



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 11 December 2018
at 6.00pm

in the Council Chamber,
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor [Sandy Verschoor] (Presiding);
Deputy Lord Mayor (Councillor Abiad);
Councillors Abrahamzadeh, Couros, Dr Donovan, Hou, Hyde, Khera, Knoll,
Martin, Moran and Simms.

1. Acknowledgement of Country

At the opening of the Council Meeting, the Lord Mayor will state:

'Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

2. Acknowledgement of Colonel William Light

Upon completion of the Kurna Acknowledgment, the Lord Mayor will state:

'The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia's planning heritage.'

3. Prayer

Upon completion of the Acknowledgment of Colonel William Light by the Lord Mayor, the Chief Executive Officer will ask all present to pray -

'Almighty God, we ask your blessing upon the works of the City of Adelaide; direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of this City. Amen'

4. Memorial Silence

The Lord Mayor will ask all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.

5. Apologies and Leave of Absence

NIL

6. Confirmation of Minutes – 27/11/2018

That the Minutes of the meeting of the Council held on 27 November 2018, be taken as read and be confirmed as an accurate record of proceedings.

7. Public Forum/Deputations

Granted as at 7 December 2018

7.1. Deputation – Jan Chorley, CEO Australia Day Council SA – The strategic direction of the Australia Day Council of SA & Australia Day in the City 2019

8. Petitions - Nil

9. Advice from Adelaide Park Lands Authority and Reports of Other Committees - Nil

10. Lord Mayor's Reports

11. Councillors' Reports

11.1 Reports from Council Members [2014/04844] [Page 3]

12. Reports for Council (Chief Executive Officer's Reports)

Strategic Alignment – Smart – Nil

Strategic Alignment – Green

12.1. UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report [2018/03945] [Page 5]

Strategic Alignment – Liveable

- 12.2. By-Law Implementation Report [2018/02876] [Page 44]
- 12.3. Adelaide Park Lands Authority Nominations [2010/03030] [Page 74]

Strategic Alignment – Creative – Nil**Strategic Alignment - Corporate Activities**

- 12.4. Governance Structure [2018/04071] [Page 80]
- 12.5. Appointment of External Members to the Reconciliation Committee [2014/04789-2] [Page 126]
- 12.6. Appointment of Council Member to the Adelaide Central Market Authority [2018/04054] [Page 132]
- 12.7. Appointment of Council Member to the Rundle Mall Management Authority [2018/04054] [Page 136]
- 12.8. Council representation on External Boards and Committees/Groups [2014/04836] [Page 140]
- 12.9. Appointment of Council Members to the Public Art Round Table [2018/00778] [Page 149]
- 12.10. Treasury Policy Revision [2018/03945] [Page 153]
- 12.11. 2018-19 Quarter 1 Finance Report [2017/03018] [Page 164]
- 12.12. Quarterly Forward Procurement Report [2018/03945] [Page 203]

Emerging Key Risks – Nil**13. Questions on Notice**

- 13.1. Councillor Simms – Question on Notice – Status of Skate Park [Page 206]
- 13.2. Councillor Simms – Question on Notice – Edmund Wright House [Page 207]
- 13.3. Councillor Abiad – Question on Notice – Boxing Day Promotional Activity [Page 208]
- 13.4. Councillor Abrahamzadeh – Question on Notice – Frome Road Traffic Management Plan [Page 209]
- 13.5. Councillor Dr Donovan – Question on Notice – Bikeway Network Implementation Plan [Page 210]

14. Questions without Notice**15. Motions on Notice**

- 15.1. Councillor Couros – Motion on Notice – Car Park - 88 O'Connell Street [2018/04053] [Page 211]
- 15.2. Councillor Couros – Motion on Notice - 88 O'Connell Street Box Park [2018/04053] [Page 212]
- 15.3. Councillor Dr Donovan – Motion on Notice – Waste Management Policy [2009/01488] [Page 213]
- 15.4. Councillor Martin – Motion on Notice – Stadium [2018/04053] [Page 214]

16. Motions without Notice**17. Exclusion of the Public**

- 17.1. Exclusion of the Public [2018/04291] [Page 215]

For the following Chief Executive Officer Reports seeking consideration in confidence:

Strategic Alignment – Green

- 18.2.1. UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report [s 90(3) (b), (d) & (h)]

Strategic Alignment – Corporate Activities

- 18.2.2. 2018-19 Quarter 1 Commercial and Business Operations Report [s 90(3) (b) & (d)]

18. Confidential Reports

- 18.1. Confidential Advice from Adelaide Park Lands Authority and Reports of Other Committee - Nil
- 18.2. Confidential Reports for Council (Chief Executive Officer's Reports)

Strategic Alignment – Green

- 18.2.1. UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report [2018/03945] [Page 219]

Strategic Alignment – Corporate Activities

- 18.2.2. 2018-19 Quarter 1 Commercial and Business Operations Report [2017/03018] [Page 277]

19. Closure

Reports from Council Members

ITEM 11.1 11/12/2018
COUNCIL

2018/04064
Public

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

This report is presented to advise Council of the functions that Council Members have attended on behalf of the Lord Mayor.

Council Members can table reports at the Council meeting and these reports will be included in the Minutes of the meeting.

RECOMMENDATION:

THAT COUNCIL:

1. Notes the functions attended on behalf of the Lord Mayor (Attachment A to Item 11.1 on the Agenda for the meeting of the Council held on 11 December 2018.
 2. Notes that reports from Council Members tabled at the meeting of the Council held on 11 December 2018 be included in the Minutes of the meeting.
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ATTACHMENTS

Attachment A – Functions attended on behalf of the Lord Mayor

- END OF REPORT -

FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR

21/11/2018 – 11/12/2018

ELECTED MEMBER	EVENT	INFORMATION
Cr Abrahamzadeh	28/11/2018 Governor's Leadership Foundation Graduation Ceremony	Attended the Governor's Leadership Foundation Graduation Ceremony where His Excellency the Honourable Hieu Van Le AC presented certificates to the graduates

ELECTED MEMBER	EVENT	INFORMATION
Cr Martin	4/12/2018 AMA (SA)	Joined the AMA(SA) President at the annual President's Christmas Breakfast to celebrate the year which has been and the start of the Christmas season
	5/12/2018 2019 Program Preview	Attended the Art Gallery 2019 Program Preview and new hang of the Elder Wing of Australian Art

ELECTED MEMBER	EVENT	INFORMATION
Crs Khera and Knoll	2/12/2018 St Peter's Cathedral	Attended the First Chords: Cathedral Organ Restoration special service and launch of the Cathedral's sesquicentenary – Festival 150.

UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report

ITEM 12.1 11/12/2018
COUNCIL

Program Contact:
Tracie Dawber, AD Finance 8203
7002

2018/03945
Public

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

The UPark Refurbishment and Façade Remediation Work (Gawler Place) Project (**Project**) is funded by Council and was allocated \$5.067million in the 2018-19 City of Adelaide Integrated Business Plan.

To ensure good governance and accountability, local government entities are required under Section 48 of the *Local Government Act 1999* (SA) (the **Act**) to consider a report addressing prudential issues when engaging in any project where the expected capital cost of the project over the ensuing five years is likely to exceed \$4 million (indexed). As at the date of this Report, the relevant threshold is \$4.713 million. As such, we commissioned the preparation of a Prudential Issues Report for presentation to Council.

Since its inception, we have been investigating the best approach to deliver the desired Project outcomes. This report presents relevant information associated with the process involved to develop the Project strategy and in turn inform a subsequent confidential report on this Agenda (Item 18.2.1) associated with the award of the contract for the delivery of the works.

RECOMMENDATION:

THAT COUNCIL:

1. Receives and notes the Prudential Issues Report as contained in Attachment A, titled Gawler Place UPark Project Prudential Issues Report to Item 12.1 on the Agenda for the meeting of the Council held on 11 December 2018.

IMPLICATIONS AND FINANCIALS:

Strategic Plan	<p>The Project and objectives are included in the 2018-19 Integrated Business Plan - <i>Remedial works on Gawler Place car park and building façade</i> aligning with the Liveable objective of our 2016-2020 Strategic Plan through which we aspire to <i>a beautiful, diverse city with an enviable lifestyle that is welcoming to people at all stages of life</i>.</p> <p>As it is currently proposed, the Project includes the establishment of green façades aligning with the Green objective of our 2016-2020 Strategic Plan, specifically, <i>green space and greenery in the built-up areas of the city will have increased by 100,000 square metres by 2020</i>.</p>
Policy	Not relevant to this Report.
Consultation	<p>Internal consultation with the Director Operations, Director Services, Associate Director Property, Associate Director Infrastructure, Manager Finance, Team Leader Off Street Parking Services, Commercial Manager, Manager Design, internal Project Governance Group and Project Leads has taken place.</p> <p>Consultation with the building owner of the Gawler Place UPark building has taken place. Wider external consultation will be undertaken through the delivery of the works.</p>
Resource	Not relevant to this Report.
Risk / Legal / Legislative	<p>Council has legal obligations under the Head Lease and Underlease that are reflected in the Project scope.</p> <p>The Prudential Issues Report addresses risk and satisfies Council's obligations under section 48 of the <i>Local Government Act 1999</i> (SA).</p> <p>If the Prudential Issues Report and associated Confidential Report to Item 18.2.1 on this Agenda for the meeting of Council held on 11 December 2018 are not approved then there is a risk that Council will not otherwise meet these obligations.</p>
Opportunities	<p>Performing these works simultaneously with the construction of the Gawler Place Upgrade project will reduce prolonged impact to stakeholders.</p> <p>The timing of works through January to June 2019 aligns the Project with the most ideal climatic conditions required for its performance.</p>
18/19 Budget Allocation	This Project and objectives are included in the 2018-19 Integrated Business Plan - \$5.067m.
Proposed 19/20 Budget Allocation	Not in relation to this Report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Council has lease renewal options under the Head Lease and Underlease. The capital cost of the works have been depreciated (rather than depreciated) over a period being equivalent to the current lease period plus the first option period being 13 years.
17/18 Budget Reconsideration (if applicable)	Not relevant to this Report.
Ongoing Costs (eg maintenance cost)	Ongoing maintenance only as outlined in a separate, confidential Council (Award of Contract) Report to Item 18.2.1 on this Agenda.

Other Funding Sources	Nil.
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DISCUSSION

1. Background discussion:
 - 1.1. Council operates a commercial car park on Council-owned land at 9-17 Gawler Place, Adelaide.
 - 1.2. India Pty Ltd (**India**) is the owner of the car park building (**Building**) on 9-17 Gawler Place, Adelaide pursuant to a lease dated 24 August 1973 (**Head Lease**).
 - 1.3. Council subleases parts of the Building (eight floors plus the parking station) from India to operate the Gawler Place UPark under the terms of an Underlease dated 27 August 1973 (**Underlease**).
 - 1.4. Council has obligations associated with certain capital works in order to fulfil existing contractual obligations under the Underlease and relevant subsequent determinations. These obligations are further highlighted in Section 2.2 of this report. The specific details of these obligations are outlined in a separate Confidential Report to Item 18.2.1 on this Agenda.
2. Project discussion:
 - 2.1. The Project is funded by Council through the 2018-19 Integrated Business Plan and has an allocated budget of \$5.067 million for remedial and improvement works on the Gawler Place UPark and has linkages to the Liveable and Green strategic objectives of the 2016-2020 Strategic Plan as outlined in the table prior.
 - 2.2. The scope of the Project involves:
 - 2.2.1. demolition of the existing concrete façade where it has reached the end of its useful life
 - 2.2.2. sealing of cracks to the concrete flooring
 - 2.2.3. installing a sealed floor membrane on each floor
 - 2.2.4. installation of crash barriers and wheel stops to ensure compliance
 - 2.2.5. installation of a new facade.
 - 2.3. The process that has underpinned the development of the Project and in turn informed the preparation of the prudential and contract award report(s) has included:
 - 2.3.1. securing professional and expert engineering advice regarding the condition of the current asset and to inform key requirements for the Project, specifically the floor treatments and façade options
 - 2.3.2. engagement with relevant stakeholders as appropriate.
 - 2.3.3. Seeking tenders for the performance of works to inform and confirm:
 - 2.3.3.1. capital and operational costs for the works
 - 2.3.3.2. construction methodologies e.g. timing and procedure for works
 - 2.3.3.3. the capability and capacity of suitably qualified contractors to carry out the works
 - 2.3.3.4. strategies to respond to associated Project risks (and opportunities).
3. Prudential discussion:
 - 3.1. To ensure good governance and accountability, local government entities are required under Section 48 of the Local Government Act 1999 (SA) (the Act) to consider a report addressing prudential issues when engaging in any project where the expected capital cost of the project over the ensuing five (5) years is likely to exceed \$4 million (indexed). As at the date of this Report, the relevant threshold is \$4.713 million. We do not believe that the Project falls within an exemption of section 48(3) of the Act. As such, Section 48(1) of the Act applies and, in compliance with that section, we have commissioned the preparation of a Prudential Issues Report for presentation to Council.
 - 3.2. Section 48(2) of the Act requires the following issues to be addressed in a Prudential Issues Report:
 - 3.2.1. Relationship with relevant strategic management plans
 - 3.2.2. Objectives of the Development Plan where the Project is to occur
 - 3.2.3. Contribution of the Project to the economic development of the area, impact on local business and how the Project ensures fair competition
 - 3.2.4. Level of consultation with the community including key stakeholders
 - 3.2.5. Revenue projections and potential financial risks
 - 3.2.6. Recurrent and whole of life costs
 - 3.2.7. Financial viability of the Project and the short/long term net effect on the financial position of Council
 - 3.2.8. Any risks and risk mitigation

3.2.9. Most appropriate mechanisms/arrangements for carrying out the Project.

- 3.3. Section 48(4) of the Act requires that the Prudential Issues Report be prepared by a person whom Council reasonably believes to be qualified to address the prudential issues. Further, section 48(4a) of the Act requires a Prudential Issues Report must not be prepared by a person who has an interest in the Project.
- 3.4. The attached Prudential Issues Report (**Attachment A**) addresses the prudential issues outlined in Section 48(2) of the Act. In its preparation, we engaged through our Procurement processes Business Resource Management Pty Ltd as Trustee for the BRM Unit Trust to draft the Prudential Issues Report. Key personnel within that organisation have the requisite qualifications and are independent of the Project fulfilling Section 48(4) of the Act.
- 3.5. Section 48(5) of the Act specifies that the report on the prudential issues be made available for public inspection. The attached Prudential Issues Report is a redacted version which does not contain information that Council considers to be sensitive and commercial in confidence. The information that has been redacted contains commercially sensitive information. Such information is the subject of a separate, confidential Council Report Item 18.2.1 on this Agenda. It is necessary that the version of the Prudential Issues Report that is made available to the public should exclude any information which is considered to be confidential to protect Council's interests and commercial value. This is supported under Section 48(6) of the Act which states:

"However, a council may take steps to prevent the disclosure of specific information in order to protect its commercial value or avoid disclosing the financial affairs of a person (other than council)."

4. Procurement (award of contract) discussion)

- 4.1. The City of Adelaide Procurement Policy requires that Council approves the award of contract valued at \$4,000,000 (ex. GST) and above.
- 4.2. To ensure the Project outcomes were able to be achieved within the nominated Project budget and that a suitably qualified contractor was appointed to perform the works, we have undertaken a two-stage procurement process.
- 4.3. At its meeting on 24 July 2018 Council noted the quarterly Forward Procurement Report including the proposed approach to market for provision refurbishment and façade remediation work to the Gawler Place UPark.
- 4.4. The detailed outcomes resulting from the procurement process are presented in a separate confidential Council (Award of Contract) Report Item 18.2.1 on this Agenda which:
 - 4.4.1. is in confidence as it contains information that could prejudice the commercial position of the Council in respect of its intended procurement activities the grounds for which are discussed within that report
 - 4.4.2. presents detailed commercial information that has otherwise informed decision making regarding the Project delivery strategies and proposed final Project outcomes.

ATTACHMENTS

Attachment A – Gawler Place UPark Project Prudential Issues Report (redacted version for public release)

- END OF REPORT -

City of Adelaide

Section 48 Prudential Report
UPark Gawler

December 2018



Item 12.1 - Attachment



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EXECUTIVE SUMMARY

Purpose

The following report has been prepared in accordance with the requirements of Section 48 of the Local Government Act 1999 which requires a Council to consider a report addressing the prudential issues set out in Section 48 subsection 2 of the Act before engaging in a major project.

The purpose of a Prudential Report is to ensure the Elected Members have the necessary information to enable an informed decision whether or not to proceed with a project.

The Project

The City of Adelaide (CoA) is the owner of the land and long term lessee of a large portion of the building at 9-17 Gawler Place, Adelaide. CoA uses the building to operate the UPark Gawler Place carpark (UPark Gawler). CoA has received legal advice that it is required to undertake certain capital works to the building in order to meet obligations provided for under various legal agreements. \$5.067 million of funding has been allocated by CoA in the FY2019 annual budget to undertake these works which include replacement of the building's façade and the sealing of existing concrete cracks between the levels of the carpark.

Prudential Review Issues and Findings

The CoA has acted with due care, diligence and foresight in progressing the Project and Council has been provided with sufficient information to satisfy the requirements of Council's Prudential Management Policy and Section 48 of the Local Government Act.

An open procurement process has been undertaken that has identified a preferred construction contractor to undertake the Project works. The preferred construction contractor's tender response is within the CoA's Project budget of \$5.067 million and includes a contingency [REDACTED]. Under the chosen project delivery model, the contractor will be responsible for submitting a Development Application for the Project and will accept a majority of the Project's construction risks.

The CoA has identified that revenue expected to be generated by UPark Gawler during FY2019, will be less than budgeted, in part as a result of undertaking the Project. [REDACTED]

In the absence of further mitigation strategies that may minimise the budget impact, the UPark Gawler revenue budget should be adjusted at the next budget review. A portion of the funding impact generated by this budget shortfall could be partially offset by realisation of the [REDACTED] contingency reserve allocated in the capital budget.

[REDACTED]

[REDACTED] Our detailed report follows.



1. INTRODUCTION

1.1 Background

1.1.1 The City of Adelaide (CoA) operates a commercial car park on Council owned land at 9-17 Gawler Place, Adelaide (UPark Gawler).

1.1.2 India Pty Ltd (India) is the lessee of the car park building (Building) on 9-17 Gawler Place, Adelaide pursuant to a 99 year lease commencing 24 August 1973 (Head Lease).

1.1.3 CoA subleases parts of the Building (eight floors plus the parking station) from India to operate UPark Gawler under the terms of an Underlease dated 27 August 1973.

1.1.4 [Redacted]

1.1.5 [Redacted]

1.1.6 [Redacted]

[Large redacted block]

1.1.7 [Redacted] CoA has determined that certain capital works are required to fulfil existing contractual obligations [Redacted]

1.1.8 The 2018-19 City of Adelaide (CoA) Integrated Business Plan allocates a budget provision of \$5.067 million for remedial and improvement works on UPark Gawler.

1.1.9 We also note that the location of UPark Gawler is in section of road earmarked for a street scape upgrade under the Gawler Place Upgrade Project scheduled to occur during calendar year 2019. The budget allocation and the scope of works to upgrade UPark Gawler is independent of the broader Gawler Place Upgrade Project. However, the projects have interdependencies which have been considered during the preparation of this report.

1.2 The Project

1.2.1 The scope of works to be undertaken on UPark Gawler (The Project) include:

- 1.2.1.1 the sealing of existing cracks to the concrete flooring which are on every level and have resulted in water penetrating the building;
- 1.2.1.2 installing a sealed floor membrane on each floor;
- 1.2.1.3 updating crash barriers and wheel stops;
- 1.2.1.4 demolition of the existing concrete façade on the building; and
- 1.2.1.5 installation of a green façade through a steel mesh design to replace the existing façade that is at the end of its useful life.

1.2.2 The Project is scheduled to commence in January 2019 and complete by June 2019.

1.3 Rationale for the Project

1.3.1 The CoA has identified that certain legal obligations exist [REDACTED] in relation to UPark Gawler which must be addressed.

1.3.2 The Project scope has been designed to meet CoA's existing legal obligations as well as improve the street appeal of the UPark Gawler building through the provision of a green facade, consistent with the Green Objective in the CoA Strategic Plan.

1.3.3 While the provision of a green treatment to the facade is not specifically required to extinguish CoA's legal obligations to address the failing existing façade, it has been identified as the cheapest and best option to meet its existing legal obligations whilst having the additional benefit of being aligned to a number of CoA's other strategic objectives.

1.4 Legal Framework and Prudential Issues

1.4.1 The Local Government Act 1999 (Act) Section 48 states that a council must develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the council—

- (a) acts with due care, diligence and foresight; and
- (b) identifies and manages risks associated with a project; and
- (c) makes informed decisions; and
- (d) is accountable for the use of council and other public resources.

1.4.2 The CoA adopted a Prudential Management Policy on 27 February 2018 (Decision ID#18298) which satisfies the requirements of the Act.

- 1.4.1 The Prudential Management Policy and the Act 1999 require Council to consider a report addressing the prudential issues set out in subsection 2 of Section 48 when a project meets certain criteria, specified in (1) (b), namely where a council:
- (b) *engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body)—*
 - (i) *where the expected operating expenses calculated on an accrual basis of the council over the ensuing five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five financial years (as shown in the council's financial statements); or*
 - (ii) *where the expected capital cost of the project over the ensuing five years is likely to exceed \$4 000 000 (indexed); or.*
 - (iii) *where the council considers that it is necessary or appropriate.*
- 1.4.2 The prudential issues set out Section 48 of the Act are reproduced in full in Attachment One.
- 1.4.3 We note that the indexed value of the \$4.00 million threshold identified in Section 48 (1) (b) (ii) is \$4.713 million as at the date of this report.
- 1.4.4 As the Project has a capital value greater than \$4.713 million, CoA has engaged BRM Holdich to prepare a report to satisfy the requirements of Section 48 of the Act and the Prudential Management Policy.

2. RELATIONSHIP WITH RELEVANT STRATEGIC MANAGEMENT PLANS

Local Government Act, Section 48 (2) The following are prudential issues for the purposes of subsection (1):

(a) *the relationship between the project and relevant strategic management plans;*

2.1 Relevant Strategic Management Plans

2.1.1 Section 122 of the Act requires a Council to develop and adopt strategic management plans; these are required to incorporate the extent to which a Council's objectives are related to regional, state and national objectives.

2.1.2 For the purposes of this report the relationship between the Project and the following plans is considered relevant.

2.1.2.1 City of Adelaide

- Strategic Plan 2016 - 2020;
- 2018-19 Integrated Business Plan;
- Long Term Financial Plan; and
- Asset Management Plans.

2.1.2.2 Regional

- No relevant regional plans have been identified.

2.1.2.3 South Australian State Government

- 30 Year Plan for Greater Adelaide.

2.1.2.4 National

- Smart Cities Plan.

2.2 City of Adelaide Plans

2.2.1 Strategic Plan 2016 - 2020

2.2.1.1 The City of Adelaide Strategic Plan 2016 – 2020 has four key pillars: Smart, Green, Liveable and Creative.

2.2.1.2 The greening component of the facade, proposed as part of the Project, is strongly aligned to the following action item in the Strategic Plan.

“Work with all City stakeholders to increase public and private greening with street trees, gardens, community gardens, green walls and roofs, providing incentives where appropriate.”



2.2.1.3 The greening component of the Project will also help to reduce carbon emissions, consistent with CoA’s carbon neutral objectives.

2.2.2 Integrated Business Plan 2018-2019

2.2.2.1 The City of Adelaide adopted the 2018-19 Integrated Business Plan to fulfil its statutory obligation to produce an Annual Business Plan and Budget. The Integrated Business Plan links the overarching long term Strategic Plan with the budget, service delivery and rate levels for the current financial year.

2.2.2.2 A capital budget allocation of \$5.067 million has been included in the current Integrated Business Plan specifically for the Project. [REDACTED]

[REDACTED] Subject to the successful mitigation of identified financial risks, the existing capital budget allocation should be sufficient to undertake the Project.

2.2.2.3 [REDACTED]

2.2.2.4 [REDACTED]

2.2.2.5 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2.2.2.6 [REDACTED]



[Redacted text block]

[Redacted text block]

[Redacted text block]

2.2.2.7 [Redacted text block]

2.2.2.8 [Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

2.2.2.9 [Redacted text block]

2.2.2.10 [Redacted text block]

2.2.2.11 The CoA should implement mitigation strategies to minimise the budget impact, however the UPark Gawler revenue budget should be adjusted at the next budget review to reflect the likely shortfall in revenue.

2.2.2.12 We note that a portion of the funding impact generated by this budget shortfall could be partially offset by realisation of the [Redacted] contingency reserve allocated in the capital budget.

2.2.3 Long Term Financial Plan

- 2.2.3.1 The City of Adelaide has developed a Long Term Financial Plan (LTFP) as part of Council's ongoing financial planning to assist Council to plan within a longer strategic framework. The current LTFP covers the period 2018/19 to 2027/28.
- 2.2.3.2 The LTFP, as endorsed by Council in adopting the 2018-19 Integrated Business Plan, includes financial provisions for the expected capital costs of the Project.
- 2.2.3.3 Financial provisions should be made in the FY2020 budgeting process to provide for an appropriate ramp up of revenue for UPark Gawler following completion of the Project works and the ongoing impact of the Gawler Place Upgrade Project.
- 2.2.3.4 In the context of the LTFP, the estimated revenue impact from decreased UPark Gawler revenue represents less than 1% of total CoA annual revenue in FY2019 with a much lower impact forecast in FY2020.

2.2.4 Asset Management Plan

- 2.2.4.1 The City of Adelaide's Asset Management Plan – Buildings identifies key requirements associated with the discharge of Council's responsibility in the management of built assets. It identifies a number of key responsibilities associated with commercial buildings, which includes UParks.
- 2.2.4.2 The building which is the subject of the Project works is a leased asset. While long held leased assets, such as the UPark Gawler building, should be specifically identified in Asset Management Plans, the current version of the Asset Management Plan – Buildings did not include financial provisions to meet CoA's legal obligations.
- 2.2.4.3 We recommend that CoA review the treatment of leased buildings in current version of the Buildings – Asset Management Plan to ensure all requirements on CoA in existing leases are captured into the long term asset management framework.
- 2.2.4.4 The budget for the Project works is being funded through operational and capital budgets, approved through the 2018/19 Integrated Business Plan.
- 2.2.4.5 The change in future provisions for maintenance (particularly relating to the greening component of the Project works) should be included in future revisions of the Asset Management Plans.

