

COUNCIL MEETING

**Minutes of the Corporation of the City of Unley
Council Meeting
Held on Monday 30 January 2012 at 7.01pm
In the Civic Centre
181 Unley Road Unley**

PRESENT

Councillors	M Hudson	J Koumi
	R Sangster	M Saies
	J Boisvert	D Palmer
	A Lapidge	P Hughes
	D Tipper	R Schnell
	R Salaman	M Hewitson

OFFICERS PRESENT

Chief Executive Officer, Mr P Tsokas
General Manager City Services, Ms M Bonnici
A/General Manager Corporate Services, Ms V Minenko
A/General Manager City Development, Ms D Richardson
Group Manager Finance & ICT, Ms N Tinning
Manager Transport and Traffic, Mr C Mountain
Operations Manager, Mr T Stein
Principal Policy Planner, Mr D Brown
A/Manager Governance, Ms D Horton
A/Executive Assistant to CEO & Mayor, Ms C Gowland

In the absence of the Presiding Member, the Chief Executive Officer opened the meeting and called for nominations for the position of Acting Presiding Member for the January 2012 meeting of Council.

APPOINTMENT OF ACTING PRESIDING MEMBER

MOVED Councillor Boisvert
SECONDED Councillor Palmer

That Councillor Schnell be appointed as acting Presiding Member for the Council meeting on 30 January 2012, due to the absence of Mayor Lachlan Clyne.

CARRIED UNANIMOUSLY

ACKNOWLEDGEMENT

The acting Presiding Member opened the meeting with the Aboriginal Acknowledgement.

PRAYER

Members stood in silence in memory of those who had made the Supreme Sacrifice in the service of their country, at sea, on land and in the air.

WELCOME

The acting Presiding Member welcomed Members of Council, Senior Staff, members of the gallery and the media to the January 2012 meeting of the Unley City Council.

APOLOGIES

Mayor Lachlan Clyne

ITEM 329

CONFIRMATION OF MINUTES

MOVED Councillor Hudson
SECONDED Councillor Tipper

That:

1. The minutes of the Council Meeting held on Monday 12 December 2011, as printed and circulated, be taken as read and signed as a correct record.

CARRIED UNANIMOUSLY

PETITIONS

Nil

PRESENTATION

Nil

DEPUTATION

Nil

ITEM 330

MINUTES OF CEO PERFORMANCE REVIEW COMMITTEE

MOVED Councillor Boisvert
SECONDED Councillor Tipper

That:

1. The minutes of the CEO Performance Review Committee meeting held on 5 January 2012, be received.
2. The recommendations listed under Item 1 inclusive, be adopted.

CARRIED

ITEM 331

MAYOR'S REPORT

MOVED Councillor Palmer
SECONDED Councillor Tipper

That:

1. The report be received.

CARRIED

ITEM 332

REPORTS OF MEMBERS

a) Items of particular interest and concern

Councillor Koumi – Memo regarding Parks Alive in Unley – great initiative by Council to have these activities in Parks.

Councillor Sangster – Unley Gourmet Gala – great event – well done to organisers.

Councillor Palmer – Council's website – Acknowledgement still refers to Kaurna people.

Councillor Saies – Brownhill Keswick Creek – table document. Copy given to all Elected Members (copy attached Attachment 1 to Item 332/12).

Councillor Hudson – Congratulations to Administration on the organisation of the Citizenship Ceremony on Australia Day.

Councillor Hudson – ‘Mozzies’ – article in Advertiser – now a fatal virus lurking.
Councillor Schnell – MS Mighty Swim – 4 staff members participating.

b) Centennial Park Cemetery Authority

Councillor Lapidge provided Members with an update on the outcome of the meeting in December 2011.

Work completed on upgrading fence. Discussed Environmental Plan.

Board Strategic Planning Session held on 24 November. Further session in March.

Reminder to Members regarding tour of Complex on Wednesday 15 February. Time changed to 6.15pm.

c) Development Matters

Councillor Saies – Discussed the process around the DAP. Representors receive nothing more than notification of the meeting. Representors should receive copies of all documents.

ITEM 333

KELVIN AVENUE PROPOSED LANDSCAPE TREATMENT

MOVED Councillor Palmer

SECONDED Councillor Boisvert

That:

1. The report be received.
2. A budget proposal be prepared for consideration in the 2012/13 budget process for the construction of landscape treatment for Kelvin Avenue, Clarence Park between Frederick Street and East Avenue as per the concept plan (Attachment 4 to Item 333/12).

