquire about any easement agreements prior to undertaking any construction or alteration to the property."
- "The landholder may be faced with all costs associated for the removal of the building or improvements and any associated damages resulting from the unauthorised location of building or improvements on the land that is subject to an easement or right of way."
- This pontoon is an illegal structure in the subject right of way that should be removed by the landholder as it is in breach of the right of way.

- 
-
- I have made contact with 2 residents who have the right of way over section 785 on their title and neither have been contacted therefore council is in breach of the Local Government Act 1999, section 202 as they have not contacted all affected persons or bodies.
 - The illegal structure breaches Australian standards for waterways AS3962-2001 Guidelines for design of Marinas which is that any channel should be 1.5 times the maximum width of any waterfront land in this instance the channel has some 22 metre blocks adjoining which means the channel width should measure a minimum of 33 metres the reason for this is so a vessel can be turned around. Attached (B) is a plan of the subject waterway showing allotment numbers and channel widths you will note the width near the illegal structure is the minimum required without the illegal structure which is the reason the area was made part of the right of way so that there was no restriction to navigation. Attached letter from DTEI confirms the channel is not to be reduced more than it was planned (C), and a copy of the standards the relevant section is the secondary canal channel detail (D).

We await confirmation that council will be removing this illegal development over section 785 as delineated on GP 403/1986 ensuring the legal rights of the landholders as intended by the registered right of way on our titles.

Yours Sincerely

Title Register Search

LANDS TITLES OFFICE, ADELAIDE

Issued pursuant to the Real Property Act 1886 and certified overleaf

P72

REGISTER SEARCH OF CERTIFICATE OF TITLE VOLUME 5284 FOLIO 186

\$0.00 (GST exempt)
 SECTION 7 CLEARING CEMETRE
 WR7B RECEIPT NO : 621667
 N: 29/11/2004 AT 15:55:47
 PARENT TITLE : CT 3322/194
 AUTHORITY : CONVERTED TITLE
 DATE OF ISSUE : 07/08/1995
 EDITION : 4

PROPRIETORS IN FEE SIMPLE

AND

N DRIVE ONLY

ON OF LAND

ON 954

ED OF LINCOLN

ECT TO THE EASEMENT OVER THE LAND MARKED A TO THE COUNCIL FOR THE AREA
 GRANT VOLUME 4280 FOLIO 109

ECT TO THE EASEMENT OVER THE LAND MARKED B TO THE COUNCIL FOR THE AREA
 GRANT 4280 FOLIO 110

OTHER WITH A RIGHT OF WAY OVER SECTION 785 AS DELINEATED ON CP 403/1986
 (527591)

E OF ENDORSEMENTS

7592 ENCUMBRANCE TO CITY OF PORT LINCOLN

4952 ENCUMBRANCE TO LINCOLN COVE DEVELOPMENT CO. PTY. LTD.

5011 MORTGAGE TO ADELAIDE BANK LTD.

NS

UMENTS AFFECTING THIS TITLE

ISTRAR-GENERAL'S NOTES

END OF TEXT 2



Government of South Australia

Department for Transport,
Energy and Infrastructure

*In reply please quote
Enquiries to Abigail Walters
Telephone (08) 8348 9578*

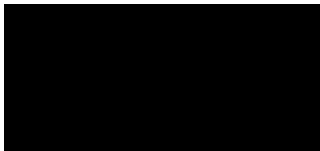
SAFETY AND REGULATION
DIVISION

Kateena Street
Regency Park SA 5010

PO Box 1
Walkerville SA 5081

Telephone:
Facsimile: 08 8348 9533

ABN 92 366 288 135



POT LINCOLN SA 5606

Dear [REDACTED],

CHANNEL USE FOR MARINE DEVELOPMENT

I refer to your email dated 13 October 2008 regarding the likelihood of the Department for Transport, Energy and Infrastructure (DTEI) approving the use of Penkalla Channel for the residential Marina development.

As you are aware, your development approval is contingent on DTEI being satisfied that safe navigation is provided for. When determining the use of channels in marinas, DTEI relies on Australian Standard 3962 - 2001 "Guidelines for design of Marinas".

