

Council Meeting Minutes

5 September 2022

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 7.00pm

PRESENT

Council Members Mayor Robert Bria
Cr Kester Moorhouse
Cr Evonne Moore
Cr Garry Knoblauch
Cr John Minney
Cr Carlo Dottore
Cr Kevin Duke
Cr Connie Granozio
Cr Mike Stock
Cr Scott Sims
Cr Sue Whittington
Cr John Callisto
Cr Christel Mex

Staff Mario Barone (Chief Executive Officer)
Peter Perilli (General Manager, Urban Services)
Carlos Buzzetti (General Manager, Urban Planning & Environment)
Lisa Mara (General Manager, Governance & Civic Affairs)
Sharon Perkins (General Manager, Corporate & Community Services)
Teri Hopkins (Manager, Governance & Legal)
Simonne Whitlock (Manager, Communications & Community Relations)
Eleanor Walters (Manager, Urban Planning & Sustainability)
Emily McLuskey (Senior Urban Planner)
Gayle Buckby (Manager, Traffic & Integrated Transport)
Jared Barnes (Manager, City Projects)
Stuart Pope (Projects Manager, City Projects)
Tina Zullo (Administration Assistant, Governance & Civic Affairs)

APOLOGIES Cr Fay Patterson

ABSENT Nil

1. KAURNA ACKNOWLEDGEMENT

2. OPENING PRAYER

The Opening Prayer was read by Cr Mike Stock.

3. CONFIRMATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 22 AUGUST 2022

Cr Dottore moved that the minutes of the Special Council meeting held on 22 August 2022 be taken as read and confirmed. Seconded by Cr Sims and carried unanimously.

4. MAYOR'S COMMUNICATION

Monday, 8 August	<ul style="list-style-type: none">• Attended the St Joseph's Memorial School 150th anniversary celebration, St Joseph's Memorial School, Norwood.
Monday, 8 August	<ul style="list-style-type: none">• Attended a Briefing Session for Candidates, Mayor's Parlour, Norwood Town Hall.
Friday, 12 August	<ul style="list-style-type: none">• Attended the pre-match function followed by the Norwood versus Glenelg football match, Norwood Oval.
Monday, 22 August	<ul style="list-style-type: none">• Presided over a Special Council meeting, Council Chamber, Norwood Town Hall.
Wednesday, 24 August	<ul style="list-style-type: none">• Attended a meeting with the Chief Executive Officer and Hon Nick Champion MP, Minister for Planning, Minister Champion's Office, Adelaide.
Thursday, 25 August	<ul style="list-style-type: none">• Tour of the Norwood Town Hall Complex for Year 4 Students, St Joseph's Memorial School, Norwood.
Thursday, 25 August	<ul style="list-style-type: none">• Read books to Year 4 and 5 students at Norwood Primary School, Norwood.
Thursday, 25 August	<ul style="list-style-type: none">• Attended a meeting with the General Manager, Governance and Community Affairs, Norwood Town Hall
Thursday, 25 August	<ul style="list-style-type: none">• Attended an Eastern Regional Alliance (ERA) Mayors and Chief Executive Officers' Group meeting, City of Burnside Council offices, Tasmore.
Friday, 26 August	<ul style="list-style-type: none">• Attended the Mayor's Annual Dinner to celebrate 150 years of the City of Prospect, Payinthei (Prospect Town Hall), Prospect.
Monday, 29 August	<ul style="list-style-type: none">• Presided over a Citizenship Ceremony, Norwood Town Hall.
Thursday, 1 September	<ul style="list-style-type: none">• Officially unveiled the City of Norwood Payneham & St Peters' Quadrennial Public Art Work, Old Mill Reserve, Hackney.

5. DELEGATES COMMUNICATION

- Cr Knoblauch advised that on Wednesday 24 August 2022, he attended the Marden Senior College Governing Council's monthly meeting.
- Cr Knoblauch advised that on Wednesday 31 August 2022, he attended the Eastern Health Authority Board meeting.
- Cr Minney advised that on Monday 5 September 2022, he attended a confidential meeting of ERA Water.
- Cr Stock advised that on Thursday 11 August 2022, he attended a meeting of the East Waste Board of Management.

6. QUESTIONS WITHOUT NOTICE

Nil

Cr Stock left the meeting at 7.06pm.

Cr Stock returned to the meeting at 7.07pm.

7. **QUESTIONS WITH NOTICE**
Nil

8. **DEPUTATIONS**
Nil

9. **PETITIONS**
Nil

10. **WRITTEN NOTICES OF MOTION**

10.1 BUILT HERITAGE STRATEGY – SUBMITTED BY CR CHRISTEL MEX

NOTICE OF MOTION: Built Heritage Strategy
SUBMITTED BY: Cr Christel Mex
FILE REFERENCE: qA1039 qA88791
ATTACHMENTS: Nil

Pursuant to Regulation 12(1) of the *Local Government (Procedures at Meetings) Regulations 2013*, the following Notice of Motion has been submitted by Cr Christel Mex.

NOTICE OF MOTION

1. That staff prepare a report on the feasibility of the Council preparing a Planning & Design Code Amendment that would better protect the historic character of The Parade, and
2. That the report investigates the setting of lower building heights, larger setbacks and other policy instruments that would ensure that the human scale and High Street appearance of The Parade can be maintained, while at the same time allowing for appropriate commercial and residential development to occur.

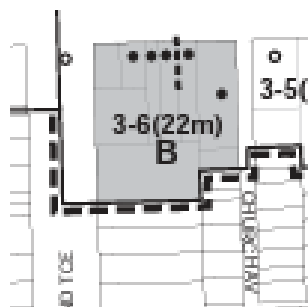
REASONS IN SUPPORT OF MOTION

In light of the Council's adoption of a draft Built Heritage Strategy, and the recent approval by the State Commission Assessment Panel (SCAP) of a very large and controversial development at 120 The Parade Norwood, it is timely that Council requests a Code Amendment to ensure that the historic character of The Parade is maintained.

The new development at 120 The Parade may comply with new height limits set out in the State Government's Planning & Design Code, but it has raised significant community concerns about its excessive bulk and scale and adverse impacts on residential amenity. The current Planning Code required only a minimal two-metre setback above the street podium, which is manifestly inadequate to minimise the apparent bulk and scale of the multi-storey apartment development behind the shops. A Code Amendment may be able to enforce larger setbacks and the six-storey limit contained in Council's former Development Plan.

Building heights

The eight-storey limit for the development at 120 The Parade was enabled by policy changes introduced in 2021 by the State Government via the introduction of the Planning & Design Code, which represents a departure from a far more nuanced design approach and policy framework contained in Council's former Development Plan that required that any new development on the consolidated site include a maximum building height in the range of 3-6 storeys (see extract below). Accompanying policy stated that to maintain the integrity of Heritage Places, this may reduce the ability to achieve the maximum height limit.



The Planning and Design Code has translated this to a six-storey height maximum and then added the Significant Development Sites (large sites over 1500m²) provision which allows a 30% height "bonus" if you meet certain criteria including retaining a Local Heritage Place, which applies in this instance and was a policy requirement anyway. This bonus height policy applies at Zone level – meaning it's the same everywhere for all Urban Corridor (Main Street) Zones and several other zones. Our Council strongly opposed this in our lead up to the Code's implementation but were overruled by the State Government.

Setbacks

The Code (and Council's previous Development Plan) sought a zero-minimal front setback at street level to maintain traditional main street pattern.

Our Development Plan required an upper-level setback of six metres behind the lower building levels. Arguably, however, a developer would have also applied the Development Plan policies around siting above a Local Heritage Place, which may have resulted in a greater setback. The Planning and Design Code reduced this to a minimal and ineffective two-metre upper-level setback above the defined podium or street wall.

A Code Amendment would be the mechanism to achieve enforcement of these design parameters and to revert to the heights and setback requirements contained in the Council's former Development Plan (eg. a six-storey maximum with no height "bonus" and six-metre upper level building setback). This would be proposed through a Sub-Zone to alter these policy settings that otherwise apply state-wide at the Zone level.

Summary

The Council made representations to the SCAP to oppose the eight-storey application at 120 The Parade on the grounds of excessive bulk and scale. Council's planning staff and heritage architect stated the following in our submission to SCAP:

"The bulk and scale of the proposed building completely ignores its context. The Parade is a fine-grained street developed over time with small to moderate sized buildings. There is nothing of this scale in a single building anywhere near this site in Norwood. The attempt at articulating the façade with different balconies, materials and finishes partially assists with breaking down the form visually at close inspection, but the building is over 60m long making it the longest single building facing the Parade. With that size structure sitting over the small-scale Local Heritage items, the scale imbalance is considerable and has a significant impact on the setting of the Local Heritage Places. The shop buildings are reduced to virtually facades only with minimal side wall returns, which is only highlighted by the minimal setback of the building above. The minor façade articulations that appear on the plan do nothing to break down the scale of the proposed structure."

"Buildings sensitively frame the main street and public spaces, provide overall visual relief from building height and mass, and maintain a human scale for pedestrians."

"There is nothing human scale about this development. Further developments of this scale, height and bulk threaten the human scale of this important historic shopping street."

The undermining of height limits for The Parade after community consultation is a grave concern. We are in a race against time to protect the character of The Parade. Without a Code Amendment in place, we risk more imposing towers taking over The Parade, our precious High Street.

STAFF COMMENT PREPARED BY SENIOR URBAN PLANNER

A report, as requested, can be provided to the Council.

Cr Mex moved:

- 1. That staff prepare a report on the feasibility of the Council preparing a Planning & Design Code Amendment that would better protect the historic character of The Parade; and*
- 2. That the report investigates the setting of lower building heights, larger setbacks and other policy instruments that would ensure that the human scale and High Street appearance of The Parade can be maintained, while at the same time allowing for appropriate commercial and residential development to occur.*

Seconded by Cr Whittington and carried unanimously.

11. STAFF REPORTS

Section 1 – Strategy & Policy

Reports

11.1 BUILT HERITAGE STRATEGY

REPORT AUTHOR: Senior Urban Planner
GENERAL MANAGER: Urban Planning & Environment
CONTACT NUMBER: 8366 4561
FILE REFERENCE: qA88791
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of this report is to advise the Council of the results of the community consultation and engagement on the *Draft Built Heritage Strategy* and to present the final *Built Heritage Strategy* for consideration and endorsement. The final version of the *Built Heritage Strategy* is contained in **Attachment A**.

BACKGROUND

At its meeting held on 4 July 2022, the Council resolved to release the *Draft Built Heritage Strategy* for community consultation. The consultation was undertaken for a period of three (3) weeks, commencing on Monday 11 July 2022 and concluding on Friday 29 July 2022.

In response to the consultation, a total of ten (10) submissions have been received. These submissions have been reviewed, summarised and a recommended response provided for the Council's consideration. The summary of submissions is contained in **Attachment B** and a full copy of the submissions is contained in **Attachment C**.

Amendments have been made to the draft Strategy to address the relevant issues which have been raised in the submissions and to provide clarification or expansion on the proposed actions and initiatives, with an additional section included to provide additional detail on how outcomes resulting from the Strategy will be measured and reported. Other amendments have been made which are generally editorial in nature. The revised version of the Strategy is contained in **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Outcome 2: Cultural Vitality

A culturally rich and diverse city, with a strong identity, history and sense of place

Objective

2.2 A community embracing and celebrating its social and cultural diversity

2.3 A City which values and promotes its rich cultural and built heritage

2.4 Pleasant, well designed, and sustainable urban environments

FINANCIAL AND BUDGET IMPLICATIONS

The Council has allocated a budget of \$70,000 for work associated with *Heritage Protection Opportunities*, which includes the preparation of a *Built Heritage Strategy* to provide the overarching direction and framework for these activities. The costs associated to date with the *Built Heritage Strategy* include the production of consultation material and partial outsourcing of graphic production, totalling in the order of \$3000.

EXTERNAL ECONOMIC IMPLICATIONS

Although some of the proposed actions in the Strategy may have external economic implications when implemented, the development of the Strategy itself is not expected to result in direct external economic impacts as the Strategy does not propose changes to any specific property or area.

SOCIAL ISSUES

Heritage conservation is and perhaps will always be, a sensitive and at times controversial issue. By its nature, it evokes differences of opinion of conservation versus development and the rights of property owners. Whilst there is no doubt that heritage listed places generate benefits to the community in the way in which they are utilised and maintained, there is also a potential for heritage places to generate intrinsic and cultural value to individuals as well as communities.

CULTURAL ISSUES

The Council's role in supporting the retention of buildings and places of heritage value strongly aligns with one of the key objectives of the Council and the community, which is to protect and enhance the City's valued built form and character.

As discussed in this report, the Strategy focuses on Built Heritage as recognised in the planning system. There are many opinions and views regarding built heritage – ranging from the total removal of built heritage from the planning system through to listing every building built prior to 1940 irrespective of whether the buildings meet the required criteria for heritage listing. As such, the Council has taken the logical position of focusing on built heritage as recognised in the planning system. The scope does not extend to other forms of heritage, such as intangible cultural heritage, indigenous heritage, or natural heritage.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

The Strategy has been prepared, released for consultation, and revised using existing staff resources, with the exception of graphic production which has been partially outsourced.

RISK MANAGEMENT

There are no legislative risks associated with this matter. However, the risks of not proceeding with a sound framework to address heritage protection initiatives, may include the demolition of currently un-listed buildings which have historic value, lack of support for owners of heritage properties and an associated sense of dissatisfaction with the Council and lack of awareness of the value of heritage protection amongst the community. The endorsement of a *Built Heritage Strategy* is a useful tool for the purposes of setting out the Council's priorities for heritage protection initiatives and communicating these priorities to the community.

Notwithstanding the strong support for heritage conservation amongst many members of the community, it remains a sensitive and often divisive issue, particularly where property owners feel their rights may be, or are being, compromised or where there is disagreement as to what buildings warrant heritage protection. The risk associated with producing a *Built Heritage Strategy* is that not all members of the community will agree or support the actions proposed. The undertaking of community consultation which sought feedback from the community on all aspects of the draft Strategy has sought to mitigate this risk by providing the community with the opportunity to make a submission. This risk will be further mitigated through undertaking community consultation on any proposed changes through the planning system.

COVID-19 IMPLICATIONS

COVID-19 implications have not affected the development of the Strategy or associated community consultation.

CONSULTATION

- **Elected Members**

The *Built Heritage Strategy* has been prepared in accordance with the resolutions made by the Council on 7 February 2022, 7 March 2022 and 4 July 2022 and some of the actions in the Strategy have been informed by other previous Council resolutions relating to built heritage.

- **Community**

Community consultation was conducted over a period of three (3) weeks from Monday 11 July 2022 to Friday 29 July 2022.

The Draft Strategy was promoted via:

- the Council's online platforms (website, social media, and Your NPSP Newsletter);
- promotional material and copies of the Draft Strategy at the libraries and Norwood Town Hall;
- public notice and feature article in the Adelaide East Herald;
- notification sent to relevant community groups including residents' associations and the National Trust
- promotional poster on Osmond Terrace

- **Staff**

General Manager, Urban Planning & Environment
General Manager, Governance and Community Affairs
Manager, Urban Planning & Sustainability

- **Other Agencies**

Nil

DISCUSSION

Purpose and Scope of the Strategy

The Strategy is an overarching strategic document which outlines the Council's approach to protecting, managing and promoting built heritage over a five (5) year period. The document provides a strategic framework for undertaking heritage protection projects in the future, particularly in prioritising *Planning and Design Code* Amendments. In addition to providing a strategic framework for the Council, the document communicates and promotes to the community what the Council values about built heritage, its past achievements, opportunities and challenges, and future goals. This level of communication is particularly valuable for the community given the current community and media interest in preserving built heritage due to the pace of redevelopment which is occurring.

As set out above, the scope of the Strategy is limited to built heritage as recognised in the planning framework under the *Planning, Development and Infrastructure Act 2016* and the *Heritage Places Act 1993* including:

- State Heritage Places
- Local Heritage Places
- Representative Buildings (formerly referred to as Contributory Items)
- Buildings and Streetscapes within the Historic Area Overlay
- Buildings, places and areas which are being considered for inclusion in one of the above categories

It is acknowledged that Built Heritage is only one element of the broader cultural heritage of the City. Other elements include (but are not limited to) cultural heritage, indigenous heritage and natural heritage, however these are not built heritage so are outside the scope of this Strategy.

The key feature of the Strategy is the proposed initiatives and actions, which are categorised under the following four themes:

- *Celebrate, Promote and Support* - celebrating and promoting the value of built heritage and supporting owners of heritage properties
- *Protect* - maintaining and strengthening heritage protections

- *Advise, Influence and Advocate* - advocating and influencing good heritage outcomes in legislation and policy, and providing information and advice to the community
- *Lead by Example* - protecting and promoting heritage buildings and historic public realm features which are under the care and control of the Council

The initiatives and actions are varied and include a range of activities such as undertaking and advocating for amendments to the *Planning and Design Code* which seek to introduce or strengthen protection of heritage buildings, the provision of heritage and development advice to owners and the integration of heritage buildings as part of The Parade Masterplan. Some of these actions reflect existing services or initiatives which are already offered by the Council or endorsed through decisions which are made by the Council from time to time. The purpose of including these current actions is to demonstrate the full suite of heritage initiatives (both existing and proposed) undertaken by the Council.

The Strategy also provides supporting and contextual information such as a brief history of urban development in the City, the strategic context of the Strategy within the planning system and an explanation of different types of heritage protection. The Strategy has been developed as a relatively succinct document to ensure it is accessible to the broader community. The Strategy does not spatially identify locations and areas which are likely to be the subject of future Code Amendments (e.g. new heritage listings) as the priority locations and areas will need to be scoped and investigated as part of the Code Amendment process, noting that future Code Amendments may initially be considered by Council in confidence until the information is ready for public release.

Consultation Responses

In response to the community consultation, ten (10) submissions have been received including eight (8) submissions from individuals and two (2) submissions from organisations. The submissions are included as **Attachment C** and are summarised below:

Support for heritage protection and the development of a Strategy

All submissions indicated general support for heritage protection. The majority of submissions supported the retention of heritage buildings and historic areas, particularly in light of current development pressures and outcomes. Two (2) submissions recognised the environmental benefits of the retention of heritage buildings as part of sustainable urban development. Several also supported the promotion and protection of heritage being formalised through a Strategy.

Identified gaps or recommendations for additional actions in the Strategy

Various submissions suggested additional actions or initiatives be included in the Strategy including:

- the Strategy should be amended to support additional heritage protection or planning controls for specific eras, areas or sites – (eg. mid-century architecture, un-listed pre-World War 1 buildings outside of historic areas, historic area protections for Norwood and Maylands, heritage protection for Dr Kent's Paddock, planning controls for all pre-World War 2 buildings);
- additional direct assistance for property owners, particularly a grant scheme or other financial assistance;
- identification of Representative Buildings (formerly known as Contributory Items) in Kent Town;
- increased community involvement in heritage initiatives including educating students, sourcing photographs and documenting verbal histories;
- additional plaques should be installed as part of the Heritage Plaques Program or alternative methods of identifying heritage buildings in the streetscape;
- the Strategy should reference existing loss of valuable buildings, not just the risk of losing buildings;
- additional material should be produced providing information on the history of particular streets;
- the Strategy should include more new actions and initiatives (ie. in addition to existing initiatives undertaken by the Council); and
- include reference to *the Twentieth-Century Historic Framework (2021)* in lieu of Burra Charter as guiding principle.

Additional text has been included in the revised Strategy in response to some of the above suggestions. Some suggestions were considered too detailed for a high-level Strategy and have not resulted in specific changes. In these instances, a response or explanation statement has been provided in the summary of submissions contained in **Attachment B**. Some suggestions were outside the scope of the Strategy as they do not relate to built heritage as recognised in the planning system.

Some submissions raised concerns about the limited scope, lack of specificity in actions / initiatives, or lack of clarity in the Strategy. Suggestions include additional specification for project priorities, resource allocation, defined timelines and reportable measurables. In response to this feedback, an additional section titled '*What does success look like*' has been included in the Strategy which articulates that the actual measurables and way of reporting on initiatives may vary, but details that reports will be provided to Council on an annual basis, documenting the progress and outcomes of the actions and initiatives.

Additional text has also been added to the section relating to the scope and aim of the Strategy to provide greater clarity on the purpose and intended effect of the Strategy. Responses in the summary of submissions further articulate that as the Strategy is intended to be used a strategic framework over a five (5) year period, it is not possible to provide more specific details on some projects at this stage.

