

# Fisherman Bay Freehold – Update

## Overview

**In 2017, Fisherman’s Bay Management Pty Ltd (FBM) obtained development approval to divide the township of Fisherman Bay, land it currently owns and operates, into freehold allotments on the condition that it invests in infrastructure to enhance the community.**

This infrastructure includes management of sewerage, coastal protection (a seawall), road upgrades and stormwater management.

With FBM unable to secure financial backing for the required infrastructure, the Barunga West Council (Council) is acting as an enabler for critical infrastructure, allowing residents to obtain freehold titles and facilitating infrastructure investment in the region.

This means that, subject to FBM receiving a land division certificate in August, Fisherman Bay land will be available for freehold from around September 2021 onwards. The cash generated from sales of freehold titles will be held by Council and used to pay for the infrastructure – estimated to be worth approximately \$20 million.

## Widespread benefits

This approach will generate private investment in important infrastructure and enable Council to ensure the works are delivered to the appropriate standard.

The resulting economic, environmental and health benefits will be felt in Fisherman Bay and throughout the entire district.

## Investment in our communities

- Around \$20 million investment in our community, allowing for much-needed infrastructure to finally progress. An investment of this size in Fisherman Bay is an investment in the future of our entire region.
- Infrastructure is being designed to work for our community – for example, roads will incorporate a stormwater system that suits narrow Fisherman Bay streets and low-lying coastal land.
- The land division includes a \$700,000 open space contribution from FBM – to be used by Council to improve public spaces.

## Quality service provision

- The Port Broughton Community Wastewater Management System (CWMS) will be expanded to service Fisherman Bay, allowing for Council to provide a safe, high quality service.

## Impact on property values

- The extensive infrastructure upgrade is set to improve land values at Fisherman Bay.
- With freehold title, residents who have wanted to further invest in their property can do so with confidence.

## Growing our region

- Economic modelling estimates the project will support 230 full-time equivalent jobs and contribute more than \$25 million in benefits to the regional (Mid-North) economy over six years.
- The investment in Fisherman Bay is set to attract more residents and holidaymakers, increasing ongoing investment in our townships.

## Status – progress since the last Community Information Session (held February 2021)

- Council and FBM have signed an Infrastructure Deed that sets out the terms and conditions that the Fisherman Bay Freeholding Project is being funded, delivered, and managed.
- Development approvals for all elements of the project are now well advanced, with the approval from the State Commission Assessment Panel expected soon.
- Design concepts and technical specifications are complete, with detailed design of elements either complete or nearly complete.
- Tenders to select contractors are underway.
- FBM is liaising with licensees whose properties are non-compliant with the fire safety provisions of the Building Code to remedy the non-compliance so that freeholding can proceed. A freehold title cannot be issued until the property is fully compliant.
- Council has contracted to acquire additional land adjacent to the Port Broughton Wastewater Treatment Plant to construct another lagoon.
- Council has secured \$3 million from the Local Government Association's CWMS Subsidy Program which will be used by Council to upgrade and expand its existing plant and equipment, build another pond to treat the wastewater that will be reused through irrigation infrastructure to Council's parks and garden areas.

## Next steps

- Council and FBM, with the help of their planning and engineering advisors, will complete detailed design of all elements by July.
- Council and FBM will finalise assessment of tender responses, select contractors and enter construction contracts by August.
- Licensees are to urgently remedy fire safety compliance issues where the non-compliance prevents freehold title being issued.
- Settlement of sales to proceed once State Commission Assessment Panel provides FBM with a land division certificate in July which will allow titles to be issued from September 2021.



## Frequently Asked Questions

### Has the design changed since the last consultation on 23 February 2021?

As FBM and Council has worked through detailed design there have been opportunities to improve outcomes. The main recent change to design has been a proposed extension and realignment of the seawall at the north-western corner of the township to facilitate a larger and shallower stormwater collection area to better manage stormwater in an extreme storm event. A final decision on this change is yet to be made.

Further stormwater modelling has also defined the preferred locations of the seven stormwater collection areas. These areas will be shallow with depths ranging from 400mm to 1.5 metres, will have gentle slopes and will be vegetated to complement the environment. They will be usually free of water and any collected water will readily drain through the porous soil.

The design of the boat ramp, the entrance to which will be impacted by the seawall, has also been advanced with the proposed design considering safety, amenity, and coastal impact. A final decision on the boat ramp design is yet to be made.