Extension of Debating Time

MOVED Councillor Sangster

SECONDED Councillor Lapidge

That Councillor Palmer be given an extension to debating time.

CARRIED

The Motion was put and **CARRIED**

ITEM 334**DEVELOPMENT ACT DELEGATIONS – REGULATED TREES**

MOVED Councillor Palmer
SECONDED Councillor Sangster

That:

1. The report be received.
2. In exercise of the powers contained in Section 20 and 34(23) of the Development Act 1993, the powers and functions under the Development Act 1993, the Development (Development Plans) Amendment Act 2006 and the Development Regulations 2008 contained in the proposed Instrument of Delegation (Attachment 1 to Item 336/12) are hereby delegated this 30 day of January 2012 to the Chief Executive Officer (or anyone acting in that capacity) subject to the conditions contained in the proposed Instrument of delegation.
3. Such powers and functions may be further delegated by the Chief Executive Officer (or anyone acting in that capacity) as the Chief Executive Officer sees fit and in accordance with the relevant legislation unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation under the Development Act 1993, the Development (Development Plans) Amendment Act 2006 and the Development Regulations 2008.

CARRIED UNANIMOUSLY

Councillor Boisvert left the meeting at 8.36pm during discussion on the above Item.

ITEM 335**REGULATED TREES MINISTERIAL DEVELOPMENT PLAN AMENDMENT AND ESTABLISHMENT OF AN URBAN TREE FUND**

MOVED Councillor Koumi
SECONDED Councillor Palmer

That:

1. The report be received.
2. The Submission on the Regulated Trees Development Plan Amendment by the Minister for Planning contained in Attachment 1 to Item 335/12, be submitted to the Presiding Member of the Development Policy Advisory Committee, with an amendment that Council believes that proximity should relate to buildings rather than dwellings, and that the DPA should address the conflict between trees and overshadowing solar panels, and trees and rainwater collection.

3. An application be made to the Minister for Planning to establish an Urban Tree Fund in accordance with Section 50B (1) of the Development Act.

Councillor Boisvert returned to the meeting at 8.39pm during the above Item.

Councillor Boisvert MOVED as an AMENDMENT, SECONDED Councillor Hewitson, That:

1. The report be received.
2. The Submission on the Regulated Trees Development Plan Amendment by the Minister for Planning contained in Attachment 1 to Item 335/12, be submitted to the Presiding Member of the Development Policy Advisory Committee.
3. An application be made to the Minister for Planning to establish an Urban Tree Fund in accordance with Section 50B (1) of the Development Act.

The AMENDMENT on being put was **CARRIED**.

The AMENDMENT then became part of the **MOTION** which was put and **CARRIED**.

Councillor Hudson left the meeting at 8.42pm returning at 8.43pm during the above Item.

ITEM 336

2012-13 ANNUAL BUSINESS PLAN AND BUDGET TIMETABLE

MOVED Councillor Boisvert
SECONDED Councillor Koumi

1. The report be received.
2. The workshop timetable Attachment 1 to Item 336/12 be endorsed.

CARRIED

Councillor Hughes left the meeting at 9.06pm during discussion on the above Item.

ITEM 337
SECOND QUARTER BUDGET REVIEW 2011-12

MOVED Councillor Hewitson
SECONDED Councillor Tipper

That:

1. The report, including Attachments 1 and 2 to report 337/11 be received.
2. Budget variations totalling \$729 000 for the Second Quarter 2011/12 budget review be noted.
3. The revised Second Quarter Budget Financial Statements including the Budget Operating Surplus before Capital Revenue of \$1 037 000 an increase of \$6 345 000 to Net Financial Liabilities be adopted.

CARRIED UNANIMOUSLY

Councillor Hughes returned to the meeting at 9.10pm during discussion on the above Item.

ITEM 338
FUNDING AN AWARENESS RAISING AND REFERENDUM CAMPAIGN FOR LOCAL GOVERNMENT

MOVED Councillor Hudson
SECONDED Councillor Saies

That:

1. The report be received.
2. A letter from Council is submitted to the Local Government Association (LGA) requesting they investigate and report back to all South Australian councils the implications for a one third council's contribution and two thirds contribution from the LGA via the LGR&DS and LG Reserves for the purpose of a Local Government awareness and referendum campaign.
3. A contribution from the City of Unley for the 2011/12, 2012/13, 2013/14, 2015/16 and 2016/17 financial years at maximum cost of \$28 635 be provided to the LGA for the purpose of a Local Government awareness and referendum campaign.
4. Should a referendum supported by the Australian Local Government Association (ALGA) not proceed, any funding that has not been spent that was allocated to the ALGA campaign from Council, be returned to Council.