Amendments Post-Consultation

A summary of the specific amendments made to the *Built Heritage Strategy* is outlined below:

- *Mayor's Message* has been amended to acknowledge that some un-listed buildings of value have been demolished, to articulate that it is not just a perceived threat that un-listed buildings could be lost;
- additional text has been added to the *Scope and Aim of this Strategy* to clarify the intended purpose, effect and scope of the Strategy;
- addition of relevant State Planning Policies under *Strategic Context*;
- addition of reference to community survey response regarding the value of preserving heritage in the *Timeline of the Council's Heritage Initiatives*;
- numbering of actions and initiatives for easier reference;
- recognition of environmental benefits of retention and re-use of buildings in *Initiative 1.1.4*;
- recognition in *Initiative 1.3.1* that the Council's Cultural Heritage program provides educational opportunities relating to heritage for students;

- slight re-wording of *Initiative 2.2.1* to indicate that in addition to seeking an amendment to the application of Historic Area Overlay, the future *Planning and Design Code* Amendment could also seek to apply the Local Heritage Place Overlay to any buildings which may be identified in the process as being worthy of listing as Local Heritage Places (subject to approval from the Minister for Planning);
- addition of *What Does Success Look Like* section under *Building on Strong Foundations*; and
- various minor editorial amendments and changes to photographs and graphics.

OPTIONS

The Council has the following options in respect to considering the responses to consultation and the revised *Built Heritage Strategy*.

Option 1 – endorse the Strategy for publication

The Council could determine to endorse the Strategy, incorporating the suggested amendments made in response to community consultation, as outlined in this report, ready for publication and implementation.

This option is recommended.

Option 2 – endorse the Strategy with further, more substantial, amendments prior to publication.

This option is not recommended as there was general community support for the Strategy and its associated actions and initiatives.

CONCLUSION

The development of a *Built Heritage Strategy* provides an opportunity for the Council to identify the value that built heritage makes to the City and to prioritise resources and expenditure as part of its program of actions over the coming five-year period. The Strategy also allows for a greater level of transparency for the community to understand the Council's priorities and current and proposed actions and initiatives which the Council is already, and proposes to, undertake. Community consultation has enabled the community to review and provide feedback on the draft Strategy, and this feedback has been considered in the subsequent revisions to the document.

COMMENTS

Nil

RECOMMENDATION

1. That the *Built Heritage Strategy*, as contained in Attachment A, be endorsed as being suitable for publication and operation.
 2. That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the Strategy prior to publication.
-

Cr Sims left the meeting at 7.29pm.

Cr Dottore moved:

1. *That the Built Heritage Strategy, as contained in Attachment A, be endorsed as being suitable for publication and operation.*
2. *That the Chief Executive Officer be authorised to make any necessary minor amendments to finalise the Strategy prior to publication.*

Seconded by Cr Minney.

Cr Sims returned to the meeting at 7.31pm.

The motion was put and carried unanimously.

11.2 INSTALLATION OF LIGHTING – OTTO PARK, ST PETERS

REPORT AUTHOR: Manager, Communications & Community Engagement
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4528
FILE REFERENCE: qA96047
ATTACHMENT: A - B

PURPOSE OF REPORT

The purpose of this report is to present to the Council the outcome of the community consultation which has been undertaken regarding the proposal to install lighting in Otto Park, at Second Avenue, St Peters.

BACKGROUND

Otto Park is located on the corner of St Peters Street and Second Avenue, St Peters. Otto Park provides a small open space area for local residents and recognition of the history in terms of the former St Peters RSL building and those members of the St Peters community who made the ultimate sacrifice for their community.

Otto Park is also designated as an off-leash area at all times for dogs. Otto Park is not a designated Dog Park.

As part of the review of the Council's *2019-2024 Dog & Cat Management Plan* and in accordance with one of the objectives set out in the Plan, at its meeting held in May 2020, the Council considered the potential establishment of a dedicated dog park within the City, which included Hannaford Reserve and Otto Park.

Whilst the Council determined that Otto Park would not be a dedicated dog park, it was acknowledged that a lack of lighting at the park meant that the use of the park in the evening, particularly during the winter months was limited.

Therefore, following consideration of the matter, the Council resolved the following:

1. *That the Council resolves to establish a dedicated dog park at Hannaford Reserve and that the Council proceeds to prepare a concept plan for the dog park as part of the master plan for Hannaford Reserve.*
2. *That the Council undertake community consultation with regards to the installation of timed lighting at Otto Park. In other respects, current arrangements in place for Otto Park be retained.*

Consultation regarding the proposal to install lighting at Otto Park has now been undertaken and this report presents the outcome of community consultation to the Council.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

The relevant Outcomes and Objectives of the Council's *City Plan 2030, Shaping Our Future Mid Term Review 2020* are provided below.

Outcome 1:4 Social Equity

A strong, healthy, resilient and inclusive community.

1.4.1 Encourage physical activity and support mental health to achieve healthier lifestyle and well-being.

FINANCIAL AND BUDGET IMPLICATIONS

The Council has not allocated funding for the installation of lighting at Otto Park as part of the 2022- 2023 Annual Business Plan and Budget.

In order to determine the potential cost of the proposed lighting, an estimate was obtained from Enerven Energy Infrastructure. Enerven Energy Infrastructure specialises in the development of infrastructure, energy and telecommunication solutions.

The estimated costs for the proposed lighting from Enerven Energy Infrastructure is \$36,000 (exc GST)

The estimated costs for the supply and installation of lighting infrastructure from SA Power Networks is \$650 (exc GST).

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

The community values the City's open space and recreation assets, particularly parks and reserves, which provide a social space for residents, dog owners and other members of the community who enjoy open spaces.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable

RESOURCE ISSUES

Not Applicable

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Elected Members previously considered this matter at its meeting held in May 2020.
- **Staff**
General Manager, Governance and Civic Affairs
Manager, Special Projects
- **Community**
On 6 May 2022, a letter was delivered to fifty-seven (57) residents and property owners located in the immediate and near vicinity of Otto Park, St Peters, to seek their comments regarding the proposal to install.
- **Other Agencies**
Not Applicable

DISCUSSION

The installation of lighting in Otto Park would extend the time that residents and dog owners can use the park in the evening, particularly during winter months.

However, lighting of any open space needs to ensure the impact of the lighting has minimal impact on the adjacent residential properties. A lighting design therefore was prepared to ensure any lighting to the Park did not impact on the neighbouring properties.

A copy of the proposed lighting plan is contained within **Attachment A**.

The technology proposed for Otto Park includes a photoelectric cell to turn off the lights in daylight as well as a timer to turn off the lights at a designated time (eg. 9:00pm in winter and 10:00pm in summer).

The improved energy efficiency of LEDs means that coupled with modern luminaire design, these lights allow for lower illumination levels without compromising safety. LEDs also help lower carbon emissions by reducing the demand for electricity, which is still largely generated by burning fossil fuels.

As stated previously, a letter was forwarded to fifty-seven (57) local residents seeking their comments in respect to this matter. Residents were invited to answer “yes” or “no” in relation to their preferred option based on image of the proposed installation of lighting in Otto Park.

A copy of the letter is contained in **Attachment B**.

Residents and property owners were directed to the Council’s online consultation webform and asked to provide their comments.

Residents and property owners were also invited to the proposal with the Council’s Manager, Communications & Community Engagement.

The Council received a total of forty (40) responses as part of the consultation process.

A summary of the responses which have been received is set out in Table 1 below.

TABLE 1: SUMMARY OF THE RESPONSES

Option 1: Do Not Support the Proposal to Install Lighting	Option 2: Support the Proposal to Install Lighting
Eleven (11) responses	Twenty- nine (29) responses

In addition, seven (7) emails were received from residents in response to the consultation:

- one (1) resident supported the installation of lighting in Otto Park because he finds it hard to exercise his dog at Otto Park in winter when it gets dark after 5.30pm;
- one (1) resident supported the installation of lights but wanted the lights to stay on after 9:00pm in winter as the park gets quite muddy;
- one (1) resident supported the installation of lights but wanted the lights to be turned off at 8:00pm, rather than 9:00pm which was outlined in the Council’s letter. This resident (in a separate email) also suggested that the Council could consider installing user-activated lighting in Otto Park; and.
- one (1) resident supported the installation of lights and also suggested putting Christmas lights in the large pine tree in Otto Park.

Two (2) residents strongly opposed to the installation of additional lighting for the following reasons:

- the park is already used by dogs and their owners and having lighting will encourage further use and more “uncollected faeces”;
- the lighting would cause “inevitable” light spillage into residences which have bedrooms facing the park and;
- car parking out the front of one of the residents’ homes is already impacted by people attending Otto Park.

As stated above, the proposed design for the lighting, as contained in Attachment A, ensures the light is directed into the park to avoid spillage into the adjoining properties.

To ensure local residents are not impacted by users of the park in terms of noise, etc it is also recommended that the lighting be turned off at 9.00pm in winter and 10.00pm in summer.

OPTIONS

In respect to the installation of lighting at Otto Reserve, St Peters, the Council has two (2) options.

Option 1

The Council can determine not to install lighting and retain Otto Park as it currently is.

Option 2

The Council can determine to install lighting in Otto Park to increase the useage of the reserve during the evening.

This is the recommended option on the basis that this option is supported by the majority of residents and property owners who provided their comments as part of the consultation process.

CONCLUSION

The installation of lighting at Otto Park, St Peters will allow citizens more time to use the park. At the same time however, the unintended consequence of installing lights, could mean that an increase in the number of dog owners who use the park may increase the perception that Otto Park is a designated Dog Park.

The Council has not designated Otto Park as a Dog Park.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council endorses the installation of lighting in Otto Park, St Peters.
2. The Council considers the allocation of funding for the installation of lighting in Otto Park as part of the 2023-2024 Budget.

Cr Moorhouse moved:

1. *That the Council endorses the installation of lighting in Otto Park, St Peters.*
2. *The Council considers the allocation of funding for the installation of lighting in Otto Park as part of the 2023-2024 Budget.*

Seconded by Cr Sims and carried unanimously.

Section 2 – Corporate & Finance
Reports

11.3 MONTHLY FINANCIAL REPORT – JULY 2022

REPORT AUTHOR: Financial Services Manager
GENERAL MANAGER: General Manager, Corporate & Community Services
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA78171
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide the Council with information regarding its financial performance for the year ended July 2022.

BACKGROUND

Section 59 of the *Local Government Act 1999* (the Act), requires the Council to keep its resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review. To assist the Council in complying with these legislative requirements and the principles of good corporate financial governance, the Council is provided with monthly financial reports detailing its financial performance compared to its Budget.

RELEVANT STRATEGIC DIRECTIONS AND POLICIES

Nil

FINANCIAL AND BUDGET IMPLICATIONS

Financial sustainability is as an ongoing high priority for the Council. The Council adopted a Budget which forecasts an Operating Surplus of \$861,695 for the 2022-2023 Financial Year.

For the period ended July 2022, the Council's Operating Surplus is \$1,080,000 against a budgeted Operating Surplus of \$1,012,000, resulting in a favourable variance of \$68,000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
Responsible Officers and General Managers.
- **Other Agencies**
Not Applicable.

DISCUSSION

For the period ended July 2022, the Council's Operating Surplus is \$1,080,000 against a budgeted Operating Surplus of \$1,012,000, resulting in a favourable variance of \$68,000.

Employee expenses are \$142,000 unfavourable to the adopted budget. This timing variance is related to the leave being actually taken as compared to the budget expectations combined with additional staffing hours worked to cover staff who have taken sick leave due to illness or COVID-19.

There are no individually significant variances to budget and are primarily due to expenditure timings compared to actual expenditure which is not uncommon for the beginning of the Financial Year.

The Monthly Financial report is contained in **Attachment A**.

OPTIONS

Nil

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION

That the July 2022 Monthly Financial Report be received and noted.

Cr Duke moved:

That the July 2022 Monthly Financial Report be received and noted.

Seconded by Cr Stock and carried unanimously.

11.4 AUDIT COMMITTEE ANNUAL REPORT TO COUNCIL

REPORT AUTHOR: General Manager, Corporate Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA98586/A450050
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present the Audit Committee's Annual Report for the year ended 30 June 2022.

BACKGROUND

The Audit Committee's 2021-2022 Work Program, requires an Annual Report to be provided to the Council which addresses the following:

- *outlining outputs relative to the audit committee's work program and the results of a self-assessment of performance for the preceding period including whether it believes any changes to its Terms of Reference are appropriate;*
- *outlining any identified training needs;*
- *advising future work program proposals; and*
- *invite comment from the Council on all of the above.*

At its meeting held on 25 July 2022, the Audit Committee considered and approved the Annual Report for the year ended 30 June 2022 and the 2022-2023 Work Program.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

FINANCIAL IMPLICATIONS

Nil.

SOCIAL ISSUES

Nil.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Nil.

RESOURCE ISSUES

Nil.

RISK MANAGEMENT

Nil.

CONSULTATION

- **Elected Members**
Mayor Bria, Cr Minney (Presiding Member) and Cr Stock are Members of the Council's Audit Committee.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

The Audit Committee's 2021-2022 Annual Report which details the activities that have been undertaken by the Committee during the year and the proposed 2022-2023 Audit Committee Work Program, is contained in **Attachment A**.

The Annual Report to the Council also requires the Audit Committee to determine whether its Terms of Reference remain appropriate.

The *Statutes Amendment (Local Government Review) Act 2021* (the Act), includes a number of changes to the operations of Audit Committees and as a consequence, the Committees *Terms of Reference*. The new provisions, are due to come into effect by November 2023. Given that the relevant provisions of the Act are yet to come into effect and that the term of the current Audit Committee expires on 31 October 2022, there are no changes recommended to the *Terms of Reference*. A copy of the Terms of Reference is contained in **Attachment B**.

While no changes have been recommended for the remainder of the current term of the Audit Committee, at its meeting held on 25 July 2022, the Audit Committee resolved that a draft *Terms of Reference*, incorporating the new provisions of the Act, be prepared for consideration when the Council re-establishes the Audit Committee, following the 2022 Local Government Election.

OPTIONS

Not Applicable.

CONCLUSION

Nil.

COMMENTS

If Elected Members have any questions or require clarification in relation to specific items, and/or any issues arising from this report, do not hesitate to contact the General Manager, Corporate Services, Sharon Perkins on 8366 4585, prior to the meeting.

RECOMMENDATION

That the report be received and noted and that the Audit Committee be thanked for its oversight of the Council's Financial Governance Framework.

Cr Sims moved:

That the report be received and noted and that the Audit Committee be thanked for its oversight of the Council's Financial Governance Framework.

Seconded by Cr Dottore and carried unanimously.

11.5 EAST WASTE REVISED 2022-2023 ANNUAL PLAN

REPORT AUTHOR: General Manager, Corporate & Community Services
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4585
FILE REFERENCE: qA87860/A470708
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council the East Waste Revised 2022-2023 Annual Plan (the Plan) for consideration and endorsement.

BACKGROUND

East Waste (the Authority) is a Regional Subsidiary established pursuant to Section 43 of the *Local Government Act 1999*, for the purpose of providing waste management services to Constituent Councils. The City of Norwood Payneham & St Peters, together with the City of Burnside, the Campbelltown City Council, the City of Mitcham, Adelaide Hills Council, the Town of Walkerville and the City of Prospect, make up the Constituent Councils of East Waste.

Pursuant to Clause 51 of the East Waste Charter (the Charter), East Waste must prepare an Annual Plan which informs and supports the Authority's Annual Budget. The Annual Plan must also set out proposals for the recovery of overheads over the financial year from the Constituent Councils.

Upon completion of the draft Annual Plan and Budget, pursuant to Clause 52.3 of the Charter, the Authority must provide the draft Plan to Constituent Councils for the purposes of obtaining approval from the Constituent Council's on or before 31 May. The Annual Plan can only be adopted by the East Waste Board, with absolute majority approval of the Constituent Councils.

The Council considered and endorsed the Draft 2022-2023 East Waste Annual Plan at its meeting held on 5 May 2022. The East Waste Board adopted the 2022-2023 East Waste Annual Plan at its meeting held on 23 June 2022.

The Authority's Budget is based on a Common Fleet Costing methodology, with Common Fleet Costs, which predominately relate to collection costs, which are charged to Constituent Councils based on the cost to undertake the collection of each Council's waste streams. The allocation of the Common Fleet Costs is based on the Authority's GPS System. It should be noted that as per the Authority's Budget Policy, the Common Fleet Cost includes an additional charge to incorporate a return on revenue, which is currently set at 1% of the Common Fleet Costing Charge.

In addition, where Constituent Councils utilise East Waste for other services such as Contract Management Services (Disposal and Resource processing) and Waste Bin Maintenance, these services are "on charged" to the Councils at cost.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

As part of the 2022-2023 Annual Business Plan and Budget, the Council's adopted Budget includes funding for Waste Management Services to the value of \$4.7 million, which includes collection costs of \$2.282 million.

At the Special Council Meeting held on 21 June 2021, the Council considered and endorsed a proposed amendment the East Waste Charter, which allowed for the City of Unley to be admitted as a Constituent Council of East Waste.

The financial impact for this Council as result of the admission of the City of Unley as a new member Council is as follows:

- a reduction in ownership share from 14.3% to 12.5%; and
- a reduction in the common fleet cost allocation from 16.5% to 14.5%.

The combined impact for this Council is a reduction in Administration and Collection costs of \$102,000. The savings are derived from the re-allocation of fixed costs across the eight (8) Member Councils, with saving predominately in the Collection Costs.

The City of Unley was formally admitted as a Constituent Council of East Waste on 25 July 2022.

Given that the consideration of the City of Unley as a Constituent Council of East Waste was in the late stages of the 2022-2023 Budget process, the Council's Waste Management Budget and Collection costs did not include the potential \$102,000 reduction the annual Administration and Collection Costs charged from East Waste.

Following admission of the City of Unley as a Constituent Council, East Waste has undertaken a review of its Budget. Pursuant to the Schedule 2, Clause 25 (3) of the *Local Government Act 1999*, East Waste, may subject to the approval of the Constituent Council's, amend its adopted budget for the financial year at any-time prior to the end of the financial year.

In undertaking the review of its Budget, East Waste is proposing budget amendments which take into account the financial impact of undertaking Waste Management services to the City of Unley plus the financial impact of fuel prices, inflation and the disposal costs associated with the negotiated kerbside recyclables contract. It should be noted that the impact of the kerbside recyclables contract is a direct "pass through" to the respective Council based on tonnages.

The major cost increase proposed in the amended Budget is fuel and while East Waste has identified savings, based on the assumption which has been used for the fuel price, the identified savings have not completely offset the increase in fuel cost. To offset the remaining impact of the proposed fuel cost increase, East Waste has re-set the Collection fees to be recovered from the Constituent Councils.

To meet the cost increases, the East Waste is proposing not to pass through the savings derived from the admission of the City of Unley as a Constituent Council, with any shortfall being recovered through increased Collection Fees. The revised Collection Fee, for this Council are \$2.286 million (an increase of \$4,000).

EXTERNAL ECONOMIC IMPLICATIONS

Nil

SOCIAL ISSUES

Nil

CULTURAL ISSUES

Nil

ENVIRONMENTAL ISSUES

Nil

RESOURCE ISSUES

Nil

RISK MANAGEMENT

Nil

CONSULTATION

- **Elected Members**
Cr Stock is the Council's appointee on the East Waste Board.
- **Community**
Not Applicable.
- **Staff**
Nil
- **Other Agencies**
Not Applicable.

DISCUSSION

The main objectives of the East Waste Annual Plan remain unchanged, however as a result of the inclusion of the City of Unley as a Constituent Council and the associated work to bring the City of Unley on board, the number of proposed projects has been reduced.

The main amendment to the Annual Plan is the revised Budget, which reflects the financial impact of the admission of the City of Unley as a new Constituent Council coupled with a review of the assumptions upon which the original budget was prepared. A copy of the Revised 2022-2023 Annual Plan & Budget is contained in **Attachment A**.

While it acknowledged that the proposed increase in the collection fees will have a minor impact on the Councils operating costs (given it did not budget for the savings to be delivered from the increase in the number of Constituent Councils through the admission of the City of Unley), the immediate response by East Waste to pass on operating cost increases within the first month of a 12-month budget, is not considered normal business practice and within the spirit of the relationship and the intent in which Regional Subsidiaries are established.

As is the case when the Council commenced its budget process in January 2022, the Council adopted a number of parameters which set the assumptions that would apply to determine the projected operating costs for the 2022-2023 Financial year. As with many organisations, the Council did not foresee record high inflation, rising fuel prices and record low unemployment, which is adding to employment costs and input prices throughout the supply chain when delivering the Budget. The Council, as with all businesses, is feeling these cost pressures, however the Council is not in the position to pass on these cost pressures to its ratepayers once the Budget is set.

The major cost pressure for East Waste is fuel, which is assumed in the revised Budget to increase by 50% to \$3 million. While it is acknowledged that fuel prices have been volatile, given that the external influences on the world oil market, retail fuel price have yet to get to the predicted \$2.50 -\$2.70 cents per litre and given that East Waste would purchase fuel at a discounted rate compared to the retail rate, the proposed increase in fuel costs is not considered a reasonable assumption to apply at this early stage of the financial year.

Based on the information which has been provided it does not appear that the Authority is partnering with its Constituent Councils to share the cost pressures that are being felt by the wider Community. As such it is recommended that the Council not endorse the proposed increase in collection fees beyond the additional collection fees to be derived from the additional services provided to the City of Unley.

