

- a. the power pursuant to section 36(1)(a) of the *Local Government Act 1999*, to exercise the legal capacity of a natural person, including entering into contracts or arrangements, suing and being sued and acting in conjunction with another council or authority or person; and
 - b. the power pursuant to section 36(1)(c) of the *Local Government Act 1999*, to do anything necessary, expedient or incidental to performing or discharging the council's functions or duties or achieving the council's objectives.
2. Authorises the Chief Executive Officer pursuant to section 37(b) of the *Local Government Act 1999* to enter in contracts on behalf of the Council;
 3. The powers pursuant to section 36(1)(a) and 36(1)(c) of the *Local Government Act 1999* may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act* as the Chief Executive Officer sees fit.

12.8. BUSINESS USE OF ROAD PERMIT 80-81 TASMAN TERRACE

REPORT PURPOSE

The purpose of this report is for Council to consider releasing the proposed outdoor dining proposal at 80-81 Tasman Terrace out for public consultation in accordance with Council Public Consultation & Community Engagement Policy 2.63.1.

RECOMMENDATION

That pursuant to *Local Government Act 1999*, Section 223, Council seek public comment on the proposal by Greg Nicholls to obtain a business use of road permit, to enable closure of one carpark on Tasman Terrace, in order to construct an outdoor dining area adjacent to 80-81 Tasman Terrace.

12.9. CO-MINGLED RECYCLABLES FEES AND CHARGES

REPORT PURPOSE

The purpose of this report is for Council to endorse the inclusion of a Waste and Recycling fee of \$275 per tonne, including GST, for co-mingled recyclables and to adopt the updated Fees and Charges Schedule 2024/25, as presented as an attachment to this report, with immediate effect.

RECOMMENDATION

That Council:

1. Approve the inclusion of a Waste and Recycling fee of \$275.00 per tonne, including GST, for co-mingled recyclables to the Fees and Charges Schedule;
2. Endorse that the 2024/25 Fees and Charges Schedule be updated and effective immediately upon adoption.

12.8 BUSINESS USE OF ROAD PERMIT 80-81 TASMAN TERRACE

REPORT INFORMATION		
Report Title	Business Use of Road Permit 80-81 Tasman Terrace	
Document ID	48359	
Organisational Unit	Environment & Infrastructure	
Responsible Officer	Manager Civil Assets & Operations - Geoff Dodd	
Report Attachment/s	Yes 45966 In Principle Design 45968 MFY Traffic Consultant Report	
REPORT PURPOSE		
The purpose of this report is for Council to consider releasing the proposed outdoor dining proposal at 80-81 Tasman Terrace out for public consultation in accordance with Council Public Consultation & Community Engagement Policy 2.63.1.		
REPORT DECISION MAKING CONSIDERATIONS		
Council Role	Regulate - Specific role in response to legislation and compliance - direct, specific or general in nature (such as duty of care)	
Strategic Alignment	SDP GOAL: Not Applicable SDP ACTION: Not Applicable	
Annual Business Plan 2023/24	ABP INITIATIVE: Not Applicable ABP PROJECT: Not Applicable	
Annual Business Plan 2024/25	ABP INITIATIVE: Not Applicable ABP PROJECT: Not Applicable	
Legislation	Local Government Act 1999	
Policy	Public Consultation & Community Engagement 2.63.1	
Budget Implications	Not Applicable	
	DESCRIPTION	BUDGET AMOUNT \$
	NA	
	Budget assessment comments:	
Risk Implications	Low Risk	
Resource Implications	Minor Variation < 5 hours	
Public Consultation	Yes - Mandatory	
IAP2 Commitment	CONSULT - We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public feedback input has influenced the decision.	

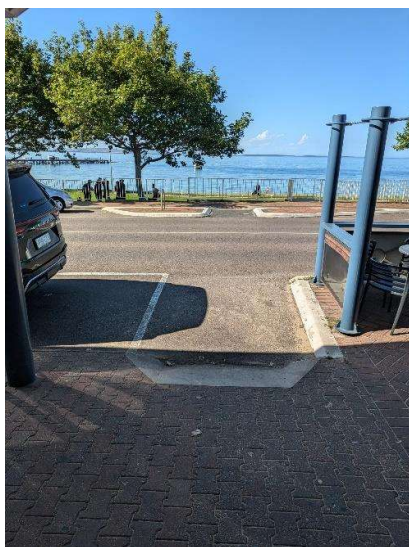
OFFICER'S RECOMMENDATION

That pursuant to Local Government Act 1999, Section 223, Council seek public comment on the proposal by Greg Nicholls to obtain a business use of road permit, to enable closure of one carpark on Tasman Terrace, in order to construct an outdoor dining area adjacent to 80-81 Tasman Terrace.