CARRIED

ITEM 339

NOMINATION FOR LIBRARIES BOARD OF SOUTH AUSTRALIA

MOVED Councillor Lapidge
SECONDED Councillor Saies

That:

1. The report be received.
2. Councillor Hewitson's nomination as a Local Government Member on the Libraries Board of South Australia be supported.
3. Administration forwards Councillor Hewitson's nomination to the Local Government Association's (LGA) Senior Executive Committee by 5pm Thursday 16 February 2012.

CARRIED UNANIMOUSLY

ITEM 340

NOMINATION NATURAL RESOURCE MANAGEMENT COUNCIL

MOVED Councillor Schnell
SECONDED Councillor Palmer

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 341

IMPLEMENTATION OF MOBILE DEVICES FOR ELECTED MEMBERS

MOVED Councillor Tipper
SECONDED Councillor Boisvert

That:

1. The report be received.
2. The Elected Member Allowances and Benefits Policy be updated to include the provision of mobile device(s) (e.g. iPads) for each Elected Member.
3. Support for the implementation of mobile devices for use by Elected Members be given.

CARRIED

ITEM 342

END OF MONTH FINANCIAL REPORT

MOVED Councillor Hewitson
SECONDED Councillor Sangster

That:

1. The report be received.

CARRIED UNANIMOUSLY

Councillor Tipper left the meeting at 9.48pm during discussion on the above Item.

ITEM 343

COUNCIL ACTION RECORDS

MOVED Councillor Hewitson
SECONDED Councillor Koumi

That:

1. The report be received.

CARRIED

Councillor Tipper returned to the meeting at 9.50pm during the above Item.

Councillor Hewitson left the meeting at 9.50pm returning at 9.51pm during the above Item.

ITEM 344

CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT

MOVED Councillor Schnell

SECONDED Councillor Hudson

That:

1. The report be received.

CARRIED UNANIMOUSLY

ITEM 345

QUESTION ON NOTICE FROM COUNCILLOR SAIES RE BROWNHILL KESWICK CREEK DRAFT STORMWATER MANAGEMENT PLAN

These questions on notice were presented to the December meeting of Council and the answers are now provided.

1. **Who, specifically, were the authors of the Brownhill Keswick Creek Draft Stormwater Management Plan "Summary Report"?**

Answer

The Summary Report was prepared by Victoria Haupt and Nicole Halsey consultants from URPS working with their sub-consultant Natalie Fuller from Natalie Fuller and Associates. URPS were engaged to prepare consultation materials and undertake the public consultation aspects of the Project.

Materials were reviewed by the Project Director, Council technical staff and the CEO Project Steering Group (further information about this is provided at Question 4 and 5.)

The information contained in the Summary Report is derived from the Draft Stormwater Management Plan that was prepared by engineering consultants from WorleyParsons resources and energy, who were engaged to prepare the Plan.

2. **Why were the authors' names not identified in the document?**

Answer

It is usual practice that community consultation materials are not attributed to a specific author.

The front page of the Summary Report features the logos of the five main catchment councils. This is the usual practice used in most councils and was agreed to by the Project Steering Group.

3. Why were the elected members not ever consulted about the contents of the “Summary Report” and/or other written material to be disseminated to the community as part of the public consultation process in relation to the Draft Plan?

Answer

Council considered the consultation process and timelines (including principles on the consultation process) in March 2011 (CSP Item 112/11) and then endorsed the draft Stormwater Management Plan for the purpose of public consultation in September 2011 (Council Item 245/11). Further information about this is included at Question 4 and 5.

The Summary Report and all other written consultation materials are consistent with the endorsed draft Stormwater Management Plan and prepared in accordance with the consultation process agreed by councils.

Table 2 Attachment 3 of the March report on timing and process for consultation on the Plan identified that consultation materials would be reviewed at two levels, firstly Project Technical Committee and secondly the Project Steering Group.

