

# Request for Long-Term Extension of Permit to Occupy Public Realm - Women's and Children's Hospital

Tuesday, 15 October 2024

Infrastructure and Public Works Committee

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Strategic Alignment - Our Places

Public

**Approving Officer:**

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Shaping

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## EXECUTIVE SUMMARY

The report seeks a Council resolution to the Women's and Children's Hospital's (WCH) request to extend their permit to occupy a portion of the footpath and roadway located adjacent to and on Sir Edwin Smith Avenue. The WCH have requested this remain in place until 31 December 2026.

The WCH has occupied this area since 1 March 2021 for temporary PODs providing health support to patients of the hospital. Initial approval was provided under delegation by Administration during the COVID-19 pandemic and has remained in place via short-term extension requests.

In November 2023 the Minister for Health and Wellbeing, the Honourable Chris Picton MP, contacted the Chief Executive Officer seeking an extension of the permit until 2031, in line with the expected completion of the new WCH.

Following further discussions and the presentation of information at the 8 October 2024 CEO Briefing, the WCH have reviewed their extension request and are now seeking extension to 31 December 2026. The WCH representatives indicated the extension will enable a feasibility study to be completed regarding alternate arrangements to be made.

Given the length of request and nature of the land use, which do not align with standard permit policies, a resolution of Council is sought on whether to grant the permit extension or not.

The report outlines the impacts of this request and recommends a final permit extension be granted until 31 December 2026, with conditions that include that the permit extension reiterates that the area is to be reinstated to its original form at that time, with removal of all items and any remediation required to the public realm to be undertaken at the WCH's cost within the timeframe of this permit extension.

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## RECOMMENDATION

The following recommendation will be presented to Council on 22 October 2024 for consideration

THAT THE INFRASTRUCTURE & PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL

1. Notes the request seeking a further extension for the Women's & Children's Hospital to occupy a portion of the public footpath and adjacent parking bays on Sir Edwin Smith Avenue until 31 December 2026.
2. Authorises the Chief Executive Officer, or their delegate, to execute an extension of the permit for the Women's & Children's Hospital to continue to occupy the footpath to 31 December 2026, in line with the conditions and fees currently in place and with the following conditions to be met by the Women's and Children's Hospital by the end of the permit:
  - 2.1. remove all of its infrastructure located in the public realm (footpath and roadway), including the PODs;
  - 2.2. return the public realm to its previous condition following the permit expiry,
  - 2.3. undertake all remediation and reinstatement at WCH's cost.
3. Notes no further extensions will be granted beyond 31 December 2026.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	<b>Strategic Alignment – Our Places</b> Encourage bold, interesting and purposeful development.
Policy	The duration and intended use of this request does not align to standard frameworks Administration work within to issue permits under delegation, hence being shared with Council for decision.
Consultation	Not as a result of this report
Resource	Fees for WCH's exclusive use of the public space are being charged in line with standard permit fees, on a per square metre, per day basis. Based on the size of space and current fee rate, this currently equates to approximately \$1,500 per week.
Risk / Legal / Legislative	A permit for WCH to occupy the public realm in this way is required under the <i>Local Government Act 1999 (SA)</i> .
Opportunities	Not as a result of this report
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	31 December 2026
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. The Women's and Children's Hospital (WCH) has occupied a portion of the public footpath and parking bays adjacent the hospital on Sir Edwin Smith Avenue since 1 March 2021.
2. The area was first used to support construction works occurring in the area, before the WCH commenced occupying the space during Covid-19 for what was described as temporary PODs providing additional patient support.
3. Initial approval was provided by Administration during the COVID-19 pandemic, which has remained in place via short-term extension requests.
4. In November 2023, the Minister for Health and Wellbeing, the Honourable Chris Picton MP, requested to extend WCH's occupancy of the area until 2031, aligning with the anticipated completion of the new WCH. The Minister's request included the following:
  - 4.1. The PODs were originally deployed to assist with the increase in paediatric presentations due to Covid-19.
  - 4.2. Since that time there has been a significant increase in Paediatric Emergency Department (PED) presentations which has meant the additional PODs have been heavily utilised to manage increased demand to see patients in a timely manner.
  - 4.3. A request that the PODs be retained to assist in managing current and future demand.
5. In December 2023 the Lord Mayor responded, supporting an extension until 30 June 2024 and confirming any further extensions would require a resolution of Council. The response included:
  - 5.1. Initial support was provided during the unprecedented times of the pandemic, and it was not expected that the arrangement would be sought long-term.
  - 5.2. Reasonable notice was provided by Council Administration that a permit extension until the new WCH is operational would not be granted.
  - 5.3. Notwithstanding this, a temporary extension to 30 June 2024 will be granted.
  - 5.4. The extension to 30 June 2024 should not be taken as an indication of support for further extensions. The department is encouraged to plan for how to continue to operate without needing to utilise the public footpath and road.
6. In January 2024, Administration reiterated this position with the WCH's Executive, also detailing the process required should endorsement for a long-term extension be requested.
7. In March 2024 the Minister issued an extension request to 31 December 2024, referencing the potential impacts of removal the PODs during winter months. This request was granted in April 2024, with the following points reiterated in Council's response:
  - 7.1. Any further extension requests will require a resolution of Council.
  - 7.2. WCH should use the additional extension period to develop an alternate approach to maintain hospital operations without the PODs beyond 31 December 2024.
  - 7.3. The timing and process required to seek Council endorsement.
8. The latest request and supporting information from the WCH is provided as [Link 1](#).
9. The content was presented at the 8 October 2024 CEO Briefing, outlining the reasons for a revised request for the permit to be extended to 31 December 2026.

