

# Special Council Meeting Minutes

**17 July 2018**

## **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  
175 The Parade, Norwood SA 5067

Telephone 8366 4555  
Facsimile 8332 6338  
Email [townhall@npsp.sa.gov.au](mailto:townhall@npsp.sa.gov.au)  
Website [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au)



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 Lucy Marcuccitti  
Cr Christel Mex  
Cr Connie Granozio  
Cr Kevin Shepherdson  
Cr Mike Stock  
Cr Carlo Dottore  
Cr Kevin Duke  
Cr John Frogley  
Cr Garry Knoblauch  
Cr Sue Whittington  
Cr Paul Wormald (entered the meeting at 7.03pm)

**Staff** Mario Barone (Chief Executive Officer)  
Peter Perilli (General Manager, Urban Services)  
Carlos Buzzetti (General Manager, Urban Planning & Environment)  
Lisa Mara (General Manager, Governance & Community Affairs)  
Sharon Perkins (General Manager, Corporate Services)  
Keke Michalos (Manager, Economic Development & Strategic Projects)  
Olivia Franco (Strategic Projects Co-ordinator)  
Alex Game (Consultant, Oxigen Landscape Architects)  
Tina Zullo (Administration Officer, Governance & Community Affairs)

**APOLOGIES** Cr John Minney, Cr Evonne Moore

**ABSENT** Nil

**1. CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON 2 JULY 2018**

*Cr Knoblauch moved that the minutes of the Council meeting held on 2 July 2018 be taken as read and confirmed. Seconded by Cr Dottore and carried unanimously.*

**2. STAFF REPORTS**

## 2.1 THE PARADE MASTERPLAN

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**REPORT AUTHOR:** Manager, Economic Development & Strategic Projects  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 83664509  
**FILE REFERENCE:** S/03309  
**ATTACHMENTS:** A - G

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### PURPOSE OF REPORT

The purpose of this report is to advise the Council of the outcome of the Phase 2 Community Consultation on the draft Concepts for The Parade Masterplan and to present the draft Masterplan to the Council for its consideration and endorsement.

### BACKGROUND

At a Special Meeting held on 22 May 2018, the Council resolved the following in relation to The Parade Masterplan:

1. *That the package of information for Phase 2 Consultation on The Parade Masterplan Project (as contained in Attachment A) be endorsed as being suitable for release for Community Consultation for a period of twenty-four (24) days.*
2. *That the Chief Executive Officer be authorised to make any minor amendments to the package of information for Phase 2 Consultation on The Parade Masterplan Project, resulting from consideration of this report and as necessary to finalise the documents in a form suitable for release for Community Consultation.*

Subsequently, The Parade Masterplan was placed on consultation, for a period of twenty-four (24) days, commencing on Wednesday 30 May 2018 and concluding on Friday 22 June 2018. Copies of the Draft Concept Plan were available for viewing at the Norwood Town Hall and at all three (3) of the Council's Libraries, as well as on the Council's website and on The Parade Masterplan project specific website ([www.haveyoursay.npsp.sa.gov.au](http://www.haveyoursay.npsp.sa.gov.au)). A total of 772 people visited The Parade haveyoursay website during the consultation period.

In addition, 1441 postcards and 1441 letters were distributed to residents surrounding The Parade and 496 letters were distributed to the business owners and operators located within The Parade precinct, advising them of the project and the Open Days and inviting comments. In addition, advertisements were placed in the two (2) Messenger Newspapers and signs were placed in the notice boards located on The Parade, inviting comments from the general community.

To ensure that the community was able to provide input and comments on the Draft Concepts and to help facilitate community consultation on The Parade Masterplan, a display was set up at the Norwood Town Hall from Thursday 14 June through to Friday 22 June 2018 and at the Norwood Oval on Saturday, 16 June 2018, where members of the community were able to view the Draft Concepts, as well as ask questions of Council staff and the Project consultants. It is estimated that approximately 80 people attended the open days and viewed the displays.

A copy of the package of information (including the draft Concepts) released for Phase 2 community consultation is contained in **Attachment A** and a copy of the survey that was made available is contained in **Attachment B**.