OPTIONS

In considering this issue the Council have the following options;

Option1

The Council endorse the revised 2022-2023 Annual Plan and Budget, however, in doing so, it acknowledges that there is an increase in the Waste Collection charge.

Option 2

The Council endorse the revised 2022-2023 Annual Plan and Budget, with the exception of the proposed increase in collection fees beyond the additional collection fees to be derived from the additional services provided to the City of Unley.

Option 3

That the Council not endorse the revised 2022-2023 Annual Plan and Budget.

Option 2 is recommended.

CONCLUSION

Pursuant to the *Local Government Act 1999*, East Waste may amend its budget at any time before the end of the financial year, however the proposed changes must be endorsed by the Constituent Councils.

Prior to the Council endorsing the revised budget, the Council needs to reassure itself that it is making an informed decision.

The information provided by East Waste is considered high level public information, and lacks sufficient detail for the Council to have a comprehensive understanding of the financial impact of the admission of the City of Unley and the additional cost pressures which it is facing due to external factors on its projected operating costs and hence make an informed decision.

East Waste, through the proposed increase in Collection Fees (over and above the fees collect from the City of Unley) is requesting, Constituent Council to provide upfront cashflow for cost increases which have yet to be incurred.

While its is acknowledged that East Waste, like the Constituent Councils, is facing external costs pressures that were unknown and therefore not necessarily taken into account at the time of developing its 2022-2023 budgets, without the detailed information for the Council to make an informed assessment to determine if the increase in operating costs and hence the increase in Collection fees, is fair and reasonable, it is recommended that the Council not endorse the proposed increase Collection fees.

COMMENTS

Nil

RECOMMENDATION

That the Eastern Waste Management Authority Incorporated be advised that pursuant to Schedule 2 Clause 25 (3) of the *Local Government Act 1999*, the Council has considered and hereby approves the Authority's revised 2022-2023 Annual Plan and Budget, with the exception of the proposed increase in collection fees beyond the additional collection fees to be derived from the additional services which will be provided to the City of Unley.

Cr Stock moved:

That the Eastern Waste Management Authority Incorporated be advised that pursuant to Schedule 2 Clause 25 (3) of the Local Government Act 1999, the Council has considered and hereby approves the Authority's revised 2022-2023 Annual Plan and Budget, with the exception of the proposed increase in collection fees beyond the additional collection fees to be derived from the additional services which will be provided to the City of Unley.

Seconded by Cr Sims and carried unanimously.

**Section 3 – Governance & General
Reports**

11.6 IMPLEMENTATION OF THE PARADE MASTERPLAN AND GEORGE STREET UPGRADE PROJECTS

REPORT AUTHOR: Project Manager, City Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4524
FILE REFERENCE: qA15170
ATTACHMENTS: A - D

PURPOSE OF REPORT

The purpose of this report is to update the Council on the progress of the implementation of The Parade Masterplan and the George Street Upgrade Project.

BACKGROUND

As Elected Members will recall, at a Special Meeting held on 15 May 2019, the Council considered and endorsed The Parade Masterplan as the basis for the detail design for the streetscape upgrade to The Parade.

As part of the 2020-2021 Budget, the Council allocated funds for both the design and construction of the George Street Upgrade Project. Due to the legal proceeding initiated by Parkade Pty Ltd and Australasian Property Developments, regarding The Parade and George Street intersection, the commencement of this work was delayed until the conclusion of the legal proceedings.

In April 2021, the Council commenced a two (2) stage procurement process to appoint consultants to prepare the detail design and construction documentation associated with the implementation of The Parade Masterplan and the George Street Upgrade Project.

At its special meeting held on 22 November 2021, the Council appointed a multi-disciplinary team, led by Landskap (landscape architecture and urban design consultants) to undertake design development for The Parade between Fullarton Road and Portrush Road and detail design and construction documentation for George Street between the intersection of The Parade and Webbe Street.

Since their appointment, the consultants have been undertaking multiple design and pre-construction due diligence activities in order to eliminate as many risks as possible before the commencement of construction. The findings of these due diligence activities and the status of the design development for The Parade and the detail design and construction documentation for the George Street Upgrade Project are the subject of this report.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

CityPlan 2030: Shaping Our Future

The Parade Masterplan seeks to implement the Council's strategic vision set out in *CityPlan 2030: Shaping Our Future* and its commitment to its primary objective of community well-being. The holistic approach reflects the strategic importance of the Masterplan in achieving meaningful change. The relevant Outcomes, Objectives and Strategies of the Plan are outlined below:

Outcome 1 Social Equity

A connected, accessible and pedestrian-friendly community

Objective 1.1: Convenient and accessible services, information and facilities.

Strategy 1.1.3 Design and provide safe, high-quality facilities and spaces for all.

Objective 1.2: A people-friendly, integrated and sustainable transport network.

Strategy 1.2.2 Provide safe and accessible movement for all people.

Objective 1.3: An engaged and participating community.

Strategy 1.3.2 Provide opportunities for community input in decision-making and program development.

Outcome 2 Cultural Vitality

A culturally rich and diverse City, with a strong identity, history and 'sense of place'

Objective 2.1 An artistic, creative, cultural and visually interesting City

Objective 2.2 A community embracing and celebrating its social and cultural diversity.

Objective 2.3 A City which values and promotes its rich cultural and built heritage.

Strategy 2.3.1 Protect and enhance places, streetscapes, precincts and landmarks which reflect the built and cultural history of our City.

Objective 2.4 Pleasant, well designed and sustainable urban environments.

Strategy 2.4.2 Encourage sustainable and quality urban design outcomes.

Strategy 2.4.3 Maximise the extent of green landscaping provided in new development and in the public realm.

Objective 2.5 Dynamic community life in public spaces and precincts.

Strategy 2.5.2 Create and provide interesting and colourful public spaces to encourage interaction and gatherings.

Outcome 3 Economic Prosperity

A dynamic and thriving centre for business and services.

Objective 3.2 Cosmopolitan business precincts contributing to the prosperity of the City.

Objective 3.5 A local economy supporting and supported by its community.

Strategy 3.5.1 Support opportunities for people to collaborate and interact in business precincts.

Outcome 4 Environmental Sustainability

A leader in environmental sustainability

Objective 4.2 Sustainable streets and open spaces.

Strategy 4.2.1 Improve the amenity and safety of streets for all users including reducing the impact of urban heat island effect.

Strategy 4.2.2 Protect, enhance and expand public open space

Smart City Plan

The *Smart City Plan* sets out the long-term vision, direction and objectives for the Council's future as a smart city. It is based on the foundation that a smart city leverages new technology, data and innovation to improve liveability, productivity and sustainability outcomes. The *Smart City Plan* is guided by the following five (5) core principles of innovation, sustainability, education and training, collaboration and security and transparency, these principles will be used to shape the smart city thinking and the actions that are adopted through the implementation of The Parade Masterplan.

FINANCIAL AND BUDGET IMPLICATIONS

Long-Term Financial Management Plan 2021 - 2031

As part of the Council's 2021-2031 Long-Term Financial Management Plan, the Council has allocated a total of \$30,000,000 to implement The Parade Masterplan. Due to the extent and the complexities associated with the implementation of The Parade Masterplan, the works are proposed to be delivered incrementally over a number of financial years commencing in 2024-2025 and concluding in 2027-2028. The four (4) proposed stages comprise Fullarton Road to Sydenham Road, Sydenham Road to Osmond Terrace, Osmond Terrace to George Street and George Street to Portrush Road. The budget allocation for the implementation of The Parade Masterplan is based upon a cost estimate which was prepared by Rider Levett Bucknall (RLB) in July 2020.

Cost Estimate

The cost to upgrade The Parade between Fullarton Road and Portrush Road and including George Street was estimated at \$26,450,000. The cost for George Street Upgrade Project was estimated at \$1,143,000. It should be noted that the following items were excluded from RLB's July 2020 cost estimate including:

- any works associated with the George Street roadway and Webbe Street intersection;
- any augmentation or replacement of the existing stormwater drainage system;
- any augmentation or relocation of third-party services;
- soil contamination removal or remediation;
- maintaining access and operations to Norwood Place, The Parade Central, The Norwood Concert Hall and Webbe Street Carpark during construction; and
- cost escalation post July 2020.

RLB have since been appointed as the Cost Consultants for the George Street Upgrade Project and are in the process of preparing cost estimates based on the construction documentation. Based on the current market conditions, it is anticipated that the construction costs for the George Street Upgrade will exceed the allocated budget, however the actual cost will not be known until the tenders have been received.

Current Budget

To date, the Council has budgeted \$2,037,000 towards developing The Parade Masterplan and undertaking further design and documentation for the implementation of The Parade Masterplan and George Street Upgrade. Additionally, the George Street Upgrade Project has an \$800,000 construction budget. The George Street Upgrade Project was initially funded by the Council as part of its 2020-2021 Budget, prior to RLB preparing a cost estimate in the July 2020.

The Council's current budget for The Parade Masterplan and George Street Upgrade Project is shown in Table 1.

TABLE 1: CURRENT APPROVED BUDGET FOR THE PARADE AND GEORGE STREET

	Council Funding	Grant Funding	Expenditure	Remaining
The Parade Masterplan	\$100,000	\$100,000	\$200,000	\$0
Design Development, Detail Design and Documentation for The Parade Redevelopment and George Street Upgrade	\$1,837,000	\$0	\$443,432	\$1,293,568
George Street Upgrade	\$800,000	\$0	\$0	\$800,000
TOTAL	\$2,737,000	\$100,000	\$643,432	\$2,193,568

Market Conditions, Escalations & Volatility

Unfortunately, the trend of cost escalation, caused by a number of factors including subcontractor capacity and the availability of local and imported materials, is predicted to continue. During 2021, as a result of the Federal and State Government's COVID-19 stimulus funding, together with the significant volume of stimulus works in the market and the rising cost of materials have impacted significantly on construction costs.

Some of the key factors that are likely to impact on the cost of the George Street Upgrade Project include:

- commercial construction tenders in the second half of 2021, showing an escalation close to 15% for the year; and
- tender returns in 2022, maintaining the inflated cost levels with no sign of decreasing at this stage.

In addition, the construction industry is experiencing significant supply chain delays, due to increases in shipping costs. Recent variants of COVID 19, have also resulted in labour shortages, which is predicted to continue to be a significant variance within the trade contractor market. In addition, fuel price increases and the war in the Ukraine, is now also contributing to an over inflated market.

EXTERNAL ECONOMIC IMPLICATIONS

There are a number of external market factors that could potentially impact delivery timeframes and costs such as resource shortages and supplier or contractor availability.

SOCIAL ISSUES

From a community development and equity perspective, it is important that the City has an accessible and well-maintained public realm. The redevelopment of The Parade and George Street will benefit the public by providing a public space which is accessible to people of all abilities and is safe and comfortable to use.

CULTURAL ISSUES

The Parade Masterplan articulates a unique main street identity for The Parade and George Street, distinct from other main streets, which builds on the qualities that people value about The Parade, including its well-recognised cosmopolitan culture, its heritage and social and cultural history.

The upgrade of The Parade and George Street will build on the existing identity of The Parade, and will ensure that its 'sense of place' is managed appropriately and sensitively enhanced through the design process.

ENVIRONMENTAL ISSUES

The Parade Masterplan incorporates environmental sustainability as an integral component to the future of The Parade. Climate change adaptation and resilience has been integrated into the streetscape design. It is envisaged that these strategies and actions will provide The Parade with a long-term competitive advantage, ensuring a greener identity, improved pedestrian comfort and greater protection of local businesses, buildings and infrastructure.

RESOURCE ISSUES

The Council's Project Manager, City Projects is responsible for the management of the design development, detail design and construction documentation for The Parade and George Street Upgrade Projects. It is anticipated that the construction of the George Street Upgrade and subsequent incremental delivery of The Parade, will also be managed by the Project Manager, City Projects.

RISK MANAGEMENT

The key risks associated with the Detail Design Stage and the controls used to mitigate these risks are set out below in Table 2.

TABLE 2: PROJECT RISKS AND CONTROLS

Risk Description	Impacts	Risk Controls
Design does not meet expectations	Community and stakeholders	<ul style="list-style-type: none"> • Undertake a briefing workshop with the Council on the design development. • Undertake engagement activities during the design process to understand the needs of the Precinct. • Ensure amenity priority is built into detailed Project Specification.
Business interruption	Community and stakeholders	<ul style="list-style-type: none"> • Undertake engagement activities during the design process to understand the needs of the Precinct. • Develop construction approach / standards of access to minimise disruption as part of the design process.
Impacts on traffic movements	Vehicles and Pedestrians	<ul style="list-style-type: none"> • Undertake investigative and engagement activities during the design process to understand current usage and needs. • Develop standards of access to minimise disruption. • Ensure that Project staging is organised to allow access.
Business sales reduction	Community and stakeholders	<ul style="list-style-type: none"> • Develop construction approach / standards of access to minimise disruption as part of the design process. • Maintain ongoing communication with businesses to understand needs.
Design integration (design not aligning with “other Projects”)	Design	<ul style="list-style-type: none"> • Establish Project Working Group. • Include representative from the Department for Infrastructure and Transport on Project Working Group.
Lack of design integration (conflicts onsite causing delays)	Design / Construction	<ul style="list-style-type: none"> • Undertake due diligence activities during detailed design stage. • Undertake potholing during the detailed design stage.
Damage to heritage buildings	Construction	<ul style="list-style-type: none"> • Develop appropriate construction methodology and use agreed building practices which will be specifically developed. (Construction and Vibration Noise Management Plan)
Third Party Utility Upgrades	Design / Construction	<ul style="list-style-type: none"> • Engage with all service authorities during the design stages. • Develop future proofing options through the design detail process.
Is the design safe (safety in design)	Design	<ul style="list-style-type: none"> • Undertake independent Road Safety Audits. • Include Safety in Design audits of the detail design • Undertake materials testing where required to ensure compliance with standards.
Non – compliant design	Design	<ul style="list-style-type: none"> • Establish Hold Points through the design process to review the design. • Establish internal review and sign-off process. • Undertake additional investigations to ensure there is sufficient information to design to the relevant standards. • Undertake materials testing where required to ensure compliance with standards.

Sudden design changes	Design / Construction	<ul style="list-style-type: none"> Develop design options in the detailed design stage. Undertake potholing of services
Late design delivery	Design / Construction	<ul style="list-style-type: none"> Provided completed package of design options so that contractor will not be delayed.
Project Budget	Financial	<ul style="list-style-type: none"> Reporting to the Council. Engage Cost Estimator to capture costs associated with the design. Establish Hold Points through the design process to review costs. Develop sufficient risk contingency. Qualify risks through due diligence activities e.g. potholing of services, staging requirements through stakeholder engagement.

COVID-19 IMPLICATIONS

Consultants and contractors have their own COVID-Safe Plans which they will need to implement and follow. At this time in South Australia, project disruptions due to COVID restrictions are not foreseen. However, it is possible that there could be minor delays for supply of materials or other disruptions (i.e. ability to undertake onsite inspections) if COVID restrictions tighten in the future.

CONSULTATION

- ### Elected Members

An Information Session was held on 3 August 2022, where Elected Members were provided with an update on the progress of the implementation of The Parade Masterplan and the George Street Upgrade, including an overview of the stormwater modelling undertaken and the design measures that have been identified to mitigate the risks associated with flooding.

- ### Community

The Community was consulted and engaged through the Phase 1, Phase 2 and Phase 3 Community Consultation and Engagement process for The Parade Masterplan. Further consultation with key stakeholders has commenced and will continue to be undertaken through the detail design and construction documentation process as required.

- ### Staff

Manager, Economic Development & Strategic Projects;
Manager, Integrated Transport & Access;
Manager, Finance;
Project Manager, Urban Design & Special Projects; and
Project Manager, Assets

- ### Other Agencies

Council staff are liaising with the Department for Infrastructure and Transport (DIT) on the scope and timing of road reseal work for The Parade as well as the operation of the traffic signals. In addition, Council staff and the consultants are liaising with all relevant third-party utility providers (e.g. SA Water) to understand the extent and condition of utility services located along The Parade and George Street and to determine whether or not there are planned upgrades to their utilities. This information is being used to inform the detail design stages.

DISCUSSION

The Parade Redevelopment

In respect to the implementation of The Parade Masterplan, the consultants have so far completed a site inventory and analysis, which will be used to inform the detailed design. This work includes completing a detailed engineering survey, undertaking traffic counts and reviewing other South Australian main street upgrades to identify what has and has not worked. The design development for The Parade Redevelopment is temporarily on hold until the George Street Upgrade Project detailed design and documentation is completed. Design development for The Parade Redevelopment will resume in October 2022 and is scheduled to be completed by June 2023, with detailed design and documentation completed by December 2023 for the first stages of the Project. A summary sheet providing further details regarding The Parade Redevelopment is contained in **Attachment A**.

Once the detail design and construction documentation for The Parade is completed, the construction will be delivered in four (4) stages commencing with the sections between Osmond Terrace and Fullarton Road as Stage 1 and 2, followed by Portrush Road to George Street as Stage 3 and George Street to Osmond Terrace as the final stage. In accordance with the Council's *Long Term Financial Plan*, construction is scheduled to commence in 2024-2025, with one stage delivered every financial year through to 2027-2028. The proposed scheduling of Stage 1 and 2 (the western end of The Parade) aligns with DIT's current schedule for road reseal work between Osmond Terrace and Fullarton Road.

George Street Upgrade Project

As the Council has allocated \$800,000 for implementing the George Street Upgrade Project, the detail design and documentation for the George Street Upgrade Project has been prioritised ahead of The Parade. Due to the complexities associated with due diligence investigations and stormwater modelling, the detail design and documentation for the George Street Upgrade Project is running two (2) months behind schedule. It is anticipated that the construction documentation will be completed in mid-October 2022, the tender will be undertaken in November 2022 and the recommendation to award the construction contract will be presented to the Council for consideration and endorsement soon thereafter. In accordance with this timeframe, it is expected that construction will commence in early 2023 and take approximately six (6) months to complete. A project summary sheet providing further details in relation to the George Street Upgrade Project is contained in **Attachment B**.

George Street Upgrade Project Due Diligence Investigations

Throughout the detail design stage of the Project due diligence activities and processes are being undertaken to ensure that potential project risks are investigated and addressed and that any necessary approvals can be obtained from stakeholders and service authorities prior to construction. The due diligence activities have identified some elements, which were not costed at the Masterplan stage. These items are discussed in more detail below.

- **Stormwater Modelling and Flood Management**

As part of the detail design stage of the George Street Upgrade Project, stormwater and flood modelling was undertaken for the section of George Street between The Parade and Webbe Street. The purpose of the modelling was to set a base line on which to compare impacts of the proposed street modifications. A separate report specifically addressing the drainage and stormwater issues in and around George Street, and the proposed solutions to address the deficiencies, has been prepared and is included as part of this Agenda for the Council's consideration.

Given that the Council will shortly commence works to upgrade George Street, it would be prudent to undertake any necessary stormwater drainage upgrade works prior to the commencement of the George Street Upgrade Project.

- **Geotechnical Conditions**

Soil core samples were taken at various road and footpath locations within George Street between The Parade intersection and Webbe Street, to determine the underlying soil conditions on site and to assist with the design of pavements and structures associated with the George Street Upgrade.

These geotechnical investigations have identified a mixture of underlying soil conditions including old macadam and modern compacted rubble base materials under the asphalt road pavement. The strength of the soils underlying the existing road and footpaths varies over the extent of the proposed works.

It should be noted that George Street and Webbe Street are subject to frequent and heavy loadings associated with large delivery vehicles connected with Norwood Place. In order to maintain the integrity of the underlying pavement structure and hence avoid the requirement to undertake a full rebuild of the road pavement, a 'deep lift' asphalt pavement design is being proposed.

The costs associated with works to the existing George Street roadway were excluded from the July 2020 cost estimate.

- **Soil Contamination**

As part of the detail design process, soil contamination testing has been undertaken at various locations within the road and footpath areas, where it is known that there will be the requirement for soil to be excavated and removed, to enable tree planting, garden beds and trenching for service infrastructure, such as lighting and drainage.

The locations for the soil contamination investigations were also informed by the geotechnical investigations that were undertaken for the Project. These investigations identified areas where tar-bound macadam pavements had been discovered and identified as being likely to have a high level of contamination.

The costs associated with the disposal and treatment of contaminated material on the site were not included in the July 2020 cost estimate. However, these will now be included in any future cost estimates.

- **Service Authority Clearance Requirements for Tree Planting**

Upon commencement of the detailed design for George Street, contact was established with all of the third-party service authorities who had assets within George Street. A thorough process was undertaken to obtain as much 'as-built' information and construction drawings from the third parties, in order to understand where services exist, how they may be impacted and where design solutions could be developed to avoid the requirement for costly adjustments or relocations of third-party services.