2.3 Regional Objectives

2.3.1 No relevant regional objectives or plans have been identified.

2.4 South Australian State Plans

2.4.1 30 Year Plan for Greater Adelaide

2.4.1.1 The 30-Year Plan for Greater Adelaide describes the State Government's plan for how Adelaide should grow to become more liveable, competitive and sustainable. It will guide the long-term growth of the city and its surrounds over the next 30 years.

2.4.1.2 The current 30 Year Plan has six key target, these are:

- (a) Containing our urban footprint and protecting our resources;
- (b) More ways to get around;
- (c) Getting active;
- (d) Walkable neighbourhoods;
- (e) A green liveable city; and
- (f) Greater housing choice.

2.4.1.3 The Target most aligned with the UPark Gawler upgrade is shown in Table One.

Table One: Project Alignment with the 30 Year Plan

30 Year Plan Target	How the Project is aligned
Target 5: A green liveable city	The Plan identifies a target to increase 'green' coverage in metropolitan Adelaide by 20% by 2045. The plan notes the challenge in measuring additional green infrastructure types such as green walls but recognises their contribution to progressing the objective.

2.5 National Objectives

2.5.1 Smart Cities Plan

- 2.5.1.1 The Department of Prime Minister and Cabinet's Smart Cities Plan (2016) notes that Australia's growth as a knowledge based economy, and the prosperity this offers, goes hand in hand with the growth of our cities and the regions surrounding them.
- 2.5.1.2 To succeed in the 21st Century economy our cities need to be productive and accessible, but they also need to be liveable with a clear focus on serving their citizens.
- 2.5.1.3 In the Smart Cities Plan, achieving 'green urban spaces' is identified as a challenge and an opportunity in our large cities. The plan notes the benefits that can be achieved by greening include improving the quality of air and water, reduce the heat island effect, protect biological diversity and threatened species, and enhance general amenity. It also gives people greater connection with nature and provides important places for recreation and healthy lifestyle.
- 2.5.1.4 Green infrastructure such as green walls and facades are specifically mentioned in the plan as a way that Smart Cities can deliver green urban spaces in the midst of high density housing.
- 2.5.1.5 Accordingly, the proposed façade works are considered to be aligned with the Federal Government's Smart Cities Plan.

3. OBJECTIVES OF THE DEVELOPMENT PLAN

Local Government Act, Section 48 (2) the following are prudential issues for the purposes of subsection (1):

(b) *the objectives of the Development Plan in the area where the project is to occur;*

3.1 Development Approval

3.1.1 Development in Adelaide is governed by the Development Plan – Adelaide (City), pursuant to Section 33 of the Development Act 1993 and the associated Development Regulations 2008. The current version of the Development Plan is dated as consolidated on 7 June 2018.

3.1.2 The Development Plan outlines what sort of developments and land use are and are not envisaged for particular zones and various objectives, principles and policies further controlling and affecting the design and other aspects of proposed developments. As such, the Development Plan covers matters including zoning issues, building appearance and neighbourhood character, land division, building siting and setbacks and environmental guidelines.

3.1.3 The façade portion of the Project will constitute development, in accordance with the Development Act and require development approval.

3.1.4 The CoA has stipulated in the construction tender documentation that the successful contractor will be required to lodge a Development Application. The Development Application would need to include landlord consent for the proposed works.

3.1.5 The CoA is estimating an approximate four week turnaround on the development approval once the Development Application is lodged. There is sufficient time in the Project timeframe for this process to occur and for other works not defined as development to be undertaken while not unduly holding up the Project.

3.2 Approving Authority

3.2.1 The South Australian planning system is currently undergoing a transition from the Development Act 1993 to the Planning, Development and Infrastructure Act 2016 (PDI Act). The primary object of the PDI Act is to support and enhance the State's liveability and prosperity in ways that are ecologically sustainable and meet the needs and expectations, and reflect the diversity, of the State's communities by creating an effective, efficient and enabling planning system. At this stage the provisions of the Development Act are still applicable to Council.

3.2.2 In circumstances where development is to be undertaken by a Council, and there is potential for a perception of bias or conflict, there is provision under delegation under the Development Act 1993, to refer the application to the Minister for Planning with a request for a determination that the Development Assessment Commission is the relevant authority, pursuant to Section 34(1)(b)(iii) of the Act, which reads:

"Subject to this Act, the relevant authority, in relation to a proposed development, is ascertained as follows:

(iii) the Minister, acting at the request of a council or regional development assessment panel, declares, by notice in writing served personally or by post on the proponent, that the Minister desires the Development Assessment Commission to act as the relevant authority in relation to the proposed development in substitution for the council or regional development assessment panel (as the case may be) then the Development Assessment Commission is, subject to subsection (2), the relevant authority.”

- 3.2.3 The Minister can either accede to the request and determine that the State Commission Assessment Panel is the relevant authority, or could decline the request and refer the application back to Council for determination. We note that the State Planning Commission assumed the functions, powers and duties of the Development Assessment Commission on 1 August 2017 and that on the same day it established the State Commission Assessment Panel (SCAP) to continue the assessment functions formerly undertaken by the Development Assessment Commission.
- 3.2.4 Given the nature of the works we see no reason why the proposed development should not be considered by the CoA staff under delegated authority.

3.3 Heritage Items

- 3.3.1 The building subject to the development is not heritage listed.

4. ECONOMIC DEVELOPMENT

Local Government Act, Section 48 (2) The following are prudential issues for the purposes of subsection (1):

- (c) *the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;*

4.1 Contribution to Economic Development

- 4.1.1 Economic development can be defined as efforts that seek to improve the economic well-being and quality of life for a community by creating and/or retaining jobs and supporting or growing incomes and the tax base.
- 4.1.2 The contribution to economic development from the Project will primarily come from the following sources:
- 4.1.2.1 construction activity in the area; and
- 4.1.2.2 purchases of goods and services by City of Adelaide to deliver the Project.
- 4.1.3 There are economic and employment multiplier benefits to the broader economy from the economic activity that will be generated by the construction activity and purchase of goods and services relating to the Project.
- 4.1.3.1 The economic impact assessment undertaken to identify the potential jobs and incomes that may be associated with the Project is based on a measure of the value added and employment associated with the investment. This is consistent with the predominant measure of national economic activity, Gross Domestic Product.
- 4.1.3.2 The expenditures associated with this Project will have direct economic effects, indirect effects of related purchases in the broader economy and induced effects of spending on goods and services by the employees of the companies providing goods and services to the Project.
- 4.1.4 To quantify the benefits from these multiplier effects we have utilised the *economy.id* economic impact model, a tool for measuring secondary and tertiary economic effects of a capital investment. The output from the model quantifies the expected impact the Project will have on the City of Adelaide area and on the national economy more broadly. The *economy.id* model relies on inputs from the National Institute of Economic and Industry Research, an independent private research company.
- 4.1.5 For modelling purposes, the Project budget has been assumed at \$5.1 million and the expenditure associated with the Project has been characterised as Construction Services.

4.2 Economic Impact of capital works

4.2.1 Table Two quantifies the expected economic impact of undertaking the Project.

Table Two: Economic impact of construction phase

Component	Expected impact
Economic impact from construction activity:	
- Direct investment (\$m)	5.10
- Multiplier impacts (on City of Adelaide Council area) (\$m)	1.18
- Multiplier impacts (on broader Australian economy) (\$m)	4.20
- Value added (on broader Australian economy) (\$m)	3.47
Total economic impact from construction activity (\$m)	13.95
New jobs created from construction activity:	
- Direct (FTE)	26
- Multiplier impacts (on City of Adelaide Council area) (FTE)	4
- Multiplier impacts (on broader Australian economy) (FTE)	20
Total new jobs created from construction activity (FTE)	50

4.2.2 The total economic activity after multiplier impacts, expected to be generated from the Project is \$13.95 million which is forecast to create 50 jobs.

4.3 Economic Impact following completion of capital works

4.3.1 A majority of the Project construction works relate to internal upgrades which will improve the structural integrity of the building. These internal works should not have a material positive or negative impact on economic activity in the area following completion of the Project.

4.3.2 The works relating to the façade will improve the general amenity of the building and the surrounding streetscapes. These works are consistent with the broader Gawler Place Upgrade Project which is expected to revitalise the precinct and add considerably to the foot traffic in and around the area. The façade component of the Project works is expected to have some level of positive economic impact post completion however the impact is not quantified or expected to be significant.

4.4 Impact on Business in the Proximity

4.4.1

[REDACTED]

4.4.2

[REDACTED]

4.4.3 Quantifying the specific impact of this Project on businesses in the proximity is not possible due to the impact and interdependency with the concurrent Gawler Place Upgrade Project. Not only will parking spaces be lost, but the areas surrounding UPark Gawler will be a construction site, discouraging customers in and around the area.

4.4.4 Businesses in the area have been consulted with and engaged in terms of the Gawler Place Upgrade Project. Concurrently running the UPark Gawler Project is likely to increase the impact (albeit marginally) to businesses operating in the proximity.

4.5 Fair Competition

4.5.1 The Project will improve the structural integrity of the car park building and the street appeal of UPark Gawler. While UPark Gawler competes with other private car parks in the Adelaide CBD the Project is not expected to materially change the existing operations of the carpark or impact fair competition.

5. COMMUNITY CONSULTATION

Local Government Act, Section 48 (2) The following are prudential issues for the purposes of subsection (1):

- (d) *the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;*

5.1 Level of Consultation

5.1.1 The CoA Community Consultation Policy, prepared pursuant to Section 50 of the Local Government Act 1999, adopted 8 May 2018, set out the steps that Council intends to take to deliver effective community consultation, whilst fulfilling Council's requirements under the Act.

5.1.2 This Policy outlines the minimum communication and consultation requirements under the Act that Council is required to comply with and should be read in conjunction with the Community Engagement Strategy and the Administration's online toolkit, to ensure consistent, meaningful and effective consultation is achieved.

5.1.3 In addition, the City of Adelaide Act 1998 (s29) states that:

The Council must, in the performance of its roles and functions:

1. *Provide open, responsive and accountable government;*
2. *Be sensitive to the needs, interests, and aspirations of individuals and groups within the City of Adelaide community; and*
3. *Seek to ensure a proper balance within the community between economic, social, environmental and cultural considerations.*

5.1.4 The Public Consultation Policy identifies the activities that Council undertakes where public consultation is required. In this instance, given nature of the Project and the localised nature of the works, public consultation is not required under the Policy.

5.1.5 However, the works will cause a high level of disruption to existing UPark Gawler customers, particularly those who have a monthly lease to occupy a car park space.

5.1.6 To date, there hasn't been a specific consultation process undertaken with existing UPark Gawler customers specifying the impact that the works this will have on access to the carpark.

5.1.7

[REDACTED]

5.1.8 CoA has a contractual commitment to provide at least 30 days notice to reserved car park holders if reserved spaces need to be withdrawn.

5.2 Community Influence and Contribution

- 5.2.1 Given the nature of the Project works, being mainly to satisfy existing obligations [REDACTED], the community has quite properly not been provided with an opportunity to influence and contribute to the outcomes of the Project.

6. FINANCIAL ASSESSMENT

Local Government Act, Section 48 (2) The following are prudential issues for the purposes of subsection (1):

- (e) if the project is intended to produce revenue, revenue projections and potential financial risks;
- (f) the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;
- (g) the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;

6.1 Revenue Production, Revenue Projections and Potential Financial Risks

6.1.1

[Redacted]

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6.1.2 Potential Financial Risks

6.1.2.1 Financial risk has been considered by the Project Team in the preparation of the Project Risk Register.

6.1.2.2 The major financial risk relating to the Project is that the concrete repair works are unsuccessful in addressing the requirements under the lease and need to be re-performed (either in whole or in part).

6.1.2.3

[REDACTED]

6.1.2.4 Therefore in the event of a failure of the identified solution to address the concrete issues, the CoA should have some recourse, under warranty, for the contractor or the sub-contractor to re-perform the works.

6.2 Recurrent and Whole of Life Costs, Financial Arrangements

6.2.1 Recurrent Costs

6.2.1.1 Maintenance

[REDACTED]

(c) Following the two year period, CoA will be responsible for ongoing maintenance.

(d) No other additional maintenance costs have been identified relating to the Project.

6.2.1.2 Depreciation

(a) The UPark Gawler building is not owned by the CoA. As such, the assets that form part of the Project works are all categorised as Leased Assets.

(b) The relevant useful life for depreciation purposes is therefore the lesser of the useful life of the asset and the likely remaining lease term.

(c) CoA have identified the following:

- (i) The first right of renewal on the Underlease is in three years' time, in 2022. CoA consider it highly likely that CoA will renew the lease to operate UPark Gawler at this time.
 - (ii) The second right of renewal will occur in 13 years' time, in 2032. CoA are unclear on whether the Underlease will be renewed at this time.
 - (iii) CoA has determined that the appropriate useful life of the Project assets for depreciation and accounting purposes is 13 years.
 - (iv) This is notwithstanding that many of the assets created by the Project works themselves have a longer useful life and that CoA may continue to renew the UPark Gawler Underlease post 2032. For example, the concrete sealing solution comes with a ten year warranty and is expected to have a 20 year life. The bollards and safety barriers as well as the green façade would also be expected to have a useful life of longer than 13 years.
- (d) Based on a 13 year useful life, the budgeted depreciation charge for the Project works is \$0.337 million per annum.
- (e) CoA may increase the useful life of the Project assets, and hence reduce the annual depreciation charge, if it determines that a lease renewal in 2032 is likely.

6.2.1.3 Other Expenses

- (a) No other recurrent costs have been identified.

6.2.2 Whole of Life Costs

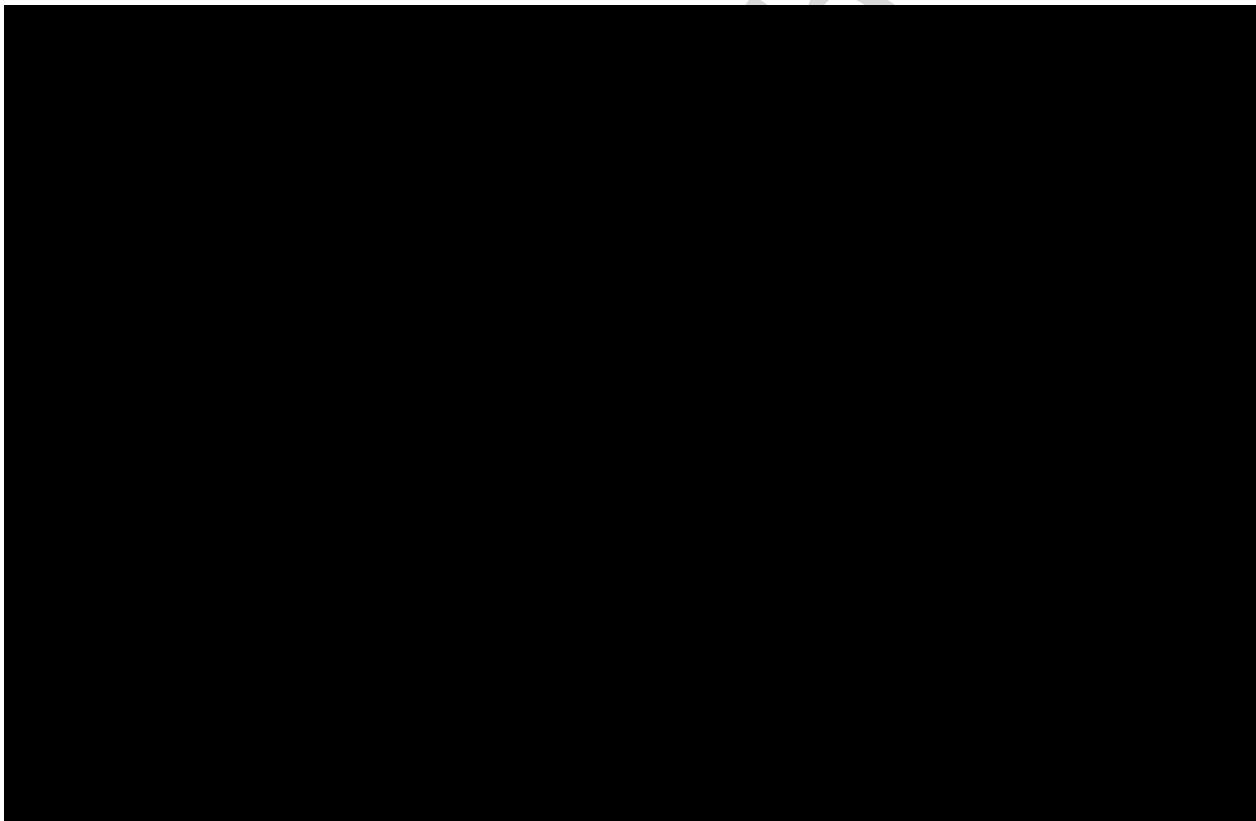
6.2.2.1 The impact of the Project on the operating surplus / deficit over the whole of Project life is based on the following assumptions.

- (a) The Project life is assumed to be 13 years.
- (b) [REDACTED]
- (c) Depreciation has been calculated with reference to the total capitalised asset value of the Project of \$4.382 million and the 13 year useful life.
- (d) [REDACTED]



- (e) [Redacted]
- (f) No allowance for cost escalation or finance costs has been made in the assessment.

6.2.2.2 [Redacted]



6.2.3 Financial Arrangements

The Project is to be funded by the City of Adelaide through budgeted capital provisions in the 2018-19 Integrated Business Plan.

6.3 Financial Viability

- 6.3.1 Financial viability can be defined as the ability to generate sufficient income to meet operating expenses, financial obligations and to provide the potential for future growth.
- 6.3.2 The Project is an upgrade of infrastructure and is not forecast to produce income.
- 6.3.3 The forecast whole of life costs, are not significant in comparison to CoA's overall capital and operating budgets.
- 6.3.4 Based on the existing provision for the Project in the 2018-19 Integrated Business Plan, and the relatively low level of capital cost as a percentage of the total capital works budget, the Project is unlikely to materially or adversely impact City of Adelaide's financial stability or indicators.

7. PROJECT RISK AND MITIGATION STRATEGIES

Local Government Act, Section 48 (2) The following are prudential issues for the purposes of subsection (1):

- (h) *any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the chief executive officer and to the council);*

7.1 Risk Management

- 7.1.1 This report assesses the risk management actions taken or being considered by CoA for the Project. It is not the purpose of the report to prepare a comprehensive risk management plan, however a level of assessment has been undertaken on the identified risks and the mitigations that have been developed.
- 7.1.2 CoA has adopted an Enterprise Risk Management Framework consistent with the International Standard for Risk Management, AS/NZS/ISO31000: 2009 for the identification and management of risk.
- 7.1.3 The Enterprise Risk Management Framework notes the requirement to include a risk assessment and to consult with the Risk and Governance Team when undertaking a project that requires the preparation of a Section 48 report.
- 7.1.4 There is documentary evidence to support the consideration of risk throughout the early phases of the Project Management Framework:
- 7.1.4.1 Initiate Phase: Ten key preliminary Project risks were identified.
- 7.1.4.2 Commit Phase: Additional descriptors for the ten key Project risks were documented along with the identification of two additional key Project risks.
- 7.1.5 As required under the Enterprise Risk Management Framework, the preliminary key risks considered in the early phase of the Project assessment were then expanded into a detailed risk assessment, which identified 53 risks. The detailed risk assessment was documented in a risk register, the version of the risk register reviewed as part of this Prudential Report is dated 30 October 2018.
- 7.1.6 The inherent ratings for the risks associated with the Project are shown in Table Four.

Table Four: Project Inherent Risk Assessment by Category

Inherent Risk Level	Extreme	High	Moderate	Low	Total
Financial	0	4	8	1	13
Public workspace / health and safety	0	8	1	0	9
Environmental	0	4	0	0	4
Hazard Identification	0	0	2	0	2
Reputational / Political	0	7	0	0	7
Service Delivery	0	14	3	1	18
Total	0	37	14	2	53

7.1.7 Table Five shows a total of 53 Project risks were identified, none of which were rated as 'Extreme' and 37 as 'High' prior to the application of any risk controls.

7.1.8 Given the nature of the Project and the risks involved, we support the Project Manager's assessments that there are no 'Extreme' inherent risks in relation to the Project works.

7.1.9 Table Five shows the risk ratings after the application of risk controls.

Table Five: Project Residual Risk Assessment by Category

Residual Risk Level	Extreme	High	Moderate	Low	Total
Financial	0	1	11	1	13
Public workspace / health and safety	0	1	8	0	9
Environmental	0	0	4	0	4
Hazard Identification	0	0	2	0	2
Reputational / Political	0	0	7	0	7
Service Delivery	0	1	16	1	18
Total	0	3	48	2	53

7.1.10 Of the 37 identified risk with a 'High' risk inherent rating, following the application of risk controls only three risks remain rated as 'High'. These risks being:

7.1.10.1 Inadequate budget for the defined works;

- (a) this risk has now effectively been mitigated due to the tendered price being within the capital budget allocation.

7.1.10.2 Traffic accidents as a result of the works; and

7.1.10.3 Latent conditions in relation to the scope of concrete repair works.

7.1.11 It is worth specifically noting that risks relating to the performance of works and ensuring safe working conditions are the responsibility of the construction contractor.

7.1.12 The risk assessment work undertaken by the Project Manager has been undertaken in accordance with the CoA Enterprise Risk Framework.

7.2 Risk mitigation

7.2.1 The Project risk register has identified an additional 26 risk controls, for the 53 identified risks, that will be implemented following completion of the risk register in order to manage Project risk.

7.2.2 The delivery of the Project within budget and timeframes, and managing stakeholder expectations will be strongly linked to the effectiveness of the PCG and its ability to provide high level oversight and drive strong project governance.

7.2.3 Consistent with good risk management practices, the PCG should include a standing item on the monthly meeting agenda to review and update the Project risk register and to monitor the progress and implementation of agreed risk controls.

7.2.4 We acknowledge that quality risk assessment and mitigation is an iterative process. While the risk register has been completed to a level which is suitable for this stage of the Project, good risk management involves constantly monitoring and assessing risk and regularly updating the risk register to reflect changes in risk as the Project progresses. The Project Manager is responsible for ensuring this occurs.

7.2.5 The Chief Executive Officer should be kept apprised of Project progression and any areas of risks through monthly meetings with the Director Operations. The Chief Executive Officer should update Council on Project progression and risk as and if required.

8. PROJECT DELIVERY

Local Government Act, Section 48 (2) The following are prudential issues for the purposes of subsection (1):

- (i) *the most appropriate mechanisms or arrangements for carrying out the project.*

8.1 Delivery Mechanism

8.1.1 There are several options generally available for carrying out a construction Project; these have different advantages and disadvantages depending on the circumstances of a particular project. In this instance, CoA has selected a principal contractor model as the preferred delivery mechanism due to the specialised and multi-disciplinary nature of the works making it unsuitable to carry out the works with internal resources.

8.1.2 A tender process has been undertaken to identify a suitable contractor to undertake the works. The preferred contractor has tendered based on a construction methodology that involves progressively undertaking the Project by working on two floors of the carpark at one time and progressively moving through the building. [REDACTED]

8.1.2.1 This delivery methodology is designed to reduce the financial impact of the Project on UPark Gawler's ongoing revenue (compared with a full closure scenario).

8.1.2.2 However, CoA has identified that this approach may extend the construction timeframe (compared with a full closure) and may lead to workplace safety issues with vehicles moving through the construction zone.

8.1.3 The alternative delivery methodology is to close UPark Gawler for a period of approximately five months and undertake all the works in one phase. This approach is likely to:

8.1.3.1 lead to a capital saving [REDACTED]

8.1.3.2 shorten the construction period [REDACTED]; and

8.1.3.3 improve safety as vehicle movements through the carpark works would be avoided (note this is a risk to the contractor and not CoA).

8.1.4 However, the full closure approach:

8.1.4.1 will lead to a significantly greater loss of revenue (than the capital saving) for UPark Gawler operations during the construction works;

8.1.4.2 will likely lead to a longer return to 'normal' operations as more customers would need to be attracted back to the car park following re-opening;

8.1.4.3 a higher impact on businesses in the proximity due to reduced parking spaces available for customers in the area; and

8.1.4.4 may not be consistent with CoA's responsibilities under the car park lease which states that the carpark must remain open at all times.

8.1.5 The CoA's preferred approach is to undertake the Project by closing two floors at a time as opposed to closing the carpark. This decision has been made based on a risk based approach, considering the pros and cons of each methodology.

8.1.6 Consistent with CoA's standard construction methodology, it is planned that the construction contractor will be managed by an internal project management resource.

8.2 Procurement implications

8.2.1 CoA has developed a Procurement Plan for the Project. The Plan identifies a number of value drivers informing the decision with regard to the delivery mechanism chosen.

8.2.1.1 High Quality - The works must be completed to a high quality to ensure asset life is maximised.

8.2.1.2 Significant experience required - The contractor must demonstrate significant experience in all aspects of the works. This will be measured based on the tenderers specific experience across the key disciplines of the tender. The evaluation criteria have been drafted to ensure that demonstrated similar experience receives appropriate scoring.

8.2.1.3 Capacity - The works program is dictated by a number of seasonal requirements so that the sealant can appropriate set in the right conditions and the green features can be planted during milder weather.

8.2.1.4 Commercial value – Using a principal contractor will reduce duplication of overhead costs as well as other efficiencies.

8.2.1.5 Efficiency - The works must be coordinated within the parameters defined by the tender specifications and a number of key stakeholders, including the Gawler Place UPark, and therefore Councils commercial interests. Using a principal contractor provides for a single point of responsibility for the works.