In total, 146 submissions have been received, comprising of 126 survey responses, with the remaining twenty (20) submissions being lodged as written submissions. The results of the survey submissions are summarised in The Parade Masterplan Consultation Summary Report contained in **Attachment C**, with a copy of the actual responses contained in **Attachment D**. A summary of the written submissions and a copy of the written submissions are contained in **Attachment E** and **Attachment F**, respectively.

The information and comments which have been received as part of the Phase 2 community engagement process, have been collated and have been used where appropriate, to develop the draft Masterplan, a copy of which is contained in **Attachment G**.

The objective of preparing The Parade Masterplan is to put in place a long term strategic framework for the planning, redevelopment and activation of The Parade, which can direct the progressive enhancement of the infrastructure, encourage new investment and maximise community enjoyment and appeal of The Parade.

The results of both the Phase 1 and Phase 2 consultation have, amongst other things, focused on identifying the identity and appeal of The Parade and how this significant economic, social and cultural asset can continue to contribute to the experience of those people who choose to live, work and play on The Parade and the surrounding residential areas, as well as determine the contribution that The Parade makes to the City of Norwood Payneham & St Peters and the eastern metropolitan region, generally.

### **Results of Phase 1 Consultation**

As the first step in the process of developing The Parade Masterplan, the Council undertook consultation with the community and key stakeholders, including students from six (6) schools from across the City, to capture ideas for The Parade, specifically:

- What do you love most about The Parade?
- What would you change about The Parade to make it better?
- What would you add to The Parade to improve it?

The Council commenced the first stage of community engagement on The Parade Masterplan on 21 January 2016 at the Tour Down Under Street Party Event. The formal consultation period finished on 19 February 2016.

During this phase of consultation, there were over 800 visits to the Council's project website and 275 written submissions were received on The Parade Masterplan Project. A full summary of the information which was collected and the results of the Phase 1 Consultation were presented to the Council for its consideration at its Special Meeting held on 22 May 2018. The results of this phase of consultation formed the basis for the draft Concepts that were released for consultation as part of Phase 2. The results of the Phase 2 consultation are discussed in detail in the Discussion section of this report.

## **RELEVANT STRATEGIC DIRECTIONS & POLICIES**

The Parade Masterplan will deliver on 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 and Objectives 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 1.3: *Design and provide safe, high quality facilities and spaces for people of all backgrounds, ages and abilities.*

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

Strategy 2.2: *Provide safe and accessible movement for people of all abilities.*

Objective 1.3: An engaged and participating community.

Strategy 3.3: *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 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, sustainable urban environments.

Strategy 4.2 *Encourage sustainable and quality urban design outcomes.*

Strategy 4.3 *Maximise the extent of green landscaping provide in new development and in the public realm.*

Objective 2.5 Dynamic community life in public spaces and precincts.

Strategy 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 5.2 *Support opportunities for people to collaborate and interact in business precincts.*

## **Outcome 4 Environmental Sustainability**

*A leader in environmental sustainability*

Objective 4.1 Sustainable and efficient management of water, waste, energy and other resources.

Objective 4.3 Sustainable and attractive streetscapes and open spaces.

Strategy 3.1: *Improve the amenity and safety of streetscapes for pedestrians and cyclists, including provision for shade in summer.*

Strategy 3.2 *Protect, enhance and expand public open space.*

## **FINANCIAL AND BUDGET IMPLICATIONS**

The Council has allocated a total of \$100,000 towards the development of The Parade Masterplan. To assist with funding of the project an application for an additional \$100,000 was sought and successfully granted to the Council through the Department of Planning, Transport and Infrastructure, *Places for People* Grant Funding program, resulting in a total budget of \$200,000 for the delivery of The Parade Masterplan Project.

The \$200,000 Budget allocation includes an allocated Consultancy Budget of \$140,000 for the preparation of The Parade Masterplan, which includes the engagement of Oxigen Landscape Architects to manage the preparation of the Masterplan. The remaining \$60,000 has been allocated to the various stages of community consultation and engagement.