As part of these investigations, the Council has undertaken physical service investigations (potholing) to accurately determine the locations and depths of existing underground services in George Street, which would be impacted by the proposed design and associated construction works, to enable all of the relevant approvals to be obtained prior to the installation of new infrastructure and the proposed tree planting.

Through the investigations it has been identified that there are two (2) critical services which require detailed consideration and planning to ensure that they are not impacted by any infrastructure or tree planting. These include:

- a steel high pressure gas main, which runs down the full length of the western side of George Street; and
- a water main, which runs down the full length of the eastern side of George Street.

Meetings have been held with representatives from each of the third-party authorities to identify and develop solutions to facilitate the planting of trees adjacent to these services. The focus of these discussions has been around the age and condition of the asset and any plans for renewal, the types of protection that could be used in relation to the tree planting (e.g. root barriers), tree species and the options for the full relocation of the impacted service. An acceptable solution for the high-pressure gas main has been identified, with a number of options currently being considered for the water main.

- **Other Service Authority Costs**

There are several SA Power Networks (SAPN) assets located on George Street, which will require removal to facilitate the realisation of the endorsed Masterplan. These include:

- the disconnection and removal of four (4) existing SAPN owned light poles; and
- the decommissioning of the existing stobie pole on the corner of George Street and Webbe Street. This will also involve the relocation of the existing road light on the stobie pole that is being removed to ensure that there is still adequate road lighting at the intersection.

These works are deemed as being 'non-contestable' works, which means that they can only be performed by SAPN and hence the costs are non-negotiable. The Council has requested a 'fee offer' from SAPN to undertake the works.

Maintaining Access During Construction

During the construction of George Street there will be a requirement to ensure that vehicle and pedestrian access for the Norwood Concert Hall, Parade Central, Norwood Place and the Webbe Street Carpark, are maintained. In addition, the Council will need to ensure that the emergency access to SAPN transformers and switching cabinets located on both the eastern and western sides of George Street and the emergency access to the Metropolitan Fire Service fire hydrants and booster pumps on the western side of George Street, are accessible at all times.

The requirement to maintain access during construction will require a high level of traffic management and some night works.

Traffic

The Parade Masterplan as endorsed by the Council, included a "scramble crossing" at the intersection of The Parade and George Street. The Council's reason for proposing a scramble crossing at The Parade and George intersection, was to improve pedestrian safety and introduce a more efficient signal cycle for vehicular movements, which ultimately would address a number of the safety and access concerns that were raised during the consultation phases of The Parade Masterplan Project. In The Parade Masterplan, the "scramble crossing" is complemented with a number of other modifications to the intersection, including the separation and formalisation, through line marking, of the right turn, left turn and straight through traffic movements on both sides of George Street.

As Elected Members are aware, the State Government part funded the "scramble crossing", which was subsequently implemented by Parkade Pty Ltd and Australasian Property Developments. As a result, the Council's recommended traffic management changes proposed for George Street, which would result in improved traffic flow and safety for George Street, have not been implemented.

The George Street line marking improvements, which are shown in The Parade Masterplan, were included in the Council's original scope of work for the "scramble crossing". However, due to the legal proceedings, DIT removed the George Street line marking improvements from the scope of the "scramble crossing" project.

The proposed George Street line marking improvements proposed in The Parade Masterplan include making the existing single unmarked lane into two (2) separate lanes on both approaches to The Parade as follows:

- 18-metre-long right turn lane; and
- 18-metre-long left turn and through lane.

The Council's intent following the conclusion of the legal proceedings was to incorporate these changes as part of the George Street Upgrade Project. However, given the change in circumstances and the pressure currently being experienced on George Street as a result of a number of factors (e.g. the closure of the Coles carpark, which has diverted more traffic to the Norwood Place and the Webbe Street carparks), the proposed George Street line marking improvements as illustrated in **Attachment C** will be implemented in the next couple of months. These line marking improvements, which include 27-metre-long dual lanes on both approaches to the Parade, are expected to help improve traffic flow and driver safety on George Street, and will alleviate some traffic stress during the upcoming busy holiday shopping period.

In order to implement the line marking improvements, three (3) on-street car parking spaces will be removed from the east side of George Street adjacent The Parade Central and replaced with footpath paving. One (1) on-street car park space will be converted to a loading zone.

It should also be noted that the interim line marking improvements are the same as what is proposed for the George Street Upgrade Project. The current design for the George Street Upgrade Project, as illustrated in **Attachment D**, includes:

- a 27-metre right turn lane;
- a 27-metre-long left turn and through lane; and
- removal of on-street car parking spaces between The Parade and Webbe Street.

George Street is not proposed to be closed to vehicle traffic or transformed into a pedestrian only space. Once upgraded, the George Street carriageway width will essentially remain the same as currently exists (i.e. no narrowing to the effective roadway for vehicle traffic).

OPTIONS

The Council can choose to adopt the recommendation as set out in this report or alternatively, the Council can resolve to amend the recommendation. Given that the Council has invested significant costs to undertake the required design and due diligence activities to enable project risks associated with the implementation of The Parade Masterplan and George Street Upgrade Project to be identified and addressed and to be able to obtain an accurate estimate of the cost to deliver the projects, any amendments to the Projects at this stage are not recommended.

CONCLUSION

The primary objective for the Council is to continue to implement The Parade Masterplan and George Street Upgrade, in a timely manner and ensure that all risks are identified and resolved as much as possible during the detail design phase of the Projects in order to avoid delays and additional works during the construction of the Projects.

COMMENTS

Nil.

RECOMMENDATION

1. That the Council notes the status of the Implementation of The Parade Masterplan and the George Street Upgrade Projects as set out in this report and in the attachments to this report contained in Attachments A and B.
 2. That the Council notes that the proposed George Street line marking improvements as illustrated in Attachment C will be implemented over the next couple of months.
 3. That the Council notes that a report on the tenders for the George Street Upgrade Project will be presented to the Council for its consideration in early 2023.
-

Cr Sims moved:

- 1. That the Council notes the status of the Implementation of The Parade Masterplan and the George Street Upgrade Projects as set out in this report and in the attachments to this report contained in Attachments A and B.*
- 2. That the Council notes that the proposed George Street line marking improvements as illustrated in Attachment C will be implemented over the next couple of months.*
- 3. That the Council notes that a report on the tenders for the George Street Upgrade Project will be presented to the Council for its consideration in early 2023.*

Seconded by Cr Granozio.

Cr Duke moved:

That the Project be deferred until the Coles re-development is completed.

Seconded by Cr Knoblauch and lost.

The original motion was put and carried.

Division

Cr Duke called for a division and the decision was set aside.

Those in favour: Cr Whittington, Cr Knoblauch, Cr Dottore, Cr Sims, Cr Granozio, Cr Callisto, Cr Mex, Cr Moorhouse and Cr Moore.

Those against: Cr Minney, Cr Duke and Cr Stock.

The Mayor declared the motion carried.

Cr Sims left the meeting at 8.15pm.

11.7 GEORGE STREET AND HARRIS STREET STORMWATER DRAINAGE IMPROVEMENTS

REPORT AUTHOR: Project Manager, City Projects
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4524
FILE REFERENCE: qA15170
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to present to the Council the findings of stormwater modelling and detail design undertaken for local streets surrounding The Parade and George Street, Norwood.

BACKGROUND

As Elected Members may recall, in late 2016, parts of the City were inundated with flash flooding on four (4) occasions, as a result of major storm events. The number of flooding reports associated with each of the storm event are outlined below:

- **8 September 2016** - thunderstorm induced flash flooding in the Second Creek catchment (with 23 reports of flooding including 5 within dwellings);
- **14 September 2016** - winter rain long duration flooding in the First Creek catchment (with 16 reports of flooding including 4 within dwellings);
- **3 October 2016** - thunderstorm induced flash flooding in the Second Creek catchment (with 7 reports of flooding including 2 within dwellings); and
- **28 December 2016** - thunderstorm induced flash flooding in the Third Creek catchment (with 4 reports of flooding including 3 within dwellings and the “sink hole”, which appeared at the intersection of Ashbrook Avenue and Lewis Road).

At its meeting held on 5 December 2016, the Council considered a report which provided details of the properties and areas which experienced flooding, based upon the information which was gathered and provided to Council staff. Included also as part of that report, were the results of the investigation undertaken by Tonkin Consulting on the rainfall and flood events, which occurred on 8 September, 14 September and 3 October 2016 and background information in relation to the following:

- stormwater drainage works constructed by the Council following flood events which occurred in 2005 and 2009;
- the Council's immediate response to the flooding issues;
- emergency resources in the future; and
- the preparation of updated Floodplain Maps.

Following consideration of the matter, the Council resolved to appoint Tonkin Consulting to undertake Flood Mapping for the entire City and submit a report detailing the findings, including a recommended strategy for addressing flooding in the Joslin Valley and Trinity / Stepney Valley. The Council also requested that a strategy be developed to improve the standard of lateral drainage and flow paths in the Joslin Valley and Trinity / Stepney Valley.

As a result of this work, the Council developed a Stormwater Drainage Program which includes the Harris Street and Wall Street drainage upgrade, which was initially identified in 2003.

Subsequently, at its meeting held on 3 October 2017, the Council considered a report which provided the results of the investigations which were initiated as part of the 5 December 2016 report. A stormwater drainage program was proposed for the 2017-2018 financial year, based on the results of the investigations. The projects were selected on a priority basis, based on the following criteria:

1. projects that would require no further investigation or be altered by the results of the Floodplain Mapping Project and subsequent strategy;
2. projects that were considered a priority where flooding of dwellings occurred (that is water entering the house and not just the building surrounds), inclusive of design and construction works;
3. projects that were considered high priority to maintain structural capacity and condition;
4. projects which were able to commence construction by December 2017, as required by the State Local Government Infrastructure Partnership (SLGIP); and
5. projects where designs were in place or design and construction can occur in one year.

George Street Drainage Upgrade 2018

In 2018, additional drainage inlets were installed by the Council on the eastern side of George Street opposite Webbe Street and connected into the Second Creek culvert to address the localised ponding of water in this location. These works were part of the endorsed 2017-2018 Stormwater Drainage Program, with grant funding being received from the State Local Government Infrastructure Partnership Program.

It should be noted that these works were only designed to address a 1 in 20 (5% AEP) event at this location. **Figure 1** illustrates the localised ponding at the George Street depression taken during a thunderstorm on 11 November 2016, which was approximately a 5% AEP event.

FIGURE 1: GEORGE STREET LOCALISED PONDING – NOVEMBER 2016



Subsequently, at its meeting held on 4 March 2019, the Council considered a report which presented the City-Wide Floodplain Maps and sought the Council's endorsement to release the information and the proposed Long Term Stormwater Drainage Program.

Following consideration of the report, the Council resolved that the level of service for stormwater drainage and design parameters, be based, where feasible and practical, on the service levels set out in **Table 1**.

TABLE 1: CITY-WIDE STORMWATER DRAINAGE SERVICE LEVELS

Stormwater Drainage Catchment / Location	Service Level
First Creek	100 year standard
Second Creek (Linde Reserve/Dunstone Grove to outlet)	100 year standard
Second Creek (upstream of Linde Reserve/Dunstone Grove)	20-50 year standard (existing)
Third Creek	100 year standard
Stonyfell Creek (upstream of Magill Road / Nelson Street)	20-50 year standard (existing)
Trinity / Stepney Valley	100 year standard
Joslin Valley	100 year standard

In addition, the Council resolved that the implementation of the Stormwater Drainage Program be undertaken as follows:

- *implementation be staged over a minimum time frame of fifteen (15) years, with the high priority projects, as identified in the report, being undertaken first; and*
- *the Program be reviewed each year as part of the annual budget process, with major reviews being conducted every five (5) years and as part of the review of the Council's Stormwater Drainage and Asset Management Plan and scheduled reviews of the Council's Long Term Financial Plan.*

The Citywide Floodplain Mapping, which was endorsed by the Council in March 2019, identified that should the current stormwater drainage network be maintained at the current standard and the impacts of increased development and climate change occur as modelled, the current stormwater drainage network will provide half the level of protection in 2050 as it does today, essentially meaning a doubling in the frequency of flooding.

As outlined in the Risk Management Section of this report, best practice is for sites to have the stormwater trunk drainage designed for a 1 in 100 year standard, however, the City of Norwood Payneham & St Peters is constrained by topography, the existing stormwater drainage network and existing development.

Therefore, drainage standards for stormwater catchments and options to offer a higher level of protection, including service standard and extent of expenditure, will be required to be assessed on a case-by-case basis and should be co-ordinated with other works, when possible.

The Parade Masterplan

As Elected Members will recall, at a Special Meeting held on 15 May 2019, the Council considered and endorsed The Parade Masterplan.

At its special meeting held on 22 November 2021, the Council resolved to award the contract for the Design Consultancy (detail design and construction documentation) associated with the Implementation of The Parade Masterplan and the George Street Upgrade Project to a multi -disciplinary consultant team led by Landskap (Architecture and Urban Design).

As part of the Project Brief for the implementation of The Parade Masterplan, the consultants are required to undertake the necessary due diligence associated with the detail design stages to ensure that the design elements which are identified in The Parade Masterplan, are resolved to a level of detail suitable to obtain an accurate indication of the cost required to deliver these elements and to address and resolve any other risks to the Council.

These due diligence works have included undertaking updated stormwater modelling of the Project scope and surrounding areas to incorporate the endorsed design elements with the objective being:

- to understand the impacts and measures required to address flood management;
- to obtain a more accurate indication of the amount of stormwater infrastructure required and the associated costs; and
- to identify and address the associated risks with implementing the infrastructure.

In short, when undertaking projects such as this, it is important to ensure that issues such as stormwater are identified and resolved before commencing the project. To do otherwise would mean that works would need to be removed at a later date to install the required stormwater drainage.

George Street Site Context

As endorsed by the Council, the George Street Upgrade Project is the first stage in the implementation of The Parade Masterplan. The segment of George Street which will be subject to redevelopment is located in line with the historical Second Creek alignment. Second Creek generally flows in a north westerly direction bisecting The Parade between Queen Street and George Street where it then flows across George Street to the rear of the Town Hall until turning north at Webbe Street.

This highlights that the section of George Street subject to redevelopment is located within a valley which is subject to riverine flow fluctuations and prone to flooding. **Figure 1** shows the location of the George Street Upgrade Project and the historical Second Creek alignment.

FIGURE 1: GEORGE STREET UPGRADE PROJECT SITE AND HISTORICAL SECOND CREEK ALIGNMENT



In order to address flooding associated with the low point in George Street adjacent to Webbe Street, drainage works to Harris Street and Wall Street were proposed. The works remained an unconstructed drainage project from the previous Stormwater Drainage Program, of which the costs were reviewed and adjusted for inflation for inclusion into the updated *Long Term Drainage Program* (2019). These works are currently identified for implementation in the 2032-2033 financial year at an estimated cost of \$500,000.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

CityPlan 2030: Mid Term Review 2020

All stormwater drainage works which are undertaken by the Council seek to implement the Council's strategic vision set out in *CityPlan 2030: Shaping Our Future* and its commitment to its primary objective of community well-being. The relevant Outcomes, Objectives and Strategies of the Plan are outlined below:

Outcome 1 Social Equity

A connected, accessible and pedestrian-friendly community.

Objective 1.1 Convenient and accessible services, information and facilities.

Strategy 1.1.3 *Design and provide safe, high-quality facilities and spaces for all.*

Objective 1.2 A people-friendly, integrated and sustainable transport network.

Strategy 1.2.2 *Provide safe and accessible movement for all people.*

Outcome 2 Cultural Vitality

A culturally rich and diverse City, with a strong identity, history and 'sense of place'.

Objective 2.4 Pleasant, well designed and sustainable urban environments.

Strategy 2.4.2 *Encourage sustainable and quality urban design outcomes.*

Strategy 2.4.3 *Maximise the extent of green landscaping provided in new development and in the public realm.*

Objective 2.5 Dynamic community life in public spaces and precincts.

Strategy 2.5.2 *Create and provide interesting and colourful public spaces to encourage interaction and gatherings.*

Outcome 3 Economic Prosperity

A dynamic and thriving centre for business and services.

Objective 3.2 Cosmopolitan business precincts contributing to the prosperity of the City.

Outcome 4 Environmental Sustainability

A leader in environmental sustainability

Objective 4.1 Sustainable and efficient management of resources.

Objective 4.2 Sustainable streets and open spaces.

Strategy 4.2.1 *Improve the amenity and safety of streets for all users including reducing the impact of urban heat island effect.*

Strategy 4.2.2 *Protect, enhance and expand public open space*

Objective 4.5 Mitigating and adapting to the impacts of a changing climate.

FINANCIAL AND BUDGET IMPLICATIONS

Long-Term Financial Management Plan 2021 – 2031

The Council endorsed its current *Stormwater Management Infrastructure Asset Management Plan (2020)*, at its meeting held on 18 January 2021. The *Stormwater Management Infrastructure Asset Management Plan*, allows for long term planning of the renewal and upgrade of the Council's stormwater drainage infrastructure and assets on an ongoing basis, which in turn provides for the integration of projects across the drainage asset class, and hence, more effective and prudent use of the Council's financial resources, resulting in better outcomes for the community.

As part of the Council endorsed *2021-2031 Long-Term Financial Management Plan*, the Council has allocated a total of \$30,000,000 to implement The Parade Masterplan. The works are proposed to be delivered incrementally over several financial years commencing in 2024-2025 and concluding in 2027-2028. The four (4) proposed stages comprise Sydenham Road to Osmond Terrace, Fullarton Road to Sydenham Road, Portrush Road to George Street and George Street to Osmond Terrace.

Long-Term Stormwater Drainage Program (2019)

The Long-Term Stormwater Drainage Program, which was endorsed by the Council in March 2019, included a number of stormwater drainage projects which were in the previous Stormwater Drainage Program, however had not yet been implemented. Stormwater drainage works in Harris Street and Wall Street in Norwood, is one of those projects, where the original cost estimates were reviewed and adjusted to account for inflation.

The scope of works for Harris Street and Wall Street identified in the Long-Term Stormwater Drainage Program included the installation of pipework to run from Queen Street to Second Creek via Wall Street and Harris Street to reduce gutter flows on Beulah Road between Edward Street and Queen Street, as well as reducing flows arriving at the low point on George Street adjacent to Parade Central.

Currently, these works are identified in the Long-Term Stormwater Drainage Program to be undertaken in the 2032-2033 financial year at an estimated cost of \$500,000.

It should be noted that the works proposed in the 2003 study undertaken by Tonkin Consulting were based on stormwater modelling undertaken almost 20 years ago utilising a different stormwater modelling program. Therefore, regardless of whether or not the Council was undertaking the George Street Upgrade Project or not, verification of the proposed project utilising the updated software would be a necessary part of the due diligence process to verify the proposed works.

It is recognised that there will be financial and budgetary impacts associated with the implementation of works associated with the Long-Term Stormwater Drainage Program. The scale of the impacts will be dependent on the level of protection provided by the stormwater drainage network and the timeframe over which it is implemented.

Cost Estimate for George Street, Harris Street Drainage Works

The proposed stormwater drainage works in Harris Street and Wall Street in Norwood were originally identified in the Kensington and Norwood, Stormwater Drainage Study undertaken by Tonkin Consulting in 2003 and were subsequently included in the Long-Term Stormwater Drainage Program (2019).

As part of the George Street Upgrade Project, the consultants have identified an 'alternate' drainage design to address flooding issues in and around George Street. Subsequently, the preliminary detail design of the stormwater drainage for George Street and Harris Street was utilised to obtain a preliminary cost estimate from Rider Levett Bucknall (cost planning consultant). The preliminary cost estimate indicated a cost of approximately \$600,000 to implement the alternate drainage design to George Street and Harris Street, which is 15% more than the estimated cost of \$500,000 to undertake the Harris Street and Wall Street stormwater drainage works. However, the difference is that it delivers an overall better outcome, with a great level of protection.

EXTERNAL ECONOMIC IMPLICATIONS

Market Conditions, Escalations & Volatility

Unfortunately, the trend of escalation, caused by a number of factors including the degree of saturation of subcontractor capacity and the availability of local and imported materials, is predicted to continue. During 2021 and 2022, as a result of the Federal and State Government's COVID-19 stimulus funding, together with the significant volume of stimulus works in the market and the rising cost of materials, the market has seen a significant increase in construction costs.

Some of the key factors that are likely to impact on the cost of the stormwater drainage works include:

- commercial construction tenders in the second half of 2021, showing an escalation close to 15% for the year; and
- tender returns in 2022, maintaining the inflated cost levels with no sign of decreasing at this stage.

In addition, the construction industry is experiencing significant supply chain delays, due to increases in shipping costs. Recent variants of COVID 19, have also resulted in labour shortages, which is predicted to continue to be a significant variance within the trade contractor market. In addition, rising fuel costs and the war in the Ukraine, are now also contributing to an over inflated market.