8.2.2 Approximately ten construction companies were identified in the Procurement Plan as being suitable to undertake the works.

8.2.3 During October 2018, CoA released an open Request for Proposal (RFP) to the market to undertake the Project works. The RFP received three responses, two of these respondents were subsequently shortlisted and asked to submit a more detailed response.

8.2.4 A preferred contractor has now been selected to undertake the Project works.

8.2.5 The Procurement Plan and procurement methods employed to date are consistent with the requirements of the City of Adelaide Procurement Policy and associated Operating Guidelines.

9. CONCLUSION

- 9.1 This report has been prepared to meet the requirements of Section 48 of the Local Government Act and to provide Council with a comprehensive understanding of the prudential issues relating to the UPark Gawler Project; a proposed \$5.067 million capital upgrade to elements of the UPark Gawler building.
- 9.2 The Project works have been designed to meet CoA's existing legal obligations as well as improve the street appeal of the UPark Gawler building through the provision of a green facade, consistent with the Green Objective in the CoA Strategic Plan.
- 9.3 Adequate financial provisions are included in the 2018-19 Integrated Business Plan to meet the tendered capital cost of the Project.
- 9.4 The existing version of the Buildings – Asset Management Plan does not identify the capital works required to UPark Gawler to extinguish CoA's existing legal obligations. We recommend CoA review the treatment of leased buildings in current version of the Buildings – Asset Management Plan to ensure all requirements on CoA in relation to other existing leases are captured into the long term asset management framework.
- 9.5 Development approval will be required before the Project commences however it is the construction contractor's responsibility to submit the Development Application in this instance. Consent from the Lessor must also be obtained, but given the nature of the works and the responsibilities under the Lease, consent is not expected to be withheld.
- 9.6 During construction, and based on *economy.id* economic impact model, the Project is expected to increase economic activity in the local area and in the economy more broadly generating a total increase in economic output of \$13.95 million from the original investment. The Project is also estimated to have an impact of up to 50 jobs through direct, industrial and consumption effects.
- 9.7 [REDACTED]
- 9.8 The Project is not likely to give rise to any competition issues.
- 9.9 Given the nature of the Project works, there is no formal requirement to undertake a specific public consultation process in relation to the Project. To date limited consultation has been undertaken with Gawler Place traders and with customers of Gawler UPark. Customers of Gawler UPark, particularly those with monthly licenses to use the park will be inconvenienced by the works. All of the 95 reserved parking spaces currently occupied are expected to be maintained during the Project works, although some will need to be moved as the works progress through the building.
- 9.10 The Project is not forecast to produce revenue. However, we note the Project works will result in a reduction in UPark Gawler revenue due to:
- 9.10.1 a reduction in the supply of parks in UPark Gawler during the Project works; and

9.10.2 reduced demand due to the construction works impacting customers.

9.11

[REDACTED]

9.12

[REDACTED]

9.13 The 2018-19 Integrated Business Plan should be revised at the next budget review to account for the expected decrease in revenue at UPark Gawler.

9.14 A portion of the funding impact generated by the estimated budget shortfall could be partially offset by realisation of the [REDACTED] contingency reserve allocated in the capital budget.

9.15 A detailed risk assessment prepared for the Project in accordance with the City of Adelaide Risk Management Framework identified 53 risks, of which none have a residual risk rating of 'Extreme' and only three have a residual risk rating of 'High' following the implementation of risk controls. One of the 'High' risks has already been mitigated through the procurement strategy.

9.16 This relatively low project risk rating reflects that the Project in itself is a relatively simple construction Project with a majority of the construction risks being borne by the construction contractor.

9.17 To minimise the impact of the Project, construction works will be phased in such a way that a maximum of two floors of the Gawler UPark will be closed at a time. This methodology will allow the carpark to maintain trade and minimise the financial impact on the CoA. The construction contractor will be responsible for ensuring the safety and other construction risks are managed during the works program.

9.18 Consistent with City of Adelaide's standard methodology, it is planned that the Project will be managed by an internal project management resource and under the CoA Project Management Framework.

9.19 The Procurement Plan and procurement methods employed to date are consistent with the requirements of the City of Adelaide Procurement Policy and associated Operating Guidelines.

ATTACHMENT ONE: LOCAL GOVERNMENT ACT, 1999 – SECTION 48

Section 48 – Prudential requirements for certain activities

- (aa1) A council must develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the council—
- (a) acts with due care, diligence and foresight; and
 - (b) identifies and manages risks associated with a project; and
 - (c) makes informed decisions; and
 - (d) is accountable for the use of council and other public resources.
- (a1) The prudential management policies, practices and procedures developed by the council for the purposes of subsection (aa1) must be consistent with any regulations made for the purposes of this section.
- (1) Without limiting subsection (aa1), a council must obtain and consider a report that addresses the prudential issues set out in subsection (2) before the council—
- (b) engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body)—
 - (i) where the expected operating expenses calculated on an accrual basis of the council over the ensuing five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five financial years (as shown in the council's financial statements); or
 - (ii) where the expected capital cost of the project over the ensuing five years is likely to exceed \$4 000 000 (indexed); or
 - (iii) where the council considers that it is necessary or appropriate.
- (2) The following are prudential issues for the purposes of subsection (1):
- (a) the relationship between the project and relevant strategic management plans;
 - (b) the objectives of the Development Plan in the area where the project is to occur;
 - (c) the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;
 - (d) the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;
 - (e) if the project is intended to produce revenue, revenue projections and potential financial risks;
 - (f) the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;
 - (g) the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the council;
 - (h) any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the chief executive officer and to the council);
 - (i) the most appropriate mechanisms or arrangements for carrying out the project;
 - (j) if the project involves the sale or disposition of land, the valuation of the land by a qualified valuer under the Land Valuers Act 1994.
- (3) A report is not required under subsection (1) in relation to—
- (a) road construction or maintenance; or
 - (b) drainage works.
- (4) A report under subsection (1) must be prepared by a person whom the council reasonably believes to be qualified to address the prudential issues set out in subsection (2).

- (4a) A report under subsection (1) must not be prepared by a person who has an interest in the relevant project (but may be prepared by a person who is an employee of the council).
- (4b) A council must give reasonable consideration to a report under subsection (1) (and must not delegate the requirement to do so under this subsection).
- (5) A report under subsection (1) must be available for public inspection at the principal office of the council once the council has made a decision on the relevant project (and may be available at an earlier time unless the council orders that the report be kept confidential until that time).
- (6) However, a council may take steps to prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the council).
- (6a) For the purposes of subsection (4a), a person has an interest in a project if the person, or a person with whom the person is closely associated, would receive or have a reasonable expectation of receiving a direct or indirect pecuniary benefit or a non-pecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect detriment or a non-pecuniary detriment if the project were to proceed.
- (6b) A person is closely associated with another person (the relevant person)—
- (a) if that person is a body corporate of which the relevant person is a director or a member of the governing body; or
 - (b) if that person is a proprietary company in which the relevant person is a shareholder; or
 - (c) if that person is a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee; or
 - (d) if that person is a partner of the relevant person; or
 - (e) if that person is the employer or an employee of the relevant person; or
 - (f) if that person is a person from whom the relevant person has received or might reasonably be expected to receive a fee, commission or other reward for providing professional or other services; or
 - (g) if that person is a relative of the relevant person.
- (6c) However, a person, or a person closely associated with another person, will not be regarded as having an interest in a matter—
- (a) by virtue only of the fact that the person—
 - (i) is a ratepayer, elector or resident in the area of the council; or
 - (ii) is a member of a non-profit association, other than where the person is a member of the governing body of the association or organisation; or
 - (b) in a prescribed circumstance.
- (6d) In this section, \$4 000 000 (indexed) means that that amount is to be adjusted for the purposes of this section on 1 January of each year, starting on 1 January 2011, by multiplying the amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2009.
- (6e) In this section—
- employee** of a council includes a person working for the council on a temporary basis;
- non-profit association** means a body (whether corporate or unincorporate)—
- (a) that does not have as its principal object or 1 of its principal objects the carrying on of a trade or the making of a profit; and
 - (b) that is so constituted that its profits (if any) must be applied towards the purposes for which it is established and may not be distributed to its members.
- (7) The provisions of this section extend to subsidiaries as if a subsidiary were a council subject to any modifications, exclusions or additions prescribed by the regulations.

By-Law Implementation Report

ITEM 12.2 11/12/2018
COUNCIL

Program Contact:
Vanessa Godden, AD Customer
8203 7156

2018/02876
Public

Approving Officer:
Clare Mockler, Director Community

EXECUTIVE SUMMARY

By-Laws are a type of legislation designed to provide good governance and assist Council in providing a convenient, safe, and comfortable space for its community. To support a vibrant and welcoming city to visit, live and work, By-Laws enable Council to manage the city's public realm. City of Adelaide (CoA) current By-Laws expire on 1 January 2019 and cannot be extended.

Earlier this year the By-Laws were reviewed and updated with some minor changes to address legislative, interpretive, or grammatical factors. Draft versions of the updated By-Laws were endorsed by Council and public consultation was undertaken. The new suite of final By-Laws was endorsed by Council at its meeting of 14 August 2018. The new By-Laws will commence, and the current By-Laws will be formally revoked, on 23 December 2018. This is four months from the date that the By-Laws were Gazetted as required by the *Local Government Act 1999*.

Prior to the commencement of the By-Laws, several decisions need to be made to ensure the effective administration of the By-Laws. Specifically, delegation of authority to issue permission for activities requiring permission (and exercise other relevant operational powers under the By-Laws), defining the area of Rundle Mall (and its vicinity) to be smoke-free pursuant to clause 5.9 of the *Rundle Mall By-Law 2018* and addressing expiation fee amounts for alleged offences.

RECOMMENDATION

THAT COUNCIL:

1. Adopts, in accordance with Section 246(5) of the *Local Government Act 1999* and Section 14C of the *Acts Interpretation Act 1915*, the expiation fees for alleged offences against Clause 5.1 of Council's *Permits and Penalties By-Law 2018* and Clause 8.1 of Council's *Rundle Mall By-Law 2018* included at Attachment A to Item 12.2 on the Agenda for the meeting of the Council held on 11 December 2018 effective on the date the By-Laws come into operation.
2. Authorises in exercise of the power contained in Section 44 of the *Local Government Act 1999* and Section 14C of the *Acts Interpretation Act 1915*, the powers and functions under the following By-Laws and specified in the proposed Instruments of Delegation for By-Laws contained in the Attachments B - I to Item 12.2 on the Agenda for the meeting of the Council held on 11 December 2018 to be hereby delegated to the person occupying the office of Chief Executive Officer, or any person acting in the position of Chief Executive Officer effective on the date on which the By-Laws come into operation, subject to the conditions and or limitations specified herein or in the Schedule of Conditions in the proposed Instruments of Delegation for the By-Laws:
 - 2.1. *Permits and Penalties By-Law 2018*;
 - 2.2. *Local Government Land By-Law 2018*;
 - 2.3. *Roads By-Law 2018*;
 - 2.4. *Waste Management By-Law 2018*;
 - 2.5. *Rundle Mall By-Law 2018*
 - 2.6. *Dogs By-Law 2018*;

- 2.7. *Cats By-Law 2018*;
 - 2.8. *Lodging Houses By-Law 2018*.
3. Authorises the Chief Executive Officer to sub delegate the powers referred to in paragraph 2 to other employees of the Council:
 - 3.1. as the Chief Executive Officer considers fit; and
 - 3.2. in accordance with the relevant legislation; unless
 - 3.3. otherwise indicated in this report; or
 - 3.4. otherwise indicated in the Schedule of Conditions contained in the proposed Instruments of Delegation for the By-Laws.
 4. Approves and determines in accordance with Section 246(3)(e) of the *Local Government Act 1999* and clause 9 of Council's *Rundle Mall By-Law 2018* that Clause 5.9 of Council's *Rundle Mall By-Law 2018* (smoking) shall apply to the following parts of the area of the Council:
 - 4.1. Those parts of Rundle Mall depicted in purple on the plan included at Attachment J to Item 12.2 on the Agenda for the meeting of the Council held on 11 December 2018; and
 - 4.2. Those parts of the streets and laneways in the vicinity of Rundle Mall depicted in blue on the plan included at Attachment J to Item 12.2 on the Agenda for the meeting of the Council held on 11 December 2018 (namely, the identified portions of James Place, Stephens Place, Gawler Place, Francis Street, Lindes Lane, Charles Street, and Twin Street).
 5. Authorises the Chief Executive Officer to:
 - 5.1. Publish notice of the making of this determination in Paragraph 4 above in the South Australian Government Gazette and *The City*; and
 - 5.2. Erect (or maintain) such notices as the Chief Executive Officer deems necessary setting out the effect of this resolution in a prominent position on the land to which clause 5.9 of the *Rundle Mall By-Law 2018* applies by virtue of this resolution.
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IMPLICATIONS AND FINANCIALS

Strategic Plan	Work with the community and other stakeholders through a range of initiatives to activate key areas to enable people to use the City safely.
Policy	Relevant Standard Operating Procedures (SOP) will need to be amended to reflect changes to the By-Laws.
Consultation	Public consultation was undertaken in July 2018 prior to Council endorsing the new By-Laws. Further, direct consultation with the Dog and Cat Management Board, the Minister for Transport, Infrastructure and Local Government was required and undertaken prior to the final endorsement of the By-Laws by Council.
Resource	Not as a result of this report.
Risk / Legal / Legislative	Legal advice has been sought to mitigate any risk and ensure the process is legislatively sound.
Opportunities	<p>City of Adelaide continues to have appropriate and applicable By-Laws in place to ensure the city continues to be a convenient, safe and comfortable environment for all residents, businesses and visitors.</p> <p>The City of Adelaide prides itself with being responsive to the ever-changing needs of our community. Although By-Laws must be reviewed and made every seven years, there is opportunity to review and make By-Laws on a more frequent basis.</p>
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Council By-Laws must be renewed every 7 years but can be reviewed at any time within the 7 years.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (e.g. maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

By-Laws

1. The *Local Government Act 1999* allows councils may make By-Laws to enable Council to ensure the public are not exposed to unnecessary, avoidable risks due to unsafe practices, thereby supporting a vibrant and welcoming city.
2. By-Laws are a type of legislation designed to provide:
 - 2.1 Good governance
 - 2.2 Convenience
 - 2.3 Safety
 - 2.4 Flexibility
 - 2.5 Tailored prohibited and permitted activities to suit each Council's unique community and environment
 - 2.6 Flexible responses to specific issues unique to each locality
 - 2.7 Comfortable space for our community
3. Although the intent of By-Laws is to respond to each community's needs, the Local Government Association provides template By-Laws to assist councils in maintaining a level consistency across regions.
4. By-Laws are generally used for two activities:
 - 4.1 Those which are not permitted in any circumstance e.g. climbing on a soldier's memorial or damaging or defacing property;
 - 4.2 Those which are only allowed with council permission e.g. busking, camping, gatherings on Park Lands (weddings, parties).
5. From time to time, individuals or businesses undertake an activity which is in breach of a By-Law, either intentionally or because they do not know that the activity is prohibited. Our Community Safety Officers are authorised to address these matters and do so with an education first approach.
6. A common example is the use of 'A frame' business signage on footpaths. The Moveable Signs By-Law (in both iterations, current and new) deals with A frame signs and our Officers educate businesses on where signs can be placed and what content is appropriate on the signs. This allows Council to ensure our cityscape has a clear and desirable visual amenity, and that a safe and inclusive footpath passage is available to all pedestrians.
7. Almost all matters can be resolved without any formal enforcement action being required. However, every now and then enforcement action is required. Our Community Safety Officers are authorised to issue expiation notices (which carry an expiation fee), issue Orders, or undertake prosecution proceedings against alleged offenders.

City of Adelaide By-Law Making Journey 2018

8. City of Adelaide current By-Laws expire on 1 January 2019. At its meeting of 14 August 2018, Council adopted the new By-Laws which will commence on 23 December 2018.
9. The *Local Government Act 1999* requires By-laws to be renewed every seven years.
10. Pursuant to *Section 251(1)* of the *Local Government Act 1999*, CoA's current By-Laws were due to expire on 1 January 2019 and could not be extended.
11. It is important that By-Laws are regularly reviewed and updated to ensure that Council is responding to changes in its community and environment.
12. CoA currently has ten By-Laws:
 - 12.1 By-Law 1 - Permits and Penalties
 - 12.2 By-Law 2 - Moveable Signs
 - 12.3 By-Law 3 - Local Government Land
 - 12.4 By-Law 4 - Roads
 - 12.5 By-Law 5 - Waste Management
 - 12.6 By-Law 7 - Dogs
 - 12.7 By-Law 8 - Cats
 - 12.8 By-Law 9 - Lodging Houses
 - 12.9 By-Law 10 – Smoking Control
 - 12.10 The Model By-Law - Management of Pedestrian Malls

13. Earlier this year the By-Laws were reviewed and updated with some minor changes to address legislative, interpretive or grammatical factors.
14. At its meeting of 12 June 2018, Council endorsed a suite of reviewed and updated draft By-Laws, report ([Link 1](#)). Those draft By-Laws were then open for community input for 21 days and were directly reviewed by the Dog and Cat Management Board and Minister for Transport, Infrastructure and Local Government.
15. At its meeting of 14 August 2018, Council adopted a suite of new By-Laws, report ([Link 2](#)). Those By-Laws are:
 - 15.1 By-Law 1 - Permits and Penalties ([Link 3](#))
 - 15.2 By-Law 2 - Moveable Signs ([Link 4](#))
 - 15.3 By-Law 3 - Local Government Land ([Link 5](#))
 - 15.4 By-Law 4 - Roads ([Link 6](#))
 - 15.5 By-Law 5 - Waste Management ([Link 7](#))
 - 15.6 By-Law 6 – Rundle Mall ([Link 8](#))
 - 15.7 By-Law 7 - Dogs ([Link 9](#))
 - 15.8 By-Law 8 - Cats ([Link 10](#))
 - 15.9 By-Law 9 - Lodging Houses ([Link 11](#))
16. The current By-Laws will be formally revoked (as a matter of law), and the new By-Laws will commence, on 23 December 2018. This date is four months from the date that the By-Laws were gazetted (being 23 August 2018) as required by section 249(5) of the *Local Government Act 1999*. This date is eight days prior to the last possible revocation date for the current By-Laws of 1 January 2019, which is the date on which the current By-Laws would otherwise have automatically expired.
17. After Council adopted the suite of new By-Laws at its meeting of 14 August 2018, the By-Laws were tabled in State Parliament and were subject to review by the Legislative Review Committee. The Legislative Review Committee had the opportunity to object to the By-Laws during a period of 14 sitting days from the tabling of the By-Laws, as did both houses of the South Australian Parliament. The fourteenth day of the By-Laws being tabled was 13 November 2018 and as of 14 November 2018 no objection has been made or received.
18. Now that the By-Laws have been made by Council and have not been objected to by Parliament, several decisions need to be made to assist in the effective administration of the By-Laws. These decisions can be made prior to the commencement of the By-Laws in accordance with Section 14C of the *Acts Interpretation Act 1915*.
19. The Council has the authority to:
 - 19.1 Set the expiation fees for alleged offences, and
 - 19.2 To delegate authority to the CEO (and for the CEO to sub delegate to appropriate staff members) to issue permits and permission for activities requiring permission and to approve or authorise other Council powers and requirements under the By-Laws, and
 - 19.3 Determine the area in which clause 5.9 of the Rundle Mall By-Law (the prohibition on smoking in Rundle Mall and surrounds) applies.
20. By making these decisions now, ahead of the commencement of the new By-Laws, the Council will ensure that there is a seamless transition from the current By-laws to the new By-Laws. If these decisions are not made in advance, there will be no delegations in place to administer and apply the By-Laws, no restrictions on smoking in Rundle Mall and no expiation fees set.
21. At the Governance Introduction session on 4 December 2018, the Council was provided a high-level overview of the process to make By-Laws and provided with information to assist with progressing the next steps forward from the previous Council to the new Council ([Link 12](#)).

Expiation of Offences and Associated Expiation Fees

22. From time to time it may be necessary for Council's Community Safety Officers to issue expiation notices for alleged breaches of the By-Laws.
23. Section 5(1) of the *Expiation of Offences Act 1996* provides that if an expiation fee is fixed by or under an Act, regulation or By-Law in respect of an offence, an expiation notice may be given under this Act to a person alleged to have committed the offence and the alleged offence may be expiated in accordance with this Act.
24. Section 246(5) of the *Local Government Act 1999* provides that expiation fees may be fixed for alleged offences against By-Laws by—
 - (a) By-Laws; or
 - (b) the council,

but an expiation fee fixed by the council cannot exceed 25 per cent of the maximum fine for the offence to which it relates.

25. As expiation fees have not been set pursuant to 246(5)(a) (as part of the By-Laws), it is necessary for the Council to set expiation fees by separate Council resolution.
26. The maximum penalty for offences against all By-Laws (with the exception of the Rundle Mall By-Law 2018) is \$750, therefore the maximum expiation fee Council can set is \$187.50 (25 per cent of \$750).
27. The maximum penalty for offences against the Rundle Mall By-Law is \$250 and therefore the maximum expiation fee is \$62.50 (25 per cent of \$250).
28. The By-Laws provide for a number of offences which may be expiated when necessary. Proposed fees are set out in **Attachment A**.
29. For offence types which have not changed from the current By-Laws, it is proposed (where relevant) that the expiation fee amount does not change. Any increase in these fees could be considered as part of Council's annual Fees and Charges Schedule.
30. For offence types which are new, altered, or have previously not had an expiation fee amount attached, it is proposed that expiation fee amounts are kept comparable with similar offence types in the current By-Laws.
31. The proposed expiation fee amounts vary between \$50 and \$187.50.
32. Offence types posing a high personal or community safety and risk are proposed to attract a higher expiation fee amount, whereas offence types posing a low personal or community safety risk are proposed to attract a lower expiation fee amount.

Delegations

33. The By-Laws provide that a number of powers and functions of an operational nature be vested in the Council.
34. This includes matters such as the issuing of permits, the granting of approvals and authorisations, and the issuing of licences.
35. In accordance with *Section 44* of the *Local Government Act 1999*, the Council may delegate certain powers and functions vested in it to the Chief Executive Officer. Those powers and functions may also be further delegated by the Chief Executive Officer.
36. **Attachments B-I** set out the proposed delegations as are necessary to efficiently administer the By-Laws.
37. In the interest of effectively administering those operational functions, it is recommended that the Council delegate the relevant powers and functions as set out in recommendations 2 and 3.

Rundle Mall Smoking Prohibition Area

38. Clause 5.9 of the *Rundle Mall By-Law 2018* provides that
'A person must not in Rundle Mall or in the vicinity of Rundle Mall smoke in any area to which the Council has resolved this subparagraph shall apply'.
39. Rundle Mall has been a no smoking area since the introduction of the original Smoking Control By-Law in August 2012. It is proposed that we continue with the City's premier shopping district of Rundle Mall remaining a no smoking area to increase public amenity, health, and enjoyment. As such, it is recommended that Council resolves that clause 5.9 of the *Rundle Mall By-Law 2018* apply to the areas set out in **Attachment J**. This approach maintains the current prohibitions on smoking in Rundle Mall and the laneways and streets in the vicinity of Rundle Mall.

Next Steps

40. The City of Adelaide prides itself with being responsive to the ever-changing needs of our community. By-Laws must be reviewed and made every seven years, however there is opportunity to review and make By-Laws on a more frequent basis.
41. As with any change to policy or law, public consultation outcomes will continue to form the basis of those changes. The Council will have the opportunity to workshop ideas, working with our community to ensure that we provide the necessary By-Laws to continue to support a safe, inclusive, and vibrant city.