It is usual practice that community consultation materials are finalized by the project staff or in consultation with a Project Steering Group unless otherwise resolved by the Council.

4. Why were the elected members not ever consulted about the extent of the mail-out by Council of the “Summary Report” and/or other written material to residents, taking into account the interest which members of the community residing outside of the immediate area affected by the so-called “one in a hundred years flood” could be expected to have in the project?

Answer

The process and timelines (including principles of the consultation process) were outlined in a Decision Report to the City Strategy and Policy Committee in March 2011 (CSP Item 112/11).

The following information was provided in that report:

Principles of the consultation process

- 1. Consultation is undertaken at the catchment scale with common messages.*
- 2. Components of community consultation include:*

- *Project website with brochure, response sheet and summary report available.*
 - *Consultation material to be available at council offices and usual council distribution points.*
 - *Brochure to be delivered to potentially affected and nearby properties in the five council areas early in the process.*
 - *At least two Community Open Days, one on a weekday afternoon and evening and one on a Saturday, early in the consultation process – held in Mitcham and West Torrens Council areas (and another area, if warranted at the time).*
3. *Material and process to support consultation includes:*
- *Stormwater Management Plan (draft report).*
 - *Summary report in non-technical language.*
 - *Brochure outlining key components and benefits of the Plan.*
 - *All material will have a response sheet.*
 - *Project website with brochure, response sheet and summary report available.*
 - *Community Open days where consultants and technical staff will be available for issues to be raised and questions asked.*
4. *The process will be carried out in accordance with:*
- a. *Stormwater Management Authority Planning Guidelines – section 2.10 ‘Communication and Consultation’*
 - b. *consultation policies relevant to each council.*
5. *The project director will manage the process as directed by the Steering Group.*
6. *A community consultation facilitator will be engaged by the project, subject to approval by the Project Steering Group (consistent with normal contracting arrangements in the Brown Hill Keswick Creek project).*
7. *The facilitator, responsible to the project director, will advise on the consultation process, including:*
- a. *the level of detail and clarity of information being prepared*
 - b. *dissemination of information including drafting of media notices*
 - c. *use of project, consultant and council resources.*
8. *Council resources will assist as appropriate and arrange Messenger newspaper notices and the handling and dissemination of consultation material – specific arrangements, as between each council, will be made closer to the time; however, it is expected that such resourcing principally will be undertaken by Unley, Mitcham and West Torrens Councils.*
9. *Each of the councils (including elected members and key staff) will be briefed separately.*
10. *It is proposed that councils (elected members) will be briefed on the main outcomes of the investigation prior to finalizing the draft Stormwater Management Plan report. The opportunity for briefings would be from about early June until a reasonable time prior to a council’s meeting to ‘receive the report’.*

11. *Relevant agencies (including Adelaide and Mt Lofty Ranges NRM Board, EPA and Department for Water) will be invited to comment on the Plan report and briefings will be provided if requested.*

12. *Briefings will be provided to relevant Members of Parliament.*

13. *The Consultants will be asked to assist in briefings and open days, as well as making any changes to the draft report resulting from the process (subject to contract agreement).*

The extent of the mail out was determined by staff from each council after reference to public consultation policies, knowledge of the area, the consultation Schedule prepared by the consultants and the above principles for the consultation process.

5. **Does the Administration accept that by limiting the mail-out of the “Summary Report” and/or other written material to members of the community residing within or very close to the area affected by a “one in a hundred years flood” the survey results are bound to be skewed in favour of acceptance of the recommendations made in the Draft Plan?**

Answer

The consultation process was intended to engage with members of the community likely to have an interest in the draft Stormwater Management Plan, including those within areas identified as potentially at flood risk, those living near a proposed flood mitigation strategy, as well as the broader community and other stakeholders.

The consultation approach aimed to achieve a balanced approach to consultation. Methods included the following:

- summary report, fact sheets and displays available to the general public via Council web-pages, key Council locations, ie community centres, libraries and offices
- 27 000 (6 000 approx in Unley) brochures and feedback sheets posted to residents and property owners. This mail included areas likely to be affected in a 1 in 100 Year flood based on the modelling published in the draft Stormwater Management Plan and areas in the vicinity of infrastructure proposed by the draft Plan (extended where appropriate to the closest major streets)
- letter to private property owners through which watercourses run
- public notices placed in *The Advertiser* and the *City, Eastern Courier, Weekly Times, Guardian* and *Hills and Valley Messengers* on 26 October, 9 November and 16 November 2011
- one on one meetings offered to individuals, representatives of community groups, government departments, Ministers and Members of Parliament
- three Open Days.

