

APPENDIX 3

Notification of 2012 SMP strategy

Brown Hill Keswick Creek Stormwater Project

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30 April 2012

Mr Barry Gear AO
Presiding Member
Stormwater Management Authority
GPO Box 2834
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Dear Mr Gear

Stormwater Management Plan Strategy

I am writing to update the Authority on progress in finalizing a stormwater management plan (SMP) for the project. The Chief Executive Officers of the five catchment councils will be recommending to their respective councils in May the following strategy.

The Chief Executive Officers believe that the strategy presents a significant opportunity to deliver four key outcomes for all catchment communities:

1. Committing the councils to commence flood mitigation works (Part A Works)
2. Agreement on cost apportionment between the councils
3. Presenting a strong case and united front to the Commonwealth Government for funding support
4. Pursuit of a 'no dam' solution subject to its feasibility and community acceptance across all councils (Part B Works)

Proposed Strategy

1. It is proposed that:
 - (a) The catchment councils recommend to the Stormwater Management Authority a stormwater management plan (the '2012 SMP') comprising the following points, as described in subsequent paragraphs:
 - Flood mitigation works for Part A of the catchment subject to effective flood mitigation performance and cost controls (paragraph 2)

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- A process for determination of flood mitigation works for Part B of the catchment (paragraphs 5 - 12)
 - Other flood mitigation measures (paragraph 13)
 - Other information required to satisfy the Stormwater Management Authority Planning Guidelines (paragraph 14);
- and
- (b) The catchment councils, on approval of the 2012 SMP, undertake to agree the full scope of flood mitigation works for the catchment and incorporate them in the SMP (the 'Final SMP') in accordance with the process described in paragraphs 5 – 14.

Part A Works

2. The Part A Works comprise:

(a) The following structural flood mitigation works of the *Draft Stormwater Management Plan* report of August 2011 by WorleyParsons (the '2011 Draft SMP'), as generally described in Section 11.1 and as varied by subsequent advances in design:

- Detention basins in the South Park Lands / Glenside Campus (concept design completed)
- Flood detention dam in Ridge Park Reserve (tender for full design to be let in April)
- Bypass culvert in Fisher Street
- Keswick Creek to Brownhill Creek diversions (Le Hunte / Leader Streets and Anzac Highway) (concept design completed)
- Brownhill Creek channel upgrade between Leah Street and Anzac Highway (including the Highway culvert) to be designed to allow for the no-dam option in Brownhill Creek
- Brownhill Creek channel upgrade from Anzac Highway to the confluence with Keswick Creek (concept design planned to be implemented in 2011/12);

and

(b) Channel upgrade and repairs relevant to Glen Osmond Creek, Parklands Creek and Keswick Creek as may be required as a result of the channels assessment investigation being carried out for the Adelaide and Mount Lofty Ranges Natural Resources Management Board.

3. Planning details for the Part A Works are established and in some cases designs have been advanced to the concept stage or are entering detailed design.

4. The flood mitigation impact of the Part A Works (collectively or individually) has not been modelled. However, from extrapolation of other modelling scenarios

carried out for the 2011 Draft SMP, the effect for the 100 year ARI will be assessed.

Process – Part B Works

5. The Councils will determine the Part B Works (i.e. those works in upper Brownhill Creek generally above Forestville Reserve) by the process specified in the following paragraphs.
6. The councils, recognizing community opposition to a dam in the upper reaches of Brownhill Creek, commit to a preference to pursue a feasible and whole of catchment community supported ‘no dam’ solution with a target date for agreement of a feasible solution within 12 months of gazettal of the 2012 SMP.
7. Current investigations centre on structural mitigation works as outlined in the 2011 Draft SMP (Section 11.1), the *Bypass Culvert Feasibility Assessment* report by WorleyParsons of April 2012 and the channels assessment by the Adelaide and Mount Lofty Ranges NRM Board, being:
 - Channel improvement works to Brownhill Creek in Mitcham and parts of Unley
 - High flow by-pass culvert from Hampton Street to Malcolm Street (considering two routes – one via Grove Street and the other adjacent to the main railway line)
 - Upgraded high-flow bypass culvert between Malcolm Street and the Glenelg tramway (Forestville Reserve)
8. Determination of the Part B Works will include:
 - Description of the works to level of detail consistent with that of the Part A Works of the draft SMP, as a minimum standard
 - Estimated cost of design and construction to a level of detail consistent with that of the Part A Works of the draft SMP, as a minimum standard
 - Implementation program to be integrated with that of the Part A Works of the draft SMP
 - Any other information relevant to the Part B Works required for the draft SMP to satisfy the SMA Planning Guidelines (and to meet the objectives of the draft SMP)
9. In determining the Part B Works, the councils will:
 - Engage suitably qualified experts, including consultants if necessary, for technical or other investigations (including floodplain modelling) as appropriate