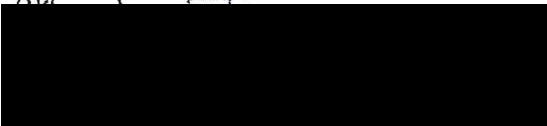
DTEI will not approve the use of any channel that does not comply with this standard. I draw your attention to Section 3.1, page 18 'Channel Widths' for navigational purposes by vessels.

The design of the Paenkalla channel as it currently stands can only cater for vessels up to 5.5 metres in length. I am advised that it is anticipated that the majority of vessels using the Marina will be approximately 24 metres in length.

As this does not comply with the above standard DTEI declines to provide approval for the use of this channel for the residential Marina development.

Yours sincerely,

A handwritten signature in dark ink, appearing to be "Abigail Walters".



20 October 2008



- The length of the longest boat in the marina + 2 metres; or
- 5 times the beam of the broadest mono-hull vessel.

Based on the design drawings (by Cardno) the design proposed for the development covers three quay lines (A, B and C) and 60 and 45 metre canals (refer Cardno Drawing 232402-20).

The primary and secondary canals incorporate batter slopes from the canal walls and vessel berths alongside the canal edges and hence should be classified under AS 3962 as interior fairway channels. In accordance with AS 3962 interior channel and fairways shall have a minimum width of 1.5 x the longest boat using that part of the marina. The above guideline have been used to assess the maximum vessel length restrictions associated with channel widths within the development.

Table 4 Channel Limitations (Cardno Drawing 232402-20)

	Min. Channel Width (m)	Navigation Channel width (m)	Maximum Vessel Length (m) (1.5xL)
Entrance Channel	90	90	60
Primary canal channel (into development)	80	45	30
Marina channel	35	35	23
Secondary canal channel	60	25	17
Secondary canal channel	45	20	13

Based on the current Cardno design, the above channel widths indicate vessels within the development will be restricted to:

- Less than 30 metres in length for the primary canal up to the marina;
- Less than 23 metres within the marina;
- Less than 17 metres for the 60 metre wide canals and
- Less than 13 metres for the 45 metre canals.

Mooring of vessels within the canals is not permitted.

4.3.6 Swimming Zones

The interaction between vessels and swimmers is primarily a safety matter. The means of addressing this potential safety issues is through risk minimisation and management. It is not possible to completely eliminate the risks associated with vessels and people using the same water body. To minimise the risk of injury to swimmers, a clear separation of swimmers and the navigation channel is proposed. This strategy must also be supplemented with management strategies, which include, as a minimum:

- Raising public awareness with signs and information within the development which detail the significance of the various zones;
- Raising the awareness of the boating fraternity with signs and information within the marinas and clubs which detail the significance of the various zones; and



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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
 Residential Address: [REDACTED]
 Suburb: Port Lincoln SA 5606
 Postal Address: [REDACTED]
 Suburb: Port Lincoln SA 5606
 Email Address: [REDACTED]
 Phone Number: [REDACTED]

Is your submission an **OBJECTION** to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☒ YES I OBJECT TO THE ISSUE OF THE DEED
☐ NO I SUPPORT THE ISSUE OF THE DEED

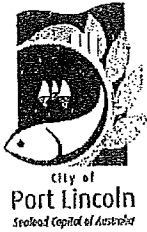
If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

SEE ATTACHED

Do you wish to **APPEAR** in person or be represented at a **MEETING** convened by Council for the determination of submissions

- ☒ YES
☐ NO



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19 APR 2012

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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name:

Residential Address:

Suburb:

Postal Address:

Suburb:

Email Address:

Phone Number:

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☒ YES I OBJECT TO THE ISSUE OF THE DEED

☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

ALL OTHER EXISTING OWNERS OF WATERWAY
PROPERTY HAVE HAD TO PAY MORE TO PURCHASE
THEIR PROPERTY
BY LAW NO BODY SHOULD BE ABLE TO LEASE THE
WATERWAY ALREADY OWNED BY THE PARNKALLA
RESIDENTS.

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☐ YES

☒ NO



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120122863 P78

16.20.2.5
20 APR 2012

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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: Port Lincoln

Postal Address: [REDACTED]

Suburb: Port Lincoln

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☒ YES I OBJECT TO THE ISSUE OF THE DEED
☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

We are againsts Council approval for the pontoon in the area concerned. It is dangerous as the channel narrows in that area and will restrict the boat traffic to one lane. That area was always specified as not being allowed to have pontoons.