These proposed changes are shown in the concept plans included in the information sheets.

### Who is managing the freehold process?

FBM is responsible for the freehold process.

### Who is paying for this development?

FBM is paying for the roads, coastal protection measures, road upgrades, stormwater management and wastewater collection network and the 3.1-kilometre pipe (rising main) that connects Fisherman Bay to the Port Broughton Wastewater Treatment Plant. In addition, FBM is funding other significant costs associated with the freehold process such as engineering, conveyancing and legal advice.

Council is paying for the upgrade and expansion of the Port Broughton CWMS.

### Is Council lending money to FBM to make this project happen?

No. The money FBM generates from sales of freehold titles will be used to pay for the required infrastructure.

### Is Council managing the construction of the projects?

Council will only be responsible for the design and construction of the upgrading/expansion of its Port Broughton Wastewater Treatment Plant.

FBM is responsible for the remainder of the works, including roads, sewerage collection system, coastal protection, and stormwater infrastructure.

### What does this development mean to me as a Fisherman Bay resident?

This development means you will be able to acquire freehold title over the land you are currently only licenced to occupy, and it will mean much needed infrastructure for the Fisherman Bay community.

### I don't live in Fisherman Bay. What does the development mean for me?

An investment in Fisherman Bay is an investment for our entire region. Improvements to infrastructure and service provision will have widespread economic, environmental and health benefits that will reach all corners of the district.

The proposed infrastructure plan comprises four elements: connection to an upgraded Community Wastewater Management System, coastal protection, a resurfaced road network and stormwater management system. These will be completed in a staged manner.

**Legend**

- Roads (to be constructed)
- Allotments
- Stormwater detention basin
- Sea
- Earth revetment (to be constructed)
- Rock revetment (to be constructed)

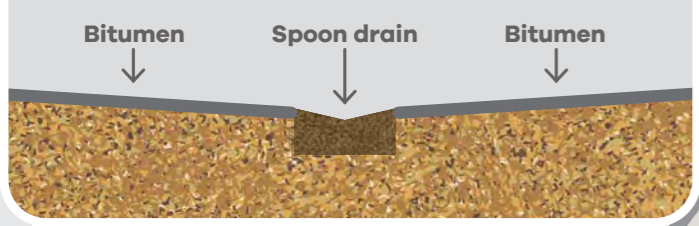
**Coastal protection measures**

Coastal protections measures will include a combination of earth revetments, rock revetments and raising the height of the existing concrete block seawall near the boat ramp.



**Stormwater**

The proposed stormwater system design has been adapted to suit Fisherman Bay's low-lying and narrow streets. A low central point along new roads will ensure water runs away from houses and towards the central drainage system.



**Road resurfacing**

New road surfaces will be applied to the streets within Fisherman Bay, allowing for the implementation of edge strips and comprehensive stormwater drainage.

**Boat Ramp**

Boat ramp to be reconfigured and raised to cater for impact of seawall.

**Wastewater Management**

The existing Port Broughton Wastewater Management System will be upgraded to include Fisherman Bay in its service area. This is the first piece of infrastructure to be completed.

A pump station on the outskirts of Fisherman Bay will connect Fisherman Bay to the upgraded system, which is owned and operated by the Council.




Artists impression only. Subject to change, in line with final designs.

Proposed wastewater main pump station



# Wastewater

## Overview

There are two main elements to the wastewater infrastructure works associated with the Fisherman Bay development:

1. The vacuum sewerage collection system being delivered by Fisherman's Bay Management Pty Ltd (FBM).
2. The upgraded and expanded Port Broughton Community Wastewater Management System (CWMS) plant (the plant), at Arbon Road, being delivered by Council.

The collection system will collect sewerage from all dwellings at Fisherman Bay and pump it via a 3.1-kilometre-long pipe (rising main) to the plant.

The plant will be upgraded with new equipment to accept and treat sewage as well as effluent treatment and will have increased capacity by adding a new storage lagoon.

The works are being scheduled in a coordinated manner and it is anticipated that dwellings will be able to connect to the system in the second half of 2022.