## **EXTERNAL ECONOMIC IMPLICATIONS**

There are direct external economic implications, however a significant investment from the Council in the public realm will over time more than likely attract a significant amount of private investment. It will also ensure that The Parade remains contemporary from an infrastructure perspective.

## **SOCIAL ISSUES**

On completion, the Masterplan will provide a framework that recognises The Parade as a pedestrian friendly mainstreet, which recognises and prioritises pedestrian and bi-cycle access and circulation, as well public transport opportunities. In conjunction with the long term delivery of higher density development, the Masterplan will provide a public realm asset that aims to lessen the long term reliance on the motor vehicle.

## **CULTURAL ISSUES**

The Parade Masterplan builds on the existing identity of The Parade, and ensures that its 'sense of place' is managed and appropriately and sensitively enhanced. The community engagement as part of Phase 1 focussed on identifying the specific cultural elements, which are valued by the Community.

The draft Masterplan (contained in **Attachment G**) articulates a unique main street identity for The Parade, 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.

## **ENVIRONMENTAL ISSUES**

The Parade Masterplan will ensure that environmental sustainability is 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 preparation of The Parade Masterplan is being undertaken by a multi-disciplinary Consultancy Team lead by Oxigen Landscape Architects.* The Manager, Economic Development & Strategic Projects is responsible for the management of The Parade Masterplan Project and is the primary point of contact for all communications.

## **RISK MANAGEMENT**

The Project has taken into consideration the identification, resolution and management of all risk management issues as required by the relevant legislation and Council policies.

## **CONSULTATION**

- **Elected Members**

A total of five (5) Information Briefings and Workshops have been held with the Elected Members throughout the preparation of the Masterplan.

The first Workshop with Elected Members was held on Tuesday 20 October 2015. This Workshop included a brief overview of the Project followed by a site visit. The most recent was held on Monday 14 May 2018, where the Elected Members were given the opportunity to provide feedback on the development of the draft concepts, prior to the formal consideration of the draft concepts at the Council meeting held on 22 May 2018.

The Council formally considered the results of the Phase 1 consultation at its meeting held on 22 May 2018.

- **Community**

The Community has been engaged as part of Phase 1 and Phase 2 and the various comments have been taken into consideration in the development of the draft Masterplan. The community will once again be engaged as part of Phase 3 to ensure that the key issues continue to be incorporated into the Masterplan and addressed, as well as promoting ongoing awareness of the Project.

- **Staff**

The Manager, Economic Development & Strategic Projects has been responsible for the ongoing management and delivery of the Masterplan Project.

A Staff Project Management Group has been established to ensure that all of the relevant issues are addressed.

- **Other Agencies**

The Department of Planning, Transport and Infrastructure (DPTI) have been involved as part of the Project Management Group, in accordance with the Grant Deed.

## **DISCUSSION**

### **Phase 2 – Draft Concept Development**

The key objective of this stage of the Project, was to identify at a 'conceptual level', the proposed key changes that could be incorporated into The Parade Masterplan to enhance the street and deliver a mainstreet, which meets the contemporary needs of the community and continues to stand the test of time. In short, to ensure that The Parade remains contemporary.

The draft concepts (contained in **Attachment A**), were developed based on the information collected and the comments which were received from the community, businesses and key stakeholders, through the initial consultation undertaken as part of Phase 1 of the Masterplanning process.

The intent of the second round of consultation (Phase 2) was to test some of the ideas and concepts that were being considered and enable these ideas and concepts to be further developed. The main concepts that were tested with the community included the treatment of the Side Street Intersections (ie Queen Street, George Street, Edward Street, Elizabeth Street, Charles Street etc), the proposed modifications to George Street between The Parade and Webb Street and the proposed changes to part of the median strip (namely the intersection of The Parade and Sydenham Road) as well as the broader changes proposed for the full length of The Parade (ie widening of footpaths).