ATTACHMENTS

Attachment A – By-Law Expiation Fees 2018

Attachments B-I – Proposed Instruments of Delegation under By-Laws

Attachment J – Rundle Mall No Smoking Areas

- END OF REPORT -

Attachment A By-Law Expiation Fee Amounts

Offence type	Fee Units	Legislation	Proposed Fee
Breach/Non Compliance with Conditions of a Permit	per breach	By-Law 1 Permits and Penalties	\$187.50
Moveable Sign not Conforming to Council By-Law provisions	per breach	By-Law 2 Moveable Signs	\$75
Alteration of land	per breach	By-Law 3 Local Government Land	\$125
Inappropriate use of boat ramp	per breach	By-Law 3 Local Government Land	\$75
Bridge Jumping	per breach	By-Law 3 Local Government Land	\$187.50
Business Use	per breach	By-Law 3 Local Government Land	\$125
Unauthorised entry of Closed Lands	per breach	By-Law 3 Local Government Land	\$125
Erection of Structures	per breach	By-Law 3 Local Government Land	\$125
Obstruction	per breach	By-Law 3 Local Government Land	\$125
Organise Ceremony and Event	per breach	By-Law 3 Local Government Land	\$75
Overhanging Articles	per breach	By-Law 3 Local Government Land	\$75
Undertaking Activities without Permission	per breach	By-Law 3 Local Government Land	\$75
Feeding of Birds	per breach	By-Law 3 Local Government Land	\$125
Climbing on Any Fixtures	per breach	By-Law 3 Local Government Land	\$187.50
Damage/Defacement of Property	per breach	By-Law 3 Local Government Land	\$187.50
Fishing from Structure in a no Fishing Zone	per breach	By-Law 3 Local Government Land	\$125
Interfere with flora and fauna	per breach	By-Law 3 Local Government Land	\$125
Interfering with Permitted Use	per breach	By-Law 3 Local Government Land	\$125
Playing or practicing games and ball games	per breach	By-Law 3 Local Government Land	\$125
Performing non-urgent Vehicle Repairs	per breach	By-Law 3 Local Government Land	\$125
Solicitation	per breach	By-Law 3 Local Government Land	\$187.50
Smoking in building	per breach	By-Law 3 Local Government Land	\$62.50
Inappropriate Use of Public Toilet	per breach	By-Law 3 Local Government Land	\$187.50
Inappropriate Use of Council Rubbish Bin	per breach	By-Law 3 Local Government Land	\$187.50

Inappropriate Use of Council Equipment or Property	per breach	By-Law 3 Local Government Land	\$187.50
Inappropriate Waste Disposal	per breach	By-Law 3 Local Government Land	\$187.50
Washing Clothes/Adding Chemicals to Any Waters	per breach	By-Law 3 Local Government Land	\$125
Use of Wheeled Recreation device	per breach	By-Law 3 Local Government Land	\$125
Central Market - Unauthorised use of Forklift	per breach	By-Law 3 Local Government Land	\$125
Inappropriate use of Horseriding Track	per breach	By-Law 3 Local Government Land	\$125
Unintended use of a War Memorial	per breach	By-Law 3 Local Government Land	\$188
Use of an amplification device	per breach	By-Law 3 Local Government Land	\$125
Tents and Camping	per breach	By-Law 3 Local Government Land	\$125
Central Market - Bring into or allow any animal to remain (except a guide dog)	per breach	By-Law 3 Local Government Land	\$80

Unauthorised advertising	per breach	By-Law 4 Roads	\$125
Use of an amplification device	per breach	By-Law 4 Roads	\$125
Chain or affix a Bicycle causing an obstruction	per breach	By-Law 4 Roads	\$50
Bridge Jumping	per breach	By-Law 4 Roads	\$187.50
Collecting Donations	per breach	By-Law 4 Roads	\$50
Distribute notice, leaflet or bill	per breach	By-Law 4 Roads	\$50
Leaving Hatch Open and Unattended	per breach	By-Law 4 Roads	\$187.50
Leading/Driving Livestock	per breach	By-Law 4 Roads	\$50
Unauthorised Public Exhibit	per breach	By-Law 4 Roads	\$75
Performing non-urgent vehicle repairs	per breach	By-Law 4 Roads	\$125
Tents and Camping	per breach	By-Law 4 Roads	\$125
Inappropriate Use of Council Rubbish Bins	per breach	By-Law 4 Roads	\$187.50
Use of Wheeled Recreation Device	per breach	By-Law 4 Roads	\$125
Inappropriate Queuing	per breach	By-Law 4 Roads	\$100
Undertaking Activities without Permission	per breach	By-Law 4 Roads	\$75
Feed Birds	per breach	By-Law 4 Roads	\$75
Damage or deface property	per breach	By-Law 4 Roads	\$188
Climbing on any fixtures	per breach	By-Law 4 Roads	\$187.50
Wilfully break glass	per breach	By-Law 4 Roads	\$187.50

Interfere with Permitted Use	per breach	By-Law 4 Roads	\$125
Inappropriate Use of Public Toilet	per breach	By-Law 4 Roads	\$187.50
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Incorrect use of Council Provided Bins	per breach	By-Law 5 Waste Management	\$125
Incorrect use of Domestic Bin	per breach	By-Law 5 Waste Management	\$125
Incorrect use of Recyclable Bin	per breach	By-Law 5 Waste Management	\$125
Incorrect use of Green Organics Bin	per breach	By-Law 5 Waste Management	\$125
Unsanitary Bin	per breach	By-Law 5 Waste Management	\$60
Open Bin	per breach	By-Law 5 Waste Management	\$60
Damaged Bin	per breach	By-Law 5 Waste Management	\$60
Appropriate Bin Collection Position	per breach	By-Law 5 Waste Management	\$75
Violating Commercial Cardboard By-Law requirements	per breach	By-Law 5 Waste Management	\$125
Waste Container Interference	per breach	By-Law 5 Waste Management	\$50
Unclean private Thoroughfare	per breach	By-Law 5 Waste Management	\$125
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Smoking in No Smoking area	per breach	By-Law 6 Rundle Mall	\$62.50
Erection of Structures	per breach	By-Law 6 Rundle Mall	\$62.50
Overhanging Articles	per breach	By-Law 6 Rundle Mall	\$62.50
Undertaking Activities without Permission	per breach	By-Law 6 Rundle Mall	\$62.50
Feeding of Birds	per breach	By-Law 6 Rundle Mall	\$62.50
Climbing on Any Fixtures	per breach	By-Law 6 Rundle Mall	\$62.50
Damage/Defacement of Property	per breach	By-Law 6 Rundle Mall	\$62.50
Interfering with Permitted Use	per breach	By-Law 6 Rundle Mall	\$62.50
Playing or practicing games and ball games	per breach	By-Law 6 Rundle Mall	\$62.50
Inappropriate Use of Public Toilet	per breach	By-Law 6 Rundle Mall	\$62.50
Inappropriate Use of Council Rubbish Bin	per breach	By-Law 6 Rundle Mall	\$62.50
Use of an amplification device	per breach	By-Law 6 Rundle Mall	\$62.50
Wilfully break glass	per breach	By-Law 6 Rundle Mall	\$62.50
Use a wheeled recreation device	per breach	By-Law 6 Rundle Mall	\$62.50

Dog limit exceeded	per breach	By-law 7 Dogs	\$75
Dog in Dog Free Area	per breach	By-law 7 Dogs	\$125
Dog not on Leash	per breach	By-law 7 Dogs	\$125
Inappropriate Use of Dog Exercising Area	per breach	By-law 7 Dogs	\$125

Cat Limit Exceeded	per breach	By-law 8 Cats	\$75
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Lodging House with No Licence	per breach	By-law 9 Lodging House	\$75
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APPENDIX B

INSTRUMENT OF DELEGATION UNDER THE CORPORATION OF THE CITY OF ADELAIDE PERMITS AND PENALTIES BY-LAW 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Council may grant permits
1.1	The power pursuant to Clause 4 of the <i>Permits and Penalties By-law 2018 (the By-law)</i> to, where a by-law of the Council indicates that a permit or permission of the Council is required to do a specified thing, grant permission of the Council, in writing.
1.2	The power pursuant to Clause 4.2 of the By-law to:
1.2.1	attach conditions to a permit;
1.2.2	change or revoke a condition of a permit by notice in writing;
1.2.3	add new conditions to a permit, by notice in writing.
1.3	The power pursuant to Clause 4.4 of the By-law to revoke a permit by notice in writing, if:
1.3.1	the holder of the permit fails to comply with a condition attached to it; or
1.3.2	the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

APPENDIX C

INSTRUMENT OF DELEGATION UNDER THE CORPORATION OF THE CITY OF ADELAIDE LOCAL GOVERNMENT LAND BY-LAW 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Activities Requiring Permission
<i>Fires</i>
1.1 The power pursuant to Clause 4.17 of the <i>Local Government Land By-law 2018 (the By-law)</i> to provide places for persons to light a fire subject to the <i>Fire and Emergency Services Act 2005</i> .
<i>Livestock</i>
1.2 The power pursuant to Clause 4.21.7 of the By-law set aside a track or other area for use by or in connection with an animal of a particular kind.
<i>Vehicles</i>
1.3 The power pursuant to Clauses 4.29 and 4.33 of the By-law to set aside an area or road for the purposes of driving or propelling a motor vehicle on a riverbank or local government land.
2. Prohibited Activities
<i>Climbing</i>
2.1 The power pursuant to Clause 5.2 of the By-law set aside any fixture, fitting, plant, object or building for the purposes of climbing and indicate the same by signage.
3. Removal of Obstructions
3.1 The power pursuant to Clause 11 of the By-law to remove an object installed without permission or authority that is causing an obstruction.

INSTRUMENT OF DELEGATION UNDER THE LOCAL GOVERNMENT LAND BY-LAW 2018

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

APPENDIX D

**INSTRUMENT OF DELEGATION UNDER
THE CORPORATION OF THE CITY OF ADELAIDE
ROADS BY-LAW 2018**

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1. Activities Requiring Permission
<i>Bicycles</i>
1.1 The power pursuant to Clause 4.3 of the <i>Roads By-law 2018 (the By-law)</i> to set aside and design structures for the purposes of chaining, locking or affixing a bicycle.
<i>Fires and Fireworks</i>
1.2 The power pursuant to Clause 4.7 of the <i>By-law</i> to provide places for persons to light a fire subject to the <i>Fire and Emergency Services Act 2005</i> .

INSTRUMENT OF DELEGATION UNDER THE ROADS BY-LAW 2018
SCHEDULE OF CONDITIONS
**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

APPENDIX E

INSTRUMENT OF DELEGATION UNDER THE CORPORATION OF THE CITY OF ADELAIDE WASTE MANAGEMENT BY-LAW 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Definitions
1.1	The power pursuant to Clauses 3.3, 3.5, 3.8 and 3.15 of the <i>Waste Management By-law 2018 (the By-law)</i> to provide and designate containers for the purposes of Domestic Waste, Green Organics and Recyclables collection.
1.2	The power pursuant to Clause 3.9 of the By-law to deem waste not suitable for collection by Council.
1.3	The power pursuant to Clause 3.14 of the By-law to specify containers as recyclables for the purposes of the By-law.
2.	Provide Containers
2.1	The power pursuant to Clauses 4.1 and 4.2 of the By-law to designate premises for the purposes of keeping a Domestic Waste Container, Recyclables Container and Green Waste Container.
3.	Keep Container Clean
3.1	The power pursuant to Clause 5.4.2 of the By-law to form the opinion that a Container presented for collection is in poor condition so as to make removal of the contents impracticable.
4.	Damage
4.1	The power pursuant to Clause 5.6.2 of the By-law to form the opinion that a Container presented for collection is damaged or worn so as to make removal of the contents impracticable.

INSTRUMENT OF DELEGATION UNDER THE WASTE MANAGEMENT BY-LAW 2018

5. Collection Services
5.1 The power pursuant to Clause 5.7.2.2 of the By-law to approve or direct that a Container is placed out for collection in a particular position.
5.2 The power pursuant to Clause 5.7.4.2 of the By-law to approve or permit the placing of Hard Waste for collection in a particular position.
6. Commercial Cardboard
6.1 The power pursuant to Clause 5.8.2.3 of the By-law to designate a collection point for Commercial Cardboard.

INSTRUMENT OF DELEGATION UNDER THE WASTE MANAGEMENT BY-LAW 2018
SCHEDULE OF CONDITIONS
**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

APPENDIX F

INSTRUMENT OF DELEGATION UNDER THE CORPORATION OF THE CITY OF ADELAIDE RUNDLE MALL BY-LAW 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Removal of Obstructions
1.1	The power pursuant to Clause 6 of the <i>Rundle Mall By-law 2018 (the By-law)</i> to remove an object obstructing any part of a Rundle Mall that has been placed without Permission or some other lawful authority.
2.	Permits
2.1	The power pursuant to Clause 7.1 of the By-law to grant permission of the Council, in writing.
2.2	The power pursuant to Clause 7.2 of the By-law to:
2.2.1	attach conditions to a permit;
2.2.2	change or revoke a condition of a permit by notice in writing;
2.2.3	add new conditions to a permit, by notice in writing.
2.3	The power pursuant to Clause 7.4 of the By-law to revoke a permit by notice in writing, if:
2.3.1	the holder of the permit fails to comply with a condition attached to it; or
2.3.2	the permit is of a continuing nature, and the Council has reasonable grounds for revoking it.

INSTRUMENT OF DELEGATION UNDER THE RUNDLE MALL BY-LAW 2018
SCHEDULE OF CONDITIONS
**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

APPENDIX G

INSTRUMENT OF DELEGATION UNDER THE CORPORATION OF THE CITY OF ADELAIDE DOGS BY-LAW 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Exemptions
1.1	The power pursuant to Clause 5.3 of the <i>Dogs By-law 2018 (the By-law)</i> to exempt premises from compliance with Clause 4 of the By-law.

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

APPENDIX H

INSTRUMENT OF DELEGATION UNDER THE CORPORATION OF THE CITY OF ADELAIDE CATS BY-LAW 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Limit on Cat Numbers
1.1	The power pursuant to Clause 4.2.5 of the <i>Cats By-law 2018 (the By-law)</i> to authorise the keeping of more than two cats on Premises in circumstances where the delegate is of the opinion the requirements of Clauses 4.2.5.1-4.2.5.3 are satisfied.
2.	Notices
2.1	The power pursuant to Clause 5.1 of the By-law to serve notice on the occupier of premises or the owner of a cat requiring action to be taken to ensure compliance with the By-law.
2.2	The power pursuant to Clause 5.3 of the By-law to carry out the requirements of a notice if the person to whom a notice is given fails to comply.

INSTRUMENT OF DELEGATION UNDER THE CATS BY-LAW 2018

SCHEDULE OF CONDITIONS

**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

APPENDIX I

INSTRUMENT OF DELEGATION UNDER THE CORPORATION OF THE CITY OF ADELAIDE LODGING HOUSES BY-LAW 2018

NOTES

1. Conditions or Limitations: conditions or limitations may apply to the delegations contained in this Instrument. Refer to the Schedule of Conditions at the back of this document.
2. Refer to the relevant Council resolution(s) to identify when these delegations were made, reviewed and or amended.

POWERS AND FUNCTIONS DELEGATED IN THIS INSTRUMENT

1.	Licences
1.1	The power pursuant to Clause 4.2 of the <i>Lodging Houses By-law 2018</i> (the By-law) to issue a licence entitling the holder to conduct the business of a Lodging House at the Building specified in the Licence and on the conditions set out in the Licence.
2.	Licence Application Requirements
2.1	The power pursuant to Clause 5.3 of the By-law to determine the requirements for lodgement of an application for renewal of a Licence.
2.2	The power pursuant to Clause 5.5 of the By-law to renew a Licence for a period not exceeding two years.
3.	Licence Conditions, Revocation and Suspension
3.1	The power pursuant to Clause 7.1 of the By-law to determine the appropriate conditions of a Licence to be set out in the Licence.
3.2	The power pursuant to Clause 7.2 of the By-law to vary the conditions of a Licence in writing.
3.3	The power pursuant to Clause 7.3 of the By-law to revoke or suspend a Licence in writing:
3.3.1	if the delegate considers that the building in respect of which the Licence holder is licensed is, by reason of its condition, unsuitable to continue to be used as a Lodging House including, but not limited to the fire safety of the premises;
3.3.2	if the delegate has reasonable cause to believe that the

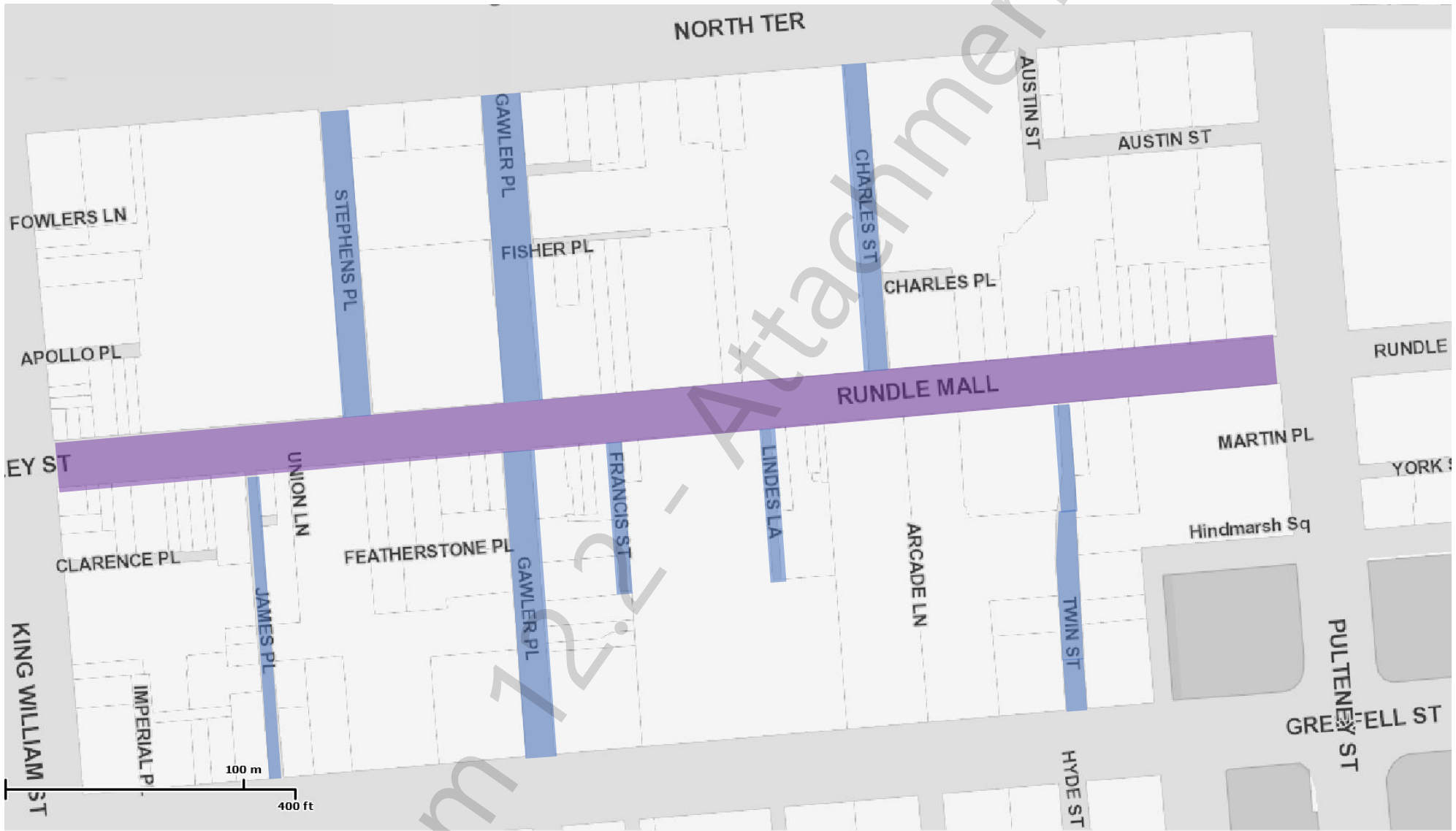
INSTRUMENT OF DELEGATION UNDER THE LODGING HOUSES BY-LAW 2018

	Licence holder has committed an offence against this by-law, the <i>Local Government Act 1999</i> , the <i>South Australian Public Health Act 2011</i> , the <i>Food Act 2001</i> , the <i>Development Act 1993</i> , the <i>Planning, Development and Infrastructure Act 2016</i> or the <i>Supported Residential Facilities Act 1992</i> ;
3.3.3	if the delegate considers that the Licence holder is unsuitable to continue as the proprietor of the Lodging House;
3.3.4	if the Licence holder breaches a condition of the Licence; or;
3.3.5	for any other reason the delegate may deem necessary.

INSTRUMENT OF DELEGATION UNDER THE LODGING HOUSES BY-LAW 2018
SCHEDULE OF CONDITIONS
**CONDITIONS OR LIMITATIONS
APPLICABLE TO DELEGATIONS
CONTAINED IN THIS INSTRUMENT**

Paragraph(s) in instrument to which conditions/limitations apply	Conditions / Limitations
NIL	NIL

A person must not smoke in Rundle Mall or in the vicinity of Rundle Mall.
The highlighted map below prescribes the area in which smoking is prohibited.



Key: In Rundle Mall Ancillary areas in the vicinity of Rundle Mall



2010/03030

Public

Program Contact:
Daniel Bennett, AD Strategy &
Design 8203 7295Approving Officer:
Beth Davidson-Park, Director
Operations

EXECUTIVE SUMMARY:

All current appointments to the 10-member Board of the Adelaide Park Lands Authority expire on 31 December 2018.

Under the provisions of the *Adelaide Park Lands Act 2005* (the Act), the Board of Management is constituted by:

- The Lord Mayor (as Presiding Member) or, if the Lord Mayor chooses not to be a member of the Authority, a person appointed by the City of Adelaide (as the Presiding Member)
- Four other members appointed by the City of Adelaide
- Five members appointed by the Minister (one of whom will be the Deputy Presiding Member).

This report:

- Confirms the Lord Mayor's intention to accept her statutory position as Presiding Member
- Facilitates four nominations for consultation with Minister Stephan Knoll, as the Minister responsible for the administration of the Act
- Recommends support for the Minister's intention to re-appoint the existing State Government appointees for an interim period of 3 months.

The report identifies an opportunity for the appointment by the City of Adelaide to the Authority of a member of the Kaurna community. This would address a requirement in the City of Adelaide's Reconciliation Action Plan 2018-2021 which reads "*Explore opportunities for a designated Kaurna representative on APLA*".

Our understanding is that Minister Knoll has indicated that he is re-nominating (in consultation with the City of Adelaide) the existing State Government appointees to the Authority for an interim period of three months, to allow for further considerations around membership. Correspondence to this effect is expected shortly.

On this basis it is recommended that Council also makes its appointments to the Authority for an interim period of three months, to 31 March 2019. This will allow the Authority to continue to provide advice on time-sensitive Park Lands matters.

In making appointments, the City of Adelaide and the Minister must, in consultation with each other, endeavour to achieve a membership with a range of knowledge, skills and experience across specified areas, as well as a gender balance.

RECOMMENDATION:

THAT COUNCIL:

1. Notes the Lord Mayor's intention to accept her statutory position as Presiding Member of the Board of Management of the Adelaide Park Lands Authority (the Authority).
2. Notes the requirements of the *Adelaide Park Lands Act 2005* concerning the knowledge, skills and experience of Members, as well as gender balance.

3. Notes the Action in the City of Adelaide's Reconciliation Action Plan 2018-2021 "*Explore opportunities for a designated Kaurna representative on APLA*".
 4. Supports the Minister for Planning's intention to re-appoint the existing State Government appointees for an interim period of three months from 1 January 2019 to 31 March 2019 as follows:
 - 4.1. Sally Smith (as Deputy Presiding Member)
 - 4.2. Anita Allen
 - 4.3. Stephanie Johnston
 - 4.4. Roger Zubrinich
 - 4.5. Kirsteen Mackay
 5. Appoints (contingent upon consultation with the Minister for Planning) four Board Members for the Authority for an interim period commencing 1 January 2019 and expiring 31 March 2019, as follows:
 - 5.1. Xx
 - 5.2. Xx
 - 5.3. Xx
 - 5.4. Jessica Davies-Huynh as a Kaurna community representative
-

IMPLICATIONS AND FINANCIALS:

Strategic Plan	<i>Work with neighbouring councils and the State Government to enhance the facilities, attractions, landscapes and movement networks in the Park Lands to meet the needs and expectations of growing high-density communities living in and near the City (Page 49).</i>
Policy	<p><i>The State Government, State agencies and authorities, and the Adelaide City Council, should actively seek to co-operate and collaborate with each other in order to protect and enhance the Adelaide Park Lands (from the statutory principles, s. 4 in the Adelaide Park Lands Act 2005).</i></p> <p>The Adelaide Park Lands Authority Charter, as adopted by the City of Adelaide, replicates the provisions of the <i>Adelaide Park Lands Act 2005</i> with regard to appointments to the Authority.</p> <p>The City of Adelaide Reconciliation Action Plan 2018-2021 identifies 'Action 47' (Representation & Governance) as "Explore opportunities for a designated Kaurna representative on APLA".</p>
Consultation	<p>The Minister and the City of Adelaide must consult with each other in making appointments in order to endeavour to achieve a range of knowledge, skills and experience across the following areas:</p> <ul style="list-style-type: none"> (a) biodiversity or environmental planning or management (b) recreation or open space planning or management (c) cultural heritage conservation or management (d) landscape design or park management (e) tourism or event management (f) indigenous culture or reconciliation (g) financial management (h) local government. <p>Public consultation is not required.</p>
Resource	This process will be managed within existing resources.
Risk / Legal / Legislative	Statutory processes are provided for in the <i>Adelaide Park Lands Act 2005</i> and supplemented by additional provisions in the Adelaide Park Lands Authority Charter.
Opportunities	<p>To establish a new Adelaide Park Lands Authority with the skill set to provide valuable advice to the City of Adelaide and State Government on matters pertaining to the Park Lands.</p> <p>To appoint a member of the Kaurna community to the Authority.</p>
18/19 Budget Allocation	Process will be managed within existing budget allocation.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Consistent with the Charter for the Authority, the City of Adelaide's appointments can be for a maximum period of two years (to coincide with Council election periods) and those by the Minister for a maximum of three years.

18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Provided for in the Integrated Business Plan.
Other Funding Sources	Not available

DISCUSSION

Background

1. The [Adelaide Park Lands Act 2005](#) (the Act) was developed in consultation with the City of Adelaide as a means of protecting and fostering the interests of the Adelaide Park Lands. The Minister responsible for the Act is Stephan Knoll, Minister for Planning and Minister for Transport, Infrastructure and Local Government (the Minister).
2. The Adelaide Park Lands Authority (the Authority) is established by the Act (as a subsidiary of Adelaide City Council under the *Local Government Act 1999*) to provide strategic advice to both Council and the State Government on the management of the Adelaide Park Lands.
3. The role, functions and powers of the Authority are defined in the Act and the Authority's [Charter](#).
4. Under the provisions of the Act, the Authority's Board of Management is constituted by:
 - 4.1. The Lord Mayor (as Presiding Member) or, if the Lord Mayor chooses not to be a member of the Authority, a person appointed by the City of Adelaide (as the Presiding Member)
 - 4.2. Four other members appointed by the City of Adelaide
 - 4.3. Five members appointed by the Minister (one of which will be the Deputy Presiding Member).
5. Section 6 of the Act describes the process for appointing Board Members to the Authority.
6. Both Council and the Minister must consult with each other and endeavour to achieve a membership with a gender balance and range of knowledge, skills and experience across the following areas:
 - 6.1. biodiversity or environmental planning or management
 - 6.2. recreation or open space planning or management
 - 6.3. cultural heritage conservation or management
 - 6.4. landscape design or park management
 - 6.5. tourism or event management
 - 6.6. indigenous culture or reconciliation
 - 6.7. financial management
 - 6.8. local government.
7. All current appointments to the Authority expire 31 December 2018.

Opportunity to appoint a member of the Kaurna community

8. One of the appointment criteria for both the City of Adelaide and the Minister to consider is (7.6 above) "*indigenous culture or reconciliation*".
9. The City of Adelaide Reconciliation Action Plan 2018-2021 identifies 'Action 47' (Representation & Governance) as "*Explore opportunities for a designated Kaurna representative on APLA*".