REPORT DETAIL

Council received a proposal from Greg Nicholls of Bartel & Hall requesting use of the road reserve to construct a kerb protuberance adjacent 80-81 Tasman Terrace to enable the creation of a proposed new outdoor dining area, which would result in the removal of one existing parking space.

The proposal is to retain the existing pedestrian crossing point and remove the car park shaded in the images below.

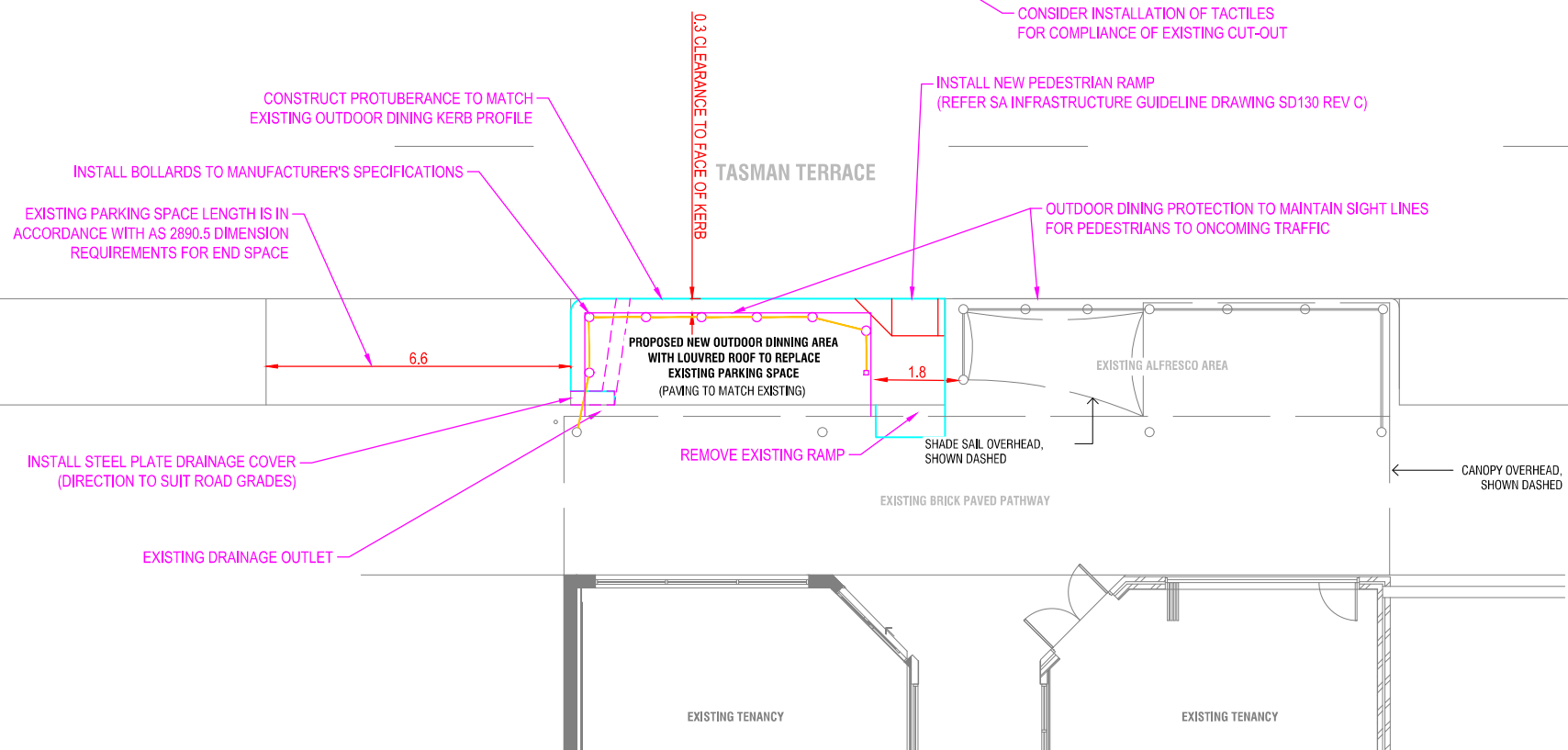


The proposal is associated with the development submission for a change of use of the existing building at 80-81 Tasman Terrace to a shop (restaurant) and would be of a similar nature to the existing Del Giorno's Cafe' outdoor table layout located immediately to the southeast.