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☐ YES
☒ NO



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23 APR 2012

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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

SCANNED

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: PORT LINCOLN S606
Postal Address: [REDACTED]
Suburb: [REDACTED]
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☒ YES I OBJECT TO THE ISSUE OF THE DEED
☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

- * THIS PONTOON IS A NON COMPLYING DEVELOPMENT
- * A SAILING BOAT IS CURRENTLY MOORED WITH REVERSE OVER HANG.
- * THIS AREA WAS ALLOCATED TO MANUEVER CRAFT READY TO GO UNDER BRIDGE
- * IT IS A COMMON OCCURANCE 2 BOATS MEET IN THIS POSITION WHICH CREATES A SAFETY ISSUE

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☐ YES
☒ NO



City of Port Lincoln

23 APR 2012

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16.20.25

23 APR 2012

COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

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SCANNED

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: PORT LINCOLN SA 5606
Postal Address: [REDACTED]
Suburb: ROXBURY DOWNS SA 5725
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☒ YES I OBJECT TO THE ISSUE OF THE DEED
☐ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required THE APPROVAL GRANTED TO INSTALL A PONTOON IN 2006 - NO COMMUNITY COMMENT SOUGHT AT THAT TIME - SO THERE FOR WE ARE OF THE OPINION THAT AT THAT TIME WE WOULD HAVE NOT APPROVED THE INSTALLATION OF THE PONTOON BECAUSE THE OWNERS DID NOT HAVE OWNERSHIP FREEHOLD OF THE WATERS IN FRONT OF THEIR PROPERTY, SO THEREFORE WE OBJECT TO THE "ISSUE OF LEASE" AND WOULD LIKE TO SEE THE PONTOON

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☐ YES
☒ NO



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17 APR 2012

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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

SCANNED

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: CLEVE SA 5670
Postal Address: [REDACTED]
Suburb: CLEVE SA 5670
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☐ YES I OBJECT TO THE ISSUE OF THE DEED
☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☒ YES
☐ NO



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11 APR 2012

COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: Pt Lincoln

Postal Address: [REDACTED]

Suburb: Pt Lincoln

Email Address:

Phone Number:

Is your submission an **OBJECTION** to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☐ YES I OBJECT TO THE ISSUE OF THE DEED
☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to **APPEAR** in person or be represented at a **MEETING** convened by Council for the determination of submissions

- ☐ YES
☒ NO



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COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
 Residential Address: [REDACTED]
 Suburb: PORT LINCOLN S. AUST
 Postal Address: [REDACTED]
 Suburb: PORT LINCOLN S. AUST 5606
 Email Address: [REDACTED]
 Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☐ YES I OBJECT TO THE ISSUE OF THE DEED

☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☒ YES

☐ NO



City of Port Lincoln

29 MAR 2012

Card No:

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16.20.2.5

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28 MAR 2012

COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: PORT LINCOLN SA 5606

Postal Address: [REDACTED]

Suburb: PORT LINCOLN SA 5606

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an **OBJECTION** to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☐ YES I OBJECT TO THE ISSUE OF THE DEED

☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to **APPEAR** in person or be represented at a **MEETING** convened by Council for the determination of submissions

☐ YES

☒ NO



City of Port Lincoln

28 MAR 2012

Record No: I20122275

GDS Code: 16.20.2.5

Responsible: BOB

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28 MAR 2012

COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: NOVAR GARDENS SA 5040
Postal Address: AS ABOVE
Suburb: [REDACTED]
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an **OBJECTION** to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☐ YES I OBJECT TO THE ISSUE OF THE DEED
☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to **APPEAR** in person or be represented at a **MEETING** convened by Council for the determination of submissions

- ☐ YES
☒ NO

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City of Port Lincoln
28 MAR 2012
Record No: T20122274
Code: 16.20.2.5
Responsible: Bob
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File: [initials]

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16-20-2-5

27 MAR 2012

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COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: Port Lincoln

Postal Address: [REDACTED]

Suburb: Port Lincoln SA 5606

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an **OBJECTION** to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☐ YES I OBJECT TO THE ISSUE OF THE DEED

☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to **APPEAR** in person or be represented at a **MEETING** convened by Council for the determination of submissions

☐ YES

☒ NO

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City of Port Lincoln

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16-20-2.5
27 MAR 2012

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COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

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Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: PORT AUGUSTA S.A. 5700

Postal Address: AS ABOVE

Suburb: [REDACTED]

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

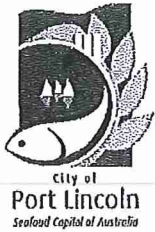
- ☐ YES I OBJECT TO THE ISSUE OF THE DEED
☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?
Feel free to attach a separate page if more space is required

[REDACTED]

Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☒ YES
☐ NO



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DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: Port LINCOLN SA 5606

Postal Address: [REDACTED]

Suburb: Port LINCOLN SA 5606

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☐ YES I OBJECT TO THE ISSUE OF THE DEED

☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☐ YES

☒ NO



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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

SCANNED

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]

Residential Address: [REDACTED]

Suburb: PORT LINCOLN SA 5606

Postal Address: [REDACTED]

Suburb: PORT LINCOLN SA 5606

Email Address: [REDACTED]

Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☐ YES I OBJECT TO THE ISSUE OF THE DEED

☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

☐ YES

☒ NO



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22 MAR 2012

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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: PORT LINCOLN SA 5606
Postal Address: [REDACTED]
Suburb: PORT LINCOLN SA 5606
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an OBJECTION to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☐ YES I OBJECT TO THE ISSUE OF THE DEED
☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to APPEAR in person or be represented at a MEETING convened by Council for the determination of submissions

- ☐ YES
☒ NO



City of Port Lincoln

23 MAR 2012

Record No: 1201211196
GDS Code: 16-20-2.5
Responsible: BOB

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File ☐

1 | Page

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16.20.2.5

City of Port Lincoln

Template No

16-20-T5

22 MAR 2012

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COMMUNITY CONSULTATION DEED FOR PONTOON - SOUTH LAKE WATERWAY

Please provide your Name and Address so that we may respond to your submission.

Name:

Residential Address:

Suburb: Port Lincoln

Postal Address:

Suburb: Port Lincoln

Email Address:

Phone Number:

Is your submission an **OBJECTION** to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

☐ YES I OBJECT TO THE ISSUE OF THE DEED

☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to **APPEAR** in person or be represented at a **MEETING** convened by Council for the determination of submissions

☐ YES

☒ NO



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Web:
Fax:

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COMMUNITY CONSULTATION

DEED FOR PONTOON - SOUTH LAKE WATERWAY

SCANNED

Please provide your Name and Address so that we may respond to your submission.

Name: [REDACTED]
Residential Address: [REDACTED]
Suburb: PORT LINCOLN
Postal Address: [REDACTED]
Suburb: PORT LINCOLN
Email Address: [REDACTED]
Phone Number: [REDACTED]

Is your submission an **OBJECTION** to the issue of a Deed/Lease for the pontoon adjacent to U1/25 Jubilee Drive

- ☐ YES I OBJECT TO THE ISSUE OF THE DEED
☒ NO I SUPPORT THE ISSUE OF THE DEED

If you answered YES above, what is the reason for your objection?

Feel free to attach a separate page if more space is required

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Do you wish to **APPEAR** in person or be represented at a **MEETING** convened by Council for the determination of submissions

- ☒ YES
☐ NO

Tuesday May 15 2012 pg 5.

Pontoon leads to legal stoush

By Billie Harrison

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A MARINA property owner is fighting to keep a pontoon that the Port Lincoln City Council should never have approved in the first place.

Council staff approved an application from [redacted] for a pontoon at unit 1/25 Jubilee Drive in 2006.

However it is located in an area intended as a "no go zone" for pontoons to allow safe navigation access to the nearby bridge, and other applications for pontoons in the same area have been refused prior and since.

The requirement to issue a lease over the waterway was also overlooked at the time and the council recently conducted public consultation on a proposal to issue a lease over the portion of the South Lake waterway occupied by the 27

square metre pontoon.

The council's corporate and community services director Katrina Allen said, with the benefit of hindsight, the pontoon should not have been approved and to secure the South Lake waterway for unrestricted navigation of vessels, as originally planned, she suggested the council not support any future applications for deeds over community land in the waterway and adopt a policy outlining this position.