### **Draft Masterplan**

The draft Masterplan contained in **Attachment G**, introduces three (3) distinct zones along The Parade, namely The Parade West, The Parade 'Heart' and The Parade East zones, which are each based on the concentration of existing and future land uses and the density and intensity of these uses. It also takes into consideration the future needs of these land uses and those of the users.

As outlined above, the Phase 2 consultation focussed on a number of key concepts for The Parade, including the proposed treatment of the side street intersections, changes to The Parade median, widening of the footpaths along the full length of The Parade, modification to The Parade 'Heart', including the removal of on-street carparking spaces between George Street and Edward Street and the possible options for George Street. An overview of the results of the consultation on each on these concepts is outlined below.

- Side Street intersections

The proposed changes and treatment to the Side Street Intersections were tested with the Community through Phase 2 consultation. The proposed changes, which attempt to address a number of the issues which were identified by the community through Phase 1, including reducing vehicular speed, planting additional vegetation and landscaping, greater pedestrian safety as well as improved cycling conditions, were well received by the community, with 75.6% supporting the proposed concept.

Overall, these changes prioritise the pedestrian experience and help to transform the existing arterial road into a more pedestrian friendly environment which is connected to its surroundings.

- The Parade Median strip

The proposed changes to the Median Strip include the retention of trees, improved median landscaping treatments as well as the redesign of some of the median openings to deliver a safer environment for all users including pedestrians, cyclists and motorists. The response to these changes was generally positive, however the degree of support did vary depending on the particular intersection.

The extended medians which had the least support were Sydenham Road, Margaret Street and Ravenwood Street, with only 50.4%, 57.7% and 57.7%, respectively, in support of closing the median at these locations (ie closing the right hand turn into and out of these streets). The main reasons around the opposition was convenience and the fear that the streets that remain open would be congested with the additional traffic using them as the alternative. Despite the low percentage of support, the proposed changes at each of these intersections are still recommended and have been included in the draft Masterplan contained in **Attachment G**.

In respect to Margaret Street, in order to improve the safety at The Parade intersection, in addition to closing the right hand turn from The Parade onto Margaret Street, it is recommended that the current one-way traffic arrangements be reversed. It should be noted that this is still only an option, which will need to be investigated in greater detail at the detail design stage, should the Council resolve to proceed with it.

- George Street

In relation to George Street, the two (2) options, which were endorsed by the Council were released for consultation, Option 1, which proposed to predominately retain the status quo and Option 2, which proposed a number of modifications, including the removal of all of the on-street car parking spaces between The Parade and Webb Street (eighteen (18) carparking spaces in total, nine (9) of which are timed spaces on the eastern side of George Street and nine (9) Council car parking spaces on the western side of George Street).

The objective of removing these car parking spaces is to enable the footpaths to be widened, in order to provide adequate space for additional tree planting and the creation of a slow speed environment.

The survey results in respect to the options which have been presented for George Street indicate that 53.7% of respondents selected Option 2 in preference to Option 1, (31.7%), with 10.6% stating that they did not support either option, and 4 % of respondents not responding to this question.

In respect to the written submissions, the responses regarding George Street varied from suggestions to leave George Street as it is through to suggestions to close George Street completely. Overall, the community's desire to see some change to George Street outweighs the desire to retain George Street in its current configuration.

Based on the comments which have been received, it is recommended that the Council proceed with a modified version of Option 2, as Option 2 delivers both a high quality public realm and a new public space that focuses on creating an attractive, accessible, sustainable and safe pedestrian friendly environment.

It should be noted that the results of the consultation showed that there is overwhelming support for a scramble crossing to be installed at the intersection of The Parade and George Street, which will address pedestrian safety and introduce a more efficient cycle for vehicular movements. Discussions with the Department of Planning, Transport & Infrastructure (DPTI) in respect to the instillation of the scramble crossing are proceeding.

- Modification to The Parade Heart

The proposed changes to The Parade 'Heart have been well supported, with 69.1% of survey respondents endorsing the proposed changes of widening the footpaths and removing the on-street car parking.