SOCIAL ISSUES

There is no question that flooding of properties is of concern and inconvenience to the respective property owners and the community in general. In addition, there is the financial burden of undertaking repairs and replacing damaged belongings, even if flood insurance is in place. The burden and impact are exacerbated if appropriate measures are not put in place by the Council to address known issues.

It is important that the implications of each project identified by the flood plain maps are assessed and a program is structured around the priority of each project, to ensure the highest priority and deferred projects are completed in an acceptable timeframe. It is also important that the level of protection across the Council is considered to ensure equity for all residents.

From a community development and equity perspective, it is important that the City has an accessible and well-maintained public realm. The redevelopment of The Parade and George Street will benefit the public by providing a streetscape which is accessible to people of all abilities and is safe and comfortable to use.

CULTURAL ISSUES

Nil.

ENVIRONMENTAL ISSUES

Flooding is an expected occurrence which can result from storm events. Flooding will naturally deposit silt and topsoil from upstream parts up the catchment onto the floodplains, which surround the creeks. However, it should be noted that the Adelaide flood plains are now heavily developed and the silt, etc. is now deposited on roads, footpaths and residential properties. The imperative to be more environmentally responsible and for example lay back banks of creeks, etc. will at times clash with the flood mitigation / drainage imperatives which often rely on the construction of pipes and culverts of high capacity to carry away high flows.

The Parade Masterplan incorporates environmental sustainability as an integral component to the future of The Parade. Climate change adaptation and resilience has been integrated into the streetscape design. It is envisaged that these strategies and actions will provide The Parade with a long-term competitive advantage, ensuring a greener identity, improved pedestrian comfort and greater protection of local businesses, buildings and infrastructure.

RESOURCE ISSUES

It is anticipated that the George Street and Harris Street Stormwater Drainage Improvements will be managed by the Project Manager, City Projects and the Project Manager, Assets.

RISK MANAGEMENT

The Council will need to determine what level of protection it wishes to provide to its community in respect to flooding. These service levels must be based on a practical and pragmatic assessment, which takes into account the flooding occurrence intervals (i.e. 1 in 20, 1 in 50, 1 in 100 etc.) including costs and achieving best practice outcomes, wherever possible.

Best practice is to ensure that stormwater trunk drainage is designed for the probability or likelihood of a 1 in 100 year event occurring or being exceeded within any given year. However, the City of Norwood Payneham & St Peters is constrained by topography, the existing stormwater drainage network and existing development.

The key performance criteria to assess the flood risk is to maintain a freeboard of 300mm to private properties, where freeboard is defined as the height difference between the flood level (1% AEP) and the floor level of a private property.

When development occurs within overland flow paths subject to high flows or in depressions subject to ponding there is an inherent risk in augmenting the existing conditions. This is particularly relevant when freeboard levels between 1% AEP flood profiles and finished floor levels are less than 300mm. The risks identified include:

- altering flow paths and exacerbating flooding either locally or by pushing flows (increasing flood depths) to other areas;
- higher levels of maintenance required by the Council over the life of the new assets;
- exposing the Council to legal proceedings when flooding has occurred in areas recently upgraded; and
- exposing the Council to reputational damage when flooding has occurred in areas recently upgraded.

Details regarding the Council's current trunk drainage standards for its catchments and options to offer a higher level of protection, including standard achievable and extent of expenditure, is assessed on a case-by-case basis and where possible staff attempt to identify opportunities to co-ordinate drainage works with other works to reduce costs and rework.

CONSULTATION

- **Elected Members**
An Information Session was held on 3 August 2022, where Elected Members were provided with an overview of the updated stormwater modelling for The Parade and George Street Projects which has been undertaken by Dryside Engineering (consultant). The presentation outlined the design measures that have been undertaken to mitigate the risks associated with flooding for the Implementation of the George Street Upgrade Project.
- **Community**
The Community was consulted and engaged through the Phase 1, Phase 2 and Phase 3 Community Consultation and Engagement process for The Parade Masterplan. Consultation with relevant stakeholders has commenced and will continue throughout the design and construction stages of the project.
- **Staff**
General Manager, Corporate Services;
Manager, Economic Development & Strategic Projects;
Manager, Integrated Transport & Access;
Project Manager, Urban Design & Special Projects; and
Project Manager, Assets
- **Other Agencies**
Not Applicable.

DISCUSSION

As part of the detailed design for implementation of The Parade Masterplan and George Street Upgrade Projects, the Project consultants have undertaken stormwater modelling for The Parade and George Street, for the purposes of informing the development of the detail design for The Parade and George Street with the objective of identifying and addressing any risks associated with stormwater management.

The modelling was undertaken using the flood modelling software TUFLOW. The flood modelling was based on the existing flood maps developed for the Council by Tonkin Consulting in 2017.

The stormwater modelling was used to produce maps for the existing conditions for the following annual exceedance probability rainfall (% AEP) in a given year:

- 20% AEP – 20% chance (~1 in 5 year)
- 5% AEP – 5% chance (~1 in 20 year)
- 2% AEP – 2% chance (~1 in 50 year)
- 1% AEP – 1% chance (~1 in 100 year)

Once the existing conditions are understood, site specific design solutions can be iteratively developed, based on further flood modelling of the proposed design to ensure that flood management is addressed through detail design and due consideration is given to maintaining the desired outcomes which the Council has endorsed in The Parade Masterplan.

The Parade and George Street are located within the First Creek and Second Creek stormwater catchments, where the current stormwater drainage standard and the potential to increase the standard in these catchments is outlined below:

- First Creek has large sections of the creek at a 1% AEP standard, due to works that the Council undertook following flooding which occurred in 2005. There are several locations that remain with a standard less than a 5% AEP protection. It is possible to increase the general standard of the creek to a 1% AEP standard by undertaking additional works in key locations.
- Second Creek has a consistent capacity along the length of the Creek, which is approximately a 2-5% AEP standard with the alignment of the creek primarily within easements on private property and is therefore much more restricted in regards to the ability to upgrade capacity.

Second Creek

Historical records indicate that Second Creek was intercepted and converted to an underground box culvert in 1950. The majority of Second Creek within The Parade's zone of influence, is an enclosed box culvert which is 3.0 metres wide x 1.5 metres high. The one segment where the creek is open is within the St Ignatius School on Queen Street. The box culvert travels north down Queen Street, runs west along The Parade and turns north onto George Street. The culvert then bends west again into Webbe Street ultimately heading in a north west direction through the Webbe Street carpark.

Once the capacity of the culvert is exceeded, overland flow is triggered and is subject to site gradings and overland flow paths, which are generally serviced by minor drainage kerb-side stormwater drainage pits. Controlling or limiting breakout flows can greatly assist in flood mitigation during 1% AEP events, as once these flows become overland flow paths, it becomes difficult to drain them during the 1% AEP event. **Figure 2** shows the alignment of the Second Creek culvert in relation to The Parade and George Street.

FIGURE 2: GEORGE STREET LOCATION AND SECOND CREEK CULVERT ALIGNMENT



The Parade and George Street Overland Flow Mechanisms

There are three (3) potential causes of flooding along The Parade and George Street namely:

1. Second Creek culvert capacity being breached;
2. Second Creek culvert surcharging; and
3. localised stormwater catchments – (i.e. local street and property run-off.)

The overland flow derived from Second Creek culvert breach and surcharge are identified as the critical storm events. These larger critical events, which occur over a 90 minute event duration, is flooding that is driven by creek flows from a much larger catchment and associated volume of water moving through the stormwater system

The overland flow derived from localised stormwater catchments is identified as shorter-term events equated to shorter, more intense storm events which occur over a 15-20 minute event duration and are: typically contained to roads where buildings drain to from an elevated height, (i.e. roof to kerb.)

George Street Flood Mechanisms and Existing Conditions Flood Maps

To understand the flood mechanisms of George Street it is important to understand the upstream flood mechanisms of Second Creek, which is the source of major flooding in the area.

Flooding which occurs along The Parade, down George Street and beyond along the Second Creek alignment, are all governed by the 90-minute critical event.

This flooding is associated with the breaching of the open or 'daylighted' section of the Second Creek culvert located within St Ignatius School on Queen Street. Surcharges from the open culvert occur at approximately one cubic metre per second (1m³/s) during the 1% AEP event. The resulting overland flow is characterised by:

- breaching of the road reserve in Queen Street with overland flow heading north-west inundating the rear of properties on the southern side of The Parade;
- overland flows re-enter the southern side of The Parade, where ponding occurs at the George Street / The Parade intersection;
- flood extents increase with water flow breaching the crown of the Parade and heading north down George Street.
- stormwater flows breach the northern kerb outstand, located at The Parade and George Street intersection;
- stormwater flows combine and flow north to the depression located on the east side of George Street opposite the Webbe Street intersection;
- surcharging occurs in this location through the drainage pits which were installed in 2018 as part of the 2017-2018 Drainage Program;
- flooding is contained within the eastern side of George Street and gets to a maximum depth of approximately 350mm during a 1% AEP event at the depression in George Street opposite Webbe Street. The freeboard at this location between the Parade Central's lowest shop front doorway and the flood profile is approximately 80-85mm; and
- overland flows head down Webbe Street and at the Harris Street intersection.

Figures 3 and 4 illustrate the existing condition flood maps for portions of The Parade, Queen Street, George Street, Edward Street, Webbe Street, Harris Street and Austral Place for the 1% AEP event. The entire set of five (5) Existing Conditions Flood Maps for these streets is provided in **Attachment A**.

FIGURE 3: EXISTING CONDITIONS – 1% AEP FLOOD EVENT – THE PARADE TO QUEEN AND GEORGE STREET, NORWOOD

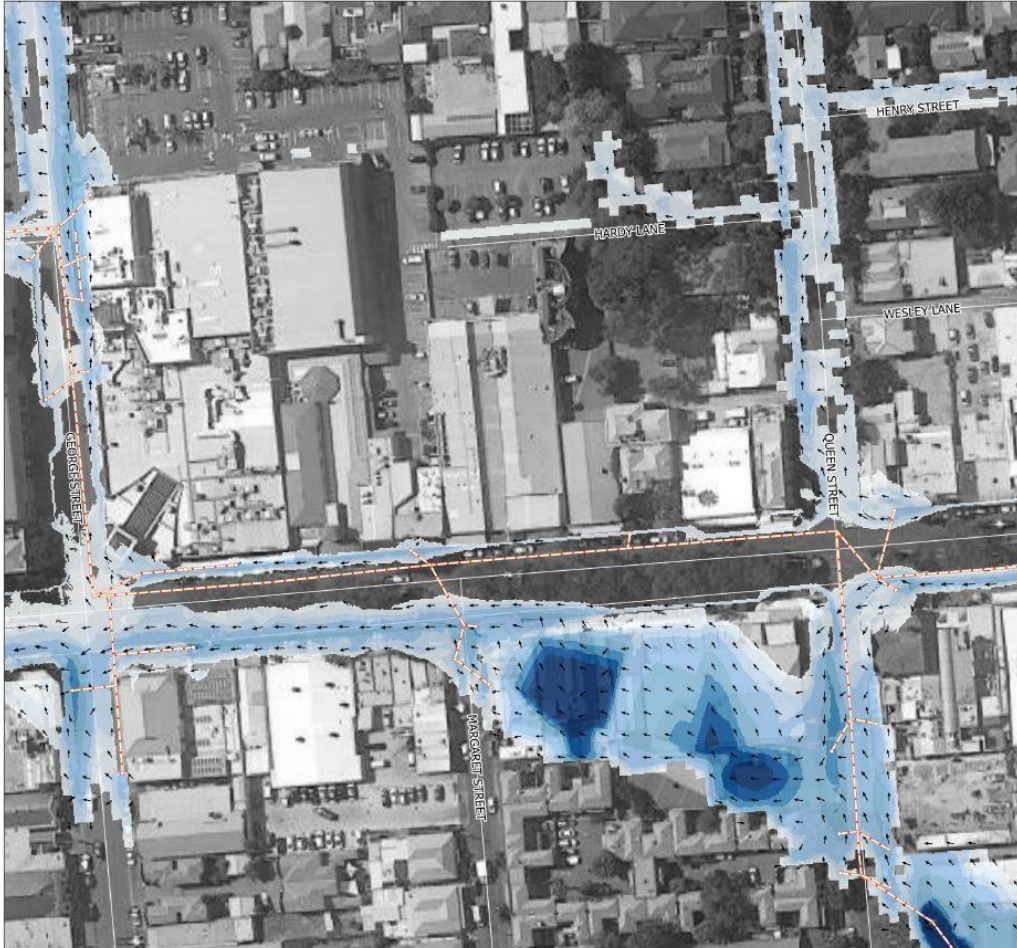


FIGURE 4: EXISTING CONDITIONS – 1% AEP FLOOD EVENT – THE PARADE TO GEORGE, EDWARD AND HARRIS STREET, NORWOOD



Design Constraints and Risks

The following constraints have been identified as part of the existing conditions flood mapping of The Parade and George Street and in particular, will need to be addressed through the detail design for George Street, which include:

- loss of flood conveyance capacity within kerbing and overland flow paths, where footpaths are widened;
- preventing loss of flood storage in topographic depressions; and
- preventing additional flow through upstream diversion or additional surcharge via new connections into pressurised segments of the Second Creek culvert.

Development of George Street Design

Following detailed analysis of the existing conditions flood mapping and the design constraints and risks associated with the George Street Upgrade Project, the consultants progressed with developing the detail design for George Street based on the Concept Design which has been endorsed by the Council. A key requirement as part of the Project brief for the detail design for The Parade and including George Street, was for the consultants to develop cost effective design solutions wherever possible.

An iterative design process has been undertaken, with additional flood modelling being undertaken to test the design options associated with flood management within George Street. The Concept Design was further developed by the consultants and tested to identify the requirements to manage stormwater, which included the following design options:

- the removal of carparking spaces and converting footpaths and garden beds with new tree planting adjusted to the footpath levels;
- strategically installing new drainage inlets to capture overland flow which ‘tops over’ The Parade into George Street and connect into the Second Creek Culvert in George Street to address overland flows;
- converting the existing junction pits in the George Street roadway which are connected to the Second Creek culvert into additional drainage inlet pits where possible, to minimise the need for additional new infrastructure;
- creating a depressed channel through the garden bed on the eastern side of George Street;
- widening the garden beds on the eastern side of George Street; and
- introducing one-way valves on the drainage connections into the Second Creek culvert

The key findings of the flood modelling undertaken for the Concept Design for George Street for a 1% AEP event included:

- the Second Creek culvert is pressurised on George Street closer to the Webbe Street intersection and additional connection points into the culvert at this location will need to manage surcharge;
- there is a significant loss of flood storage and flood conveyance at the location of the eastern George Street depression, which has forced water elsewhere increasing flood depths;
- flood water has been directed into the Parade Central underground carpark due to loss of flood conveyance;
- additional pits are ineffective in capturing inflows upstream on George Street near The Parade section as the culvert is at capacity and therefore cannot accept the flows;
- no additional stormwater flow is entering the area as the difference between the Concept Design and Existing Conditions Flood Maps equalise downstream at Harris Street; and
- there was no change to the freeboard of 80-85mm which was identified in the existing conditions Flood Maps at the lowest shopfront to the Parade Central development.

As was previously outlined in the Risk Management Section of this report, there are inherent risks in augmenting the existing conditions within overland flow paths subject to high flows or in depressions subject to ponding. This is particularly relevant when freeboard levels between 1% AEP flood profiles and finished floor levels are less than 300mm.

Following the findings of the detail design iterations and the flood modelling, the consultants and Council staff met to identify and assess further amendments to the design to provide an improvement to the existing conditions with respect to stormwater management in George Street. This included lowering the road level in George Street to increase storage capacity.

Lowering of the George Street roadway was not pursued further due to the following reasons:

- SA Power Networks, SA Water, APA Gas and Telstra assets are located within the George Street roadway which would require relocation at a significant cost to the Council;
- lowering the road would require a full rebuild of the road pavement at a significant cost to the council;
- soil contamination testing undertaken on George Street has identified contaminated soil; and
- lowering the road levels in George Street could impact the structural performance of the Second Creek culvert.

Based on the results of the flood modelling and further assessment and review of the design, it was determined that there were a number of risks associated with the current design and that an alternate option should be developed to address flood management in George Street. It was determined that due to the level of investment that the Council has committed to the George Street Upgrade Project, the alternate option should look to provide an improvement on the existing conditions with respect to flood performance.

Alternate Option Development

It was subsequently determined that a more holistic approach, focussing on flood sources and flood management should be investigated to address the flood risk associated with the upgrade of George Street. A number of alternate options were subsequently considered to address stormwater management. These options included:

- the installation of a detention structure to capture and hold overland flows which enter into George Street;
- capping the open section of the Second Creek culvert at St Ignatius School in Queen Street which is a significant cause of the overland flow on The Parade and George Street; and
- de-coupling the Second Creek culvert from George Street and installing a separate stormwater system in George Street to service the stormwater associated with properties in George Street and overland flow.

Preliminary investigations were undertaken for each of these options which determined the following:

- there would be insufficient space within the immediate area of George Street to install a detention structure to capture the volume of stormwater required to address flooding and there would be significant costs associated with the construction of this type of structure in an urbanised location and therefore this option should not be further investigated;
- flood modelling of the capping of the Second Creek culvert at St Ignatius School Norwood, has identified an increase in surcharge at key locations further downstream in the system that are already occurring. Capping the Second Creek culvert could not be undertaken as a standalone project and would require additional works to be undertaken to the stormwater system downstream to address surcharge. This would require a significant amount of work to occur on private properties and there would be significant costs to construct the works required and, on this basis, it was determined that this option should not be further investigated; and
- to review the proposed Harris Street and Wall Street stormwater drainage works identified in the *Long-Term Stormwater Drainage Program* (2019) and to investigate the suitability of the drainage works to act as a separate system on George Street. The endorsed Parade Masterplan was used as the basis for further stormwater modelling.

A desktop review of the Harris Street and Wall Street stormwater drainage works was undertaken by the consultants and it was determined that an alternate configuration incorporating a trunk stormwater drain along George Street and Harris Street, which would connect into the Second Creek culvert in Harris Street at Austral Lane, would be able to address the flooding associated with the depression in George Street, opposite Webbe Street, whilst also addressing stormwater management within the greater area. The original Harris Street and Wall Street stormwater drainage alignment and alternate alignment of George Street and Harris Street, are illustrated in **Figure 5** and **Figure 6**.

The objective of the George Street and Harris Street parallel stormwater drain option is to intercept previously surcharging drains and discharge stormwater north down George Street, into Harris Street then connecting into the Second Creek culvert where the culvert is approximately two (2) metres deeper than the previous connection points. This provides in-pipe storage and additional driving head to discharge flows into the culvert.

The George Street and Harris Street stormwater drainage option comprises of the following:

- a parallel stormwater drain running parallel along the eastern side of the culvert on George Street intercepting and replacing existing inlet pits along the eastern side of the street. and
- inlet pits between Webbe Street and Harris Street, where previously there were none.

FIGURE 5: LONG TERM DRAINAGE PROGRAM – PROPOSED HARRIS STREET AND WALL STREET STORMWATER DRAINAGE WORKS 2003



FIGURE 6: ALTERNATE DESIGN – GEORGE STREET AND HARRIS STREET STORMWATER DRAINAGE WORKS 2022



Flood modelling was subsequently undertaken on the George Street and Harris Street stormwater option to determine the effectiveness of the proposed stormwater configuration.

The results of the flood modelling have identified the following:

- a large reduction of flooding at the George Street depression;
- removal all flooding associated with the 1% AEP event along George Street between Webbe Street and Harris Street; and
- within the wider catchment, a reduced flooding through private property between Harris Street and Beulah Road and a large reduction of flooding at the Edward Street and Clara Street depression.

Figure 7 shows the 1% AEP existing conditions flood map for George Street and Harris Street and **Figure 8** shows the 1% AEP Afflux flood map for George Street and Harris Street.

The 1% AEP Afflux flood map shows the change in flood levels between the existing conditions and the proposed drainage scenario.

The 1% AEP Afflux flood map illustrates areas in black where there was previously surface water in the 1% AEP event are now dry, which include the localised depression in George Street opposite Webbe Street.

Upon reviewing the results of the flood mapping for the alternate stormwater drainage option for George Street, it was determined that the risks associated with the flooding of private properties associated with the George Street Upgrade Project has been adequately addressed, as well as providing an overall improvement to the Norwood area in terms of stormwater management. On this basis of these results, it was recommended that this stormwater configuration be adopted to facilitate the implementation of the endorsed George Street Upgrade.