"Being mindful of the oversight by council staff in approving the development application in 2006 it is suggested that council, at its cost, negotiate with the owner of the pontoon system for its removal or sale or purchase."

However a motion not to issue a lease and pay for the pontoon to be removed was lost at a council meeting last week and council staff will now look at drawing up a

lease.

Some councillors and public submissions suggested the council could face legal action either way from the [redacted] if they were ordered to remove their pontoon or other property owners if it was allowed to stay.

Councillor Mick Bascombe said the council had made a mistake and it had to be rectified.

"We've got to wear it, if (the [redacted]) are going to sue, let them sue."

"If we approve (the lease) we're not fixing our mistake, we're leaving ourselves open to being sued by all others who have been refused."

Ms Allen said the council could not revoke the development approval but had no legal obligation to grant the lease and could ask for the pontoon to be removed in a reasonable timeframe.

"Council does have insurance to

cover if we get sued," Ms Allen said.

Other property owners in the area are split over the issue with half of the submissions to council supporting the deed being issued and half objecting to it.

In a presentation to the council on Monday night, Parnkalla Avenue resident [redacted] said the pontoon posed a safety issue and was an illegal construction in a "right of way".

[redacted] said the error in granting approval for the pontoon had been raised by residents years ago but a large yacht now moored there had exacerbated the problem.

Fellow marina resident [redacted] who owns the yacht, made a presentation to the council in support of issuing a lease to the [redacted].

He said the [redacted] had acted in good faith outlaying significant

money on the pontoon based on the council's decision in 2006.

"I don't believe you should make [redacted] pay for this unfortunate mistake; the pontoon affects no aspect of the waterway in my opinion."

Complex community manager [redacted] represented the [redacted] at the meeting. He said they had gone through all the correct process to get the pontoon approved and there had never been any mention of the need for a lease until recently.

If the lease is issued the [redacted] will have to pay an ongoing annual fee to be determined by the council and staff may look at including a condition in the lease that the pontoon would have to be removed if the property was sold.

Two other applications for pontoons are awaiting the outcome of this issue.

PORT LINCOLN CITY COUNCIL
SUBMISSION- SOUTH LAKE PONTOONS

27 FEB 2023

The Port Lincoln City Council cannot allow the application for a pontoon and lease arrangement to any properties fronting the navigable water leading to the narrow (1 boat only) waterway at the overpass walk bridge. To do so would put the safety of the public and their valuable assets at risk, and could leave the City Council liable.

The design of the South Lake Waterway was in accordance within guidelines of marinas which still stands. The properties in the South Lake waterway that do not extend into the water were never meant to have any structure that would impede the safe navigation leading to the bridge. Large boats often have to go into holding pattern while other craft enter from the other direction or the overpass walk bridge fails to operate. The craft entering from the opposite side can range from other large boats, to dragon abreast rowers, kayakers and paddle boarders. While most times this holding pattern can be manageable, other times unfavourable conditions such as severe cross winds, tidal surge and darkness can lead to skippers having to use the whole body of water to stay safe.

The aerial photo shows the distance between the revetment walls at 5 Southwater Drive as 38.5 metres. It must be noted that this is not the distance of the navigable water when you take into account the Rip Rap (the granite boulders that form the retaining wall of the channel) and the distance to the dug out depth for large craft to draw. THIS DISTANCE IS 7.5 METRES FROM THE REVETMENT WALLS ON BOTH SIDES OF THE CHANNEL. THIS TOTAL OF 15 METRES MUST BE TAKEN FROM THE 38.5 METRES AS SHOWN ON THE AERIAL PHOTO SUPPLIED BY COUNCIL. THE ACTUAL NAVIGABLE WATER AT 5 SOUTHWATER DRIVE IS 23.5 METRES.

The longest craft berthed in the freehold waterway at any time can be up to the length of frontage that the landholder owns. The [REDACTED] vessel owned and berthed currently in [REDACTED] has an overall length of 17 metres.

THE GUIDELINES FOR THE DESIGN OF MARINAS RECOMMENDS A MINIMUM SAFE NAVIGATIONAL WIDTH FOR AN INTERIOR CHANNEL (SOUTHLAKE WATERWAY) AS BEING 20M OR $1.5L$, (WHERE L IS THE LENGTH OF THE LONGEST VESSEL IN THE WATERWAY) WHICHEVER IS GREATER.