It should be noted that the two (2) trader submissions received from LJ Hooker St Peters and the Parkade on behalf of a number of traders have opposed the removal of on-street carparking spaces, with LJ Hooker requesting that no on-street car parking spaces be removed, recommending that the Council assess the traffic and parking implications of its proposal, prior to making a decision. The Parkade submission also suggests that the Council consider building an additional two (2) or three (3) future decks on the Webbe Street car park to address the current short falls and off-set the on-street losses recommended by the draft Masterplan.

In general, the loss of parking has been one of the most common themes highlighted in the submissions which have been received. However, the area between George Street and Edward Street comprises predominantly of loading bays, two (2) bus stops and a taxi rank. Overall there are only eleven (11) timed car parking spaces in this section of The Parade that would need to be removed. Should the Council resolve to proceed with additional levels on the Webbe Street carpark, this will more than offset any loss of carparking on The Parade. On this basis, it is recommended that a detail assessment be undertaken prior to, or as part of, the detail design stage of the project.

- Speed Limits

Overall, there is significant support for the reduction in speed limits in the section between Fullarton Road and Osmond Terrace, with 62.6% of respondents supporting the reduction of the speed limit to 50km in this section of The Parade. The proposal to reduce the speed limit in the section between Osmond Terrace and Portrush Road was not as well received, with only 52.8% of respondents supporting this concept.

On this basis it is recommended that the Council investigate further the option of reducing the speed limit to 50km in the section of The Parade, between Fullarton Road and Osmond Terrace.

Whilst The Parade Masterplan has been used to consult on the option of reducing the speed limit along The Parade, its implementation can occur independently of the Masterplan.

Elected Members will also note that whilst overall there was general support for the concepts which have been proposed, there were some submissions that did not support some of or all of the draft concepts. In particular, as part of the Phase 2 consultation, the Council did receive a submission from a resident which did not support any of the concepts proposed. In that submission, the resident also questioned the integrity of the staff working on the Project. The submission specifically urged the "*Council to look critically at everything that staff submit in their reports*" and recommended that the Council "*call administration to account*". Throughout this whole Project the staff involved have always acted with integrity and have always worked towards delivering the best outcome for the whole community, including residents, traders and visitors. Information which has been presented to the Council has been transparent and has been delivered without fear or favour.

The submission also questioned the time that it has taken to complete this Project. In this respect, given the issues associated with the EastLINK (the tram) and the decision by the State Government to commission a study into the Feasibility of the AdeLINK network, it was prudent of the Council to defer completion of the Project until this study was completed. As the study is now completed and given the recent decision by the new State Government in respect to AdeLINK and EastLINK, The Parade Masterplan can now be completed. Notwithstanding this, the results of the Phase 1 consultation are still relevant.

### **Phase 3 – Preparation of the Final Masterplan**

Phase 3 of the Project, entails the preparation of the final draft Masterplan, taking into account the comments which have been received on the high level draft concepts contained in **Attachment A**, which were released for community consultation as part of Phase 2.

Following the Council's consideration of this report and the endorsement of the draft Masterplan, it is proposed that the draft Masterplan will be released for Phase 3 community consultation and engagement for a period of twenty-four (24) days, commencing Wednesday 25 July 2018 and concluding on Friday 17 August 2018. Following the consultation, the Council will be in a position to endorse a final Masterplan for progressing to detail design and costing.

During this period, the community and key stakeholders will once again be engaged as will the Council's Norwood Parade Precinct Committee, to ensure that all of the issues and comments are able to be put forward and considered.

The comments which are received through this stage of consultation will be reviewed and will be used to inform and finalise the draft Masterplan. Based on the current schedule, it is envisaged that the final draft Masterplan will be presented to the Council at its September meeting.

The final Masterplan will be structured so that it can be implemented in short, medium and long term investment packages.

## OPTIONS

Given that the Council has already committed to The Parade Masterplan Project and a Project Framework for its delivery, in order to finalise the Masterplan, the Council needs to endorse the draft Masterplan to enable Phase 3 community consultation to be undertaken.