FIGURE 7: FLOOD MAP 1% AEP – GEORGE STREET AND HARRIS STREET EXISTING CONDITIONS

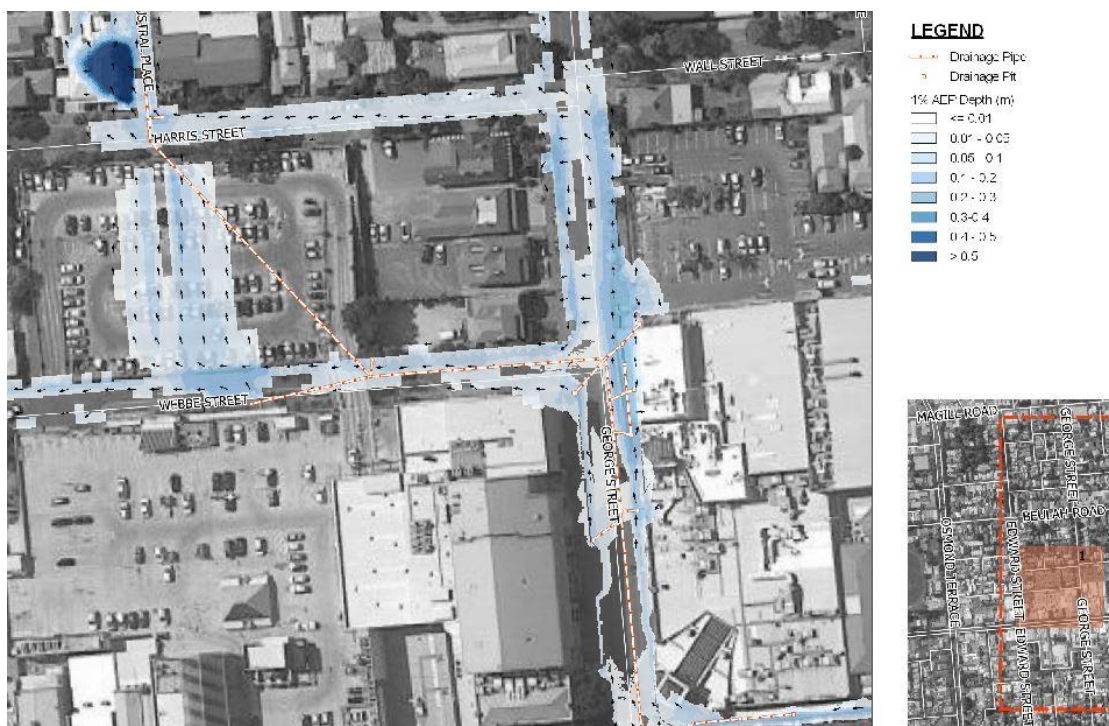
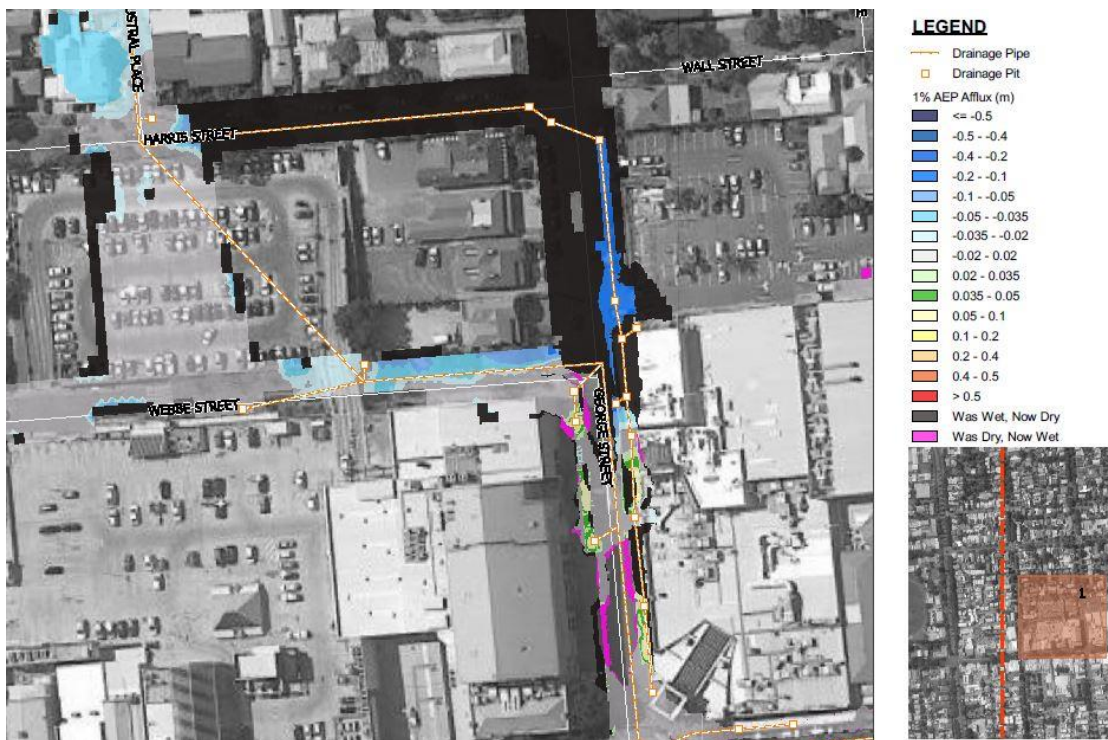


FIGURE 8: FLOOD MAP 1% AEP AFFLUX – GEORGE STREET AND HARRIS STREET ALTERNATE DESIGN



Implementation of the George Street and Harris Street Stormwater Drainage Improvement Works

Prior to undertaking any construction works associated with the George Street Upgrade Project it will be critical to ensure that the stormwater drainage improvement works in George Street and Harris Street, are installed prior to any construction works being undertaken on the eastern side of George Street to ensure that the private properties stormwater and any potential overland flow from a flood event, can be managed through the de-coupled stormwater system and hence, prevent any flooding. Coordinating this drainage works with the George Street Upgrade works will eliminate the need to undertake the work at a later date as was previous scheduled

OPTIONS

The Council has several options available in respect to the drainage improvement works in George Street and Harris Street which are required.

Option 1

The Council can resolve to proceed with the works as proposed in this report. To facilitate these works, it is proposed that approximately \$600,000 from the existing Stormwater Drainage Program, which has been allocated to the Trinity Valley Project be redirected to the George Street and Harris Street Stormwater Drainage Improvement Project. The amended schedule for the Trinity Valley Drainage Project will result in a portion of allocated budget not being spent this financial year.

This will allow the Council to bring forward the funding for the stormwater works identified in the Long-Term Stormwater Drainage Plan which were originally allocated for Harris Street and Wall Street stormwater drainage works in 2032-2033 and undertake the George Street and Harris Street ‘alternate’ stormwater drainage works in 2022-2023 prior to undertaking the George Street Upgrade Project.

This option is **recommended** as it will ensure that the drainage works in the Long-Term Stormwater Drainage Plan and George Street Upgrade Project are integrated and co-ordinated. This will ensure that the risks associated with flooding in and around George Street are addressed now. This will also ensure that the Council delivers its assets to the community in efficient and cost-effective manner. This will also ensure that the stormwater drainage improvement works can commence in early 2023 and prior to the George Street Upgrade commencing.

Option 2

Alternatively, the Council can seek to obtain the funding to undertake the stormwater drainage improvement works from the Federal Government's *Local Roads and Community Infrastructure Program (LRCI) Phase 3 Extension*. Under the Phase 3 Extension, if successful, the Council would receive a funding allocation of \$444,393, equal to the previous Phase 1 funding allocation which it has received.

It should be noted that the *LRCI Stage 3 Extension* funding will only be available from 1 July 2023, with construction required to be completed by 30 June 2024. This would mean that the construction of the George Street Upgrade Project could not commence until this work is completed, as it will be essential to install the stormwater drainage prior to undertaking the construction of the street upgrade works.

This option is **not recommended** as it will delay the commencement of the drainage improvement works until July 2023 at the earliest. The delay will mean that there will be construction activity in and around George Street through the busy 2023 Christmas trading period causing disruption.

Option 3

The Council can resolve to undertake the implementation of the George Street Upgrade Project in several stages. This would entail undertaking the construction of the western side of George Street in 2022-2023 only as the works proposed will not impact the stormwater management on the eastern side of George Street which is subject to flooding. Under this option it is proposed to undertake the drainage improvement works and remainder of the George Street Upgrade to the eastern side of George Street in 2023-2024.

This Option is **not recommended** on the basis that there would be significant additional costs to the Project associated with the requirement to undertake multiple mobilisations of contractor plant and resources to undertake the works. There would also be impacts to traffic management in the local area as a result of the works being undertaken over a long duration (i.e. several financial years).

CONCLUSION

Based on the Citywide Floodplain Mapping which was undertaken in 2019, it has been identified that there are currently flood risks present in George Street, which are associated with the localised depression in the eastern side of the George Street roadway opposite Webbe Street. This known flood risk has been identified and incorporated in the *Long-Term Drainage Plan (2019)* scheduled for 2032-2033.

Whilst minor drainage works were installed at this location in 2018, to address smaller flood events (5% AEP or 1 in 20), these modifications have not sufficiently mitigated the risk of flooding. Given that the Council is investing in the George Street Upgrade Project, it is only sensible and prudent to implement stormwater drainage improvements at the same time.

A thorough and iterative due diligence and design process (as set out in this report) has investigated a wide range of localised measures to address flood management in this location to minimise the cost of installing additional infrastructure wherever possible. These measures have not been able to sufficiently address a range of risks associated with flooding in this location. Following a significant number of investigations and reviews, it has been determined that a more holistic approach, focussing on flood sources and a more robust means of flood management should be adopted.

The recommended stormwater drainage solution has been able to address the flood risks associated with the George Street Upgrade Project and also at the same time address the flood risks in the greater Norwood area, which were identified as part of the Harris Street and Wall Street drainage works in the Long-Term Stormwater Drainage Program. The alternate design has also been checked and verified by undertaking updated stormwater modelling.

By integrating the designs and co-ordinating the delivery of these projects, the Council will be able to realise cost efficiencies in the delivery of its assets to the community and avoid the need for any abortive works and reputational risk if these projects were to occur separately.

COMMENTS

As Elected Members are aware, the George Street Upgrade Project has been endorsed and funded by the Council as part of the 2020-2021 Budget. Therefore the Detail Design and Construction Documentation is being completed as a matter of priority to deliver the Project as approved by the Council. Due to potential flood risks which have been identified, the stormwater drainage improvements for George Street and Harris Street should be undertaken prior to constructing the George Street Upgrade Project rather than completing the George Street Upgrade Project now and undertaking the stormwater drainage works in 2032-2033.

At its meeting held on 1 August 2022, the Council adopted the *Local Government Elections Caretaker Policy* (the Policy), which applies to the Local Government Election, which will be held in November 2022. The Policy stipulates that the Caretaker Period will commence at the close of nominations on Tuesday, 6 September 2022 and will expire at the conclusion of the election, when the results have been officially declared by the Electoral Commissioner.

The Policy aims to ensure that the Council conducts its business throughout the Election Period in a responsible and transparent manner and in accordance with the relevant statutory requirements and that the Council avoids actions and decisions which could be perceived as intended to affect the results of an election or have a significant impact on the incoming Council.

During the Caretaker Period the Council is prohibited from making a Designated Decision, which includes entering into a contract, the total value of which exceeds \$100,000 or 1% of the Council's revenue from rates in the preceding financial year, except where it is:

- in response to an emergency or disaster;
- for the purposes of road construction, road maintenance or drainage works (i.e. Prescribed Contracts); or
- an expenditure or other decision required to be taken in association with grant funding, which the Council has received from either the State or Commonwealth Governments.

Prescribed Contracts are expressly excluded from the types of contracts which are able to be the subject of a Designated Decision. A 'Prescribed Contract' is defined in Section 91A of the *Local Government (Elections) Act 1999* to mean a Contract entered into by a Council for the purpose of undertaking road construction, road maintenance or drainage works. Prescribed Contracts are designed to allow the Council to continue with its core road and drainage infrastructure work unaffected by the Caretaker Period.

RECOMMENDATION

1. That the George Street and Harris Street Stormwater Drainage Improvement Project, as outlined in this report, be endorsed.
2. That \$600,000 be redirected from the Trinity Valley Stormwater Upgrade Project to the delivery of the George Street and Harris Street Stormwater Drainage Improvement Project, to enable the Project to be constructed in 2022-2023.
3. That the Council notes that the George Street and Harris Street Stormwater Drainage Improvement Project will be delivered prior to the commencement of the George Street Upgrade Project.
4. That the Council delegates to the Chief Executive Officer the authority to award the tender for the George Street Harris Street Drainage Improvement Project during the Council's Caretaker Period, on the condition that the tender which is received does not exceed \$600,000.
5. That the Mayor and Chief Executive Officer be authorised to sign and seal the documents associated with the awarding of the contract for the construction of the George Street and Harris Street Stormwater Drainage Improvement Project.
6. That the Council notes that should the tender for the George Street and Harris Street Stormwater Drainage Improvement Project exceed \$600,000, the matter will be deferred for consideration by the Council, following the conclusion of the 2022 Local Government Election.

Cr Sims returned to the meeting at 8.16pm.

Cr Sims moved:

1. *That the George Street and Harris Street Stormwater Drainage Improvement Project, as outlined in this report, be endorsed.*
2. *That \$600,000 be redirected from the Trinity Valley Stormwater Upgrade Project to the delivery of the George Street and Harris Street Stormwater Drainage Improvement Project, to enable the Project to be constructed in 2022-2023.*
3. *That the Council notes that the George Street and Harris Street Stormwater Drainage Improvement Project will be delivered prior to the commencement of the George Street Upgrade Project.*
4. *That the Council delegates to the Chief Executive Officer the authority to award the tender for the George Street Harris Street Drainage Improvement Project during the Council's Caretaker Period, on the condition that the tender which is received does not exceed \$600,000.*
5. *That the Mayor and Chief Executive Officer be authorised to sign and seal the documents associated with the awarding of the contract for the construction of the George Street and Harris Street Stormwater Drainage Improvement Project.*
6. *That the Council notes that should the tender for the George Street and Harris Street Stormwater Drainage Improvement Project exceed \$600,000, the matter will be deferred for consideration by the Council, following the conclusion of the 2022 Local Government Election.*

Seconded by Cr Dottore and carried unanimously.

11.8 UPDATED DELEGATIONS UNDER THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

REPORT AUTHOR: Manager, Governance & Legal
GENERAL MANAGER: General Manager, Governance & Civic Affairs
CONTACT NUMBER: 8366 4626
FILE REFERENCE: qA58805
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to present the updated delegations to the Council under the *Planning, Development and Infrastructure Act 2016*, for delegation to the Chief Executive Officer.

BACKGROUND

As Elected Members may be aware, there are various functions and powers under the *Planning, Development and Infrastructure Act 2016* (PDI Act), which are vested in the Council as a Council, a Designated Authority and a Designated Entity.

At its meeting held on 7 June 2021, the Council considered a number of delegations under the PDI Act which were subsequently delegated to the Chief Executive Officer.

Delegations under the PDI Act are reviewed on a quarterly basis to ensure the planning system is being implemented in accordance with the legislative scheme. As a result of the quarterly review, and Ministerial Portfolios changes, there have been additional changes to the delegations under the PDI Act, the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* (the Regulations), and the *Practice Directions of Powers of a Council as a Council and the Council as a Relevant Authority* (Practice Directions).

The new provisions of the PDI Act, the Regulations and the Practice Directions to be delegated have been added to the Instrument of Delegation. A copy of the updated Instrument of Delegation A, with all the changes highlighted, is contained within **Attachment A**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

The process of updating delegations ensures that the powers or functions have been lawfully delegated in accordance with the PDI Act, the Regulations and the Practice Directions.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**
Not Applicable.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning and Environment.
- **Other Agencies**
Norman Waterhouse Lawyers.

DISCUSSION

The delegations under the PDI Act were updated for the period of 1 February 2022 to 31 May 2022. This included changes to the PDI Act, the Regulations and the Practice Directions.

The updates have come about due to changes to Ministerial Portfolios. Previously, the Minister was responsible for Planning was also responsible for Local Government as these were under the same portfolio. However, these portfolios have now changed which means the functions and powers were previously not delegable because the option to delegate was not available to the Minister for Planning and Local Government in that capacity.

All of the updates relate to Instrument of Delegation A, which is the delegation of powers of the Council as a Council, a Designated Authority and Designated Entity to the Chief Executive Officer.

The proposed changes to the PID Act, the Regulations and the Practice Directions have been reviewed to determine the relevance of the Council delegating these functions and powers to the Chief Executive Officer. The updates to the delegations are necessary to facilitate the Objects and Purpose of the PDI Act.

As the updates to the PDI Act, the Regulations and the Practice Directions have previously not been delegated, the Council is now required to approve the addition of these provisions to the Instrument of Delegation A.

OPTIONS

The Council can choose not to accept the updates to the delegations under the PDI Act, however, it is recommended that the Council delegates these powers and functions to the Chief Executive Officer to ensure that decisions under the PDI Act are lawful.

The respective powers and functions may be further delegated by the Chief Executive Officer under Sections 44 and 101 of the *Local Government Act 1999* or under Section 100(2)(c) of the PDI Act.

CONCLUSION

The Council's endorsement of the updates to the delegations under the PDI Act, the Regulations and the Practice Directions is sought to further the Objects and Functions of the PDI Act.

COMMENTS

Nil

RECOMMENDATION

1. That under Section 44 of the *Local Government Act 1999*, the Council delegates the powers and functions vested in the Council, as contained in Instrument of Delegation A, under the *Planning, Development and Infrastructure 2016*, the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*, and the *Practice Directions of Powers of a Council as a Council*, to the Chief Executive Officer.
 2. That under Section 100 of the *Planning, Development and Infrastructure 2016*, the Council delegates the powers and functions contained in Instrument of Delegation A, which are vested in the Council as a Designated Entity and Designated Authority under the *Planning, Development and Infrastructure 2016*, the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*, and the *Practice Directions of Powers of a Council as a Relevant Authority*, to the Chief Executive Officer.
-

Cr Knoblauch moved:

1. *That under Section 44 of the Local Government Act 1999, the Council delegates the powers and functions vested in the Council, as contained in Instrument of Delegation A, under the Planning, Development and Infrastructure 2016, the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017, and the Practice Directions of Powers of a Council as a Council, to the Chief Executive Officer.*
2. *That under Section 100 of the Planning, Development and Infrastructure 2016, the Council delegates the powers and functions contained in Instrument of Delegation A, which are vested in the Council as a Designated Entity and Designated Authority under the Planning, Development and Infrastructure 2016, the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017, and the Practice Directions of Powers of a Council as a Relevant Authority, to the Chief Executive Officer.*

Seconded by Cr Moorhouse and carried unanimously.

11.9 BUILDING FIRE SAFETY COMMITTEE REVIEW

REPORT AUTHOR: Senior Development Officer, Building
GENERAL MANAGER: General Manager, Urban Planning & Environment
CONTACT NUMBER: 8366 4526
FILE REFERENCE: qA1795
ATTACHMENTS: Nil

PURPOSE OF REPORT

The purpose of this report is to provide for the Council's information, the outcomes of the operations of the Building Fire Safety Committee, for the period September 2021 to September 2022.

BACKGROUND

Local Government plays an important role in protecting the ongoing safety of building occupiers and users, through the provisions of the *Planning, Development and Infrastructure Act 2016*.

Section 157 of the *Planning, Development and Infrastructure Act 2016*, specifically places obligations upon an "Appropriate Authority" in relation to Building Fire Safety. Specifically, it provides powers for "Authorised Officers" to investigate whether or not building owners are maintaining proper levels of fire safety in their buildings for the protection of all occupiers, whether they be residents or workers who use the buildings regularly, or clients and visitors who use the buildings occasionally.

For the purposes of Section 157 of the *Planning, Development and Infrastructure Act 2016* (*the Act*), an *Appropriate Authority* is a body established by a council, or by two or more councils and designated by the council or councils, as an appropriate authority. In the case of the City of Norwood Payneham & St Peters, the Council has established the *Building Fire Safety Committee* as the *Appropriate Authority*.

If a building is not considered to be adequate from a building fire safety perspective, Sections 157 of the Act, provides powers for the Building Fire Safety Committee to require remedial action to rectify any problems associated with the building.

At its meeting held on 18 January 2021, the Council resolved, amongst other things the following:

1. *That the City of Norwood Payneham & St Peters Building Fire Safety Committee be established pursuant to Section 157(17) of the Planning, Development and Infrastructure Act 2016 effective from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the Planning, Development and Infrastructure Act 2016.*
2. *That the City of Norwood Payneham & St Peters Building Fire Safety Committee Terms of Reference as contained in Attachment C, be adopted.*
3. *That the following persons be appointed to the City of Norwood Payneham & St Peters Building Fire Safety Committee for a period of three (3) years, from the day on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the Planning, Development and Infrastructure Act 2016:*
 - *Mr Troy Olds as a Presiding member of the Committee and a person with expertise in fire safety;*
 - *Mr Demetrius Poupoulas as a member of the Committee;*
 - *A primary person nominated by the Chief Officer (CO) of the SAMFS;*
 - *An alternate person (proxy) nominated by the Chief Officer (CO) of SAMFS; and*
 - *Mr Mario Hlavati as a person with qualifications in Building Surveying.*

This report sets out the outcomes of the Committee's operations during the period September 2021 to September 2022, in accordance with the Committee's current Terms of Reference.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

The Building Fire Safety Committee is required to be established by legislation. The following goals contained in *City Plan 2030*, have been identified as relevant to the appointment and operation of the Council's *Building Fire Safety Committee*:

Outcome 2: Cultural Vitality

A culturally rich and diverse city, with a strong identity, history and sense of place.