Refer to Document 45966 for details of the proposed outdoor dining area.

Section 222 of the Local Government Act 1999 provides for authorisation and permits to allow people to occupy for exclusive occupation or otherwise occupy portions of public road reserves.

Consultation is required on the proposal to seek submissions from the public and affected persons and businesses in the area, which will be considered by Council in making a decision on the approval of a permit.



DISCLAIMER
 THESE ARE CONCEPT PLANS ONLY AND NOT INTENDED TO BE USED FOR CONSTRUCTION. MFY P/L DOES NOT REPRESENT THAT THE PLANS ARE IN ANY WAY SUITABLE FOR USE FOR CONSTRUCTION PURPOSES AND DOES NOT GIVE CONSENT TO THEIR USE FOR CONSTRUCTION PURPOSES. ANY PARTY USING THE PLANS FOR CONSTRUCTION DOES SO AT THE PARTY'S OWN RISK AND WITHOUT THE CONSENT OF MFY P/L

Proposed Outdoor Dining Protuberance
80-82 Tasman Terrace, Port Lincoln
Bollard Layout

Drawing:	MFY_230205_01_SH01	Revision:	A
Drawn:	BH	Scale:	1:100
Date:	22.09.2023	Paper Size:	A3



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MLM/23-0205

26 September 2023



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MFY Pty Ltd

ABN 79 102 630 759

Mr. Greg Nicholls
Bartel and Hall
PO Box 108
VICTOR HARBOR SA 5211

Dear Greg,

KERB PROTUBERANCE TO OUTDOOR DINING AREA 80 TASMAN TERRACE, PORT LINCOLN

I refer to the proposal to construct a protuberance within the indented parking area on Tasman Terrace to effect an area where outdoor dining could be provided for a proposed café/restaurant. You have sought my advice in respect to the queries raised by Council, as they relate to traffic and road safety requirements.

A similar facility has been provided for an existing café adjacent the proposal, as illustrated in Figure 1.



Figure 1: Existing outdoor dining area (source: Google Streetview)



The proposal seeks to provide a comparable facility west of the existing protuberance to provide for outdoor seating for the western tenancy in the adjacent building. As requested, I have reviewed the plan for the outdoor dining area documented by BeyondInk (Sheet No PA01 dated 17 July 2023) and the emails from Council which raised a number of technical queries in relation to the design.

MFY Drawing No 23-0205_01_SH01A is an updated plan for the proposed protuberance which achieves compliance with relevant Australian Standards and Infrastructure Guidelines. Specifically, the plan identifies the following:

- 0.3m clearance between the face of kerb and the proposed columns/bollards;
- a 1.8m wide pedestrian access between the two outdoor seating areas. This width (1.2m clear width plus 0.3m clearance each side) will facilitate pedestrian access movements between fences/barriers surrounding the outdoor seating areas. It will be desirable to provide this additional width and maintain the fences to minimise diners protruding into the walkway between the two areas;
- a pedestrian ramp aligned with the new kerb and opposite the existing pedestrian facility on the northern side of Tasman Terrace. The ramp will be consistent with the SA Infrastructure Guidelines where it is located adjacent a pole;
- an angled fence alignment to maintain sightlines for pedestrians;
- a 6.6m long on-street parking space. While this space does not include a taper, it will comply with the requirements for an end obstructed space in *Australian Standard, Parking Facilities, Part 5, On-Street Parking (AS2890.5:2020)*. There is no advantage in providing a taper for parallel parking where a driver will predominantly reverse into the space (as will be the case in this scenario) and where the space complies with the length requirement in the Australian Standard; and
- modifications to the existing stormwater infrastructure at the western end of the protuberance.

The updated plan confirms that a protuberance can be safely provided within the subject parking bay on Tasman Terrace, consistent with relevant Australian Standards and the SA Infrastructure Guidelines.

Yours sincerely,

MFY PTY LTD

A handwritten signature in black ink, appearing to read 'Melissa Mellen', written over a white rectangular background.

MELISSA MELLEN

Director



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2010 TELSTRA SOUTH AUSTRALIAN
BUSINESS WOMAN OF THE YEAR