The Council can select to endorse the draft Masterplan as contained in **Attachment G** or alternatively, the Council could choose to amend the Masterplan. However, on the basis that the draft Masterplan delivers the majority of the outcomes that the community has requested, it is recommended that the Council endorses the draft Masterplan as contained in **Attachment G** for the purposes of undertaking community consultation.

Alternatively, the Council could resolve not to proceed any further with the Masterplan. This option is **not recommended**.

## CONCLUSION

The last major upgrade to The Parade occurred approximately twenty-five (25) years ago, in conjunction with the undergrounding of the overhead power lines and tree planting in the footpath. Since that time, The Parade has experienced a significant increase in popularity and is now recognised as the economic, cultural and civic heart of the City of Norwood Payneham & St Peters, as well as the State's Premier Mainstreet. There is a need for new investment in infrastructure, as well as ensuring that The Parade retains and enhances its "Sense of Place" and cultural and cosmopolitan heritage.

## COMMENTS

In accordance with the endorsed Project Framework, the draft Masterplan (contained in **Attachment G**) has been developed through extensive consultation with residents, business owners and operators, property owners and visitors, as well as various State Government Departments, including the Department of Planning, Transport and Infrastructure, (*Place for People* Grant Funding Program), to achieve strong community understanding and ownership of the future vision and the Masterplan.

As a result the long term vision proposed in the Masterplan addresses both the current needs of the local community, as well as the future needs associated with the anticipated population growth.

## RECOMMENDATION

1. That The Parade Masterplan draft (as contained in Attachment G) be endorsed as being suitable to be released for Phase 3 Community Consultation, for a period of twenty-four (24) days.
  2. That the Chief Executive Officer be authorised to make any minor amendments to The Parade Masterplan draft, resulting from consideration of this report and as necessary to finalise the documents in a form suitable for release for Community Consultation.
-

Mayor Bria declared a perceived conflict of interest in this matter as a result of a relative residing in one of the affected streets. Mayor Bria advised that he would remain in the meeting.

Cr Wormald entered the meeting at 7.03pm.

Cr Whittington moved:

1. *That The Parade Masterplan draft (as contained in Attachment G), be endorsed as being suitable to be released for Phase 3 Community Consultation, for a period of twenty-four (24) days, with the following amendments:*
  - *the removal of the possible future signalised crossing at the intersection of The Parade and Edward Street (as shown on page 97);*
  - *reinforcing within the draft Masterplan, the Council's commitment to investigate additional parking opportunities within The Parade precinct;*
  - *reinforcing within the draft Masterplan, the intent to undertake traffic modelling of the preferred options; and*
  - *the medians along The Parade be left in their current configuration.*
2. *That the Chief Executive Officer be authorised to make any minor amendments to The Parade Masterplan draft, resulting from consideration of this report and as necessary to finalise the documents in a form suitable for release for Community Consultation.*

Seconded by Cr Shepherdson.

#### Amendment

Cr Wormald moved:

1. *That The Parade Masterplan draft (as contained in Attachment G), be endorsed as being suitable to be released for Phase 3 Community Consultation, for a period of twenty-four (24) days, with the following amendments:*
  - *the removal of the possible future signalised crossing at the intersection of The Parade and Edward Street (as shown on page 97);*
  - *reinforcing within the draft Masterplan, the Council's commitment to investigate additional parking opportunities within The Parade precinct;*
  - *reinforcing within the draft Masterplan, the intent to undertake traffic modelling of the preferred options;*
  - *the medians along The Parade be left in their current configuration; and*
  - *retention of the existing left turn slip lane at the intersection of The Parade and Portrush Road (heading east along The Parade and then turning north onto Portrush Road).*
2. *That the Chief Executive Officer be authorised to make any minor amendments to The Parade Masterplan draft, resulting from consideration of this report and as necessary to finalise the documents in a form suitable for release for Community Consultation.*

Seconded by Cr Duke.