## Frequently Asked Questions

### How much will it cost Fisherman Bay residents to connect to the wastewater system?

Fisherman Bay residents connecting to the wastewater system will be required to pay the following:

- Council fees including a one-off connection/augmentation fee of \$2,300 and an ongoing annual fee which is currently \$550
- Plumbing costs associated with physically connecting your dwelling to the new collection system. A wastewater control system (WCS)

application will be required for each property where plumbing alterations occur under the SA Health Act – Wastewater Regulations 2013. Council will waive application fees.

Council fees for the \$2,300 one off connection will be put on rate notices and can be paid in four (4) instalments.

Council will offer ratepayers the opportunity to physically connect their dwelling to the collection system through contractors engaged by Council, which will reduce waiting times and costs for ratepayers. Further information about this service will be provided to rate payers early next year.

### Am I legally required to connect to the sewerage system, or can I continue to use my septic tank?

A large proportion of the existing wastewater systems in Fisherman Bay do not comply with onsite wastewater disposal standards. If your system does not comply with these standards, you will be required to connect to the CWMS sewer.

### Will I still need my septic after I connect to the CWMS sewer system?

No. It will be decommissioned as part of the WCS application approval process. This work will be done by your plumber, who will provide Council with a Certificate of Compliance to advise all work has been completed in accordance with approved conditions of the WCS application.

### Will the upgrade to the Port Broughton Wastewater Treatment Plant mean a change in services for ratepayers in Port Broughton?

No. Council will continue to provide wastewater management services to Port Broughton with the upgrade/expansion allowing it to accommodate future growth.



# Fire Safety Non-Compliance Issues

## Overview

Fisherman's Bay Management Pty Ltd (FBM) has identified several sites that do not comply with the Building Code's fire safety provisions. If you wish to acquire the freehold title for one of these sites you will need to remedy the fire safety issue (for example, by installing a firewall, undertaking cladding remediation works or demolishing the structure).

Under the land division approval issued by the State Commission Assessment Panel (SCAP) you cannot be issued a title until fire safety compliance issues are dealt with.

## Frequently Asked Questions

### Why did SCAP include this condition?

The intent of the condition is to ensure all buildings comply with the relevant fire safety provisions of the Building Code. This is to minimise the risk of fire spreading from one site to another.

### I have a fire separation non-compliance associated with my building. What are my options for remedying this non-compliance?

A letter was sent to licensees by Professional Building Services (PBS Australia) in 2018 identifying areas of non-compliance relating to your priority. This letter identified options as possible remedies depending on your individual circumstances. These remedies involved:

- Installing a fire rated wall along the length of the external wall adjacent a boundary
- Installing fire attenuation screens and a wall dredging sprinkler over the window opening
- Removing or closing off the offending window

These options were suggestions only. You are advised to check your individual circumstances and choose the appropriate action for your dwelling and engage a licensed private building certifier.

### What Council approvals do you need to build a fire wall?

You will need building approval which is obtained through the development approval process. We recommend you engage a private building certifier to advise you on the works.

### Can two dwellings deal with a fire non-compliance issue by building just one wall?

No. The non-compliance in part results from the structure's position in relation to the site boundary. There may be scope to have a boundary adjustment to deal with this. You will need to consult with FBM to see if this is an option for you.

### What evidence do you need to provide Council to prove that your fire safety issue has been dealt with?

You will need to provide Council a Certificate of Compliance once the works are completed. The certificate can be provided by a Private Building Certifier who will confirm that works undertaken mean that your building complies with *Regulation 77* of the *Planning, Development and Infrastructure (General) Regulations 2017*.

### What happens if you want to deal with the fire safety issue by demolishing the building?

You are required to enter into an agreement with Council for demolition prior to freehold title being granted. This agreement will set a timeframe for the demolition and prevent habitation of the existing dwelling. If you wish to deal with your fire safety issues by demolishing the building, please contact Council who will provide you with the necessary forms to complete.

Where fire safety issues have not been attended to, there will be no habitation of the existing dwelling in accordance with *Regulation 77* of the *Planning, Development and Infrastructure (General) Regulations 2017*.

Please note that Fisherman Bay shacks may have been constructed with materials that include asbestos. Asbestos removalists must be appropriately licensed and comply with the *Work Health and Safety Act 2012 (SA)* and *Work Health and Safety Regulations 2012 (SA)*. Asbestos removalists know how to manage this work safely. For further information go to <https://www.asbestos.sa.gov.au>.

# Settlement Process

## Overview

One of the key goals of the development is to give licensee's the opportunity to acquire freehold title of their allotment, thereby providing secured tenure and confidence to develop and upgrade their buildings if they desire to do so.