- Carry out community consultation in respect of the proposed Part B Works to satisfy, as minimum, the SMA Planning Guidelines and council policy requirements
 - Provide the necessary funding in accordance with the currently agreed cost sharing arrangement, or as otherwise subsequently agreed, for development of the SMP and community consultation (the cost sharing arrangement assumes 50% contribution from the SMA)
10. In determining the Part B Works, the councils will use their best endeavours and negotiate in good faith to reach agreement on works which have a total estimated construction cost inclusive of Part A Works not exceeding a benchmark cost and any subsequent adjustments approved by the Councils.
 11. Estimated costs to be based on December 2011 values (escalated by ABS reference data).
 12. If the councils fail to agree on a Final SMP (paragraph 1) within the required timeframe (paragraph 6) they will inform the SMA accordingly.

Stormwater Management Plan

13. Other flood mitigation measures, to be included in the 2012 SMP and the Final SMP are the non-structural management actions identified in section 11.4 of the Draft 2011 SMP.
14. Other content of the 2012 SMP and the Final SMP will include, but may not necessarily be limited to:
 - Stormwater management objectives
 - Stormwater harvesting
 - Other multi-purpose benefits
 - Benefit-cost analysis (for each component separately and in conjunction with the other components)
 - SMP implementation including establishment of regional subsidiary
 - Implementation program
 - Estimated cost (construction and maintenance) and annual budgets

Funding Agreement

15. The proposed flood mitigation works represent a significant project for metropolitan Adelaide and South Australia. The proposed capital works would also potentially impose an unreasonable burden on local communities and local government. As such, commitment by the five catchment councils to the 2012 SMP and the Final SMP is on the understanding that councils will continue to

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pursue shared funding for the whole of the detailed design and construction of the Part A and Part B flood mitigation works of the project between the three spheres of government in the following proportions:

- Commonwealth Government – 1/3
 - State Government – 1/3
 - Local Government – 1/3
16. Separate funding provisions are to remain in place to fund development of the SMP (including public consultation, investigation and preliminary scheme design) where the State (via the SMA) and local government agree to fund 50% each of the development costs.
17. Local government will continue to fund 100% of the project administration costs.
18. It is proposed that the five catchment councils cost sharing for the local government portion of the funding arrangements should be:
- Project Administration – councils sharing costs at 20% each
 - SMP development – councils sharing costs at 20% each of 50% by local government (with 50% by the State via the SMA)
 - Design and construction – local government component apportioned:
 - West Torrens – 49%
 - Unley – 21%
 - Burnside – 12%
 - Mitcham – 10%
 - Adelaide City – 8%
19. The 2012 SMP and the Final SMP will document the cost sharing arrangements as outlined above and the charter will include councils' agreed sharing arrangements, including procedures to deal with any likely cost increases.

Charter

In anticipation of being able to produce a SMP by the middle of this year and having it approved by the Authority, the Steering Group has formed a working group of council representatives to resume preparation of a charter (or equivalent agreement).

It is proposed that governance of the project, including responsibility for proper management of the SMP including construction, operation and maintenance of works and on-going management of other flood mitigation measures would be undertaken by the five catchment councils via a regional subsidiary. The charter would be the legal agreement between the five catchment councils which defines the creation and operation of the regional subsidiary.

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In respect of responsibility for the SMP, the regional subsidiary could utilise legislative powers available to it under Schedule 1A of the Local Government Act to manage both the SMP and infrastructure.

Whilst every endeavour will be made by the councils to agree the terms of a charter as soon as possible, it is understood that the charter would not have to be settled before approval of the SMP.

Conclusion

The above position represents a significant opportunity to address a long standing community risk of flooding in the Brownhill and Keswick Creek catchments. The Chief Executive Officers of the five catchment councils will seek their council's endorsement of the strategy in May 2012.

Yours sincerely



Michael Salkeld
Project Director