

Register of Internal Reviews of Council Decisions under Section 270 of the *Local Government Act 1999*

As at 31 March 2024

Register of Internal Reviews of Council Decisions under Section 270 of the *Local Government Act 1999*

A register of Internal Reviews of Council Decisions under Section 270 of the *Local Government Act 1999* is maintained in accordance with paragraph 16.1 of the Internal Review of Council Decisions (Section 270) Procedures.

Date of Request	Decision to be reviewed	Review undertaken by	Status	Outcome of the Review
			(Received/Initial Assessment/ Under Investigation/ Finalised/Refused)	
23/09/2023	Proposal of a 50/50 cost split for repair costs for a damaged stormwater pipe at 12 Willaroo Avenue, Beaumont	Mellor Olsen Lawyers	Under Investigation	
11/04/2023	Review of the Council's decision to commence the processes involved with the road process and subsequent sale of a section of Allandale Avenue Glen Osmond directly opposite number 22 Allandale Avenue Glen Osmond	Norman Waterhouse	Finalised	Matter withdrawn – road process and sale of a section of Allandale Avenue did not proceed.
23/03/2023	Placement of Street Art on Gurr's Road		Refused	
21/10/2022	Bin Tagging	Norman Waterhouse	Finalised	Report Noted. Bin Tagging Program discontinued Kerbside Waste and Waste Management By-law to be reviewed.
26/07/2021	Removal of Elm Tree on Median Strip adjacent to 21 Prescott Terrace, Rose Park	Norman Waterhouse	Finalised	Decision of Council upheld
3/02/2021	Denial of Insurance Claim	Norman Waterhouse	Finalised	Decision of Council upheld

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Prior to 2019/20 Financial Year

For further information relating to these applications please refer to the Annual Report on Section 270 Reviews presented to Council or the Council's Annual Report

Previous Section 270 Reviews – Prior to the inclusion of the Register in the Internal Review of Council Decisions (Section 270) Procedures

2017/18 Financial Year	Outcome
Removal of tree (non-regulated)	This concerned a request by a resident for the Council to undertake an internal review of the decision to reject his request to remove a tree (non-regulated) as the external arborist had previously confirmed that the risk level for this tree is acceptable. This review was conducted by Kelledy Jones Lawyers who undertook the internal review on behalf of the council and upheld council's decision not to grant permission to remove the tree.
Decision to retain matter in confidence	This concerned a request by a former staff member requesting the Council to undertake an internal review of the decision to retain documents contained in Confidential Topic 59.9 in confidence in perpetuity. The Chief Executive Officer was the officer responsible for the internal review and upheld council's decision to retain the document in confidence until its expiry date of 11 October 2021.
Decision to implement a Wombat Crossing Dulwich Avenue, Dulwich	This concerned a request by the Dulwich Avenue Residents for the Council to undertake an internal review of the Council decision to implement a wombat crossing on Dulwich Avenue, Dulwich. This review was conducted by Minter Ellison who undertook the internal review on behalf of the council and the council noted the findings of the report and confirmed its decision in relation to the installation of a 'wombat' crossing on Dulwich Avenue, Dulwich (C11474, 13/3/18).
Change of Street Numbering – Mulberry Road, Glenside	This concerned a request by the South Australian Film Corporation (SAFC) for the Council to undertake an internal review of the decision to change the street numbering from 1 Mulberry Road to 5 Mulberry Road without prior consultation and due regard to the financial and operational implications for the SAFC and the various tenants that occupy the same building. This review was conducted by Kelledy Jones Lawyers and recommended that the decision regarding the change of street numbering be reconsidered. Following consultation with SAFC and Cedar Woods, an appropriate alternative street numbering solution was negotiated. Following this review, a new Street Numbering Policy was endorsed by the Council.
Decision to paint a yellow line on the carriageway at the northern end of Thornton Street, Dulwich.	This concerned a request by a resident for the Council to undertake an internal review of the decision to paint a yellow line on the carriageway at the northern end of Thornton Street, Dulwich, confirming a parking control relating to the use of an existing crossover adjacent the rear of 16 Swaine Avenue, Rose Park. The General Manager Urban and Community was the officer responsible for the internal review and engaged Kelledy Jones Lawyers to conduct the review. At the end of the 2017/18 financial year, this review had not yet been completed.
Removal of three trees from the verge of 12 West Terrace, Beaumont	This concerned a request by a resident for the Council to undertake an internal review of the decision to remove three trees (Crepe Myrtle) from the verge of 12 West Terrace, Beaumont. The General Manager Corporate and Development was the officer responsible for the internal review and engaged Kelledy Jones Lawyers to conduct the review who determined that the decision by council staff to remove the trees in question was not unreasonable, but the review identified deficiencies in council's procedures which ultimately lead to a decision being made which was contrary to the Act. Administration are amending procedures to ensure that this situation does not occur again.
Decision not to grant a single (non-transferable) parking permit	This concerned a request by a resident for the Council to undertake an internal review of the decision to not grant a single (non-transferrable) parking permit with the assessment allegedly failing to consider the personal situation and limitations of the available off-street parking. This review is being conducted by Mellor Olsson Lawyers and as at the end of the 2017/18 financial year had not been completed.

Three applications were denied as Section 270 reviews as there were alternative statutory processes available to review or challenge a decision under legislation, two review requests related to decisions of the Mutual Liability Scheme and one to a development matter

2016/17 Financial Year
Outcome
Internal Review of a Confidential Matter

The request and the outcome of the internal review is the subject of ongoing confidential orders of the Council pursuant to Resolutions C11199, C11200 and C11201 on 23 May 2017.

2015/16 Financial Year
Outcome
Parking Arrangements on Swift Avenue, Dulwich

The request by a resident was for the Council to undertake an internal review of the decision of Principal Traffic Engineer that the current formal parking arrangements on Swift Avenue, Dulwich were appropriate (assuming that those who chose to park on the street did so in the correct manner in accordance with the Australian Road Rules) and the street is wide enough for safe manoeuvrability.

The General Manager Urban Services was the Officer responsible for conducting the internal review. The General Manager determined to uphold the decision of the Principal Traffic Engineer.

Wombat Crossing on Dulwich Avenue, Dulwich

The request by a resident was for the Council to undertake an external review of the decision of Manager Engineering, Strategy and Assets to implement a wombat crossing on Dulwich Avenue, Dulwich, particularly in respect of:

- not consulting with affected residents prior to its decision to install the wombat crossing;
- deciding to install a wombat crossing, as opposed to some other form of pedestrian crossing; and
- deciding to install a wombat crossing in this particular location.

Council engaged Mellor Olsson Lawyers to conduct the external review. The Council's decision in this matter was upheld.

Wombat Crossing on Dulwich Avenue, Dulwich

The request by a resident was for the Council to undertake a review of the decision of Manager Engineering, Strategy and Assets to implement a wombat crossing on Dulwich Avenue, Dulwich, particularly in respect of Council erring in the following:

- not consulting with affected residents prior to its decision to install the wombat crossing;
- deciding to install a wombat crossing, as opposed to some other form of pedestrian crossing; and
- deciding to install a wombat crossing in this particular location.

As the subject matters of the applications regarding the Wombat Crossing on Dulwich Avenue, Dulwich were essentially the same, Council engaged Mellor Olsson Lawyers to conduct the review. The Council's decision in this matter was upheld.