## Frequently Asked Questions

### Who is managing the freehold process?

Fisherman's Bay Management Pty Ltd (FBM) is responsible.

### When do I settle on my existing contract to buy my freehold title?

Settlement cannot occur the State Commission Assessment Panel provides a Clearance of the Division to FBM. Plans of Division that will create your Allotment will then be created and lodged. Council believes this may commence in August/September; the settlement process will follow in accordance with the Special Conditions contained in your Contract of Sale.

FBM will settle Allotments over a period of months and in a number of stages (i.e. it won't happen in one stage) with properties along Whiting Road earmarked to be settled in the first stage of settlements.

### What is the freehold title settlement process?

Property settlement is a legal process that is facilitated by your conveyancer/legal and financial representatives and those of FBM. It is when ownership of the land passes from FBM to you and you pay the balance of the sale price.

### What are the steps in the process?

The following steps should make property settlement a smooth one.

#### Step 1: Signed contract is in place with FBM

To purchase your freehold title you should already have a sale contract in place with FBM. If you haven't you should contact your conveyancer/ legal representative and request them to contact FBM'S conveyancer (Four Points Conveyancing) urgently.

#### Step 2: Engage help

If you have not already done so you will need to engage a conveyancer or lawyer to work with FBM's conveyancer through the process of settlement and transferring the title ownership to you. You should have notified Four Points Conveyancing who your legal representative will be through the settlement process and if you haven't you should do so urgently. This notification should be conducted through your appointed conveyancer/legal representative to Four Points Conveyancing acting on behalf of FBM.

#### Step 3: Prepare for settlement

To prepare for freehold settlement you need to organise all the money needed to freehold your title. Once your conveyancer/legal representative is notified by Four Points Conveyancing of the Deposit of the Plan of Division your conveyancer/legal representative will advise you of the settlement date, in accordance with your sales contract, and the need to provide the funds to purchase the freehold title.

#### Step 4: Finalise the transfer documentation

Your conveyancer/legal representative will guide you as to the settlement process and all queries relating to the same should be directed to them.

### How long will it take to receive my title after settlement?

Settlement will be conducted in stages with title transferred at settlement. Queries in this regard should be directed to your conveyancer/legal representative.

### Who do I pay the balance of the freehold price to?

You will pay your conveyancer/legal representative who in turn will settle with Four Points Conveyancing on behalf of FBM.



## Coastal Protection Measures

### Overview

Studies conducted in 2017 examining the effect of anticipated sea level rises on Fisherman Bay showed significant inundation during a storm event. Coastal protection measures, by way of a seawall, will provide protection against seaside inundation in the event of a significant storm event and sea level rise.

### Frequently Asked Questions

#### How will the seawall impact my views?

This will depend on the location and the site height of your existing dwelling. Impacts will vary.

#### What type of rock will be used for the rock revetment seawall?

Council is encouraging the use of locally sourced rocks that are uniform in colour. The structure typically includes rocks of between 250mm to 500mm with a 750mm "toe stone" at the end.

#### Where will the public access points to the beach be when the seawall is built and titles are freehold?

Access points to the beach will be maintained via the public foreshore area, north-western road crossing, and boat ramp. See the concept plan.

## Other Matters

### Frequently Asked Questions

#### Will the playgrounds and shelters be upgraded as part of the development?

Playgrounds have been recently upgraded and will continue to be maintained by Council.

#### What landscaping will be put in place?

Council is working with FBM to incorporate landscaping in the final design.

#### What is happening to the Community Centre?

Council has resolved not to acquire the existing Community Centre. It will however take ownership of land and shed on Silver Perch Road which will be continued to be used by the Fisherman Bay Progress Association for storage and a bottle collection facility.

#### What will the speed limit be?

The speed limit is to remain at 30kph.

#### Will there be speed humps?

No.

#### I want to demolish or renovate but I think there is asbestos. What should I do?

Fisherman Bay shacks may have been constructed with materials that include asbestos. Asbestos removalists must be appropriately licensed and comply with the *Work Health and Safety Act 2012 (SA)* and *Work Health and Safety Regulations 2012 (SA)*. Asbestos removalists know how to manage this work safely.

For further information go to <https://www.asbestos.sa.gov.au>. A development application may be required; please contact Council or go to PlanSA for further information and clarification.