Objective 2.4 Pleasant, well designed and sustainable urban environments.

The *Building Fire Safety Committee* is responsible for ensuring that building occupants are adequately protected against fire. The inclusion of appropriate fire evacuation paths and firefighting equipment is an important consideration in the design and maintenance of buildings throughout the City.

FINANCIAL AND BUDGET IMPLICATIONS

The Building Fire Safety Committee has no specific budget allocation. Funds required to deal with enforcement matters are drawn from General Planning and Building Legal and Contractor Budgets (as required). Costs associated with the engagement of Mr Troy Olds and Mr Demetrius Poupoulas are also allocated from General Planning and Building Legal and Contractor Budgets (as required).

The approximate annual cost of investigating building fire safety matters, taking into account the professional fees of Mr Olds and Mr Poupoulas, is approximately \$5000.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

A properly constituted and functioning *Building Fire Safety Committee* will result in increased awareness of building fire safety issues and obligations amongst the community and will maximise the prospect of safe buildings.

The community expects standards in respect to building fire safety to be achieved and maintained.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Presently, the Committee meets four (4) times a year in accordance with the Terms of Reference. It should also be noted that whilst the Committee meets quarterly, the Members have been dealing with matters between meetings, in respect to either inspecting or discussing 'at risk' premises where issues have arisen, or to deal with matters which required immediate response from the Committee.

All of the administrative tasks including drafting of correspondence and notices are undertaken in-house by the Senior Development Officer, Building and distributed to the Committee members electronically for review. It is estimated that the Council's Senior Development Officer, Building contributes approximately twenty five (25) hours per month to facilitate the operation and administration of the Committee, including inspections and follow up actions arising from Committee meetings and liaising incoming and outgoing correspondence with stakeholders.

RISK MANAGEMENT

The establishment and operation of the *Building Fire Safety Committee* is necessary and required to ensure that the Council fulfils its statutory obligations under the *Planning, Development and Infrastructure Act 2016*, with respect to building fire safety. A properly functioning Committee is necessary to enable the Council to undertake the roles and fulfil the responsibilities of an Appropriate Authority, pursuant to Section 157 of the respective Act.

As Elected Members are aware, the *Building Fire Safety Committee* has developed a risk assessment process which is intended to identify and select buildings of interest, based on a risk assessment criteria contained in the Risk Assessment Process, which forms part of the Committee's Terms of Reference. The Risk Assessment Process specifies which buildings are of the highest risk, based on building classification, size and use.

The application of a Risk Assessment Process is important to ensure that the Council's Building Fire Safety Committee performs its duties under the *Planning, Development and Infrastructure Act 2016*, by prioritising matters based on an assessment of relative risk, rather than via random selection of buildings to review without defined reasoning for its investigations or prioritisation.

The Risk Assessment Process contained within the Terms of Reference, was endorsed by the Council at its meeting held on 18 January 2021.

CONSULTATION

- **Elected Members**
The Council considered and endorsed the current Terms of Reference at its meeting held 18 January 2021.
- **Community**
Not Applicable.
- **Staff**
General Manager, Urban Planning & Environment
- **Other Agencies**
Not Applicable.

COVID-19 IMPLICATIONS

Restrictions associated with COVID-19 has not adversely impacted the Committee's function during the reporting period.

DISCUSSION

Objects and Role of the Committee

The Committee essentially has an administrative function, established as a requirement pursuant to the *Planning, Development and Infrastructure Act 2016*, to administer building fire safety and acts as a compliance body in terms of enforcing the building fire safety provisions of the Act.

The focus of the *Building Fire Safety Committee* is to ensure that buildings and its occupants within the city are adequately protected against fire. The Committee's activities are prioritised to ensure that firstly, there is a reasonable standard of safety for the occupiers of buildings. Secondly, the Committee seeks to ensure that appropriate controls are in place so that there is a minimal spread of fire and smoke within buildings. Thirdly, the Committee seeks to ensure that there is an acceptable fire-fighting environment and infrastructure provided within buildings.

The Committee applies a Risk Assessment Process (included in Terms of Reference) to identify the types of buildings that require inspections in order of priority. The Risk Assessment Process specifies which buildings are of the highest risk, based on building classification, size and use having regard to industry best practice, the Building Code of Australia (BCA) and the experience of the Committee Members in dealing with building fire safety issues.

Review of the Committee's Activities for the period September 2021 to September 2022

In accordance with Part 3.10 of the Terms of Reference, an outline of the Committee's activities is provided in this report.

The Council's *Building Fire Safety Committee* met on four (4) occasions between September 2021 and September 2022. All Members attended all meetings of the Committee.

During the reporting period, fifteen (15) buildings were subjected to fire safety investigations within the City, some carried over from the previous reporting period and some newly added for investigation. Of these, six (6) fire safety matters were resolved and two (2) buildings are currently subject to an Aluminium Composite Panel Cladding audit. Some of the resolved matters include a building which has been longstanding on the Committee's agenda (in excess of 6 years) and another building which has been on the agenda for two (2) years and included an application to court to compel compliance via a Court Order with the Committee's recommendations. In total, five (5) inspections were undertaken by the Committee for the period of September 2021 and September 2022.

Table 1 below contains specific details on the number of inspections undertaken of each building type during the reporting period. It must be noted, that some buildings required more than one inspection during the reporting period but they have not been reported separately.

TABLE 1: TYPES OF BUILDINGS INSPECTED DURING 2021-2022

Building Type	Number of Inspections September 2021 – September 2022
Supported Residential Facilities	0
Accommodation Buildings	2
Office Buildings	2
Hotels	0
Assembly Buildings	0
Other	1
TOTAL	5

A summary of the key statistics of the operation of the building Fire Safety Committee during the period commencing September 2021 to September 2022, is set out below:

- the Committee has met on four (4) occasions;
- currently there are nine (9) outstanding matters on the Committee's agenda, excluding Aluminium Composite Panel Cladding (ACP) audit matters;
- there have been six (6) matters resolved in this reporting period;
- there were ten (10) outstanding matters in the previous reporting period; and
- there are two (2) buildings currently under investigation as a result of State wide Aluminium Composite Panel Cladding Audit.

Building inspections during the reporting period, focussed primarily on the environment (nature of the building use, floor layout, number of occupants, number of and distance to exits, etc.) and equipment provided within the buildings to facilitate the safe evacuation of occupants in the event of an emergency. Aspects such as fire and smoke compartmentalisation, exit provisions, smoke detection and alarm systems, emergency lighting and sprinkler protection systems were reviewed.

Currently, the Committee is dealing with fire safety matters associated with six (6) accommodation/residential buildings, three (3) mixed use (office, residential, shop etc) buildings. Five (5) fire safety matters were resolved during the reporting period, without the need to pursue legal action, one (1) matter was resolved with legal assistance. One (1) Fire Safety Defect Notice was issued in this reporting period under Section 157 of *Planning, Development and Infrastructure Act 2016*. One (1) notice which was issued, required a report to be provided to the Committee in respect to the fire safety deficiencies on the subject property. Two (2) buildings containing Aluminium Composite Panel Cladding (ACP) are currently awaiting a report from a fire engineer regarding overall fire safety.

A brief summary of some of the outstanding compliance matters currently being investigated by the Committee is set out below:

- multi-storey mixed-use building that requires upgrades to stair pressurisation, confirmation of building's air handling system for smoke control, upgrade to exit and emergency lighting, upgrade to smoke detection system, clarification of designated fire rated doors;
- two (2) storey accommodation building requiring extensive upgrades to all aspects of fire safety – currently vacant and being closely monitored by the Committee;
- four (4) storey student accommodation building requiring upgrades to fire doors within a stairwell;
- four (4) storey residential unit complex requiring installation of an on-site water hydrant;
- two (2) storey accommodation building requiring alarm monitoring and fire separation in roof space;
- single storey warehouse/retail building requiring installation of extensive fire safety provisions throughout as a result of development approval;
- four (4) storey residential building requiring maintenance of fire safety provisions an evidence of adequate water supply for firefighting purposes;
- a multi-storey apartment complex requiring a report by fire engineer due to presence of ACP cladding;
- two (2) storey entertainment venue requiring review of egress door hardware;
- three (3) storey mixed use building requiring report by fire engineer due to presence of ACP cladding.

The legislative requirement that allows a person two (2) months within which to provide a written response to the Committee regarding any Compliance Notices which are issued by the Committee, often makes it difficult to resolve issues in a short timeframe. Despite this limitation, the Committee continues to progress all enforcement matters with reasonable expediency and effectiveness.

In accordance with the 'Audit Methodology' contained within the current Terms of Reference, the Council's *Building Fire Safety Committee*, with the assistance and advice of qualified Council Staff, is required to undertake an annual audit of buildings by systematically auditing one (1) suburb per annum. All buildings within that suburb which are identified as warranting investigation due to potential fire safety deficiencies, are required to be listed and investigated by the Committee following the audit. The investigations are required to be prioritised in accordance with risk analysis and identification as determined during the audit. In the reporting period 2021-2022, due to high load of work associated with the closure of existing matters and the workload posed as a result of resignation of associated Council staff, an official audit of a particular suburb was not undertaken. Despite this, Council's Senior Development Officer, Building has randomly investigated a mixed-use building which contains flammable cladding. This building is now under investigation by the Committee due to the risk which the cladding poses.

Other Activities

Other than the responsibilities set out in Section 157 of the Act, the Committee has also been responsible for the recent audit of the buildings which contain a designated building product known as ACP (Aluminium Composite Panel). The audit, as initiated by the former State Government Department of Planning, Transport & Infrastructure ("DPTI"), (now PlanSA), has been primarily undertaken by the Senior Development Officer, Building and presented to the Committee for actioning.

By way of background, buildings of concern within the City of Norwood Payneham & St Peters were audited between June 2018 and June 2019 and in total, seven (7) buildings were flagged and reported to the Committee for actioning. Of those seven (7) buildings, two (2) buildings have returned a High or High-Extreme SALSA rating. Two (2) buildings with High or High-Extreme rating have been dealt with through Council's Building Fire Safety Committee in relation to presence of the flammable cladding, and one (1) building is currently under investigation by the Committee due to the extent and condition of flammable cladding even though this building returned a 'Low' and 'Moderate' SALSA risk, and further one (1) outside of the scope of the ACP cladding audit has also been flagged as fire safety risk and is pending investigation.

The respective owners of all buildings which have been the subject of the Aluminium Composite Panel Cladding Audit, have been written to and advised of the audit and its outcomes. To date, the Committee is liaising with PlanSA regarding the progress of the audit and its outcomes. Two (2) matters arising from the audit and random investigation are ongoing.

OPTIONS

This report is to provide information only on the activities of the *Building Fire Safety Committee*.

CONCLUSION

The Committee was very efficient and effective in diligently actioning a range of on-going and complex enforcement matters. The effectiveness of the Committee's activities is reinforced by the results achieved within this reporting period, being the completion of six (6) matters, some of which have been longstanding.

A methodical risk-assessment based approach has been applied by the Committee for several years and this has ensured that building fire safety risks have been afforded an appropriate level of attention. Whilst such risks cannot be entirely mitigated, the Committee's role and function is crucial in ensuring that buildings with vulnerable occupants are adequately protected against fire.

RECOMMENDATION

That the report on the activity of the Council's *Building Fire Safety Committee* during the period commencing September 2021 and ending September 2022, be received and noted.

Cr Duke moved:

That the report on the activity of the Council's Building Fire Safety Committee during the period commencing September 2021 and ending September 2022, be received and noted.

Seconded by Cr Minney and carried unanimously.

11.10 NOMINATIONS TO EXTERNAL BODIES: STATE RECORDS COUNCIL

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2219
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of the report is to advise the Council of the call for nominations by the Local Government Association of South Australia (LGA), for nominations to the State Records Council (the SRC) and to invite the Council to submit a nomination.

State Records Council

The LGA is inviting nominations for a Local Government Member to be appointed to the State Records Council.

The role of the State Records Council is to provide advice to the Minister or the Manager of State Records with respect to policies relating to records management or access to official records.

The appointment to the SRC will be for a period of three (3) years commencing on 28 January 2023. The LGA was previously represented by Cr Helen Donovan, (City of Adelaide), whose term will expire in January 2023. Cr Donovan is eligible for re-appointment.

A sitting fee of \$206 per session (2-4 hours duration), is paid to Members of the SRC.

The State Records Council meets eight (8) times a year on a Tuesday. Meetings are held at State Records, Franklin Street, Adelaide.

Nominations for the State Records Council must be forwarded to the LGA by 14 October 2022, via the Nomination form contained in **Attachment A**. All nominees must address the Selection Criteria and provide an up-to-date Resume.

Cr Mex has expressed an interest in being nominated for appointment to the SRC.

RELEVANT POLICIES & STRATEGIC DIRECTIONS

Not Applicable.

RECOMMENDATION

The Council nominates _____ to the Local Government Association of South Australia for the State Records Council.

or

The Council notes the report and declines the invitation to submit a nomination to the Local Government Association of South Australia for the State Records Council.

Cr Dottore left the meeting at 8.24pm.

Cr Mex declared a conflict of interest in this matter, as she has indicated an interest in being nominated and left the meeting at 8.24pm.

Cr Whittington moved:

The Council nominates Cr Christel Mex to the Local Government Association of South Australia for the State Records Council.

Seconded by Cr Callisto carried unanimously.

Cr Mex returned to the meeting at 8.25pm.

11.11 2022 LOCAL GOVERNMENT ELECTIONS - ELECTION SIGNS

REPORT AUTHOR: General Manager Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA2219
ATTACHMENTS: A

PURPOSE OF REPORT

The purpose of this report is to provide information to the Council regarding the use of election signage as part of the 2022 Local Government Elections to enable the Council to determine its position in respect to election signage within the City of Norwood Payneham & St Peters for the 2022 Local Government Elections.

BACKGROUND

The *Statutes Amendment (Local Government Review) Act 2021* (the Review Act), was assented to on 17 June 2020. The Act has been prepared in response to the former State Government's reform program which focused on amendments to the *Local Government Act 1999* (the Act), and the *Local Government (Elections Act) 1999* (the Elections Act).

The implementation of the reforms is progressing in stages to enable time for Local Government and the relevant statutory authorities, to prepare for the changes, with a number of sections of the Review Act having commenced in September 2021 and in November 2021.

One of the changes to the Act which commenced in November 2021, relate to Section 226 Moveable Signs. Prior to the amendments, Section 226 allowed election signage associated with a Local Government election to be displayed for a period commencing four (4) weeks immediately before Polling Day and ending at the close of voting on Polling Day.

Section 226 of the Act, now **prohibits** electoral advertising posters in relation to Local Government Elections on roads.

Prior to these amendments, SA Power Networks (SAPN) and the Department for Infrastructure & Transport (DIT), provided a *General Approval* for the display of election signs for Federal, State and Local Government elections, on public road infrastructure owned by SAPN and DIT, (subject to certain conditions).

In addition, the previous provisions of Section 226 (3) of the Act, provided an exemption for election signage in relation to a Council By-law for Moveable signs.

Notwithstanding the above, most parties (ie individual candidates or party candidates) (up until the 2022 Federal and State Government Elections), sought the Council's approval for the display of election signage within the City.

However, a "gap" has been identified in the new provisions regarding election signage following the commencement of the amendments to the Act which need to be considered by Councils in the lead up to the 2022 Local Government Elections.

Essentially, it was intended through the Local Government Reform process, to ban all elections signs associated with a Local Government election. The inclusion of a very specific (and limiting) definition for electoral advertising poster within the Act has meant that a "loophole" now exists within the legislation in respect to election signs associated with a Local Government election.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

FINANCIAL AND BUDGET IMPLICATIONS

Not Applicable.

EXTERNAL ECONOMIC IMPLICATIONS

Not Applicable.

SOCIAL ISSUES

Not Applicable.

CULTURAL ISSUES

Not Applicable.

ENVIRONMENTAL ISSUES

Not Applicable.

RESOURCE ISSUES

Not Applicable.

RISK MANAGEMENT

Not Applicable.

COVID-19 IMPLICATIONS

Not Applicable.

CONSULTATION

- **Elected Members**

Elected Members have previously considered the proposed reforms at the Council meetings held on 3 June 2019, 8 October 2019, 3 August 2020, 6 April 2021, 1 November 2021, 7 March 2022 and 1 August 2022.

Memorandums, dated 10 September 2021 and 14 January 2022 have been forwarded to Elected Members, to advise of the commencement of various sections of the Review Act as they came into effect.

- **Community**

Not Applicable.

- **Staff**

Not Applicable.

- **Other Agencies**

Not Applicable.

DISCUSSION

An Electoral advertising poster is defined in Section 226 (5) of the *Local Government Act 1999* as follows:

(5) *In this section –*

electoral advertising poster means a poster displaying electoral advertising made of -

- (a) *corflute; or*
- (b) *plastic; or*
- (c) *any other material, or kind of material, prescribed by the regulations.*

It is important to note that regulations prescribing “*any other material*” as set out in Section 226 (5) (c) have not to date been made.

Therefore, in summary, Section 226 (5) means that a poster that promotes a candidate in a Local Government election is an ‘electoral advertising poster’ if the poster is made from corflute or plastic.

If the same poster is made from a material not prohibited under Section 226(5) (ie not corflute or plastic), it will **not** be an ‘*electoral advertising poster*’ – it will be a Local Government election sign.

This means that **Local Government election signs** made from other materials and provided those signs do not unreasonably restrict the use of the road or endanger the safety of members of the public, are **not** prohibited.

In addition, the deleted Section 226(3)(ca) of the Act removes the defined period for the display of Local Government election signs, which was previously set as “*the period commencing 4 weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day*”.

Section 226 of the Act therefore grants a legal right to display **Local Government election signs** without approval from the Council, if the sign complies with the Council’s *Moveable Signs By-law* and if the sign does not unreasonably restrict the use of the road or endanger the safety of members of the public.

As a consequence of these amendments, **Local Government election signs** now fall within the provisions of the Council’s *Moveable Signs By-law*.

Whilst a review of the existing *Moveable Sign By-law* is now required to incorporate specific provisions relating to **Local Government election signs** and address the changes to section 226 of the Act, based on the process associated with a review of By-laws, there is insufficient time for Councils to amend their By-laws prior to the 2022 Local Government election.

In short, the amendments to the Act have created unintended consequences.

What this means

Candidates wishing to display **Local Government election signs** within the City of Norwood Payneham & St Peters **must** comply with section 226(1) of the Act in order to place **Local Government election signs** (not being electoral advertising posters) on a road.

This means that candidates do not need approval from the Council for placement of **Local Government election signs** (not being electoral advertising posters) on Council owned infrastructure on a road, provided the sign complies with the requirements set out in the *Moveable Sign By-Law* and the signs do not unreasonably restrict the use of the road or endanger the safety of members of the public.

If the placement of a **Local Government election sign** (not being an electoral advertising poster) does not comply with the requirements of the *Moveable Signs By-law*, the candidate must seek permission from the Council for the placement of the sign.

This is a new requirement, that was not a requirement previously (albeit as stated previously, most candidates did apply for approval), due to the express permission that existed for the display of signs relating to Local Government elections in Section 226(3)(ca).

However, given the requirements of the Council's *Moveable Signs By-law*, (noting that election signs were previously exempt from the provisions of the By-law), it may not be possible for a candidate to display a **Local Government election sign** in accordance with the Council's *Moveable Signs By-law*.

Managing Local Government election signs

Essentially there are two (2) ways of managing the display of **Local Government election signs** within the City of Norwood Payneham & St Peters.

Providing a General Council Approval

The Council can determine to grant a general Council approval for the display of **Local Government election signs** on Council infrastructure.

A general Council approval will mean that candidates will **not** be required to apply to the Council for approval to place **Local Government election signs** on public roads.

If the Council grants a general approval for the display of **Local Government election signs**, the Local Government Association of South Australia has prepared a *Template Determination* which sets out the conditions relevant to the general approval for the display of **Local Government election signs**. The Template Determination would then need to be adopted by the Council to form part of the Council's general approval.

A copy of the LGA's *Template Determination* is contained within **Attachment A**.

The LGA's *Template Determination* is modelled on the 'General Approval' granted by SA Power Networks and the Department for Infrastructure and Transport (DIT), in relation to State and Federal Government Election signs. The LGA is currently waiting on confirmation from SAPN and DIT that the same conditions will apply to **Local Government election signs**.