10. The Reconciliation Action Plan states that it focuses on:
 - 10.1. *“recognising and celebrating Aboriginal and Torres Strait Islander cultures, projects and strategies for management of our city’s Park Lands that draw on Kurna knowledge”*
11. Such an appointment has not been made in the ten years since the Authority was established and would:
 - 11.1. Improve the City of Adelaide’s proactive management of Aboriginal heritage sites in the Park Lands, particularly with respect to new obligations arising from the *Aboriginal Heritage (Miscellaneous) Amendment Act 2016*
 - 11.2. Strengthen opportunities to deliver a range of newly endorsed actions from the Integrated Biodiversity Management Plan 2018-23 which seek to ‘embed Kurna knowledge’
 - 11.3. Provide for input into the management of the Park Lands from a Kurna perspective.
12. The person confirmed as a nominee by the Kurna community is Jessica Davies-Huynh, who is a Director on the Board of the Kurna Yerta Aboriginal Corporation.

Ministerial appointments to the Authority

13. The Minister for Planning’s current appointments (expiring 31 December 2018) are as follows:
 - 13.1. Sally Smith (Deputy Presiding Member)
 - 13.2. Anita Allen
 - 13.3. Stephanie Johnston (with Professor Emeritus Mugavin as Deputy for Stephanie Johnston)
 - 13.4. Roger Zubrinich
 - 13.5. Kirsteen Mackay
14. In July 2018, the then Lord Mayor wrote to Minister Knoll requesting his timely provision of nominees for the Authority. This letter has been followed up with emailed reminders to his office.
15. Our understanding is that Minister Knoll has indicated that he is re-nominating (in consultation with the City of Adelaide) the existing State Government appointees to the Authority for an interim period of three months to 31 March 2019, to allow for further considerations around membership. Correspondence to this effect is expected shortly.
16. The Minister is required (pursuant to section 6 (4) of the Act) to appoint a person *“from a panel of 3 persons nominated by an incorporated body that, in the opinion of the Minister, has demonstrated an interest in the preservation and management of the Adelaide Park Lands for the benefit of the community and that has been invited by the Minister to make a nomination”*. That person is Stephanie Johnston.

Deputy Presiding Member

17. Section 10 of the Act provides for the Ministerial appointment of the Authority’s Deputy Presiding Member.
18. The Minister is required to consult with Council on his/her nominations but not on the appointment of one of those nominees as the Deputy Presiding Member. That person is Sally Smith.

Nomination and appointment of Council members

19. Pursuant to Standing Orders (22.4 & 22.6):
 - 19.1. In the event of more nominations than positions an election shall be effected by voting by ballot unless otherwise decided by the majority of the Council
 - 19.2. All elections for positions will be subject to confirmation by way of a resolution of Council before being final and binding.
20. The Act provides for an Authority Board Member to be appointed for a term of up to three years. However the Authority’s Charter states that Board Members appointed by the City of Adelaide “shall hold office for a two year term or any lesser period determined by the Council” to align with Council’s four year term.
21. Appointments to the Authority are confirmed through publication in the State Government Gazette.
22. On the basis of the Minister’s wishes to re-appoint the existing State Government appointees for an interim period of three months, it is recommended that Council also make interim appointments, for a period of three months to 31 March 2019. This will allow for continuity of the Authority’s work and for urgent Park Lands matters to be addressed.

Next Steps

23. Administration will continue to liaise with Minister Knoll’s office regarding long term appointments to the Authority and provide a further report on the matter prior to 31 March 2019.

ATTACHMENTS

Nil

- END OF REPORT -

Governance Structure

ITEM 12.4 11/12/2018
COUNCIL

2018/04071
Public

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

An onboarding and induction session was provided to Council Members on 4 December 2018 which provided an overview of governance structures.

This report seeks:

- Council's approval of the proposed governance structure and establishment of:
 - The Committee
 - City of Adelaide Audit Committee
 - City of Adelaide Reconciliation Committee
 - Strategic Planning & Development Policy Committee
- Adoption of Terms of Reference for each Committee
- Appointment of Chair and Deputy Chair to The Committee and the Strategic Planning and Development Policy Committee for the period of 1 January 2019 to 31 March 2019 and 1 April 2019 to 30 June 2019
- Appointment of Council Members to the City of Adelaide Audit Committee and City of Adelaide Reconciliation Committee
- Approval of delegated responsibilities to the established Committees
- Adoption of the 2019 meeting schedule for Council and The Committee

RECOMMENDATION:

THAT COUNCIL:

1. Terminates the following Committees and revokes all delegations made to the following Committees established in the 2014-2018 municipal term of office, effective 11 December 2018:
 - 1.1. The Committee
 - 1.2. Strategic Planning & Development Policy Committee
 - 1.3. Adelaide City Council Reconciliation Committee
2. Notes the continuing operation of the City of Adelaide Audit Committee for the 2018-2022 municipal term of office pursuant to section 41 and section 126 of the *Local Government Act 1999 (SA)*.

Establishment of Committees

3. Approves the proposed governance structure outlined in Attachment A to Item 12.4 on the Agenda for the meeting of the Council held on 11 December 2018 and authorises the Chief Executive Officer to undertake any necessary editorial amendments to the adopted text of the Standing Orders that do not change the substantive tone or message of the approved text to reflect Council's governance structure and notes that the effectiveness of these arrangements can be reviewed by Council throughout the 2018-2022 municipal term of office as required.
4. Establishes pursuant to Section 41 of the *Local Government Act 1999 (SA)* for the 2018-2022 municipal term of office:
 - 4.1. The Committee with a membership comprising the Lord Mayor and all Council Members.
 - 4.2. The Strategic Planning and Development Policy Committee in accordance with section 101A of the *Development Act 1993 (SA)*, with a membership comprising the Lord Mayor and all Councillors.
 - 4.3. The City of Adelaide Reconciliation Committee with a membership of 11 comprising:
 - 4.3.1. the Lord Mayor (Ex Officio)
 - 4.3.2. three (3) Councillors
 - 4.3.3. three (3) strategic agency representatives
 - 4.3.4. three (3) Aboriginal and/or Torres Strait Islander representatives
 - 4.3.5. one (1) Kurna specific representative
 - 4.3.6. two proxies for the 2018-2022 municipal term of office.
5. Applies the provisions of Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (as a matter of law) to all meetings of:
 - 5.1. The Committee
 - 5.2. Strategic Planning & Development Policy Committee
 - 5.3. City of Adelaide Audit Committee
 - 5.4. City of Adelaide Reconciliation Committee

Terms of Reference

6. Adopts the Terms of Reference for the three (3) Committees established in part 4 herein as set out in Attachment B, to Item 12.4 on the Agenda for the meeting of the Council held on 11 December 2018, and delegates authority to the Chief Executive Officer to alter content to reflect matters determined by the Council at its meeting on 11 December 2018.
7. Notes the Terms of Reference for the City of Adelaide Audit Committee as set out in Attachment B to Item 12.4 on the Agenda for the meeting of the Council held on 11 December 2018, and delegates authority to the Chief Executive Officer to alter content to reflect matters determined by the Council at its meeting on 11 December 2018.

Appointments

8. Determines the appointment of a Presiding Member (to be known as Chair) and a Deputy Chair to preside for the period of 1 January 2019 to 31 March 2019 and 1 April 2019 to 30 June 2019 for The Committee.
9. Determines the appointment of a Presiding Member (to be known as Chair) and a Deputy Chair to preside for the period of 1 January 2019 to 31 March 2019 and 1 April 2019 to 30 June 2019 for the Strategic Planning & Development Policy Committee
10. Contingent upon the adoption of part 8 herein, calls for nominations for the appointment of a Presiding Member (to be known as Chair) and Deputy Chair to The Committee.
11. Contingent upon the adoption of part 9 herein, calls for nominations for the appointment of a Presiding Member (to be known as Chair) and Deputy Chair to the Strategic Planning and Development Policy Committee.
12. Notes the composition of the City of Adelaide Audit Committee being a membership of five (5) comprising:
 - 12.1. the Lord Mayor
 - 12.2. one (1) Councillor
 - 12.3. three (3) external independent members (appointed to February 2020).
13. Calls for nominations for the City of Adelaide Audit Committee:
 - 13.1. the appointment of one (1) Councillor for a two (2) year period.

- 13.2. the appointment of one (1) proxy member for the Lord Mayor for a two (2) year period; and
- 13.3. the appointment of one (1) proxy member for the one (1) Councillor for a two (2) year period.
- 14. Contingent upon the adoption of part 4.3 herein, calls for nominations for the appointment of three (3) Council Members to the City of Adelaide Reconciliation Committee for a period determined by Council.

Delegations

- 15. Delegates to The Committee in exercise of the power contained in Section 44 of the *Local Government Act 1999* (SA), the responsibility to the end of the 2018-2022 municipal term of office, to assist the Council in considering matters to provide recommendation to Council on the overall priorities, strategies and policies related to achieving Council's Strategic and Corporate Plan outcomes as set out in The Committee Terms of Reference.
- 16. Delegates to the City of Adelaide Audit Committee:
 - 16.1. in exercise of the powers contained in Section 44 of the *Local Government Act 1999* (SA), the responsibility to the end of the 2018-2022 municipal term of office, to assist the Council by considering matters as set out in the City of Adelaide Audit Committee's Terms of Reference.
 - 16.2. authority to determine a schedule of quarterly meetings to be held in the Colonel Light Room, Town Hall, Adelaide.
 - 16.3. authority to the Chief Executive Officer to vary the quarterly meeting schedule (including the commencement time, meeting place, date or cancellation of a committee meeting) after liaison with the City of Adelaide Audit Committee Presiding Member.
- 17. Delegates to the City of Adelaide Reconciliation Committee
 - 17.1. in exercise of the powers contained in Section 44 of the *Local Government Act 1999* (SA), the responsibility to the end of the 2018-2022 municipal term of office to provide advice to the Council by considering matters as set out in the Committees Term of Reference.
 - 17.2. at its first meeting the authority to determine the persons, one of whom shall be a City of Adelaide Council Member, to undertake Dual Chairing and also one Deputy to preside for a period of two (2) years.
 - 17.3. the authority to determine the time and place of its quarterly meetings.
- 18. Notwithstanding parts 16.3 and 17.3 herein, the Chief Executive Officer be delegated the authority to not call a meeting of the City of Adelaide Audit Committee or City of Adelaide Reconciliation Committee should the Committee have no matters for consideration.
- 19. Delegates to Strategic Planning and Development Policy Committee in exercise of the power contained in Section 44 of the *Local Government Act 1999* (SA), the responsibility to the end of the 2018-2022 municipal term of office, to provide recommendation to Council on matters in relation to strategic planning and development policy issues as set out in the Strategic Planning and Development Policy Committee Terms of Reference.

Council/The Committee Meeting Schedule

- 20. Adopts the draft meeting schedule (inclusive of time and place) for ordinary meetings of the Council and The Committee, for the period up to and including December 2019, as set out in Attachment C to Item 12.4 on the Agenda for the meeting of the Council held on 11 December 2018.
- 21. Delegates authority to the Chief Executive Officer to vary the Council and The Committee meeting schedule (including the commencement time, meeting place, date or cancellation of a core committee meeting) after liaison with the relevant Presiding Member.
- 22. Notwithstanding parts 20 and 21, herein, delegates authority to the Chief Executive Officer to not call a meeting of The Committee within the meeting date schedule should there be no matters for deliberation.
- 23. Notes that the live streaming of meetings of The Committee will be considered for implementation as soon as is reasonably practical.

IMPLICATIONS AND FINANCIALS:

Strategic Plan	The Council governance structure is important to the delivery of Council's Strategic Plan 2016-2020.
Policy	Not as a result of this report
Consultation	Council members received training on Council's Governance Structure as part of its onboarding and induction program
Resource	Not as a result of this report
Risk / Legal / Legislative	<p>Council and its Committees will conduct business in accordance with the relevant provisions of the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i> and the Corporation of the City of Adelaide Standing Orders</p> <p>Pursuant to section 73 of the <i>Local Government Act 1999 (SA)</i>, Council Members nominated for a presiding member role where there is remuneration applicable must declare a material conflict of interest considering the allowance set by the Remuneration Tribunal and payable to the presiding member. No material conflict of interest applies to the deputy presiding member by reason only of being nominated as the deputy presiding member, as the Remuneration Tribunal did not provide for an allowance for this role</p>
Opportunities	Not as a result of this report
18/19 Budget Allocation	Not as a result of this report
Proposed 19/20 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
18/19 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

Council

1. Council, established through the *City of Adelaide Act 1998 (SA)* and the *Local Government Act 1999 (SA)*, is the governing body of the Corporation of the City of Adelaide.
2. Council is comprised of all who have been elected as Members of the governing body of the Corporation of the City of Adelaide.
3. The Lord Mayor presides at a meeting of Council, and when presiding shall at all times be referred to as the Lord Mayor.

Committees

4. Council may, by resolution establish such Committees as it considers necessary.
5. During the 2014-2018 municipal term of government, Council resolved to establish the following governance arrangements:
 - 5.1. One Core Committee known as The Committee
 - 5.2. A Strategic Planning & Development Policy Committee
 - 5.3. Adelaide City Council Reconciliation Committee
 - 5.4. Adelaide City Council Audit Committee
6. Council must resolve which committees it wishes to operate for the 2018-2022 municipal term of office, the responsibilities they wish to delegate to these committees and their role, membership, presiding member and meeting schedules.
7. Notwithstanding there is no best practice model for a governance structure, it is recommended that the proposed governance structure outlined in **Attachment A** and terms of reference outlined in **Attachment B** be adopted, as it is determined this would optimise informed decision making.

Chair & Deputy Chair of The Committee

8. It is recommended that Council appoints a Chair to each of The Committee and the Strategic Planning & Development Policy Committee for a period from 1 January 2019 to 31 March 2019 and then 1 April 2019 to 30 June 2019. A report will be brought to Council in due course to seek the appointment of Council Members for subsequent terms.
9. In recognition of the workload associated with undertaking the role of Chair, the Independent Remuneration Tribunal resolved in August 2018 that the annual allowance for a Councillor (other than the Deputy Lord Mayor) who is the presiding member of a prescribed committee or more than one prescribed committee established by the Council would be equal to one and a quarter (1.25) times the annual allowance for Councillors (\$25,930 + .25 = \$32,412.50).

Meeting Schedule

10. Council is required to determine a meeting schedule for Council and The Committee. A recommended meeting schedule is outlined in **Attachment C**, with two (2) meetings of The Committee and two (2) Council meetings per month on a Tuesday evening commencing the first Tuesday of the month.

Audit Committee

11. The City of Adelaide Audit Committee is established for the purpose of addressing legislative functions outlined in Section 126 (4) for the *Local Government Act 1999 (SA)* which include:
 - 11.1. Reviewing annual financial statements to ensure that they present fairly the state of affairs of the Council
 - 11.2. Proposing and providing information relevant to a review of the Council's strategic management plans or annual business plan
 - 11.3. Proposing and reviewing the exercise of powers under Section 130A of the *Local Government Act 1999 (SA)*

- 11.4. If the Council has exempted a subsidiary from the requirement to have an Audit Committee, the functions that would, apart from the exemption, have been performed by the subsidiary's Audit Committee
- 11.5. Liaising with the Council's auditor and
- 11.6. Reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Council on a regular basis.
12. As required by Section 126 of the *Local Government Act 1999 (SA)*, Council is required to have an Audit Committee. The Financial Management Regulations direct that an audit committee of Council must have between three (3) and five (5) members and must include at least one (1) person who is not a member of the council and who is determined by the council to have financial experience relevant to the functions of an audit committee.
13. The City of Adelaide Audit Committee met quarterly with a membership of five (5) comprising the Lord Mayor (ex officio), one (1) Councillor, three (3) external independent members and two (2) proxy members (City of Adelaide Council Members).
14. To facilitate continuity of membership, the independent members and Presiding Member for the City of Adelaide Audit Committee appointments continue until February 2020.
15. Council must resolve the responsibilities they wish to delegate to the Audit Committee, its role, membership, presiding member and meeting schedules. It is recommended that the terms of reference for this Committee as outlined in **Attachment B** to this report continue (having been reviewed and adopted in by Council in April 2018) noting that the Audit Committee will review the Terms of Reference as part of its Work Plan.

Reconciliation Committee

16. Throughout the 2014-2018 municipal term of office, Council resolved to have a Reconciliation Committee.
17. The City of Adelaide Reconciliation Committee met quarterly with a membership of eleven (11) comprising the Lord Mayor (ex officio), three (3) Council Members, three (3) strategic agency representatives, three (3) Aboriginal and/or Torres Strait Islander representatives, one (1) Kurna specific representative and two (2) proxy members.
18. It is recommended that this Committee is maintained during the 2018-2022 municipal term of office with the terms of reference as outlined in **Attachment B** to this report.
24. The appointment of three (3) strategic agency representatives, three (3) Aboriginal representatives, one (1) Kurna specific representative and two proxies for the 2018-2022 City of Adelaide Audit Committee will be determined by Council in a separate report being tabled at its meeting to be held on 11 December 2018.

Meeting Procedures

25. Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Regulations), will apply to all meetings of The Committee, the Strategic Planning & Development Policy Committee, the City of Adelaide Audit Committee and the City of Adelaide Reconciliation Committee.
26. Part 1 of the Regulations relates to the following Guiding Principles that will be applied to the procedures to be observed at a meeting of a council or a council committee:
- 26.1. procedures should be fair and contribute to open, transparent and informed decision-making
 - 26.2. procedures should encourage appropriate community participation in the affairs of the council
 - 26.3. procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting
 - 26.4. procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting
27. Part 3 of the Regulations talks to the notice of meetings for Council Members and the public as well as what must be included in the minutes.
28. Part 4 of the Regulations provides provisions for committee quorums, voting, points of order and meeting interruptions.
29. Additional requirements to those provided in Parts 1, 3 and 4 are incorporated into the Terms of Reference (**Attachment B**).

ATTACHMENTS

Attachment A – Proposed Governance Structure

Attachment B – Consolidated Terms of Reference

Attachment C – Meeting Schedule

- END OF REPORT -

GOVERNANCE STRUCTURE

COUNCIL AND COMMITTEES

COUNCIL	Primary decision making body for the Corporation of the City of Adelaide		
THE COMMITTEE	Forum to consider and discuss all aspects of Council's strategic priorities and operational policies		
OTHER COMMITTEES	<p>Strategic Planning & Development Policy Committee</p> <p>Meets requirements of Section 101A of the Development Act 1993</p>	<p>Reconciliation Committee</p> <p>Works to advance reconciliation in the City and seek broad Aboriginal and Torres Strait Islander participation in Council activities and events</p>	<p>Audit Committee</p> <p>Established to provide independent assessment of Council and Corporation activities</p>
PANELS	<p>Council Assessment Panel</p> <p>Approves non-delegated or contentious development in the City</p>	<p>CEO Performance Review Panel</p> <p>Required as part of the CEO's Contract of Employment</p>	
COUNCIL SUBSIDIARIES	<p>Adelaide Central Market Authority</p> <p>Oversees the management of the Adelaide Central Market</p>	<p>Adelaide Park Lands Authority</p> <p>Advises Council and the State Government on the Park Lands</p>	<p>Rundle Mall Management Authority</p> <p>Oversees the management of Rundle Mall precinct</p>



City of Adelaide
The Committee Terms of Reference
2018 – 2022 Council Term



1. ESTABLISHMENT AND PRIMARY PURPOSE

- 1.1. The Council has established a core advisory committee - The Committee – to provide advice to Council in relation to the *City of Adelaide Strategic Plan 2016-2020*.
- 1.2. The Committee may be wound up at any time by resolution of the Council.
- 1.3. The terms of reference were adopted by Council on 11 December 2018 and may be varied through resolution of the Council at any time.
- 1.4. The primary purpose of The Committee is to make recommendations to Council on the overall priorities, strategies and policies related to achieving Council's Strategic Plan outcomes.

2. STATUS OF THE COMMITTEE

- 2.1. The Committee is formed under Section 41 of the *Local Government Act 1999 (SA)* to provide advice to Council.
- 2.2. The Council has not delegated any of its powers to The Committee. Accordingly, decisions of the Committee requiring implementation will constitute recommendations to the Council.
- 2.3. The Council has delegated the following responsibilities to The Committee:
 - 2.3.1 Receive and consider reports submitted to The Committee by the Chief Executive Officer (CEO) on the overall priorities, strategies and policies related to achieving Council's Strategic Plan outcomes to recommend to Council a course of action.
 - 2.3.2 Facilitate a discussion forum for the presentation of topics by the CEO and topics raised by a Committee member.
- 2.4 To do anything necessary, expedient or incidental to performing or discharging the functions of The Committee as listed herein or to achieving its objectives.

3. MEMBERSHIP & ATTENDANCE

- 3.1. The Lord Mayor and all Councillors.
- 3.2. All Committee members must attend the meeting and where unable to do so, provide an apology prior to the meeting.
- 3.3. Conflict of Interest - A member of The Committee must observe the provisions of the *Local Government Act 1999 (SA)* and *Local Government (General) Regulations 2013 (SA)* in relation to disclosing a material conflict of interest, dealing with a material conflict of interest, disclosing an actual or perceived conflict of interest and dealing with an actual or perceived conflict of interest.

The provisions for disclosing and dealing with a conflict of interest do not apply to a matter of ordinary business of the council of a kind prescribed by regulation if the matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if:

- (i) the discussion or recommendation relates to the purpose for which the committee is established; and
- (ii) the relevant interest in the matter is the interest of the council that established the committee.

4. ROLE OF PRESIDING MEMBER

- 4.1. The Council will appoint the Presiding Member and Deputy Presiding Member (to be known as the Chair and Deputy Chair) of The Committee.
- 4.2. If the Chair of The Committee is absent from a meeting the Deputy Chair will preside at that meeting. If both the Chair and the Deputy Chair of The Committee are absent from a meeting, then a Committee member chosen from those present will preside at the meeting until the Chair or Deputy Chair is present.
- 4.3. The role of the Chair includes:
 - 4.3.1. overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999 (SA)*, the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*, *The Committee Terms of Reference* and any *Code of Practice* determined by the Council.
 - 4.3.2. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.
 - 4.3.3. requesting a motion to be moved, seconded and voted upon by Committee members to form a recommendation to Council.
 - 4.3.4. where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion or amendment to be put.
 - 4.3.5. Adjourning a meeting after two (2) hours for a period of 10 minutes.
 - 4.3.6. regularly engage with the Lord Mayor, other Committee members and senior officers outside of meetings to facilitate the timely progression of the Committee's work.
 - 4.3.7. working with the CEO to build knowledge relative to the Committee's priorities and activities.
 - 4.3.8. where warranted and in agreement with the Lord Mayor and CEO, assisting in representing Council in external forums relevant to the Committee's terms of reference.

5. OPERATIONAL MATTERS

- 5.1. The Committee shall meet at least once in every calendar month as determined by Council or the CEO in liaison with the Presiding Member.

6. NOTICE OF MEETINGS

- 6.1. Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the *Local Government Act 1999 (SA)*.

Accordingly, notice will be given:

- 6.1.1. to each member of The Committee by email or as otherwise agreed by Committee members on the Friday prior to a Tuesday meeting.
- 6.1.2. to the public as soon as practicable after the time that notice of the meeting is given to Committee members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.
- 6.1.3. In writing and contain:
- 6.1.3.1. The date, time and place of the meeting.
- 6.1.3.2. Be accompanied by, the agenda (identifying Items for Consideration and Recommendation to Council and Discussion Forum Items) for the meeting.
- 6.1.4. To each member of The Committee electronically.

- 6.2. The Agenda for the meeting issued with the notice will identify information requested to be considered in confidence and will be retained in confidence prior to the meeting until a determination by the meeting.

- 6.3. For a special meeting of The Committee, must be issued at least four hours before the commencement of the meeting.

7. PUBLIC ACCESS TO MEETINGS

- 7.1. The Committee shall meet in the Colonel Light Room, Town Hall, King William Street at 5.30pm.
- 7.2. Members of the public can attend all meetings of The Committee, unless prohibited by resolution of the committee under the confidentiality provisions of Section 90 of the *Local Government Act 1999 (SA)*.
- 7.3. An Agenda with reports (excluding matters requested to be considered in confidence) for the meeting will be published to www.cityofadelaide.com.au placed on display at the Customer Centre, 25 Pirie Street, Adelaide and available in the Colonel Light Room, Town Hall, Adelaide at the time of the meeting.

8. MEETING PROCEDURE PROTOCOL

- 8.1. Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (as a matter of law) and any Code of Practice for Meetings determined by Council apply to all meetings of The Committees.

- 8.2. The decision of the person presiding at meetings of The Committee in relation to the interpretation and application of these Meeting Procedure Protocols shall be absolute and binding on The Committee.
- 8.3 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.
- 8.4 All decisions of the Committee shall be made on the basis of a majority of the members present.
- 8.5 A quorum for a meeting of the Committee is 50% of the membership of the Committee plus one.
- 8.6 All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of The Committee.
- 8.7 Every member of the Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote.