*The amendment was put and carried and on becoming the motion was again put and lost.*

*Cr Wormald moved:*

1. *That The Parade Masterplan draft (as contained in Attachment G), be endorsed as being suitable to be released for Phase 3 Community Consultation, for a period of twenty-four (24) days, with the following amendments:*
  - *the removal of the possible future signalised crossing at the intersection of The Parade and Edward Street (as shown on page 97);*
  - *reinforcing within the draft Masterplan, the Council's commitment to investigate additional parking opportunities within The Parade precinct;*
  - *reinforcing within the draft Masterplan, the intent to undertake traffic modelling of the preferred options; and*
  - *retention of the existing left turn slip lane at the intersection of The Parade and Portrush Road (heading east along The Parade and then turning north onto Portrush Road).*
2. *That the residents and ratepayers of Cairns Street, Margaret Street, Church Street, Ravenswood Street and Sydenham Road, be consulted for a period of twenty-four (24) days, regarding The Parade Masterplan draft (as contained in Attachment G and as amended through Part 1 above) and specifically regarding the proposed extension of The Parade median strip which would prevent right hand turns from The Parade into those streets and right hand turns from those streets onto The Parade.*
3. *That the Chief Executive Officer be authorised to make any minor amendments to The Parade Masterplan draft, resulting from consideration of this report and as necessary to finalise the documents in a form suitable for release for Community Consultation.*

*Seconded by Cr Dottore and carried.*

## 2.2 LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIA – REQUEST FOR FUNDING – CITY OF ADELAIDE LITIGATION

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**REPORT AUTHOR:** General Manager, Governance & Community Affairs  
**GENERAL MANAGER:** Chief Executive Officer  
**CONTACT NUMBER:** 8366 4549  
**FILE REFERENCE:** S/0022  
**ATTACHMENTS:** A - B

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### PURPOSE OF REPORT

The purpose of the report is to advise the Council of a request from the Local Government Association of South Australia, for funding to support the City of Adelaide's legal costs associated with a Supreme Court action which was taken against the State Government's Fines Enforcement and Recovery Office relating to the issuing of an Expiation Notice for the Council's consideration.

### BACKGROUND

The City of Adelaide has made an application to the Local Government Association of South Australia (LGA), seeking contributions from Councils towards a recent Supreme Court action, in accordance with the LGA's *Policy for Councils Seeking Funding Support for Litigation* (the Policy).

A copy of the LGA's *Policy for Councils Seeking Funding Support for Litigation* is contained within **Attachment A**.

At its meeting held on 18 May 2017, the LGA Board considered the City of Adelaide's application and resolved to seek contributions from Councils, in accordance with the LGA's Policy.

The LGA has now written to Councils seeking voluntary contributions from Councils in support of the City of Adelaide's application.

A copy of the letter dated 25 May 2018, from the LGA is contained within **Attachment B**.

### RELEVANT STRATEGIC DIRECTIONS & POLICIES

Not Applicable.

### FINANCIAL AND BUDGET IMPLICATIONS

The LGA is seeking a contribution from the Council of \$841.00.

This amount is based upon a formula, as set out in the Policy, which takes into account the proportion of the membership subscription which is paid by Councils as part of their LGA membership annual subscription.

The Council has not made an allocation as part of the 2018-2019 Budget, for this activity, however in the event the Council does determine to support the request, funds will be allocated from the 2018-2019 Budget.

### EXTERNAL ECONOMIC IMPLICATIONS

Nil.

### SOCIAL ISSUES

Nil.

### CULTURAL ISSUES

Nil.

## ENVIRONMENTAL ISSUES

Nil.

## RESOURCE ISSUES

Not Applicable.

## RISK MANAGEMENT

Nil.

## CONSULTATION

- **Elected Members**  
Nil.
- **Community**  
Not Applicable.
- **Staff**  
Nil
- **Other Agencies**  
Not Applicable.

## DISCUSSION

In May 2017, the City of Adelaide applied to the LGA for funding support from Councils to assist with the legal costs associated with a Supreme Court action relating to a matter, which in the City of Adelaide's view, was a matter which had the potential to impact significantly on Local Government.

The City of Adelaide was a joint party to a Supreme Court action which was brought against the State Government's Fine Enforcement and Recovery Office (FERO) by Mr Cosenza, regarding the processes and procedures associated with the enforcement of Expiation Notices.

