



Reference: A4236498
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Court Reference: 2019 000638

BY EMAIL: cpuresponses@coronerscourt.vic.gov.au

Nicole D'Rozario
Coroner's Registrar
Coroner's Court of Victoria
66 Kavanagh Street
SOUTHBANK VIC 3006

Dear Ms D'Rozario

Investigation into the death of Richard Lyon

I acknowledge receipt of Coroner Simon McGregor's findings into the death of Richard Lyon dated 27 March 2020.

The Coroner's Recommendation

After considering the circumstances leading to Mr Lyon's death, the Coroner made the following recommendation:

I recommend Frankston City Council ensure there is a regular inspection and maintenance regime of the dam and its fencing, to improve public safety in the area and minimise the occurrence of similar events in future.

Frankston City Council's Response to Recommendation

Frankston City Council (**Council**) has taken a number of steps to implement the Coroner's recommendation:

1. The dam at Baxter Park is surrounded by a cyclone wire fence. The fence contains signage which states "Access to dam prohibited."

At the time of Mr Lyon's death, I understand that the fence contained a number of deliberately cut holes arising from malicious damage by members of the public.

We believe that these holes were probably cut using tools such as light bolt cutters. The unlawfully created holes then allowed people to gain entry to the dam and surrounding area. After receiving notification of Mr Lyon's death, Council arranged for immediate repair of the fence. It also continued with ad-hoc inspections of the fence.



2. Commencing 20 April 2020, Council has now implemented a formal and documented monthly inspection regime. The inspection process involves a Council inspector undertaking a visual examination of the perimeter fence, noting and documenting any noticeable holes. Any holes discovered during the inspection process will then be referred to Council's maintenance team. The maintenance team will subsequently arrange for the holes to be repaired. Inspections were undertaken on 21 April 2020 and 4 May 2020. On both occasions, holes were identified and works orders were raised for repairs. The repairs were completed within two days of the works orders being raised.
3. As well as modifying the inspection and maintenance regime, Council also intends to install additional signage along the fence, warning users not to enter the dam area. The fence already contains signage stating that access to the dam is prohibited. Council intends to increase the number of warning signs on the perimeter fence which will reiterate that access is dangerous because of deep water, and that swimming in the dam is prohibited. It is expected that these signs will be installed within the next month.
4. Council will continue to undertake reactive inspections when notified of any issue by members of the public.

Council consistently endeavours to improve public safety within its municipality, and will work to minimise the occurrence of similar events in future. However, Council notes that historically, users of the dam and dam area have continued to cut holes in the fence irrespective of clear signage, and irrespective of repairs being undertaken.

We extend our deepest sympathies to Mr Lyon's family.

Please contact Martin Poole, Manager Commercial Services should you require any further information from Council.

Yours sincerely

Phil Cantillon
CHIEF EXECUTIVE OFFICER

CC – Director Infrastructure and Operations
CC – Manager Operations