General order of business

- 8.8 General order of business for The Committee
1. Acknowledgment of Country
 2. Apologies and Leave of Absence
 3. Confirmation of Minutes
 4. Items aligned with the *City of Adelaide Strategic Plan 2016-2020* for Consideration and Recommendation to Council (determined by the CEO)
 - Strategic Alignment – Smart
 - Strategic Alignment – Green
 - Strategic Alignment – Liveable
 - Strategic Alignment – Creative
 - Strategic Alignment - Corporate Activities
 5. Discussion Forum Items (determined by the CEO & aligned with the *City of Adelaide Strategic Plan 2016-2020*)
 - Strategic Alignment – Smart
 - Strategic Alignment – Green
 - Strategic Alignment – Liveable
 - Strategic Alignment – Creative
 - Strategic Alignment - Corporate Activities
 6. Council Member Discussion Forum
 7. Exclusion of the Public (if required)
 8. Items aligned with the *City of Adelaide Strategic Plan 2016-2020* for Consideration and Recommendation to Council in Confidence (if required as determined by the CEO)
 - Strategic Alignment – Smart
 - Strategic Alignment – Green
 - Strategic Alignment – Liveable
 - Strategic Alignment – Creative
 - Strategic Alignment - Corporate Activities

9. Discussion Forum Items aligned with the *City of Adelaide Strategic Plan 2016-2020* in Confidence (if required as determined by the CEO)

Strategic Alignment – Smart

Strategic Alignment – Green

Strategic Alignment – Liveable

Strategic Alignment – Creative

Strategic Alignment - Corporate Activities

10. Council Member Discussion Forum in Confidence (if required)

11. Closure

Items 7, 8 and 9, 10 will only be listed on the Agenda when a matter is presented with a request for consideration in a meeting closed to the public

Quorum and Commencement of The Committee meeting

- 8.9 With a quorum of 7, the Chair will open a meeting as soon after the time specified in the notice of meeting.
- 8.10 If the number of apologies received by the CEO prior to a meeting indicate that a quorum will not be present, the CEO will cancel the meeting and refer the business listed for the meeting to the next or another meeting.
- 8.11 If after 30 minutes from the commencement time specified in the notice of meeting a quorum is not present, the CEO will disband the meeting and refer the business listed for the meeting to another meeting.
- 8.12 If a meeting is disbanded or adjourned for want of a quorum, the Minutes of the meeting will record the names of the Committee members present and identify that the business listed for consideration will be re-presented as determined by the CEO.

Minutes

- 8.13 The minutes of the proceedings of The Committee meeting must include:
- 8.13.1 the names of the Committee members present at the meeting.
- 8.13.2 each motion carried at the meeting incorporating any amendment or variation.
- 8.13.3 any disclosure of interest made by a member.
- 8.13.4 details of the making of an order under subsection (2) of s 90 of the Act (see subsection (7) of that section).
- 8.13.5 a note of the making of an order under subsection (7) of s 91 of the Act in accordance with the requirements of subsection (9) of that section.
- 8.13.6 the names of the Committee members who are an apology or on leave.
- 8.13.7 the Acknowledgment of Country.
- 8.13.8 a precis of the topic of each Discussion Forum Item.
- 8.13.9 A record of an undertaking given by the CEO.

- 8.14 Each motion carried at the meeting will not identify the mover or seconder.
- 8.15 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Decision Making

- 8.16 Business (decision making) may only be transacted at a meeting of The Committee as follows:
- 8.16.1 by way of a motion supporting a recommendation, set out in a report presented on the Agenda in the Items for Consideration and Recommendation to Council.
- 8.16.2 by way of a motion in response to a recommendation, set out in a report presented on the Agenda in the Items for Consideration and Recommendation to Council, which is accepted by the Chair as suitable having regard to the 'Guiding Principles' at Part 1 of the *Local Government (Procedures at Meetings) Regulations*.
- 8.16.3 by way of a motion for Confirmation of the Minutes [r 25 of the *Meeting Regulations*].
- 8.16.4 by way of a motion to defer consideration of a matter the subject of a report.
- 8.16.5 by way of a motion for an Order to exclude the public [s 90 of the *LGA 1999 (SA)*].
- 8.16.6 by way of a motion for an Order to retain information in confidence [s 91 of the *LGA 1999 (SA)*].
- 8.16.7 for a Point of Order [r 28 of the *Meeting Regulations*].
- 8.16.8 for an Interruption of meetings by Members [r 29 of the *Meeting Regulations*].
- 8.17 No decision making will occur in response to an Agenda Item in a Discussion Forum.

Voting

- 8.18 The Chair of The Committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.
- 8.19 The Chair will, in taking a vote, ask all members to indicate by show of hand, in favour and then against and declare the outcome.
- 8.20 A majority of the members present voting in favour will constitute the question being carried and a decision made.
- 8.21 A majority of the members present voting against will constitute the question being lost and there being no decision on the question.
- 8.22 A tied vote at The Committee meeting constitutes the question being lost due to an equality of votes and there being no decision on the question.
- 8.23 A person who is not in his or her seat is not permitted to vote.

Speaking

- 8.24 Speaking to an Agenda Item listed for Consideration and Recommendation to Council:
- 8.24.1 To support engagement and provide an equal and equitable opportunity for participation, the Chair may invite comment on the item before The Committee from each Committee member prior to seeking a mover and seconder for a motion in response to the Recommendation.
 - 8.24.2 A Committee member must not speak for longer than three (3) minutes at any one (1) time without the leave of the meeting, if leave is granted an additional two (2) minutes only can be given by the vote of the meeting.
 - 8.24.3 The contribution of a Committee member must be relevant to the subject matter of the debate
- 8.25 A Committee member may speak:
- 8.25.1 once to a question arising for decision (including the Chair immediately prior to the mover in reply).
 - 8.25.2 as the mover in reply after all speakers.
- 8.26 Speaking to an Agenda Item in a Discussion Forum:
- 8.26.1 A Committee member must not speak for longer than three (3) minutes at any one (1) time without the leave of the meeting, if leave is granted an additional two (2) minutes only can be given by the vote of the meeting.
 - 8.26.2 Each discussion forum item presented by the CEO will be facilitated in liaison with the Chair by an Executive Leadership Team member.
 - 8.26.3 During each discussion forum item raised by a Committee member the Chair will facilitate and support a forum that enables all Committee members, the CEO, a Director, Associate Director or officer to participate in an open and transparent discussion and exchange of information on each item.
 - 8.26.4 Members of The Committee, the CEO, a Director, Associate Director or officer may refer to each other using first names.
 - 8.26.5 Discussion must be focussed on the issues and matters the subject of the item raised in a Discussion Forum.
 - 8.26.6 A Discussion Forum item may include a presentation from an external party.
 - 8.26.7 The Chair after each Discussion Forum item will provide an opportunity for the CEO, a Director, Associate Director or officer to identify next steps.

Amendment and Variations to a Motion

- 8.27 Only one amendment may be moved in relation to any motion.
- 8.28 Any motion or amendment which is not seconded will lapse.
- 8.29 Any motion or amendment may be varied where the mover and the seconder agree and the meeting consents.
- 8.30 Any Committee member except the mover or seconder of a motion may move an amendment to a motion provided they have not already spoken in the debate.

Items Closed to the Public

- 8.31 An agenda which lists an item seeking receipt or discussion in a meeting closed to the public, will specify a ground provided within s 90 (3) of the *Local Government Act 1999 (SA)*.
- 8.32 When considering the reasons provided to receive, discuss or consider a matter in confidence, it is irrelevant that discussion of a matter in public may:
 - 8.32.1 cause embarrassment to the Council or The Committee concerned, or to Council Members or employees of Council; or
 - 8.32.2 cause a loss of confidence in the Council or The Committee or
 - 8.32.3 involve discussion of a matter that is controversial within the council area; or
 - 8.32.4 make the council susceptible to adverse criticism.
- 8.33 A request and an order made to conduct proceedings in a meeting closed to the public, will specify in the Report and Minutes the making of the order and the grounds on which it was made and:
 - 8.33.1 Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 8.33.2 Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 8.33.3 In addition, identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
- 8.34 An order made to retain proceedings in confidence will require a decision of The Committee and will specify in the Minutes the making of the order which must identify the duration of the order or the circumstances in which the order will cease to apply, the period after which the order must be reviewed and delegate to the CEO the power to review and revoke the order.

9. REPORTING AND ACCOUNTABILTY REQUIREMENTS

- 9.1. The Committee is responsible to and reports directly to Council through a report containing recommendations. Opportunities for Committee members to support or present an alternate view should be provided for at Council.
- 9.2. All other aspects of the meeting procedure at a meeting of The Committee will be determined at the discretion of the Chair having regard to issues of equity and fairness and the Guiding Principles at Regulation 5 of *the Local Government (Procedures at Meetings) Regulations 2013 (SA)* or otherwise with the consent of the meeting.
- 9.3. The Chair upon opening the meeting of The Committee will advise if the public session of the meeting is being recorded and/or streamed live to the internet [to be determined on a case by case basis by the CEO].

City of Adelaide
Strategic Planning & Development Policy Committee
Terms of Reference
2018 – 2022 Council Term



1. ESTABLISHMENT AND PRIMARY PURPOSE

- 1.1. Council has established a core advisory committee – Strategic Planning & Development Policy Committee to meet the requirements of Section 101A of the *Development Act 1993 (SA)*.
- 1.2. The Strategic Planning & Development Policy Committee may be wound up at any time by resolution of the Council.
- 1.3. The terms of reference were adopted by Council on 11 December 2018 and may be varied through resolution of the Council at any time.

2. STATUS OF THE COMMITTEE

- 2.1. The Strategic Planning & Development Policy Committee (SPDP Committee) is formed under Section 41 of the *Local Government Act 1999 (SA)* to provide advice to Council.
- 2.2. The Council has not delegated any of its powers to the Strategic Planning & Development Policy Committee. Accordingly, all decisions of the Committee constitute recommendations to the Council.
- 2.3. If a public hearing is required in response to statutory requirements, Council will appoint the Strategic Planning & Development Committee as its delegate to consider submissions made and provide advice to Council in relation to the submissions.
- 2.4. The Council has delegated the following responsibilities to the Strategic Planning & Development Policy Committee:
 - 2.4.1 Receive and consider reports submitted by the Chief Executive Officer (CEO) to meet the requirements of Section 101A of the *Development Act 1993 (SA)* to provide advice and/or recommend to Council a course of action.
 - 2.4.2 As its delegate, if required, facilitate a forum to hear submissions.

3. OBJECTIVES AND RESPONSIBILITIES

- 3.1. On behalf of Council with respect to Section 101A of the *Development Act 1993 (SA)*, the Strategic Planning & Development Policy Committee is established to fulfil the following functions:
 - 3.1.1 to provide advice to the council in relation to the extent to which the council's strategic planning and development policies accord with the Planning Strategy.
 - 3.1.2 to assist the council in undertaking strategic planning and monitoring directed at achieving:
 - 3.1.2.1 orderly and efficient development within the area of the council.

- 3.1.2.2 high levels of integration of transport and land-use planning.
- 3.1.2.3 relevant targets set out in the Planning Strategy within the area of the council.
- 3.1.2.4 the implementation of affordable housing policies set out in the Planning Strategy within the area of the council.
- 3.1.2.5 other outcomes of a prescribed kind (if any).
- 3.1.3 to provide advice to the council (or to act as its delegate) in relation to strategic planning and development policy issues when the council is preparing:
 - 3.1.3.1 a Strategic Directions Report; or
 - 3.1.3.2 a Development Plan Amendment proposal.
- 3.1.4 other functions (other than functions relating to development assessment or compliance) assigned to the committee by the council.

- 3.2 To do anything necessary, expedient or incidental to performing or discharging the functions of the Strategic Planning & Development Policy Committee as listed herein or to achieving its objectives.

4. MEMBERSHIP & ATTENDANCE

- 4.1. The Lord Mayor & all Councillors.
- 4.2. All Committee members must attend the meeting and where unable to do so, provide an apology prior to the meeting.
- 4.3. Conflict of Interest - A member of the Strategic Planning & Development Policy Committee must observe the provisions of the *Local Government Act 1999 (SA)* and *Local Government (General) Regulations 2013 (SA)* in relation to disclosing a material conflict of interest, dealing with a material conflict of interest, disclosing an actual or perceived conflict of interest and dealing with an actual or perceived conflict of interest.

The provisions for disclosing and dealing with a material, actual or perceived conflict of interest do not apply to a matter of ordinary business of the council of a kind prescribed by regulation if the matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if:

- (i) the discussion or recommendation relates to the purpose for which the committee is established; and
- (ii) the relevant interest in the matter is the interest of the council that established the committee.

5. ROLE OF PRESIDING MEMBER

- 5.1. The Council will appoint the Presiding Member and Deputy Presiding Member (to be known as the Chair and Deputy Chair) of the Strategic Planning & Development Policy Committee.
- 5.2. If the Chair of the Strategic Planning & Development Policy Committee is absent from a meeting the Deputy Chair will preside at that meeting. If both

the Chair and the Deputy Chair of the Strategic Planning & Development Policy Committee are absent from a meeting, then a member of the Strategic Planning & Development Policy Committee chosen from those present will preside at the meeting until the Chair or Deputy Chair is present.

5.3. The role of the Chair includes:

- 5.3.1. overseeing and facilitating the conduct of meetings in accordance with the *Local Government Act 1999 (SA)*, the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*, the *Development Act 1993 (SA) & associated Regulations*, the *Planning, Development & Infrastructure Act 2016 (SA) & associated Regulations*, *The Strategic Planning & Development Policy Committee Terms of Reference* and any *Code of Practice* determined by the Council.
- 5.3.2. determining a Deputation request in accordance with r11 of the Meeting Regulations (for topics addressing a function within s 101A for the *Development Act (SA)* only).
- 5.3.3. ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.
- 5.3.4. requesting a motion to be moved, seconded and voted upon by Committee members to form an advice or recommendation to Council.
- 5.3.5. where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion or amendment to be put.
- 5.3.6. The person presiding will adjourn a meeting after two (2) hours for a period of 10 minutes
- 5.3.7. regularly engage with the Lord Mayor, other Committee members and senior officers outside of meetings to facilitate the timely progression of the Committee's work.
- 5.3.8. working with the CEO to build knowledge relative to the Committee's priorities and activities.
- 5.3.9. where warranted and in agreement with the Lord Mayor and CEO, assisting in representing Council in external forums relevant to the Committee's terms of reference.

6. OPERATIONAL MATTERS

- 6.1. The Strategic Planning & Development Policy Committee will meet as and when required.

7. NOTICE OF MEETINGS

- 7.1. Notice of the meetings of the Strategic Planning & Development Policy Committee will be given in accordance with sections 87 and 88 of the *Local Government Act 1999 (SA)*.

Accordingly, notice will be given:

- 7.1.1. to members of the SPDP Committee by email or as otherwise agreed by SPDP Committee members at least three clear days before the date of the meeting.



7.1.2. to the public as soon as practicable after the time that notice of the meeting is given to SPDP Committee members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

7.1.3. In writing and contain:

7.1.3.1. The date, time and place of the meeting.

7.1.3.2. Be accompanied by, the agenda (identifying the item for consideration) for the meeting.

7.1.4. To each SPDP Committee member electronically.

7.2. The Agenda for the meeting issued with the notice will identify information requested to be considered in confidence and will be retained in confidence prior to the meeting until a determination by the meeting.

7.3. For a special meeting of the Strategic Planning & Development Policy Committee, must be issued at least four hours before the commencement of the meeting.

8. PUBLIC ACCESS TO MEETINGS

8.1. The Strategic Planning & Development Policy Committee shall meet in the Colonel Light Room, Town Hall, King William Street at the time specified in the Notice of Meeting.

8.2. Members of the public can attend all meetings of the Strategic Planning & Development Policy Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the *Local Government Act 1999 (SA)*.

8.3. An Agenda with reports (excluding matters requested to be considered in confidence) for the meeting will be published to www.cityofadelaide.com.au placed on display at the Customer Centre, 25 Pirie Street, Adelaide and available in the Colonel Light Room, Town Hall, Adelaide at the time of the meeting.

9. MEETING PROCEDURE PROTOCOL

9.1 Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (as a matter of law) and any Code of Practice determined by Council apply to all meetings of the Strategic Planning & Development Policy Committees.

9.2 The decision of the person presiding at meetings of the Strategic Planning & Development Policy Committee in relation to the interpretation and application of these Meeting Procedure Protocols shall be absolute and binding on The Committee

9.3 Insofar as an Act, Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Strategic Planning & Development Policy, the Committee may determine its own procedure.

9.4 All decisions of the Strategic Planning & Development Policy Committee shall be made based on a majority of the members present.

9.5 A quorum for a meeting of the Strategic Planning & Development Policy Committee is 50% of the membership of the committee plus one.

- 9.6 All members of the Strategic Planning & Development Policy Committee must (subject to a provision of an Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Strategic Planning & Development Policy Committee.
- 9.7 Every member of the Strategic Planning & Development Policy Committee has a deliberative vote only. In the event of a tied vote the person presiding at the meeting does not have a second or casting vote.

General order of business

- 9.8 General order of business for the Strategic Planning & Development Policy Committee
1. Acknowledgment of Country
 2. Apologies and Leave of Absence
 3. Confirmation of Minutes
 4. Deputation/Petitions (for topics addressing a function within s 101A for the *Development Act (SA)* only)
 5. Items for Consideration and Advice/Recommendation to Council (for topics addressing a function within s 101A for the *Development Act 1993 (SA)* only as determined by CEO)
 6. Exclusion of the Public (if required)
 7. Items for Consideration and Advice/Recommendation to Council in Confidence (for topics addressing a function within s 101A for the *Development Act 1993 (SA)* only as determined by CEO)
 8. Closure

Items 6 and 7 will only be listed on the Agenda when a matter is presented with a request for consideration in a meeting closed to the public.

Quorum and Commencement of the Strategic Planning & Development Policy Committee meeting

- 9.9 With a quorum of 7, the Chair will open a meeting as soon after the time specified in the notice of meeting.
- 9.10 If the number of apologies received by the CEO prior to a meeting indicate that a quorum will not be present, the CEO will cancel the meeting and at the discretion of the CEO refer the business listed for the meeting to another meeting of the Strategic Planning & Development Policy Committee or directly to Council.
- 9.11 If after 30 minutes from the commencement time specified in the notice of meeting a quorum is not present, the CEO will disband the meeting and at the discretion of the CEO refer the business listed for the meeting to another meeting of the Strategic Planning & Development Policy Committee or directly to Council.
- 9.12 If a meeting is disbanded or adjourned for want of a quorum, the Minutes of the meeting will record the names of the members present and identify that the business listed for consideration will be re-presented as determined by the CEO.

Minutes

- 9.13 The minutes of the proceedings of Strategic Planning & Development Policy Committee meeting must include:
- 9.13.1 the names of the Committee members present at the meeting.
 - 9.13.2 each motion carried at the meeting incorporating any amendment or variation.
 - 9.13.3 any disclosure of interest made by a member.
 - 9.13.4 details of the making of an order under subsection (2) of s 90 of the Act (see subsection (7) of that section).
 - 9.13.5 a note of the making of an order under subsection (7) of s 91 of the Act in accordance with the requirements of subsection (9) of that section.
 - 9.13.6 the names of the Committee members who are an apology or on leave.
 - 9.13.7 the Acknowledgment of Country.
 - 9.13.8 the name and a precis of a submission in a public hearing.
 - 9.13.9 a record of an undertaking given by the CEO.
- 9.14 Each motion carried at the meeting will not identify the mover or seconder.
- 9.15 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.

Decision Making

- 9.16 Business (decision making) may only be transacted at a meeting of Strategic Planning & Development Policy Committee as follows:
- 9.16.1 by way of a motion supporting a recommendation, set out in a report presented on the Agenda in the Items for Consideration and Advice/Recommendation to Council.
 - 9.16.2 by way of a motion in response to a recommendation, set out in a report presented on the Agenda in the Items for Consideration and Advice/Recommendation to Council, which is accepted by the Chair as suitable having regard to the 'Guiding Principles' at Part 1 of the *Local Government (Procedures at Meetings) Regulations*.
 - 9.16.3 by way of a motion for Confirmation of the Minutes [r 25 of the *Meeting Regulations*].
 - 9.16.4 by way of a motion to receive a Petition in accordance with r10 of the Meeting Regulations (for topics addressing a function within s 101A for the *Development Act (SA)* only).
 - 9.16.5 by way of a motion to receive and note a submission in a public hearing.
 - 9.16.6 by way of the Presiding member granting a Deputation in accordance with r11 of the Meeting Regulations (for topics addressing a function within s 101A for the *Development Act (SA)* only).

- 9.16.7 by way of a motion to grant a Deputation that the Presiding Member has declined (for topics addressing a function within s 101A for the *Development Act (SA)* only).
- 9.16.8 by way of a motion to defer consideration of a matter the subject of a report to another meeting of the Strategic Planning & Development Policy Committee.
- 9.16.9 by way of a motion for an Order to exclude the public [s 90 of the *LGA 1999 (SA)*].
- 9.16.10 by way of a motion for an Order to retain information in confidence [s 91 of the *LGA 1999 (SA)*].
- 9.16.11 for a Point of Order [r 28 of the *Meeting Regulations*].
- 9.16.12 for an Interruption of meetings by Members [r 29 of the *Meeting Regulations*].

Voting

- 9.17 The Chair of Strategic Planning & Development Policy Committee has a deliberative vote on a question arising for decision at the meeting but does not, in the event of an equality of votes, have a casting vote.
- 9.18 The Chair will, in taking a vote, ask all members of the SPDP Committee to indicate by show of hand, in favour and then against and declare the outcome.
- 9.19 A majority of the members present voting in favour will constitute the question being carried and a decision made.
- 9.20 A majority of the members present voting against will constitute the question being lost and there being no decision on the question.
- 9.21 A tied vote at the Strategic Planning & Development Policy Committee meeting constitutes the question being lost due to an equality of votes and there being no decision on the question.
- 9.22 A person who is not in his or her seat is not permitted to vote.

Speaking

- 9.23 For a deputation, Regulation 11 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* will be observed.
- 9.24 Speaking to an Agenda Item listed for Consideration and Advice/Recommendation to Council:
 - 9.24.1 To support engagement and provide an equal and equitable opportunity for participation, the Chair may invite comment on the item before the Strategic Planning & Development Policy Committee from each Committee member prior to seeking a mover and seconder for a motion in response to the Recommendation.
 - 9.24.2 A Committee member must not speak for longer than three (3) minutes at any one (1) time without the leave of the meeting, if leave is granted an additional two (2) minutes only can be given by the vote of the meeting.

- 9.24.3 The contribution of a member must be relevant to the subject matter of the debate.
 - 9.24.4 An item may include a presentation from an external party.
 - 9.24.5 During each discussion the Chair will facilitate and support a forum that enables all Committee members, the CEO, a Director, Associate Director or officer to participate in an open and transparent discussion and exchange of information on each item.
- 9.25 A member may speak:
- 9.25.1 once to a question arising for decision (including the Presiding Member immediately prior to the mover in reply)
 - 9.25.2 as the mover in reply after all speakers.
- 9.26 Speaking as a Deputation or in a Public Hearing
- 9.26.1 A member of the community must not speak for longer than five (5) minutes at any one time without the leave of the meeting.
 - 9.26.2 A member of the community must observe the ruling or direction of the Chair or the meeting.
 - 9.26.3 Committee members will hear submissions but not respond to a speaker with a question or with a view either independently or collectively on the content of a submission.

Amendment and Variations to a Motion

- 9.27 Only one amendment may be moved in relation to any motion.
- 9.28 Any motion or amendment which is not seconded will lapse.
- 9.29 Any motion or amendment may be varied where the mover and the seconder agree and the meeting consents.
- 9.30 Any member except the mover or seconder of a motion may move an amendment to a motion provided they have not already spoken in the debate.

Items Closed to the Public

- 9.31 An agenda which lists an item seeking receipt or discussion in a meeting closed to the public, will specify a ground provided within s 90 (3) of the *Local Government Act 1999 (SA)*.
- 9.32 When considering the reasons provided to receive, discuss or consider a matter in confidence, it is irrelevant that discussion of a matter in public may
 - 9.32.1 cause embarrassment to the Council or The Committee concerned, or to Council Members or employees of Council; or
 - 9.32.2 cause a loss of confidence in the Council or The Committee or
 - 9.32.3 involve discussion of a matter that is controversial within the council area; or
 - 9.32.4 make the council susceptible to adverse criticism.

- 9.33 A request and an order made to conduct proceedings in a meeting closed to the public, will specify in the Report and Minutes the making of the order and the grounds on which it was made and:
- 9.33.1 Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 9.33.2 Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 9.33.3 In addition, identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
- 9.34 An order made to retain proceedings in confidence will require a decision of the Strategic Planning & Development Policy Committee and will specify in the Minutes the making of the order which must identify the duration of the order or the circumstances in which the order will cease to apply, the period after which the order must be reviewed and delegate to the CEO the power to review and revoke the order.
- 10. REPORTING AND ACCOUNTABILTY REQUIREMENTS**
- 10.1 the Strategic Planning & Development Policy Committee is responsible to and reports directly to Council through a report containing recommendations. Opportunities for Committee members to support or present an alternate view should be provided for at Council.
- 10.2 All other aspects of the meeting procedure at a meeting of the Strategic Planning & Development Policy Committee will be determined at the discretion of the Chair having regard to issues of equity and fairness and the Guiding Principles at Regulation 5 of *the Local Government (Procedures at Meetings) Regulations* or otherwise with the consent of the meeting.
- 10.3 The Chair upon opening the meeting of the Strategic Planning & Development Policy Committee will advise if the public session of the meeting is being recorded and/or streamed live to the internet [to be determined on a case by case basis by the CEO].

City of Adelaide
Reconciliation Committee Terms of Reference
2018 – 2022 Council Term

1. PROCESS

- 1.1 The City of Adelaide (CoA) Reconciliation Committee will engage collaboratively with peak Government and non-Government reconciliation groups to advance reconciliation in the City and encourage and seek broad Aboriginal and Torres Strait Islander participation in Council activities and events.
- 1.2 The Committee may from time to time, seek input and advice from Aboriginal community members and organisations when examining specific matters.

2. THE ROLE OF THE RECONCILIATION COMMITTEE IS TO

- 2.1 Recommend to Council Reconciliation Action Plans (schedule of reconciliation initiatives) that demonstrates Council's commitment to reconciliation.
- 2.2 Provide input to policy development and strategic advice to Council across areas likely to impact on Aboriginal and Torres Strait Islander peoples as requested by Council or resolved by the Committee.
- 2.3 Promote and advocate a positive representation of Aboriginal and Torres Strait Islander peoples, facilitate reconciliation between the City's diverse communities and contribute to the education and awareness of the City's communities about the diversity of Aboriginal and Torres Strait Islander cultures.
- 2.4 Monitor the implementation of the guiding principles of Council's Reconciliation Vision Statement across CoA.

3. FREQUENCY OF MEETINGS

- 3.1 The Reconciliation Committee will meet quarterly with special meetings called as required.

4. REPORTING REQUIREMENT

- 4.1 The Reconciliation Committee reports to Council on its activities annually through a Committee and Council Report.