## Impacts of the Area Occupied

10. The area occupied by the PODs is shown on the plan and photos in [Link 2](#). Plans show the area occupied which includes the footpath adjacent the WCH, five on-street car parking bays and one northbound lane on Sir Edwin Smith Avenue.
11. The parking controls in place for the five on-street bays prior to this occupation were 'No Stopping Monday to Friday 8am to 9am and 3pm to 6pm', and '2 hour parking at all other times'.
12. Pedestrians are required to divert to the eastern side of Sir Edwin Smith Avenue due to the reduced footpath.

13. Since being implemented, Council has received a small number of community enquiries, mainly relating to how long it will be in place, its purpose, and references to losses of car parking in the area. Exact numbers of community comments are not available, but the volume is not considered significant.
14. South Australian Public Transport Association (SAPTA) have raised concerns regarding the distance between the bus stop and the traffic management south of Kermode Street. The most viable option to alleviate these concerns would be to relocate the bus stop further south, however this would negatively impact parking along Sir Edwin Smith Avenue in a highly utilised area. This option is currently being investigated further.
15. No bicycle lanes are impacted.

### **Legislative Context**

16. Approval to exclusively occupy the public realm for a business purpose requires a permit from Council, pursuant to the *Local Government Act 1999 (SA)*.
17. It is within Council's authority to approve this extension, or alternatively to require the WCH to return the footpath to the original condition and public access.
18. Initial approval for this use was issued to support the WCH during the Covid-19 pandemic. Subsequent extension requests have been short-term, with Administration understanding intended use was temporary.
19. The request to extend the PODs until 2031, which has since been revised to 31 December 2026, does not align to standard permits issued under delegation by Administration given the length of time and purpose.
20. Consequently, a Council resolution on whether to support the extension request is sought.
21. Within standard permit processes and guidelines, Administration would not ordinarily approve a third party to occupy such an area for this extent of time, for the purpose of what is essentially extending the floor area of a private premise into the public realm for exclusive use.
22. In consideration of this request, the data and information provided by WCH is noted, in addition to the service the WCH provides to the City and State.
23. Council has a demonstrated history of strong working relationships and support with the WCH, including the provision of a dedicated 128 bay on-street permit parking system for WCH staff on McKinnon Parade, among other initiatives.
24. In reviewing the proposal, consideration should be given to precedent and consistency concerns should other health institutions or businesses seek to occupy the public realm for business purposes on a long-term basis.
25. For this reason, the proposed recommendation is to confirm this as a final extension that will be provided by Council.

### **Permit & Associated Fees**

26. The current occupation is approved under a permit with terms and conditions.
27. If the extension request is approved, the permit conditions will be extended, including clauses which will require the WCH to:
  - 27.1. remove all of its infrastructure located in the public realm (footpath and road way), including the PODs,
  - 27.2. return the public realm to its previous condition following the permit expiry,
  - 27.3. undertake all remediation and reinstatement at WCH's cost,
28. The permit will outline that no extensions will be granted beyond 31 December 2026.
29. Should WCH continue to occupy the land without a valid permit, formal enforcement action can occur.
30. Fees have been paid by WCH for the use of this space since 2021.
31. If extended, it is recommended that the existing fee rate remains in place throughout this time. The rate being charged is Council's standard permit rate for the temporary use of a public space for a business purpose, being \$1.75 per square metre per day, reviewed each year under Council's Fees and Charges.
32. If extended for two years, the fees equate to approximately \$220.50 per day or \$1,500 per week, for the two-year period (subject to fee increases/decreases at each annual review of Council's Fees and Charges).

### **Options & Next Steps**

33. Three options are available to Council:

- 33.1. Grant WCH an extension to their permit to 31 December 2026 in line with their request.
  - 33.2. Grant WCH an extension to their permit to a date determined by Council, which would be beyond the current end date of 31 December 2024, but prior to 31 December 2026.
  - 33.3. Provide no further extensions to the current permit end date of 31 December 2024.
  34. If Council resolve to extend the permit, minor amendments to traffic management details are expected to be actioned, and a revised permit and invoice issued.
  35. If Council resolve not to extend the permit, Administration will advise WCH that the area will need be vacated and returned to its original form by 31 December 2024, as per their permit conditions.
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## DATA AND SUPPORTING INFORMATION

**Link 1** – CEO Briefing slides - 8 October 2024.

**Link 2** – WCH PODs Site Plan & Photos - Sir Edwin Smith - CW/456/2021/HRDA.

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## ATTACHMENTS

Nil

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- END OF REPORT -