## Infrastructure and Construction

### Overview

A key objective and pre-condition to the freeholding of Fisherman Bay allotments is the provision of critical infrastructure in the form of new roads, coastal protection, stormwater, and a sewer system. This long-needed infrastructure is being funded and delivered by Fisherman's Bay Management Pty Ltd (FBM).

### Frequently Asked Questions

#### What is Council's role?

Council is both regulating and facilitating the provision of the infrastructure by FBM. Council will only be directly responsible for the design and construction of the upgraded and expanded Port Broughton Wastewater Treatment Plant.

#### What is FBM's role?

FBM will fund and deliver the infrastructure at Fisherman Bay. It will procure the contractors and manage construction.

#### When will construction commence?

It is anticipated work will start in the second half of this year.

#### When will the infrastructure be completed?

Construction is likely to span 18 to 24 months.

#### Will all roads be upgraded and resurfaced?

Subject to final design, all roads will be upgraded or re-surfaced – spray sealed.

#### How will the stormwater infrastructure be designed?

Stormwater will be managed in several different ways; some sections will have spoon drains in the centre of the roads whilst other sections will have swales on the sides to direct the flow to stormwater drains. There will also be seven (7) shallow vegetated swales and basins collecting water in public spaces.

#### Will there be any additional street lighting?

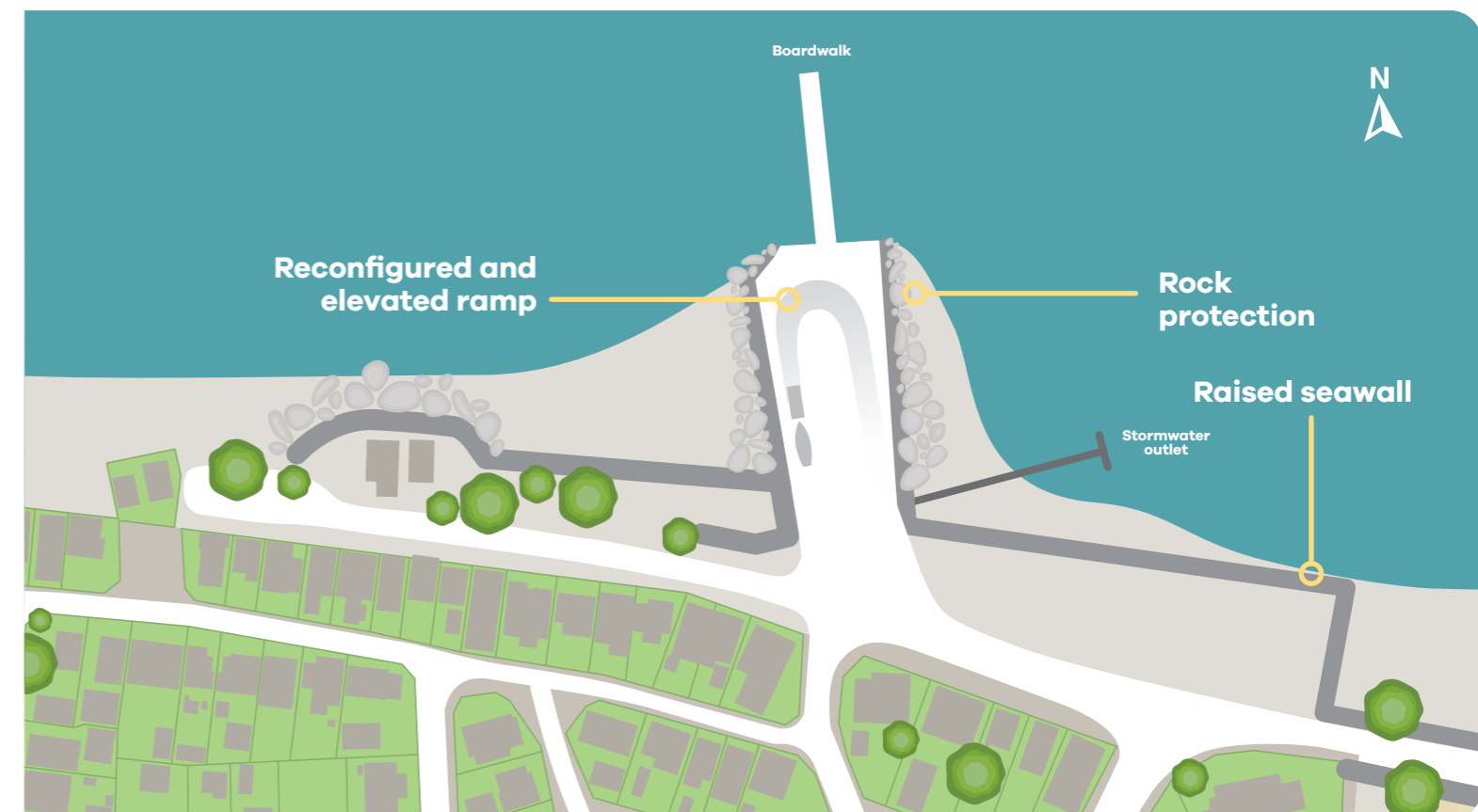
No.