Ultimately the councils will make a decision regarding a Plan to be recommended for approval by the Stormwater Management Authority.

The recommended Plan will be informed by a number of factors:

- public consultation results
- priorities of individual Councils
- supplementary technical information
- multi-assessment criteria.

The Summary Report was not part of the mail out to property owners and occupiers. Property owners and occupiers received a Summary Brochure and feedback form.

6. **Given that the Draft Plan does no more than identify engineering options which might be undertaken as part of a flood mitigation scheme across the five affected Councils, why was a broader enquiry not undertaken in advance of the public consultation process which also addresses relevant social, environmental and native title issues, culminating in the publication of a report which analyses the merits of the Draft Plan by reference to all relevant issues?**

Answer

The draft Plan proposes a number of options that are not engineering in nature including:

- improving policies and assessment processes that apply to new development in the catchment, to ensure new development is designed to protect against flood risk, to incorporate Water Sensitive Urban Design principles new development, particularly at the neighborhood level
- improving community awareness about flood risk, improving flood awareness by the community and development of a new Emergency Response Plan for Brownhill and Keswick Creeks
- clarifying responsibilities and improving practices for maintenance of creek channels.

In addition to the engineering analysis, the draft Plan addresses social, environmental and other non-engineering factors through a multi-criteria assessment referred to in Section 9.4 and Appendix F. The assessments of the various options included:

- reduction in flood impacts
- technical feasibility
- water quality and reuse
- protection of environmental features
- improve recreational amenity
- opportunity to improve biodiversity
- approximate cost.

Where necessary, specific investigations, typically for environmental and heritage impacts, will be carried out in the next, more detailed, phase of design for each individual infrastructure proposal of the project.

- 7. Given that Worley Parsons Services Pty Ltd was contracted by the five affected Councils (and continues to be in a commercial relationship with the five affected Councils) and given that Worley Parsons Services Pty Ltd was engaged to prepare a Draft Plan in the context of the brief assigned to it by the five affected Councils, does the Administration accept that the Draft Plan and the “Summary Report” do not and could not constitute an independent and objective analysis of the options?**

Answer

If not, why not?

Engaging expert consultants and advisors (eg engineers, lawyers, accountants, HR specialists) under commercial arrangements is a normal business practice for nearly all business. Most consultants work under a professional code of ethics which ensures the quality and impartiality of advice provided. The project has hired both WorleyParsons and URPS under normal commercial terms after inviting tenders from a number of professionally qualified consultants.

WorleyParsons is a listed company and one of Australia's foremost engineering and project management companies. Their work can be regarded as professional, thorough and impartial.

In addition, a range of independent consultants have also worked on various aspects of the project both for the 2006 report as well as for the 2011 report. WorleyParsons has drawn on the 2006 work, as well as undertaking their own engineering assessments. This included the floodplain modeling work, which WorleyParsons interrogated and assessed using independent software which tested the veracity of results of the floodplain model.

Similarly, a consultant engaged by Mitcham Council in 2010 also reviewed part of the 2006 flood modeling using independent modeling software. This essentially provided a peer review of the floodplain modeling used for the project. Further work is currently being done by engineering consultants employed by the Adelaide and Mt Lofty Ranges NRM Board to assess input data to the floodplain model. This will be available shortly.

The project has also been supported by a Technical Project Group comprising engineering and other staff from catchment councils plus expert hydrologists from the Department of Planning, Transport and Infrastructure and other State officials.

The findings and recommendations of the draft Stormwater Management are supported by a wide range of professional engineers, managers and experts who have been working on the project.

8. **Does the Administration accept that by representing that the so-called “one in a hundred years flood” will occur and will affect an identifiable number of identifiable properties, the “Summary Report” is misleading?**

If not, why not?

Answer

The engineering industry has adopted 1 in 100 year ARI as its normal benchmark for developing catchment scale flood mitigation schemes. This benchmark provides the basis for analysis and engineering design work. Whilst not a definitive standard, it is regarded as current practice.

Whether the 1 in 100 year ARI storm eventuates is not known. What the design approach identifies is that there is a 1% chance of this happening in any year and the current recommended flood mitigation scheme provides for this level of protection.