5. PROCESS FOR SELECTION AND APPOINTMENT OF MEMBERS

5.1 Council Members

- 5.1.1 Council will appoint the Lord Mayor (Ex Officio) and will nominate and appoint three Council Members onto the City of Adelaide Reconciliation Committee.

5.2 Strategic Agency Representatives

- 5.2.1 Three agencies identified as strategic representatives will be invited to nominate a representative onto the City of Adelaide Reconciliation Committee:

- 5.2.1.1 Reconciliation South Australia.
- 5.2.1.2 Aboriginal Affairs and Reconciliation, Department of State Development.
- 5.2.1.3 Employment Programs Directorate, Department of State Development.

5.3 Kaurna Representative

- 5.3.1 Correspondence will be forwarded to the Chairperson of the Kaurna Nation Cultural Heritage Association inviting the Committee to nominate one representative on to the City of Adelaide Reconciliation Committee.

5.4 Aboriginal and/or Torres Strait Islander Community Representatives

- 5.4.1 Three Aboriginal and/or Torres Strait Islander community positions will be promoted on City of Adelaide's Social Media channels, in the Koori Mail and through Aboriginal information networks.
- 5.4.2 Nominees will be required to provide a one-page summary of skills and experience relating to the *Terms of Reference* and address the following points in their response:
 - 5.4.2.1 Recognised as an Aboriginal or Torres Strait Islander.
 - 5.4.2.2 Experience as an ambassador and in advancing reconciliation.
 - 5.4.2.3 Demonstrate the value and extent of their networks with Aboriginal communities.
 - 5.4.2.4 Demonstrate a history of positive involvement with Aboriginal communities and the reconciliation process.

5.5 Proxies

- 5.5.1 Two Aboriginal and/or Torres Strait Islander proxies will be selected from the pool of community applicants.

5.6 Selection and Appointment

- 5.6.1 Administration will undertake initial assessment of nominations received from all proposed representatives and provide recommendations to Council for endorsement and appointment to the City of Adelaide Reconciliation Committee.

City of Adelaide
Audit Committee Terms of Reference
2014 – 2019 Council Term



The Audit Committee is a formally appointed committee of the City of Adelaide (CoA), pursuant to Section 126 of the *Local Government Act 1999* (“the Act”).

The Audit Committee does not have executive powers or authority to implement actions in areas which management has responsibility and does not have any delegated financial responsibility. The Audit Committee does not have any management functions and is, therefore, independent from management.

The Committee’s role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference in order to facilitate decision making by the Committee and Council in relation to the discharge of its responsibilities.

1. MEMBERSHIP

- 1.1 Members of the Audit Committee are appointed by Council. The Committee shall consist of five (5) members:
 - 1.1.1 The Lord Mayor.
 - 1.1.2 One (1) Councillor.
 - 1.1.3 Three (3) external Independent Members.
- 1.2 Independent Members of the Audit Committee shall have senior business or financial management / reporting knowledge and expertise, and be conversant with the financial, risk management and governance issues, and have extensive accounting, auditing or legal skills, and other reporting requirements of Local Government.
- 1.3 Only members of the Audit Committee are entitled to vote in Committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 1.4 Proxy members may be appointed to the Audit Committee by the Council. When all members of the Audit Committee are present, proxy members attend in an observer capacity only. A proxy member will have a vote when a member of the Audit Committee is not present.
- 1.5 The Chief Executive Officer, Directors and other CoA employees may attend any meeting as observers or be responsible for preparing papers for the Audit Committee.
- 1.6 In accordance with the principles of open, transparent and informed decision making, Audit Committee Meetings must be conducted in a place open to the public, at a venue to be determined by the Chief Executive Officer.
- 1.7 The agenda and minutes of Audit Committee meetings, subject to any items that are discussed in confidence under Section 90 of the Act and subsequently retained as confidential under Section 91 of the Act, are also required to be made available to the public.

- 1.8 The Council's Internal and External Auditors may be invited to attend meetings of the Audit Committee.
- 1.9 The Presiding Member of the Audit Committee shall be an Independent Member appointed by Council to the position of Presiding Member.
- 1.10 Appointments of external independent members to the Audit Committee shall be for a term of four years with the term of office commencing after the first year of the Council term. Appointments of Council Members shall be for a term of two years. Appointees may be reappointed by Council.
- 1.11 Sitting fees will be reviewed and set by Council for every new term of Audit Committee. Professional fees will also be paid for the advice and attendance of the Internal and External Auditors at the Audit Committee. There are no associated sitting fees for the Lord Mayor or Councillor appointed to the Audit Committee.

2. SECRETARIAL RESOURCES

- 2.1 The Chief Executive Officer shall provide sufficient administrative resources to the Audit Committee to enable it to adequately carry out its functions.

3. QUORUM

- 3.1 The quorum necessary for the transaction of business shall be three (3) members of the Audit Committee. A duly convened meeting of the Audit Committee at which quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Audit Committee.

4. FREQUENCY OF MEETINGS

- 4.1 The Committee shall meet quarterly as a minimum, as determined by the Committee.
- 4.2 A quarterly schedule of meetings will be developed and agreed by the members at the first meeting of the Audit Committee.
- 4.3 The Chief Executive Officer is delegated the authority to vary the quarterly meeting schedule after liaison with the Audit Committee Presiding Member.
- 4.4 The Chief Executive Officer is delegated to not call a meeting of the Audit Committee within the quarterly meeting schedule should the Committee have no matters for consideration.
- 4.5 A Special Meeting of the Audit Committee may be called in accordance with the Act.

5. NOTICE OF MEETINGS

- 5.1 Notice of each meeting confirming the venue, time and date, together with an agenda of items to be discussed, shall be forwarded to each member of the Audit Committee and observers, no later than three (3) ordinary days before the date of the meeting. Supporting papers shall be sent to the Audit Committee Members (and to other attendees as appropriate) at the same time.

6. MINUTES OF MEETINGS

- 6.1 The Chief Executive Officer shall ensure that the proceedings and resolutions of all meetings of the Audit Committee, including the recording of the names of those present and in attendance are minuted and that the minutes otherwise comply with the requirements of the *Local Government (Procedures at Meetings) Regulations 2013*.
- 6.2 Minutes of the Audit Committee shall be circulated within five (5) ordinary days after a meeting to all members of the Audit Committee and to all members of Council and will (as appropriate) be available to the public.

7. ROLES OF THE AUDIT COMMITTEE

7.1 Financial Reporting

The Audit Committee shall monitor the integrity of the financial statements of the Council, including its annual report, reviewing significant financial reporting issues and judgements which they contain.

The Audit Committee shall review and challenge where necessary:

- (a) The consistency of, and any changes to, accounting policies both on a year on year basis;
- (b) The methods used to account for significant or unusual transactions where different approaches are possible;
- (c) Whether the Council has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account the views of the external auditor;
- (d) The clarity of disclosure in the Council's financial reports and the context in which statements are made; and
- (e) All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to audit and risk management).

7.2 Internal Control & Risk Management Systems

The Audit Committee shall:

- (a) Keep under review the effectiveness of the Council's internal controls and risk management systems.
- (b) Review and recommend the approval, where appropriate, of statements to be included in the annual report concerning internal controls and risk management.
- (c) Receive reports on the activities of the Chief Executive Officer's Strategic Risk and Internal Audit Group.

7.3 Whistle Blowing

The Audit Committee shall review the Council's arrangements for its employees to raise concerns, in confidence, about possible misstatements in financial reporting and other matters.

The Audit Committee shall ensure these arrangements allow independent investigations of such matters and appropriate follow-up action.

7.4 Management Plans and Business Plans

The Audit Committee will review and provide advice on the Council's Strategic Management Plans, Annual Business Plan, Long Term Financial Plan and Asset Management Plans.

7.5 Value and Efficiency

The Audit Committee shall, when necessary, review Council's value management processes, program reviews and service reviews in the context of efficient and effective delivery of the Strategic Plan.

7.6 Other Investigations

The Audit Committee shall, when necessary, propose and review the exercise of Council's powers under Section 130A of the Local Government Act 1999, in relation to the conduct of Economy Audits that would not otherwise be addressed or included as part of an annual External Audit.

7.7 Internal Audit

7.7.1 The Audit Committee shall monitor and review the effectiveness of the Council's Internal Audit function in the context of the Council's overall risk management system.

The Audit Committee shall consider and make recommendations on the program of the Internal Audit function and the adequacy of resources and access to information to enable it to perform its function effectively and in accordance with the relevant professional standards.

7.7.2 The Audit Committee shall receive Executive Summary Reports and Full Reports on all Internal Audit projects

The Audit Committee shall review and monitor management's responsiveness to the findings and recommendation of the Internal Auditor.

7.7.3 The Audit Committee shall meet with the Internal Audit Partner at least once a year, without management being present, to discuss any issues arising from the Internal Audits carried out during the year. In addition, the Internal Audit Partner shall be given the right of direct access to the Lord Mayor and the Presiding Member of the Audit Committee.

7.7.4 The Audit Committee shall monitor and review the selection process for the Internal Auditor. Appointment of Internal Auditor is the responsibility of management in accordance with Council's procurement framework. If the Internal Auditor resigns, the Audit Committee shall investigate the issues leading to the resignation and decide whether any action is required.

7.8 External Audit:

7.8.1 The Audit Committee shall monitor and review a guideline on the supply of non-audit services by the External Auditor, taking into account any relevant ethical guidance on the matter.

- 7.8.2 The Audit Committee shall consider and make recommendations to the Council, in relation to the appointment, reappointment, and removal of the Council's External Auditor. The Committee shall oversee the selection process for new External Auditor and if the External Auditor resigns, the Audit Committee shall investigate the issues leading to the resignation and decide whether any action is required.
- 7.8.3 The Audit Committee shall oversee the relationship with the External Auditor, including, but not limited to:
- (a) Recommending the approval of the external auditor's remuneration, whether fees for audit or non-audit services, and recommending whether the level of fees is appropriate to enable an adequate audit to be conducted;
 - (b) Recommending the approval of the external auditor's terms of engagement, including any engagement letter issued at the commencement of each audit and the scope of the audit;
 - (c) Assessing the external auditor's independence and objectivity taking into account relevant professional and regulatory requirements and the extent of Council's relationship with the auditor, including the provision of any non-audit services;
 - (d) Satisfying itself that there are no relationships (such as family, employment, investment, financial or business) between the external auditor and the Council (other than in the ordinary course of business);
 - (e) monitoring the external auditor's compliance with legislative requirements on the rotation of audit partners; and
 - (f) Assessing the external auditor's qualifications, expertise and resources and the effectiveness of the audit process (which shall include a report from the external auditor on the audit committee's own internal quality procedures).
- 7.8.4 The Audit Committee shall meet as needed with the External Auditor. The Audit Committee shall meet the External Auditor at least once a year, without management being present; to discuss their merit and any issues arising from the External Audit.
- 7.8.5 The Audit Committee shall review and make recommendations to the Annual External Audit Plan and ensure that it is consistent with the scope of the External Audit engagement and relevant legislation and standards.
- 7.8.6 The Audit Committee shall review the findings of the External Audit with the External Auditor. This shall include, but not be limited to, the following:
- (a) A discussion of any major issues which arose during the audit;
 - (b) Any accounting and audit judgements; and
 - (c) Levels of errors identified during the audit.
- 7.8.7 The Audit Committee shall also review the effectiveness of the External Audit.

- 7.8.8 The Audit Committee shall review any representation letter(s) requested by the External Auditor before they are signed by management.
- 7.8.9 The Audit Committee shall review the Report to the Chief Executive Officer and management's response to the External Auditor's findings and recommendations.

8. REPORTING RESPONSIBILITIES

- 8.1 The Audit Committee shall report to the Council after every meeting to identify and present advice and recommendations. The Presiding Member shall attend these meetings and talk on these matters, as and when required.
- 8.2 The Chief Executive Officer will identify matters, further to those matters covered elsewhere in these Terms of Reference, to be reported to the Audit Committee in detail where those matters are considered to be of material effect, have a material impact on the operation of Council as an elected body (e.g. impact on policies relating to Elected Members), or have significant impact on Council's operations.
- 8.2 The Audit Committee Presiding Member shall report annually to Council summarising the activities of the Committee during the previous financial year.

9. OTHER MATTERS

The Audit Committee shall:

- 9.1 Have access, at the Council's expense, to legal advice or other professional advice on any matter within its Terms of Reference.
- 9.2 Be provided with appropriate and timely training, both in the form of an induction program for new members and on an on-going basis for all members.
- 9.3 Give due consideration to laws and regulations of the *Local Government Act 1999*.
- 9.4 Oversee any investigation of activities which are within its Terms of Reference.
- 9.5 Oversee action to follow-up on matters raised by the External Auditor.
- 9.6 At least once a year, review its own performance, membership, and Terms of Reference to ensure it is operating at maximum effectiveness and recommend changes it considers necessary to the Council for approval.



January 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1 PUBLIC HOLIDAY (New Year's Day)	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21 CAP [5.30pm]	22 TBC COMMITTEE [5.30pm]	23	24	25	26	27
28 PUBLIC HOLIDAY (Australia Day)	29 COUNCIL [6.00pm]	30	31 APLA [5.30pm]			

Note: * Authority is delegated to the Chief Executive Officer to vary the meeting schedule (including the commencement time, meeting date or cancellation of a meeting).

* CAP, Committees & APLA generally meet in the Colonel Light Room, Town Hall, Adelaide

* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



February 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4	5 COMMITTEE [5.30pm]	6	7	8	9	10
11 CAP [5.30pm]	12 COUNCIL [6.00pm]	13	14	15	16	17
18	19 COMMITTEE [5.30pm]	20	21 APLA [5.30pm]	22 AUDIT [8.30am]	23	24
25	26 COUNCIL [6.00pm]	27	28			

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

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COUNCIL:	City of Adelaide Council meeting
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RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



March 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
CAP [5.30pm] ⁴	COMMITTEE [5.30pm] ⁵	6	7	8	9	10
PUBLIC HOLIDAY (March Public Holiday) ¹¹	COUNCIL [6.00pm] ¹²	13	14	15	16	17
18	COMMITTEE [5.30pm] ¹⁹	20	APLA [5.30pm] ²¹	22	23	24
CAP [5.30pm] ²⁵	COUNCIL [6.00pm] ²⁶	27	28	29	30	31

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



April 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4	5	6	7
8	9 COMMITTEE [5.30pm]	10	11 APLA [5.30pm]	12	13	14
15 CAP [5.30pm]	16 COUNCIL [6.00pm]	17	18	19 PUBLIC HOLIDAY (Good Friday)	20 PUBLIC HOLIDAY (Easter Saturday)	21
22 PUBLIC HOLIDAY (Easter Monday)	23 COMMITTEE [5.30pm]	24	25 PUBLIC HOLIDAY (ANZAC Day)	26	27	28
29	30 COUNCIL [6.00pm]					

Note: * Authority is delegated to the Chief Executive Officer to vary the meeting schedule (including the commencement time, meeting date or cancellation of a meeting).

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



May 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
CAP [5.30pm] 6	COMMITTEE [5.30pm] 7	8	9	10	11	12
13	COUNCIL [6.00pm] 14	15	16	17	18	19
20	COMMITTEE [5.30pm] 21	22	APLA [5.30pm] 23	24	25	26
CAP [5.30pm] 27	COUNCIL [6.00pm] 28	29	30	31		

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



June 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3	4 COMMITTEE [5.30pm]	5	6	7	8	9
10 PUBLIC HOLIDAY (Queen's Birthday & Volunteer's Day)	11 COUNCIL [6.00pm]	12	13	14	15	16
17 CAP [5.30pm]	18 COMMITTEE [5.30pm]	19	20 APLA [5.30pm]	21	22	23
24	25 COUNCIL [6.00pm]	26	27	28	29	30

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



July 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2 COMMITTEE [5.30pm]	3	4	5	6	7
8 CAP [5.30pm]	9 COUNCIL [6.00pm]	10	11	12	13	14
15	16 COMMITTEE [5.30pm]	17	18	19	20	21
22	23 COUNCIL [6.00pm]	24	25 APLA [5.30pm]	26	27	28
29 CAP [5.30pm]	30	31				

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	Adelaide City Council Audit Committee
COUNCIL:	Adelaide City Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	Adelaide City Council Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



August 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5	6 COMMITTEE [5.30pm]	7	8	9	10	11
12	13 COUNCIL [6.00pm]	14	15	16	17	18
19 CAP [5.30pm]	20 COMMITTEE [5.30pm]	21	22 APLA [5.30pm]	23	24	25
26	27 COUNCIL [6.00pm]	28	29	30	31	

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



September 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	COMMITTEE [5.30pm] 3	4	5	6	7	8
CAP [5.30pm] 9	COUNCIL [6.00pm] 10	11	12	13	14	15
16	COMMITTEE [5.30pm] 17	18	APLA [5.30pm] 19	20	21	22
23	COUNCIL [6.00pm] 24	25	26	27	28	29
CAP [5.30pm] 30						

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



October 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	COMMITTEE [5.30pm] ¹	2	3	4	5	6
⁷ PUBLIC HOLIDAY (Labour Day)	COUNCIL [6.00pm] ⁸	9	10	11	12	13
14	COMMITTEE [5.30pm] ¹⁵	16	17	18	19	20
21	COUNCIL [6.00pm] ²²	23	APLA [5.30pm] ²⁴	25	26	27
28	29	30	31			

Note: * Authority is delegated to the Chief Executive Officer to vary the meeting schedule (including the commencement time, meeting date or cancellation of a meeting).

* DAP, Committees & APLA generally meet in the Colonel Light Room, Town Hall, Adelaide

* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



November 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4	5 Melbourne Cup	6	7	8	9	10
11	12 COMMITTEE [5.30pm]	13	14	15	16	17
18	19 COUNCIL [6.00pm]	20	21 APLA [5.30pm]	22	23	24
25	26 COMMITTEE [5.30pm]	27	28	29	30	

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee



December 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	3 COMMITTEE [5.30pm]	4	5	6	7	8
9	10 COUNCIL [6.00pm]	11	12	13	14	15
16		18	19	20	21	22
23	24 PUBLIC HOLIDAY (from 7pm Xmas Eve)	25 PUBLIC HOLIDAY (Xmas Day)	26 PUBLIC HOLIDAY (Boxing Proclamation Day)	27	28	29
30	31 PUBLIC HOLIDAY (from 7pm NY Eve)					

Note: * Authority is delegated to the Chief Executive Officer to vary the meeting schedule (including the commencement time, meeting date or cancellation of a meeting).

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* Council Meetings generally meet in the Council Chamber, Town Hall, Adelaide

LEGEND	
APLA:	Adelaide Park Lands Authority
AUDIT:	City of Adelaide Audit Committee
COUNCIL:	City of Adelaide Council meeting
CAP:	City of Adelaide Council Assessment Panel
RECONCILIATION:	City of Adelaide Reconciliation Committee
SP & DP:	Strategic Planning & Development Policy Committee
THE COMMITTEE:	Core Committee

Appointment of External Members to the Reconciliation Committee

ITEM 12.5 11/12/2018
COUNCIL

Program Contact:
Clare Mockler, Director Community
8203 7222

2014/04789-2
Public

Approving Officer:
Mark Goldstone, Chief Executive
Officer

EXECUTIVE SUMMARY:

Establishment of a City of Adelaide Reconciliation Committee for the 2018-2022 municipal term has been considered by Council as part of **Item 12.4** on the Agenda for this meeting. Council is now requested to appoint the external members to the Committee and approve the payment of sitting fees for eligible members.

RECOMMENDATION:

THAT COUNCIL:

1. Appoints the following seven (7) external members and two (2) proxies to the City of Adelaide Reconciliation Committee for the term 2018-2022:
 - 1.1. Strategic Agency Representatives to be determined:
 - 1.1.1. Reconciliation South Australia;
 - 1.1.2. Aboriginal Affairs and Reconciliation, Department of State Development; and
 - 1.1.3. Employment Programs Directorate, Department of State Development
 - 1.2. Kaurna Nation Cultural Heritage Association Committee representative
 - 1.2.1. Mr Jeffrey Newchurch.
 - 1.3. Aboriginal and/or Torres Strait Islander community representatives:
 - 1.3.1. Ms Yvonne Agius;
 - 1.3.2. Mr Ivan-Tiwu Copley; and
 - 1.3.3. Mr Eddie Peters.
 - 1.4. Proxies:
 - 1.4.1. Ms Lynette Crocker; and
 - 1.4.2. Ms Deanne Hanchant-Nichols.
2. Approves the payment of a sitting fee for eligible members as prescribed in **Attachment A** to Item 12.5 on the Agenda for the meeting of the Council held on 11 December 2018, in recognition of their expert advice and time commitment.

IMPLICATIONS AND FINANCIALS:

Strategic Plan	4.5.05.2 Deliver the Reconciliation Action Plan
Policy	Council's Reconciliation Vision Statement (2012) Council's Stretch Reconciliation Action Plan 2018- 2021
Consultation	Expressions of interest for community member positions on the City of Adelaide Reconciliation Committee were advertised according to the City of Adelaide Reconciliation Committee Terms of Reference and Process for Selection and Appointment of Members.
Resource	Staff provide Committee secretariat and support.
Risk / Legal / Legislative	Not as a result of this report
Opportunities	The City of Adelaide Reconciliation Committee will engage collaboratively with peak Government and non-Government reconciliation groups to advance reconciliation in the City and encourage and seek broad Aboriginal and Torres Strait Islander participation in Council activities and events.
18/19 Budget Allocation	Total \$16,600
Proposed 19/20 Budget Allocation	Total \$16,600
Life of Project, Service, Initiative or (Expectancy of) Asset	Reconciliation Committee Members are elected for a four (4) year term.
18/19 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

1. The Terms of Reference for the Reconciliation Committee ([Link 1](#)) call for the Lord Mayor (Ex Officio) and three (3) Council members, three (3) strategic agency representatives, one (1) Aboriginal Kurna representative, three (3) Aboriginal and/or Torres Strait Islander community representatives and two (2) proxies be established.
2. Advertising for three (3) Aboriginal and/or Torres Strait Islander community representatives and two (2) proxies was undertaken through City of Adelaide's Social Media channels, the Koori Mail and Aboriginal information networks. Applications closed 5pm on 11 November 2018.
3. The combined skills and expertise of the proposed membership will ensure that Council's reconciliation agenda is advanced in line with current reconciliation practices and priorities. The Reconciliation Committee will determine its own schedule of meetings and will assist Council to facilitate and monitor Council's endorsed Stretch Reconciliation Action Plan 2018-2021.
4. The Reconciliation Committee will:
 - 4.1. Provide input to policy development and strategic advice to Council across areas likely to impact Aboriginal and Torres Strait Islander peoples as requested by Council or resolved by the Committee.
 - 4.2. Promote and advocate a positive representation of Aboriginal and Torres Strait Islander peoples, facilitate reconciliation between City communities and contribute to the education and awareness of the City communities about the diversity of Aboriginal and Torres Strait Islander cultures.
 - 4.3. Monitor the implementation of the guiding principles of Council's Reconciliation Vision Statement across City of Adelaide.
5. Each of the following strategic agencies will nominate their representative:
 - 5.1. Reconciliation South Australia;
 - 5.2. Aboriginal Affairs and Reconciliation (AAR), Department of State Development; and
 - 5.3. Employment Programs Directorate, Department of State Development.
6. Kurna Nation Cultural Heritage Association has nominated a representative.
7. A total of six (6) nominations for the role of Aboriginal and Torres Strait Islander community representative have been received and five (5) assessed as the candidates who meet member responsibilities according to the Terms of Reference adopted by Council, see ([Link 1](#)):
 - 7.1. Ms Yvonne Agius identifies and is a recognised as a Kurna/Narungga Aboriginal woman and respected Elder. She is a former Council Reconciliation Committee member and dual-chairperson from 2010-2018. She has worked as a public servant and former Aboriginal foster carer. As a former employee at the City of Port Adelaide Enfield, Yvonne was fundamental in the development of several very successful major reconciliation projects. Yvonne has extensive experience and is well represented on a range of community groups that deal with heritage, native title, Nunga courts and the Granny's Group displaying a great commitment to reconciliation between Aboriginal and non-Aboriginal communities over 40 years.
 - 7.2. Mr Ivan-Tiwu Copley identifies and is a recognised Kurna/Peramangk man from Adelaide and Mt Barker. He is a former Council Reconciliation Committee member from 2003-2018 and dual-chairperson from 2008-2010. He is currently chairperson of the TURKINDI Network – The Indigenous Information Network of South Australia Inc – and is well represented on a range of community committees that deal with reconciliation, sports and arts. He is a former Chairperson of the Campbelltown Council Reconciliation Advisory Committee from 2006-2012. Ivan displays a great commitment to reconciliation between Aboriginal and non-Aboriginal communities over the past 30 years as demonstrated by the prestige award given, Order of Australia Medal (OAM) in 2012 for Community Services.
 - 7.3. Ms Lynette Crocker identifies and is a recognised Kurna Aboriginal woman from Adelaide. She is a former Council Reconciliation Committee member representing Kurna Nation Cultural Heritage Association Committee from 2012-2018. Lynette is a volunteer on a range of community committees. Lynette is a traditional owner and named applicant on the Kurna Native Title Determination. She has participated in the development of Reconciliation Action Plans for the Campbelltown City Council, Port Adelaide City Council and Marion City Council. Lynette displays a great commitment to reconciliation working with Aboriginal and non-Aboriginal communities in the area of reconciliation, employment, native title, education, health and conservation over the past 30 years.