#### Will we get underground power or will power poles be moved and reconfigured?

SA Power Networks has advised that there are no plans to underground power. They will however be relocating power poles and wires between 26-88 Whiting Road. The poles and wires will be relocated from freehold titles to the road reserve. The relocation of poles and wires will be partly funded by SA Power Networks and property owners will incur some costs estimated to be up to \$4,000 a property. For further information please contact Council.

#### Will there be any changes made to the boat ramp?

The seawall will necessitate alterations to the existing boat ramp, including elevation and widening of sections as shown in the concept drawing below.



# Developing Your Property – Post Freeholding

## Overview

You may wish to renovate or substantially redevelop your site once you have acquired freehold title. If this applies to you, please feel welcome to contact one of Council's Development Services Team in person at 11 Bay Street, Port Broughton, by phone on 8635 2107, or by email at [barunga@barungawest.sa.gov.au](mailto:barunga@barungawest.sa.gov.au).

## Frequently Asked Questions

### What approvals do I need in place to demolish the building once the land is freehold?

Whilst development approval is not required for full demolition, partial demolition of any structural element of the dwelling will require development approval. (Note that if you wish to demolish your building prior to freeholding to be fire-safety compliant you will need to enter into an agreement with Council to do so. You will not however require the usual development approval. You should speak to Council about this.)

### What can I build on my property?

A limited range of residential development such as houses or shacks with associated sheds and carports.

### Am I able to demolish and rebuild?

In most cases, yes. You will need to lodge a development application with Council via the PlanSA Portal – [www.plan.sa.gov.au](http://www.plan.sa.gov.au) – where you can upload the required information. You are advised to speak to Council's Development Services Team or a private planning consultant prior to lodging.

### Can I build a new dwelling if the Port Broughton Wastewater Treatment Plant (WWTP) connection is not available?

Yes, you can build a new dwelling, but it will require connection to the WWTP. Therefore, purchasers will not be able to occupy a new dwelling which relies on the WWTP until the WWTP is connected and operational. This will be a condition of the development and wastewater control (WCS) approval.

### How long is the development approval process?

It is difficult to give an exact timeframe for development applications as every application is

different and will likely require a different level of assessment.

Legislation permits Council to take up to 65 days to assess the type of development we would expect in the Fisherman Bay area. This assumes all necessary documentation and information is provided. Council endeavours to shorten all approval timeframes wherever possible.

### What is the development application process?

Once you have designs, the general process is:

- A development application is submitted with documents and information via the PlanSA portal ([www.plan.sa.gov.au](http://www.plan.sa.gov.au))
- This is verified by Council's Planning Officer
- Fees are generated
- Once fees are paid, planning consent will be assessed by the Council's Planning Officer or a private certifier if you have engaged one
- If planning consent is granted, building consent will be assessed by the Council's Building Officer or a private certifier if you have engaged one
- If building consent is granted, full development approval will be granted, and you will receive a Decision Notification Notice at which point you can proceed with your development

### What are the documents and information I need to supply?

The list below shows the documents that you will usually require for a development application, depending on the location and nature of your development.

- Certificate of Title
- Site plan – drawn to scale, including appropriate bar and ratio scales
- Floor plan – drawn to scale
- Elevations – drawn to scale, including appropriate bar and ratio scales
- Roof, wall, and floor layouts of any buildings, including dimensions and calculations
- Details of construction materials and design
- Engineering details, such as service or infrastructure lines

More information is available at [www.plan.sa.gov.au](http://www.plan.sa.gov.au).



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