9. **Does the Administration accept that by publishing an “artist’s impression” of the proposed dam in Brownhill Creek Recreation Park (in Figure 4), the “Summary Report” was bound to mislead readers into thinking that the ultimate design of any dam in the Brownhill Creek Recreation Park will be close to what is depicted in Figure 4?**

If not, why not?

Answer

There was no intention to mislead the reader. Page 7 of the Summary Report, the artist’s impression is intended to convey *“based on available information ... the scale of the proposed dam in relation to the existing landscape*

The inclusion of the artist impression of the dam was used to assist the community to visualise the impact of the dam on the landscape and to provide a focus for community comment during the consultation process. The limitations of the impression were also clearly explained at the Open Days.

The artist’s impression is considered to be a fair representation of the form of flood mitigation dam as outlined in the draft Stormwater Management Plan that would be required for the volume of water proposed to be detained at this particularly site.

Councillor Palmer left the meeting at 9.52pm returning at 9.53pm.

ITEM 346
CORRESPONDENCE

The correspondence from

- Reconciliation Australia
- Centennial Park Cemetery Authority
- Hon Russell Wortley and the Premier
- The Hon Tom Koutsantonis MP
- FOCUS (Friends of the City of Unley Society)

be noted.

ITEM 347
NOTICE OF MOTION FROM COUNCILLOR HUGHES RE LIBRARY STRATEGY
REFERENCE GROUP

MOVED Councillor Hughes
SECONDED Councillor Hewitson

That:

1. The Administration commence the process of forming an ongoing Library Community Advisory Group, in consultation with the Library Strategy Reference Group.
2. A report with recommendations be presented to the City Strategy and Policy Committee in April 2012.

CARRIED UNANIMOUSLY

ITEM 348
UNRESOLVED ITEMS

Meeting Date	Item	Status
Council 27/10/08	Item 363 Notice of Motion from Councillor Hewitson re Sturt Football Club. (copy attached)	The question remain laid on the table.
Council 22/3/10	Item 622 (UBED Item 46 Adjourned Debate – Item 46 – Unley Business and Economic Development Committee – Glen Osmond Road Separate Rate Negotiation. (copy attached)	The Item lie on the table.
Council 28/11/11	Item 301 Appointment of Deputy Mayor (copy attached)	The Item lie on the table.

CLOSURE

The acting Presiding Member closed the meeting at 10.08pm.

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PRESIDING MEMBER

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Matters of Concern (Brownhill Creek Keswick Creek Draft Stormwater Management Plan) to be raised at the Council Meeting on 30 January 2012.

1. In the term of my office on Council I have, at times, had to bite my tongue in relation to what I have perceived to be failures on the part of this Council to adhere to ordinary principles relating to transparency and accountability, conflicts of interest and due diligence.
2. But I cannot, in all conscience, bite my tongue in relation to the overt deficiencies in the public consultation process for the Brownhill Creek Keswick Creek Draft Stormwater Management Plan. **It just wasn't fair.** When I nominated for a position on this Council in October 2010, I stood on a platform of transparency and accountability in local government.
3. What has occurred in this case is the **low watermark** for this Council in terms of public consultation. It amounts to a loss of faith with both the elected members of this Council and with the residents of the City of Unley.
4. Dealing first of all with the loss of faith with the elected members:
 - (i) Until I received and read the Draft Stormwater Management Plan prepared by Worley Parsons in late August 2011 and attended a workshop with the authors of the report in about mid September 2011, I knew very little of substance about the project.

Early in the life of this Council, it was incumbent upon the Administration to bring the newly elected members up to speed on such a major capital works project involving the City of Unley – made more complicated because of the need for co-operation across five metropolitan Councils - and a project which, for so long as it included a proposal for a dam in the upper catchment of Brownhill Creek, was always going to prove controversial with some sections of the community.
 - (ii) The flavour of the Administration's Answers to my Questions 3 and 4 on Notice (appearing at pages 59, 60 and 61 of this Agenda) is disingenuous.

It is disingenuous because the Answers plainly are meant to convey that the elected members were fully conversant with the consultation process which was proposed in the Administration's report to the City Strategy and Policy Committee meeting on 21 March 2011, notwithstanding that I (and, perhaps, the other newly elected members) knew precious little about the project at that time, let alone have any appreciation for the sort of issues which should be addressed in the public consultation process.