In addition to the Council's requirements, candidates will need to comply with the requirements of the SAPN/DIT General Approval, in order to display **Local Government election signs** on infrastructure owned by SAPN and on a road owned by DIT.

Candidates may also obtain permission from a private property owner for the display of **Local Government election signs**, which may also include electoral advertising posters. Candidates will need to consider whether development approval is required for any **Local Government election sign** to be displayed on private property and make the relevant applications to Council for that purpose if necessary.

Not Providing a General Council Approval

If the Council does not provide a General Council Approval for the display of **Local Government election signs**, any candidate who wishes to display **Local Government election signs that do not meet** the requirements of the *Moveable Signs By-Law*, will be required to apply to the Council for approval.

These applications would be processed in accordance with any application which is received for the placement of moveable signs that do not meet the By-law requirements.

A number of Councils have adopted or are intending to adopt the "General Council Approval" approach, on the basis that they will receive an excessive number of applications from candidates which will be difficult to manage from a resource perspective.

However, as stated previously, this Council has for a number of years, received applications for the placement of elections signs. The most beneficial outcome of this approach is that Council staff can maintain a level of control in terms of the size, location, etc, of signs and ensure that contact details are readily at hand should an enforcement issue arise.

To this end, the LGA's *Template Determination* can also be provided to candidates as part of the approval process for the management of **Local Government election signs**. (this is a similar approach taken for the management of elections signs in previous elections with candidates being required to comply with the provisions of the LGA *Election Signs - General Approval Guidelines for Federal, State and Local Government elections*).

Enforcement

Enforcement to ensure compliance with any Council By-law is undertaken by staff. This will continue to be the case in relation to **Local Government election signs** that are displayed on Council roads and infrastructure regardless of whether or not the Council adopts a "General Approval".

In all circumstances, action will be taken by staff where a **Local Government election sign**, including an electoral advertising poster, poses a safety risk or causes a hazard.

Section 227 of the Act sets out the requirements in terms of enforcement in relation to moveable signs that do not comply with the Council's *Moveable Sign By-law* or if signs restrict the use of the road or endanger the safety of members of the public.

OPTIONS

Option One

The Council can resolve to adopt a General Approval for the display of **Local Government election signs** and the LGA's *Template Determination* to manage the display of **Local Government election signs** within the City.

Option Two

The Council can determine that any applicant wishing to display **Local Government election signs** as part of the 2022 Local Government Election be required to comply with the Council's *Moveable Signs By-law* or, in circumstances where compliance with the *Moveable Signs By-law* is not achievable, apply to the Council for approval.

This is the recommended option as this will ensure that the display of **Local Government election signs** within the City is conducted in a consistent and safe manner.

CONCLUSION

The intent of the amendments to the *Local Government Act 1999*, have not really been achieved through the Local Government Reform process, in terms of banning election signage, other than the benefits from an environmental perspective. This in turn has created a problem which needs to be addressed by each Council, and could result in inconsistency across the State. However, on the basis of the issues which have been identified with the current provisions and as set out in the report, it is suggested that this matter may be considered in more detail over the next few months and in the lead up to the next Local Government Elections to be held in 2026.

COMMENTS

Nil.

RECOMMENDATION

1. The Council notes that all candidates wishing to display **Local Government election signs** within the City of Norwood Payneham & St Peters as part of the 2022 Local Government Elections will be required to apply to the Council for approval unless the **Local Government election signs** comply with the Council's *Moveable Signs By-law*.
 2. The Council notes that the LGA's *Template Determination* will be reviewed and amended by Council staff for the purpose of providing relevant conditions in respect to the display of **Local Government election signs** within the City of Norwood Payneham & St Peters as part of the 2022 Local Government Elections.
 3. The Council determines that **Local Government election signs** can only displayed within the City of Norwood Payneham & St Peters as part of the 2022 Local Government Elections during the period commencing 4 weeks immediately before the date that has been set for Polling Day and ending at the close of voting on Polling Day, Thursday, 13 October 2022 until 5.00pm on Thursday, 10 November 2022.
 4. The Council notes that should any **Local Government election signs** not be removed within two (2) days of the close of voting, these signs will be considered illegal signs and penalties may apply.
-

Cr Dottore returned to the meeting at 8.27pm.

Cr Minney left the meeting at 8.28pm.

Cr Minney returned to the meeting at 8.30pm.

Cr Callisto left the meeting at 8.30pm.

Cr Duke moved:

1. *The Council notes that all candidates wishing to display **Local Government election signs** within the City of Norwood Payneham & St Peters as part of the 2022 Local Government Elections will be required to apply to the Council for approval unless the **Local Government election signs** comply with the Council's *Moveable Signs By-law*.*
2. *The Council notes that the LGA's *Template Determination* will be reviewed and amended by Council staff for the purpose of providing relevant conditions in respect to the display of **Local Government election signs** within the City of Norwood Payneham & St Peters as part of the 2022 Local Government Elections.*
3. *The Council determines that **Local Government election signs** can only displayed within the City of Norwood Payneham & St Peters as part of the 2022 Local Government Elections during the period commencing 4 weeks immediately before the date that has been set for Polling Day and ending at the close of voting on Polling Day, Thursday, 13 October 2022 until 5.00pm on Thursday, 10 November 2022.*
4. *The Council notes that should any **Local Government election signs** not be removed within two (2) days of the close of voting, these signs will be considered illegal signs and penalties may apply.*

Seconded by Cr Sims and carried unanimously.

12. ADOPTION OF COMMITTEE MINUTES
Nil

13. OTHER BUSINESS
Nil

Cr Callisto returned to the meeting at 8.33pm.

14. CONFIDENTIAL REPORTS

14.1 PROVISION OF LEGAL ADVICE – CR SCOTT SIMS

REPORT AUTHOR: General Manager, Governance & Civic Affairs
GENERAL MANAGER: Chief Executive Officer
CONTACT NUMBER: 8366 4549
FILE REFERENCE: qA1055
ATTACHMENTS: A - C

PURPOSE OF REPORT

The purpose of the report is to provide to the Council a copy of the legal advice which was obtained by Cr Sims from KelledyJones Lawyers in August 2019.

BACKGROUND

At its meeting held on 1 August 2022, the Council was advised in response to a Question Without Notice, that in late July/early August 2019, Cr Sims obtained legal advice from KelledyJones Lawyers and that to date, Cr Sims had not provided a copy of the legal advice to the Council Administration.

Following consideration of the response which was provided to the Council, the Council resolved the following:

- 1. That Cr Sims be requested to provide a copy of the legal advice that he sought from KelledyJones Lawyers at the end of July/ early August 2019 and the response he received, to the General Manager, Governance and Civic Affairs, within seven (7) days for distribution to all Elected Members.*
- 2. That in the event Cr Sims does not provide the legal advice referred to in Part 1 of the motion to the General Manager, Governance and Civic Affairs, within the seven (7) days requested by the Council, all Elected Members be informed.*

In accordance with the Council's resolution, a letter was forwarded to Cr Sims on 2 August 2022, to advise Cr Sims of the Council's decision and requesting that he provide a copy of the legal advice which he received from KelledyJones Lawyers to the General Manager, Governance & Civic Affairs.

Cr Sims was advised in the letter that he was required to provide a copy of the legal advice by 5.00pm on Tuesday, 9 August 2022.

On 17 August 2022, Cr Sims forwarded a letter dated 12 August 2022, to the General Manager, Governance & Civic Affairs, in response to the request to provide a copy of the legal advice.

In the letter dated 12 August 2022, Cr Sims advised that he does not intend to provide a copy of the legal advice as requested by the Council.

The letter dated 12 August 2022 from Cr Sims was presented to the Council at its meeting held on 22 August 2022.

Following consideration of the matter, at its meeting held on 22 August 2022, the Council resolved the following:

- 1. That the Council notes that Cr Sims has not provided a copy of the legal advice which he obtained from KelledyJones Lawyers on 2 August 2019, to the General Manager, Governance & Civic Affairs, as requested by the Council.*
- 2. That the Council instructs the General Manager, Governance & Civic Affairs to contact Ms Tracy Riddle, from KelledyJones Lawyers and request a copy of the legal advice received by Cr Sims on 1st or 2nd August 2019.*
- 3. That a copy of the legal advice received by Cr Sims from Ms Tracy Riddle be presented with a covering staff report at the Ordinary Council meeting to be held on Monday, 5 September 2022.*

In accordance with the Council's resolution as set out above, a copy of the legal advice which was provided to Cr Sims by Ms Tracy Riddle, KelledyJones Lawyers, has now been obtained.

A copy of the request which was forwarded to Ms Riddle by Cr Sims is contained within **Attachment A**.

In addition to the request for legal advice, Cr Sims provided Ms Riddle with a number of documents which included the following:

1. Local Government Association of South Australia HR Consulting Services (LGA Commercial) City of Norwood Payneham & St Peters Proposal (as sought by Cr Sims);
2. Draft Chief Executive Officer's Performance Review Committee Terms of Reference (as prepared by Cr Sims);
3. Extract from the Minutes of the Council Meeting held on 3 September 2018 - Confidential Report Chief Executive Officer's Strategic Performance Objectives;
4. Extract from the Agenda for the Council Meeting held on 5 August 2019 - Confidential Report Chief Executive Officer's Performance Review;
5. Chief Executive Officer's Contract of Employment Committee Minutes 19 March 2019; and
6. Chief Executive Officer's Performance Review Committee Minutes 12 December 2017.

A copy of the Local Government Association of South Australia HR Consulting Services City of Norwood Payneham & St Peters Proposal has not been attached to this report, as it contains commercially sensitive information.

A copy of the Draft Chief Executive Officer's Performance Review Committee Terms of Reference (as prepared by Cr Sims) is contained within **Attachment A**.

Aside from the documents contained in Attachment A, copies of the other documents (ie numbers 3-6 as set out above) provided to Ms Riddle by Cr Sims, have not been attached to this report on the basis that the Council has previously considered these documents through the relevant Council Meetings.

A copy of the legal advice provided by Ms Tracy Riddle, and dated 2 August 2019, is contained within **Attachment B**.

RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

DISCUSSION

By way of background and to provide context for Elected Members, on 31 July 2019, Cr Sims contacted the General Manager, Governance & Civic Affairs via email advising that he wished to obtain confidential legal advice and requesting advice from the General Manager, Governance & Civic Affairs as to who was the most appropriate person to provide the advice.

On 1 August 2019, the General Manager, Governance & Civic Affairs forwarded an email to Cr Sims seeking clarification in respect to the nature of the matter in order to determine the most appropriate course of action to deal with Cr Sims' request.

Cr Sims advised the General Manager, Governance & Civic Affairs, that he was seeking advice regarding the Chief Executive Officer's Performance Review and advised that *"I understand my role but would like some further advice outside the Council."*

Subsequently, the matter was referred to Ms Tracy Riddle, of KelledyJones Lawyers, to provide legal advice in accordance with Cr Sims's request.

On 2 August 2022, Ms Riddle confirmed that she had provided legal advice to Cr Sims.

As part of his request for legal advice, Cr Sims requested advice in respect to the following three (3) matters:

- Terms of Reference for the Chief Executive Officer's Performance Review Committee;
- the process associated with the Chief Executive Officer's Performance Review; and
- conducting an Organisation Review.

In her response to Cr Sims, Ms Riddle provided the following comments:

At the outset, I note that these each are matters that require the consideration and determination of the Council, as a governing body.

*In our role as legal advisers to the Council, it would be remiss of us to not raise with you the obligations on Elected Members to **not meet** outside of the formal Council meeting process, in order to deal with matters in such a way as to obtain, or effectively obtain, a decision on a matter.*

Accordingly, statements in the nature of 'I seek this advice with an informal majority of Council' is suggestive that members of the Council are meeting outside of the formal meeting process in order to consider, and determine, matters.

It is my advice that if this were occurring, this would be in breach not only of the roles and responsibilities under the Local Government Act 1999 of those members, but it would also place those members in breach of the Code of Conduct for Elected Members, and may also expose them to allegations of misconduct in public administration for the purposes of the Independent Commissioner Against Corruption Act 2012.

Indeed, it was allegations such as these that 'triggered' an investigation by the Minister into certain activities of the elected member body at the City of Burnside in 2008.

Ms Riddle qualified her advice against the context of this background advice as set out above.

Terms of Reference for the Chief Executive Officer's Performance Review Committee

Cr Sims advised Ms Riddle that *"Myself and other members of the Council would like advice on terms of reference for the CEO's Performance Review committee and if we can achieve our objectives through this process. I note I seek this advice with an informal majority of Council"*.

As part of this request Cr Sims provided a draft Terms of Reference, which pre-determined membership of the Chief Executive Officer's Performance Review, including the appointment of a *representative from LGA Commercial – Human Resources Division as the Independent Member*.

In addition, Cr Sims advised Ms Riddle that he wanted a new Terms of Reference which included a requirement that a cultural and organisational review be undertaken, in addition to the Chief Executive Officer's performance review.

Process associated with the Chief Executive Officer's Performance Review

Cr Sims advised Ms Riddle that a *'majority of the Council is unhappy with the way in which the last performance review was undertaken and the proposal by staff for Monday night'*.

Organisation Review

Cr Sims advised Ms Riddle that he had *"proposed to others that the Council appoints the LGA to undertake an independent "health check" of the Council of both the CEO's Performance, culture of the organization and organizational structure"*.

Proposal from LGA Commercial

By way of background, on 15 August 2019, the Executive Director Commercial, Local Government Association of South Australia (LGA Commercial), forwarded an email to the General Manager, Governance & Civic Affairs, advising that Cr Sims had approached LGA Commercial requesting a proposal for the purpose of LGA Commercial conducting the following services for the Council:

- CEO's Performance Review;
- Organisational Review; and
- Culture Survey.

The Executive Director Commercial confirmed that Cr Sims had approached LGA Commercial on 9 July 2019 and that a proposal was provided to Cr Sims on 24 July 2019.

The proposal set out the process which LGA Commercial proposed for each of the components and the costs of providing each service.

In addition, the Executive Director Commercial stated that Cr Sims had advised that he was "*acting on behalf of the Mayor and that the Mayor required the proposal*".

At the time of requesting and receiving the proposal from LGA Commercial, the Council had not considered or determined to commence the Chief Executive Officer's Performance Review.

At no stage was Cr Sims been authorised by the Council or the Mayor to act on its or the Mayor's behalf to seek a proposal for this purpose.

In accordance with Section 59 of the *Local Government Act 1999*, it is not the role of Elected Members to seek business proposals on behalf of the Council.

In addition, Sections 99 and 103 of the *Local Government Act 1999*, set out that an organisational review and/or the appointment and management of staff are the responsibility of the Chief Executive Officer. In particular, section 99(2) provides that the Chief Executive Officer must **consult** with the Council '*to a reasonable degree*' when determining or changing '*to a significant degree*' the organisational structure for the Council. Outside of the provision to consult with the Council, these matters are the responsibility of the Chief Executive Officer.

The proposal from LGA Commercial - *Local Government Association of South Australia HR Consulting Services (LGA Commercial) City of Norwood Payneham & St Peters Proposal*, was attached to the request for legal advice sent by Cr Sims to Ms Riddle.

Summary of the Legal Advice

In summary, the advice provided by Ms Riddle to Cr Sims, in respect to the matters raised by Cr Sims is as follows:

- predetermining the membership of the Committee prior to consideration of the matter by the Council could be viewed by an external integrity body (ie the Ombudsman), as evidence of Elected Members attempting to deal with a matter in such a way as to effectively obtain a decision outside of a formally constituted meeting;
- matters relating to the organisational structure of the Council, are operational matters which pursuant to Sections 99 and 103 of the *Local Government Act 1999*, are the responsibility of the Chief Executive Officer; and
- individual Elected Members do not have the authority to act on behalf of the Council or the Mayor in matters that 'bind' the Council (ie requesting a proposal from LGA Commercial), or to enter into any contract for the provision of such services.

Additional Matter

More recently, on Monday 22 August 2022, following the conclusion of the Special Council Meeting, at 8.57pm Cr Sims forwarded an email to Ms Riddle advising of the Council's decision to obtain a copy of the legal advice from Ms Riddle and seeking advice regarding the circumstances upon which the Council is entitled to receive a copy of the advice.

This approach was made by Cr Sims without approval from the General Manager, Governance & Civic Affairs.

Notwithstanding Ms Riddle's response, Cr Sims has continued to question the provision of the legal advice to the Council, through various emails to Ms Riddle as evidenced in **Attachment C**.

CONCLUSION

As an Elected Member, Cr Sims has a legal responsibility to perform his functions and duties in accordance with the *Local Government Act 1999*. In particular, he may only incur the expenditure of public monies and/or the commitment of public resources for matters/issues related to the performance of his public office functions and duties.

Not only do the matters raised by Cr Sims in his request for legal advice in August 2019 give rise to a potential breach of his Public Officer obligations under the *Local Government Act 1999*, as well as a breach of the *Code of Conduct for Council Members* but, as noted in that advice, Cr Sims may also have committed misconduct in public administration for the purposes of the *Ombudsman Act 1972*, on the basis of the statements he has made.

OPTIONS

Not Applicable.

COMMENTS

Nil

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(h) legal advice

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

That the Council acknowledges the legal advice which has been provided by KelledyJones Lawyers at the request of the General Manager, Governance & Civic Affairs, on behalf of the Council.

RECOMMENDATION 3

To be considered and determined by the Council at the meeting.

Cr Dottore moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate & Community Services, Manager, Governance & Legal, Manager, Communications & Community Relations and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

(h) legal advice

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Sims and lost.

Cr Sims moved:

1. That the Council acknowledges the legal advice which has been provided by Kelledy Jones Lawyers at the request of the General Manager, Governance & Civic Affairs, on behalf of the Council.
2. That the legal advice which has been provided by Kelledy Jones Lawyers remain confidential.

The motion lapsed for want of a seconder.

Cr Sims withdrew his motion.

Cr Minney moved:

1. That the Council acknowledges the legal advice which has been provided by Kelledy Jones Lawyers at the request of the General Manager, Governance & Civic Affairs, on behalf of the Council.
2. That having considered the legal advice provided to Cr Scott Sims on 2 August 2019, and his actions associated with that advice, the Council censures Cr Sims on the basis that, without Council endorsement, he:
 - a) made an unauthorised approach to the Local Government Association of South Australia HR Consulting Services (LG Commercial) in 2019 seeking proposals for both a Chief Executive Officer Performance Review and an Organisational Review; and
 - b) sought the proposals for a Chief Executive Officer Performance Review and an Organisational Review from LG Commercial as referred to in Part 1 and in doing so, falsely claimed that he was acting on behalf of and at the request of the Mayor; and
 - c) sought to pre-determine the composition of the Chief Executive Officer's Performance Review Committee prior to the matter being formally considered by the Council; and
 - d) has made unauthorised approaches to Kelledy Jones Lawyers between 22 and 30 August 2022 in respect to the Council resolution of 22 August 2022 which required a copy of the legal advice provided to Cr Sims on 2 August 2019 to be provided to the Council; and
 - e) has threatened to report Ms Tracey Riddle, of Kelledy Jones Lawyers, to the Legal Profession Conduct Commission; and
 - f) as a consequence of the above actions has brought the Council into disrepute.

3. *That Cr Sims reimburse the Council all legal costs associated with his unauthorised approaches to Kelledy Jones Lawyers (between 22 and 30 August 2022), in relation to the Council resolution made on 22 August 2022, with regard to the provision of legal advice obtained by Cr Sims on 2 August 2019.*

[The above highlighted resolution was amended at the Council meeting held on 4 October 2022. Refer to Item 11.3, Page 20 of the Council minutes dated 4 October 2022]

Cr Sims left the meeting at 8.46pm.

Seconded by Cr Callisto.

Cr Sims returned to the meeting at 8.47pm.

Cr Sims declared a conflict of interest in this item, as he is the subject of the matter being discussed and left the meeting at 8.48pm.

Cr Sims returned to the meeting at 9.01pm.

At 9.01pm Mayor Bria invited Cr Sims to make a Personal Explanation in respect to the motion. Cr Sims declined the invitation and left the meeting at 9.02pm.

The motion was put and carried unanimously.

Cr Minney left the meeting at 9.02pm.

14.2 COUNCIL RELATED MATTER

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information; and
 - (ii) would, on balance, be contrary to the public interest;

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12 months).

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Cr Minney returned to the meeting at 9.03pm.

Cr Stock moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999, the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, General Manager, Urban Services, General Manager, Corporate & Community Services, Manager, Governance & Legal, Manager, Communications & Community Relations and Administration Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which –*
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information; and*
 - (ii) would, on balance, be contrary to the public interest;*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by Cr Duke and carried unanimously.

Cr Sims returned to the meeting at 9.04pm.

Cr Duke moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report and discussion be kept confidential for a period not exceeding five (5) years and that this order be reviewed every twelve (12 months).

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the contract has been entered into by all parties to the contract.

Seconded by Cr Knoblauch and carried unanimously.

15. CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.07pm.

Mayor Robert Bria

Minutes Confirmed on _____
(date)