USING THE [REDACTED] AS AN EXAMPLE, THE 17 METRE VESSEL WOULD REQUIRE A MINIMUM WIDTH OF 25.5 METRES FOR SAFE NAVIGATION LEADING TO THE WALKBRIDGE OVERPASS.

Therefore the 23.5 metres of navigable water at 5 Southwater Drive is the bare minimum and no structure should extend into this water.

The construction of the South Lake waterway was done to adhere to the guidelines for the design of marinas and it would be an unwise decision of council to undermine these guidelines by leasing portions of the waterway. **To do so would put the safety of the public and their valuable assets at risk.**

NAME: [REDACTED]

ADDRESS: [REDACTED]

EMAIL: [REDACTED]

MOBILE: [REDACTED]

CREDENTIALS: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I would welcome any discussion from council staff or councillors regarding any points which they need to clarify from this submission.

Yours sincerely,

[REDACTED]

Submission- South Lake Waterway Pontoons

To the Chief Executive Officer, City of Port Lincoln

Hello, my name is [REDACTED] and I write on behalf of my wife [REDACTED] and myself to express our concerns re the possibility of Council allowing the establishment of new leased pontoons in the South Lake Waterway.

We live at [REDACTED] having purchased our property in 2021.

Our property has title over our pontoon and this was our main reason for purchasing the property.

We understood that no further development could occur close to the lifting bridge and were happy to purchase our property.

There are several reasons why this proposal should not proceed.

1. Safety - There needs to be room at least 100m from the bridge to allow vessels to turn around particularly if the bridge does not open. This has happened to us on several occasions.
2. Allowing leased pontoons close to the bridge will restrict the waterway. Along with these pontoon the size of the boat attached to it will result in further narrowing access which is clearly not shown in the proposal
3. Clearly the establishment of leased pontoons contravenes SA Maritime Safety recommendations re providing safe navigable access in marinas.
4. The people who wish to lease a pontoon bought their properties knowing that this was not allowed on purchase. This may possibly lower the value of our properties. These people should moor their boats in the public marina provided.
5. Once a precedent is set, what will stop more leased pontoons being established making the waterway further restricted for navigation?
6. Will Council be accepting of the legal liability of an accident should collisions resulting from narrowing the navigable channel near the bridge occur?

Finally, this doesn't look good in respect to the City of Port Lincoln with many of us concerned that it looks like a way the Council can raise more funds. Buyers of marina properties with water titles like us will have no confidence in the Council to support them in maintaining their safe access via the waterway and subsequent value of their property.

Thank you for reading our submission.

We sincerely hope that this unsafe proposal does not go ahead.

Yours sincerely

[REDACTED]

Port Lincoln

Phone [REDACTED]





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MERCU

Submission — South Lake Waterway Pontoons

Thank you for allowing us to express our opinion regarding South Lake Waterway pontoons.

The original marina development plans did not provide for pontoons at a distance of 100 meters from the bridge. The reason for this, we believe, is because of maritime safety concerns. It is to provide a safe passage and manoeuvre space for boats under all tide, weather and safety conditions. Nothing has changed since then to justify a proposal of leasing space for pontoons.

We believe the proposed pontoons with boats moored are a severe safety hazard, particularly for larger vessels. It is easy to imagine problems if the bridge malfunction, strong side winds and tides if there is a build-up of waiting vessels. The best way to demonstrate the risk is to allow council members to be onboard a larger ship passing through. Ib knows from experience that steering a large vessel passing through tight channels is challenging, particularly when passing a lifted bridge.

It is easy to imagine liability issues if such pontoons are allowed. Looking into the future, it is likely that St Andrews Drive will be re-routed one day to allow passage to a new marina development further in. The consequence will be more boat traffic and higher safety risk in the area facing the bridge.

If these pontoons are allowed, more will likely follow because a lease will likely increase property values. It can be seen as unfair to those property owners who bought the land for their pontoons.

If the property owners with no access to pontoons need a mooring, there are many available in the public marina less than 100 meters from the bridge.

I will therefore recommend that the Council not proceed with the plan.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