- (iii) In fact, (and this is not addressed in the Administration's Answers to my Questions 3 and 4 on Notice) I specifically asked Ray Pincombe in the course of debate of the item at the CSP meeting in March 2011 whether clause 2.5 of the Administration's proposed motion in any way locked the Council into approving the "revised Stormwater Management Plan" – whatever its merits. I have a clear recollection of Mr Pincombe replying that all we were achieving by the motion (as proposed) was a variation of the timetable previously insisted upon by the Stormwater Management Authority in order to placate the Authority (or words to that effect).

In other words, Mr Pincombe was, at that time, telling the elected members that CSP Item 112/11 was all about adjusting the timetable and not about anything of substance.

- (iv) The Answer to Question 3 also refers to Council resolving, by the motion passed at the ordinary Council meeting on 26 September 2011 (in paragraph 2) to receive the draft Brownhill Creek Keswick Creek Stormwater Management Plan *"for the purpose of community consultation that will occur between 31 October 2011 and 12 December 2011"*.

First of all, what does paragraph 2 of the motion mean: *to receive a report for the purpose of community consultation*? It doesn't in any way enlighten elected members as to how the report is going to be used in the community consultation process. If anything, on a common sense interpretation, it suggests that the report – unedited and undiluted - would, as a matter of course, be provided to the community.

We know that when it came to the mail-out to select members of the Unley community only a "Summary brochure" was distributed – a document which very much "dumbed down" the technical issues and which was prepared, at least in part, by the public relations

firms of URPS and Natalie Fuller and Associates and not exclusively by the authors of the Draft Plan, who are engineering experts.

5. And now dealing with the loss of faith with the residents of Unley (to be read in conjunction with the matters raised by my Questions on Notice in the Agenda for the Council meeting on 30 January 2012):

- (i) I refer to the notes in blue font in the left hand margin on page one of the "Summary brochure":

"The principal objective of the Draft Stormwater Management Plan (the Draft Plan) is to reduce the impact of major flooding across the catchment".

This statement is inconsistent with the *Stormwater Management Planning Guidelines 2007* which identify six main principles:

- Apply a risk management framework for hazards / flooding based on catchment characteristics and **rigorous data collection;**
- **Facilitate more productive use of stormwater;**
- **Manage the environmental impacts of stormwater as a conveyor of pollution;**
- **Manage stormwater as part of the urban water cycle recognising natural watercourse ecosystems where feasible;**
- Achieve responsible stormwater management locally by making better use of the statutory development planning system;
- **Gain innovative stormwater policy outcomes** through the most effective funding and procurement arrangements.

- (ii) The opening statement on page 1 of the "Summary brochure":

"A 100 Year Average Recurrence Interval (ARI) flood is a flood that will occur on average once every 100 years, and has a 1% chance of occurring in any given year" (my emphasis)

has the potential to mislead, because a 100 Year ARI flood event may not occur at all in a period of 100 years and may not ever occur. The prospects of such a flood event occurring is speculative and subject to the influence of a broad range of factors not identified in the "Summary brochure".

Furthermore, there has been no attempt in the "Summary brochure" to explain to the reader that the concept of a 100 Year ARI flood is a scientific construct and draws upon the now outdated *Australian Rainfall and Runoff* guidelines published in 1987.

- (iii) The flood plain map on the first page of the "Summary brochure" purports to depict the extent of flooding in the event of a 100 Year ARI flood if there is no upgrade to the existing infrastructure.

However, the Draft Stormwater Management Plan prepared by Worley Parsons depicts the flooded area in various shades of blue – from white to deep blue to show the level of flooding – 75% of which, on the Worley Parsons projections, is actually below floor flooding.

- (iv) The image of a dam in the bottom corner of page three of the "Summary brochure" is plainly meant to convey some idea of what a dam, if approved, will look like. The text in paragraph 3 on page two of the brochure contains this comment: *"The dam would be about 12 metres high (to the spillway level) and 100 metres along the crest. (see illustration at bottom of opposite page).*

The combination of this graphic and the related text hardly informs the reader that the final design of the dam has not been considered or decided and that a dam might end up looking completely different to the graphic in the "Summary brochure".

6. If local government is to maintain its viability and relevance to the community in the future, then it has to perform a lot better than this Council has performed thus far in respect of public consultation on the Brownhill Creek Keswick Creek Draft Stormwater Management Plan.

Michael Sales

30 January 2012