In 2014, the State Government introduced amendments to the *Expiation of Offences Act 1996*, which established the FERO as the statutory body responsible for enforcing all Expiation Notices, including Expiation Notices which are issued by Councils.

In addition, the *Expiation of Offences Act 1996* (the Act), sets out a number of requirements associated with the processes to be followed by FERO, as part of this role.

Mr Cosenza alleged that:

1. the City of Adelaide failed to supply a "certificate" to FERO, in accordance with the Act for the purpose of enforcing the Expiation Notices issued;
2. the City of Adelaide failed to pay the prescribed fee to FERO for each Expiation Notice FERO enforced on behalf of the City of Adelaide; and
3. FERO prevented Mr Cosenza from alleging more than one (1) ground of review for each enforcement determination which was made by FERO.

Essentially, Mr Cosenza alleged that the enforcement of Expiation Notices taken against him by FERO was unlawful and he sought to have the Supreme Court declare that all enforcement action taken by FERO since its establishment in 2014 be declared invalid.

In December 2017, the Supreme Court dismissed Mr Cosenza's application.

Notwithstanding this, the City of Adelaide incurred litigation costs to ensure the matter was appropriately defended.

In the letter dated 25 May 2018, which has been forwarded to the Council by the LGA (Attachment B), the LGA's Acting Chief Executive Officer states that, "*Subject to the Court's decision, the outcome may have required all councils to repay all monies received from FERRO for enforced expiation notices since February 2014.*"

It is on this basis that the City of Adelaide has made its application for funding support and on this basis that the LGA Board has agreed to support the application.

The City of Adelaide has advised that the total legal fees associated with the case are approximately \$37,200.

In response to a recent media enquiry from *The Advertiser*, the LGA provided the following comment:

*".....So far we have received commitments from councils to provide funding support totalling \$18,853 to the City of Adelaide.*

*These pledges demonstrate the value of the family of local government working together through the LGA.*

*We have been asked by a member council to review the policy, so we will work through this review in consultation with our sector."*

As set out above, a number of Councils have agreed to make a contribution to the City of Adelaide. This means that the remaining amount to be funded by the City of Adelaide is, at the time of writing this report, \$18,347.00.

Whilst it is acknowledged that the outcome of the matter would have been of interest to all Councils, in this case, in the event that the Fines Enforcement and Recovery Office was found to be at fault (ie they did not comply with the provisions of the Act and therefore the recovery of fees associated with Expiation Notices was deemed invalid), and were therefore required to refund those fees, it is suggested that this would rest with FERRO only given that it is their processes which have come under scrutiny.

## **OPTIONS**

The Council can resolve to support the LGA's request to contribute funds towards the City of Adelaide's litigation costs or resolve not to support the request.

This Council has, on various occasions, responded positively to requests from the LGA to assist with funding for various activities however, on this occasion it is recommended that the Council does not support the request.

There are a number of matters which this Council, (and in fact councils generally), deal with that ultimately benefit Local Government and to which we do not seek funding support from other Councils.

## **CONCLUSION**

The City of Adelaide is entitled to make an application to the LGA for funding assistance in accordance with the LGA's *Policy for Councils Seeking Funding Support for Litigation*, however it is at the discretion of the Council to determine if it wishes to provide a contribution in accordance with the LGA's Policy.

## **COMMENTS**

Nil

## **RECOMMENDATION**

That the Council advises the Local Government Association of South Australia that the Council does not support the City of Adelaide's application for funding in accordance with the LGA's *Policy for Councils Seeking Funding Support for Litigation*.

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*Cr Wormald moved:*

*That the Council advises the Local Government Association of South Australia that the Council does not support the City of Adelaide's application for funding in accordance with the LGA's Policy for Councils Seeking Funding Support for Litigation.*

*Seconded by Cr Duke and carried unanimously.*

**3. CLOSURE**

There being no further business, the Mayor declared the meeting closed at 8.39pm.

\_\_\_\_\_  
**Mayor Robert Bria**

**Minutes Confirmed on** \_\_\_\_\_  
(date)