- 7.4. Ms Deanne Hanchant-Nichols identifies and is a recognised Aboriginal woman with family links from Tanganekald from Coorong, Barkindji from NSW and Narungga from Point Peace SA. She is currently employed as an Indigenous Employment and Development Human Resources Consultant at the University of South Australia and was one of the writers of the 2014 Reconciliation Action Plan. She was instrumental in the establishment of a Kurna Welcome ceremony for the Vice Chancellor in 2013. In 2013 Deanne was awarded the Vice Chancellor's Professional Staff Excellence Award for reconciliation and working across boundaries. Deanne displays a great commitment to reconciliation as an ambassador with Aboriginal and non-Aboriginal communities on issues of reconciliation, education and repatriation over 20 years.
 - 7.5. Mr Eddie Peters is Torres Strait Islander man, a Kulkal Gau Ya, Kala Lagaw Ya from his grandfather and father's side and a Meriam man from his mother's side. For the past 30 years, he has been educating the broader public about the Torres Strait Islander cultures through sharing traditional songs, dances, stories, music, history, geography, and arts and crafts from his own heritage. He has presented over 50 sessions per year to schools, universities, cultural events, festivals, councils, corporate bodies, businesses, and for tourism programs. He has received invitations to present at conferences and events in Europe, Mexico, Japan and China. He has been a Cultural Educator at Kurruru for young Aboriginal and Torres Strait Islander people for over 20 years and has twice been the recipient of the Aboriginal Catholic Ministry Award for Services to Community.
 - 7.6. A sixth application did not meet the criteria for the role membership and was ineligible.
8. This proposed membership achieves gender balance, recognition of service to and active participation in community and a wealth of skills and experience that will enable the City of Adelaide to continue to lead in the area of reconciliation between Aboriginal and non-Aboriginal peoples.
-

ATTACHMENTS

Attachment A – City of Adelaide Reconciliation Committee Remuneration Schedule 2018

- END OF REPORT -

CITY OF ADELAIDE RECONCILIATION COMMITTEE REMUNERATION SCHEDULE

According to the City of Adelaide Reconciliation Committee Terms of Reference, the Reconciliation Committee will:

- 1.1. Provide input to policy development and strategic advice to Council across areas likely to impact Aboriginal and Torres Strait Islander peoples as requested by Council or resolved by the Committee.
- 1.2. Promote and advocate a positive representation of Aboriginal and Torres Strait Islander peoples, facilitate reconciliation between City communities and contribute to the education and awareness of the City communities about the diversity of Aboriginal and Torres Strait Islander cultures.
- 1.3. Monitor the implementation of the guiding principles of Council's Reconciliation Vision Statement across City of Adelaide.

The Terms of Reference for the Reconciliation Committee call for the Lord Mayor (Ex Officio) and three (3) Council members, three (3) strategic agency representatives, one (1) Aboriginal Kurna representative, three (3) Aboriginal and/or Torres Strait Islander community representatives and two (2) proxies.

The Lord Mayor and Council Members are not remunerated for participation on the City of Adelaide Reconciliation Committee as their participation is voluntary and can be considered an extension of their role.

Strategic Agency Representatives are not remunerated for participation as they are supported by their workplace to represent them on the City of Adelaide Reconciliation Committee.

Aboriginal and/ or Torres Strait Islander Representatives, including designated Kurna representatives, are remunerated for participation on the City of Adelaide Reconciliation Committee, as per the following schedule:

The City of Adelaide Reconciliation Committee convenes quarterly meetings.

Each meeting is scheduled for 2 ½ hours.

The Dual- Chair of the Reconciliation Committee, elected at the first meeting of the Reconciliation Committee from amongst Aboriginal and/ or Torres Strait Islander Representatives, is required to attend a ½ hour pre- briefing meeting with the Lord Mayor prior to each meeting.

Remuneration at a rate of \$200/ hour includes reading and preparation time and is based on an Adelaide, market- average, social planning consultant remuneration rate that has been benchmarked.

Reimbursement at a rate of \$50/ meeting is made as a contribution towards participation costs (loss of income, transport/parking, childcare etc.).

Summary of Remuneration Benchmarking

	APLA	ACMA	RMMA	CAP	Reconciliation Committee Member
Meeting (includes reading and preparation)	\$51.50/ hr	\$15,450/ pa	\$665/ meeting	\$500/ meeting	\$500/ meeting
Participation Costs	Nil	transport	Nil	parking	\$50
Chair	Nil	\$25,750 pa	\$998/ meeting Deputy \$798/ meeting	\$600/ meeting	\$600/ meeting
Annual Remuneration Budget	\$10,600	\$41,200	\$63,000	\$71,500	\$13,600
Remuneration Logic	State Govt Boards & Committees Remuneration Framework	Independent Entity Operating Model (KPMG) 2011	State Govt Boards & Committees Remuneration Framework	Benchmarked against other Councils	Average \$200/ hr rates quoted in consultancy tenders in 18/19

Proposed City of Adelaide Reconciliation Committee Remuneration 2018- 2022

Reconciliation Committee Member	Pre- Meeting	Meeting (includes reading and preparation)	Participation Costs	Total remuneration per meeting
Lord Mayor and Council Members	Nil	Nil	Nil	Nil
Strategic Agency Representatives	Nil	Nil	Nil	Nil
Aboriginal and/ or Torres Strait Islander Representatives	Nil	\$500	\$50	\$550
Dual Chair	\$100	\$500	\$50	\$650

Appointment of Council Member to the Adelaide Central Market Authority

ITEM 12.6 11/12/2018
COUNCIL

2018/04054

Public

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

The Adelaide Central Market Authority (ACMA) was established in 2012 as a Subsidiary of the City of Adelaide under Section 42 of the *Local Government Act 1999* to manage and develop the Market as an engaging fresh food experience that is commercially sustainable for traders and Council.

Under the provisions of the ACMA Charter, the ACMA Board consists of up to seven (7) Board Members, with one Board Member being a Council Member. This report seeks to fill that position.

RECOMMENDATION:

THAT COUNCIL:

1. Nominates one (1) Council Member to be appointed to the Adelaide Central Market Authority Board for a two (2) year term from 11 December 2018 to 11 December 2020.
-

IMPLICATIONS AND FINANCIALS:

Strategic Plan	This report contributes to Council's 2016-2020 Strategic Plan by supporting the activities of the Adelaide Central Market Authority (Growth objective).
Policy	The Adelaide Central Market Authority Charter (2014) outlines the role and term of members of the ACMA Board.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Not as a result of this report
18/19 Budget Allocation	No additional budget implication. Funded through existing operating budget of \$15,450 for this appointment (\$92,700 for six (6) Board Member, excluding Chairman).
Proposed 19/20 Budget Allocation	Consistent with current operating budget - \$15,450 for this appointment (\$92,700 for six (6) Board Members, excluding Chairman).
Life of Project, Service, Initiative or (Expectancy of) Asset	This report seeks a two (2) year term appointment for one Board Member for the ACMA Board.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Board sitting fees and reimbursement of expenses for the remainder of the two (2) year appointment term.
Other Funding Sources	Not as a result of this report

DISCUSSION

1. The Adelaide Central Market Authority (ACMA) was established in 2012 as a Subsidiary of the City of Adelaide under Section 42 of the *Local Government Act 1999*.
2. The objects and purposes of the ACMA are to oversee the management and operation of the Central Market, to be responsible for maintaining and enhancing the iconic standing of the market for the benefit of all stakeholders, and to be responsible for the market becoming internationally recognised as a vibrant, diverse and unique fresh produce market community that is commercially sustainable for traders and the Council (section 1.7 of the ACMA Charter).
3. The ACMA Board shall be responsible for managing the affairs of the Authority and ensuring that the Authority acts in accordance with the Charter ([Link 1](#)) and all relevant legislation.
4. Under the provisions of the ACMA Charter, the ACMA Board consists of up to seven (7) Board Members including the Chairperson, comprising:
 - 4.1 One Board Member who must be a Council Member;
 - 4.2 One Board Member who must be the Chair of the Traders Advisory Group, unless the Chair of the Traders Advisory Group refuses or is unable to act as a Board Member, in which case the Council may appoint another person to be a Board Member in their place;
 - 4.3 Up to five additional Board Members appointed by Council.
5. It is intended that Board Members collectively have a range of knowledge, skills and experience across the following areas:
 - 5.1 retail
 - 5.2 food supply chain (with retail emphasis)
 - 5.3 retail property management
 - 5.4 marketing
 - 5.5 board governance
 - 5.6 business acumen
 - 5.7 people leadership
 - 5.8 strategic management
 - 5.9 knowledge of the Market
6. Current Board Members of the Adelaide Central Market Authority are as follows:

Board Member	Appointment Expires
Mr Andrew Jonats	16 March 2021
Mr Nicholas Begakis AM - Chairperson	31 July 2020
Ms Loewn Steel	31 July 2020
Mr Peter Khoury	31 July 2019
Mr Dominic Lagana	1 August 2019
Mr Bill Howison (Chair of Traders Advisory Group)	26 April 2019

Appointment of Council Member to the Board and Meetings

7. The previous Council Member appointment to ACMA expired at the end of the 2014-2018 term of Council.
8. Remuneration is set at \$25,750 p.a. for the Chairperson and \$15,450 p.a. for Board Members including the Councillor appointed to the Board.
9. In accordance with the Conflict of Interest provisions within the *Local Government Act 1999 (SA)*, in consideration of the pecuniary benefit associated with the position, any Member nominated will be required to declare a material conflict of interest in the matter and leave the Council Chamber whilst the matter is being discussed and voted on.
10. Meetings are generally held between 8.00 am – 11.00 am on the 3rd Thursday of each month at the Adelaide Central Market Authority offices at the Adelaide Central Market.

Nomination and Appointment of Council members

11. Pursuant to Standing Orders (22.4 & 22.6):

- 11.1 In the event of more nominations than positions, an election shall be effected by voting by ballot, unless otherwise decided by the majority of the Council.
- 11.2 All elections for positions will be subject to confirmation by way of a resolution of Council before being final and binding.

ATTACHMENTS

Nil

- END OF REPORT -

Appointment of Council Member to Rundle Mall Management Authority

ITEM 12.7 11/12/2018
COUNCIL

2018/04054

Public

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

The Rundle Mall Management Authority (RMMA) was established in 2008 as a Subsidiary of the Council to create a proactive strategic management group driven by the private business sector, in partnership with the Council.

Under the provisions of the RMMA Charter, the RMMA Board consists of maximum seven (7) Board members, with one Board Member being a Council Member. This report seeks to fill that position.

RECOMMENDATION:

THAT COUNCIL:

1. Approves the nomination of one (1) Council Member to be appointed to the Rundle Mall Management Authority for a two (2) year term commencing 11 December 2018.
-

IMPLICATIONS AND FINANCIALS:

Strategic Plan	This report contributes to Council's 2016-2020 Strategic Plan by supporting the activities of the RMMA (Growth objective).
Policy	The RMMA Charter outlines the role and term of members of the RMMA Board.
Consultation	Not in relation to this report.
Resource	Not in relation to this report.
Risk / Legal / Legislative	The RMMA Charter outlines the role and term of members of the RMMA Board and has informed the selection process.
Opportunities	Not in relation to this report.
18/19 Budget Allocation	No additional budget implication. Funded through existing annual operating budget of \$7,315 for this appointment (\$66,000 for eight (8) Board Members).
Proposed 19/20 Budget Allocation	Board fees are incorporated as part of the RMMA budget. The 19/20 budget is still to be determined by the RMMA.
Life of Project, Service, Initiative or (Expectancy of) Asset	This report seeks a two (2) year appointment for one (1) Board Member for the RMMA Board.
18/19 Budget Reconsideration (if applicable)	Not in relation to this report.
Ongoing Costs (eg maintenance cost)	Board sitting fees and reimbursement of expenses for the remainder of the two (2) year appointment.
Other Funding Sources	Not in relation to this report.

DISCUSSION

1. The RMMA is tasked to position the Rundle Mall precinct as the State's premier retail and commercial shopping precinct in order to sustain retail, business and economic viability. The RMMA is to promote the precinct and encourage its use by residents, visitors and the community in general.
2. The RMMA Charter is provided [here](#).
3. The RMMA Board comprises a maximum of seven Board Members as follows:
 - 3.1. One Board Member must be a member of the Council appointed by the Council.
 - 3.2. Up to Six Board Members must be appointed by the Council as follows:
 - 3.2.1. One Board Member with board leadership experience will be nominated by the Council's Chief Executive Officer to be a Board Member and the Chairperson following an expression of interest process; and
 - 3.2.2. Up to five Board Members with an appropriate range of skills and experience will be nominated by the Council's Chief Executive Officer and the Chairperson following an expression of interest process.

5. The current members of the Rundle Mall Management Authority are:

Board Member	Appointment Expires
Mr Peter Joy (Chairperson)	1 July 2019
Ms Lauren Fried	1 February 2020
Mr Rob McKay	2 August 2019
Ms Deborah Miller	2 August 2019
Ms Kate Gould	1 April 2019
Mr David Cooke	1 April 2019

6. The previous Council Member appointments to the RMMA expired at the end of the 2014-2018 term of Council.

Remuneration and Meetings

7. Remuneration for Board Members (including Council Member appointed to the Board) is set at:
 - 7.1. \$998 per session for the Chairperson of the Board;
 - 7.2. \$798 per session for the Deputy Chairperson; and
 - 7.3. \$665 per session for Board Directors.
8. Scheduled meetings are held on the second Monday of every month between 2.30pm and 5.00pm at the Rundle Mall Management Authority Offices in James Place, Adelaide.
9. In accordance with the Conflict of Interest provisions within the *Local Government Act 1999 (SA)*, in consideration of the pecuniary benefit associated with the position, any Member nominated will be required to declare a material conflict of interest in the matter and leave the Council Chamber whilst the matter is being discussed and voted on.

Nomination and Appointment of Council members

10. Pursuant to Standing Orders (22.4 & 22.6):
 - 10.1 In the event of more nominations than positions, an election shall be effected by voting by ballot unless otherwise decided by the majority of the Council.
 - 10.2 All elections for positions will be subject to confirmation by way of a resolution of Council before being final and binding.

ATTACHMENTS

Nil

- END OF REPORT -

Council representation on External Boards and Committees/Groups

ITEM 12.8 11/12/2018
COUNCIL

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

2014/04836
Public

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

Council Members represent the City of Adelaide on a number of external bodies. An overview of the available appointments is included as an attachment to this report and has been previously provided to Council Members via the Council Member portal to inform Council of the opportunities available.

Council is now requested to consider appointments to these external bodies.

RECOMMENDATION:

THAT COUNCIL:

1. Notes that City of Adelaide representation is required under legislation on the following external bodies:
 - 1.1. Adelaide Festival Centre Trust
 - 1.2. Adelaide Festival Corporation Board
 - 1.3. Capital City Committee
 as outlined in Attachment A to Item 12.8 on the Agenda for the meeting of the Council held on 11 December 2018.
2. Notes the Lord Mayor Sandy Verschoor's continuing appointment to the Adelaide Festival Centre Trust, expiring on 11 September 2020.
3. Approves the nomination of three (3) Council Members to be put forward to the Adelaide Festival Corporation Board for the Minister to select one (1) appointee from.
4. Approves the appointment of two (2) nominated Council Members to the Capital City Committee for the 2018-2022 municipal term.
5. Notes the additional opportunities for City of Adelaide representation as summarised in Attachment B to Item 12.8 on the Agenda for the meeting of the Council held on 11 December 2018.

IMPLICATIONS AND FINANCIALS:

Strategic Plan	This report contributes to Council's 2016-2020 Strategic Plan by providing opportunity to collaborate and strengthen relationships with Government entities that have a keen interest and stake in the future of Adelaide.
Policy	Not as a result of this report.
Consultation	Not as a result of this report.
Resource	For participating members, preparation for and attendance at meetings.
Risk / Legal / Legislative	A material conflict of interest may arise for a Council Member who is also a Board Member if a matter were to be discussed at a meeting of the Council where the body corporate of which the Council Member is a Board Member would gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter at the meeting. In that case, the Council Member must inform the Council meeting and leave the room while the matter is being discussed and voted on.
Opportunities	Appointments to outside bodies provides opportunity for Council Members to contribute to discussion and decision making on a broad range of matters relevant to the City of Adelaide.
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
18/19 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

City of Adelaide Representation 2014-2018 Term

- Throughout the 2014-2018 Council term the City of Adelaide was represented on several external Boards and Committees. The most recent appointments are outlined in the table below and, unless otherwise stated, all appointments expired at the end of the 2014-2018 term.

Board / Committee	Representative
Adelaide Airport Consultative Committee	Councillor Phillip Martin Councillor Natasha Malani (proxy)
Adelaide Convention Bureau Board	Councillor Sandy Verschoor Councillor David Slama (proxy)
Adelaide Festival Centre Trust	Councillor Sandy Verschoor (expiring 11/9/2020)
Adelaide Festival Corporation Board	Councillor Megan Hender
Adelaide High School Governing Council	CEO, Mr Mark Goldstone
Adelaide Horse Trials Management Inc Board	Councillor Natasha Malani
Australia Day Council of South Australia	Councillor Houssam Abiad
Capital City Committee	The Lord Mayor Martin Haese Councillor Houssam Abiad Councillor Sandy Verschoor Councillor Sandy Wilkinson (proxy)
North Adelaide Community Centre Advisory Committee	Councillor Clearihan
Regimental Council of the Royal South Australian Regiment	Councillor Corbell-Moore
StudyAdelaide Board	Councillor Slama

Local Government Representation on Boards and Committees

- In addition to City of Adelaide representation on Boards and Committees, Local Government representation is required on several Boards and Committees.
- To facilitate nomination of Local Government representatives, the Local Government Association of South Australia (LGA) regularly invites nominations from Councils across South Australia for various committees and groups.
- Council Members will be advised of the LGA's invitations via E-news and will be provided with the opportunity to nominate. Nominations will then be the subject of a Council report.

City of Adelaide Representation 2018-2022 Term

- Council is required to put forward a panel of three (3) nominees for the Minister's consideration for the Adelaide Festival Corporation Board
- Council is required to appoint the Lord Mayor and two (2) Councillors or, if the Lord Mayor chooses not to be a member, three (3) Councillors to the Capital City Committee.
- Further information on required nominations and appointments, meeting details and remuneration is provided at **Attachment A**.
- While not a requirement set by legalisation, Council also has the opportunity to appoint City of Adelaide representatives to the following external bodies:
 - Adelaide Airport Consultative Committee
 - Adelaide Convention Bureau Board
 - Adelaide High School Governing Council
 - Adelaide Horse Trials Management Inc Board

- 8.5. Australia Day Council of South Australia
- 8.6. Regimental Council of the Royal South Australian Regiment
- 8.7. Royal Adelaide Hospital Auxiliary Executive Committee
- 8.8. StudyAdelaide Board
9. Further information on these appointments, meeting details and remuneration is provided at **Attachment B**.
10. Council will be requested to determine a period of appointment for representatives on the Boards and Committees for which the period of appointments is not determined by Cabinet.
11. For the 2014-2018 term of office Council at the time resolved that a two (2) year period of appointment would apply.

ATTACHMENTS

Attachment A – External appointment information - appointments required by legalisation

Attachment B - External appointment information – other appointments

- END OF REPORT -

Appointments Required by Legislation

External Body	Appointment Requested	Meeting Details	Remuneration	Additional Information
<p>Adelaide Festival Centre Trust</p> <p>The Adelaide Festival Centre Trust is established under the <i>Adelaide Festival Centre Trust Act 1971</i> and is responsible for encouraging and facilitating artistic, cultural and performing arts activities, as well as maintaining and improving the building and facilities of the Festival Centre complex.</p>	N/A	Seven (7) meetings per year held in the John Bishop Room, Adelaide Festival Centre.	\$590 per meeting	Lord Mayor Sandy Verschoor is appointed as the City of Adelaide representative until 11 September 2020
<p>Adelaide Festival Corporation Board</p> <p>The Adelaide Festival Corporation Board is established under the <i>Adelaide Festival Corporation Act 1998</i> to perform and exercise the functions and powers of the Adelaide Festival Corporation.</p>	Panel of three (3) nominees	Six (6) meetings per year are required. Seven (7) meetings are scheduled for 2019 and are generally held on a Thursday commencing at 9.00am.	\$590 per meeting attended	One (1) member is appointed by the minister from a panel of three (3) nominees.
<p>Capital City Committee</p> <p>The Capital City Committee is a partnership of the South Australian Government and the Adelaide City Council at the highest political level. It exists to promote the strategic development of Adelaide as the capital of South Australia and one of the world's great small cities.</p>	Lord Mayor and two (2) Councillors	Meetings are generally held four (4) times per year as a minimum	Nil	The <i>City of Adelaide Act 1998</i> states that if the Lord Mayor chooses not to be a member of the Committee, appointment of three (3) Council Members, nominated by Council, is required.

Other Appointments

External Body	Appointment Requested	Meeting Details	Remuneration	Additional Information
<p>Adelaide Airport Consultative Committee (AACC)</p> <p>A forum where any issue relating to the operations of the airport and potential effects on the local community can be raised, including issues such as aircraft noise, car parking, traffic access, landscaping, bike path access and commercial developments.</p>	<p>1 member and 1 proxy member</p>	<p>Meetings are held on a quarterly basis at venues on Airport grounds or in close proximity and general last approximately two (2) hours.</p>	<p>Nil</p>	<p>The AACC has previously advised that they have found it effective for both a Council CEO and elected Council member to attend the meetings however Council is free to appoint any representative that it considers would be most efficient and effective.</p>
<p>Adelaide Convention Bureau Board</p> <p>The Adelaide Convention Bureau's role is to provide assistance and guidance to convention and event organisers. The organisational objectives of the Bureau are to develop Adelaide as a leading business events destination, achieve full support and commitment of industry stakeholders, and in return represent their best interests and attract business events to Adelaide.</p>	<p>1 director and 1 proxy</p>	<p>Generally held monthly on either the third or fourth Thursday commencing at 9.30am at the Adelaide Convention Bureau office in Leigh Street, Adelaide. Meetings generally run for 1 ½ - 2 hours.</p>	<p>Nil</p>	
<p>Adelaide High School Governing Council</p> <p>The Adelaide High School Governing Council is made up of a majority of parents with the School Principal, staff, students and representatives of the local Member of Parliament and the City of Adelaide making up the balance.</p> <p>The role of the Governing Council is to:</p> <ul style="list-style-type: none"> ▪ Approve policy supporting achievement of the School's Vision and Priorities 	<p>1 member</p>	<p>Meetings are generally held on the 3rd Wednesday of each month</p>	<p>Nil</p>	

<ul style="list-style-type: none"> ▪ Approve decisions regarding governance and management and resources, including finance, within the framework of the Adelaide High School Strategic Planning and Local Management document (approved at the May, 2008 Governing Council meeting) ▪ Employ a Canteen Manager and oversee all matters regarding the School Canteen ▪ Make decisions regarding the school uniform, taking into consideration the recommendations of the Governing Council Uniform Sub-Committee ▪ Provide advice to the school on implementation plans which affect students, curriculum, resources, student support services and student and community life. 				
<p>Adelaide Horse Trials Management Inc Board</p> <p>The Adelaide International 3 Day Event is owned, managed and marketed by the Board of the Adelaide Horse Trials Management Inc comprising equestrian greats, professional business directors and media advisers.</p>	1 member	Meetings are generally held once per month for approximately two hours	Nil	
<p>Australia Day Council of South Australia</p> <p>The Australia Day Council of South Australia is an independent, non-profit membership based association which provides support to Councils and organising committees for the Australia Day events.</p>	1 member	Meetings are held bi-monthly commencing at 6.00 pm and running approximately 2 hours. Meetings are held at the Australia Day Council, Office 18, 240 Currie Street, Adelaide.	Nil	

<p>Regimental Council of the Royal South Australian Regiment</p> <p>The objects and purposes of The Council are to:</p> <ul style="list-style-type: none"> ▪ Provide a central, authoritative and representative forum for the discussion of matters affecting the domestic policies of The Regiment and other matters of interest to The Regiment. ▪ Assist the Colonel Commandant, the Representative Colonel, the Chair of the Council and the Commanding Officers by providing up to date advice and recommendations on Regimental affairs. ▪ Examine facets of Army life and procedures in order to obtain a common co-ordinated and beneficial approach for all battalions of The Regiment. ▪ Provide funds for the preservation, upkeep and appropriate display of the Regimental Historical Collection; the preservation and upkeep of the Queens and Regimental Colours laid up; the purchase and maintenance of regimental equipment and accoutrements not provided at public expense; and the purchase of books periodicals and other media on military historical, current affairs or other similar objects for a regimental library. ▪ Promote the esprit de corps of the Officers and Other Ranks of The Regiment. ▪ Provide ex gratia assistance on a basis of need to the dependents of Regimental Officers and Other Ranks 	1 member	The Regimental Council meets about 4 times a year and generally at Keswick Barracks. Meetings are typically held on a Tuesday commencing at 5.00pm for approximately one hour	Nil	
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<p>killed or incapacitated (whether permanently or temporarily, totally or partially) whilst on duty.</p> <ul style="list-style-type: none"> ▪ Provide financial or other assistance when required to selected Regimental Officers and Other Ranks for the purpose of overseas visits to and training postings with allied and affiliated regiments formations and units of other Commonwealth armies or the armies of other allied countries. ▪ Purchase of prizes and awards for training, competitions, and skill at arms in the battalions of The Regiment. ▪ To do all such things as are conducive or incidental to the attainment of all or any of the above objectives. 				
<p>StudyAdelaide Board</p> <p>The StudyAdelaide Board is responsible for marketing Adelaide as a study destination for overseas students.</p>	<p>At least one (1) nomination</p>	<p>Seven (7) meetings per year, generally held every 6-7 weeks on a Wednesday 8.00am-10.00am.</p>	<p>Nil</p>	<p>One (1) member is appointed by the Minister</p>

Appointment of Council Members to the Public Art Round Table

ITEM 12.9 11/12/2018
COUNCIL

Program Contact:
Sean McNamara, AD Community &
Culture 8203 7640

2018/00778
Public

Approving Officer:
Clare Mockler, Director Community

EXECUTIVE SUMMARY:

The Public Art Round Table (PART) provides advice and acts as a sounding board and ideas generator for Council staff. It provides advice and feedback on Council's public art practices, policies, and action plan. Members of the PART act as ambassadors and advocates for quality public art in the City. Membership of the PART is designed to reflect experience and expertise in a range of areas related to public art, including public art practice, public art policy, urban planning, national and international public art perspectives, public art sector development and local community perspectives. The current membership of nine participants includes two Councillors, three Arts Agency representatives, one practicing artist, one urban design business representative, and two public art experts that represent the community sector.

The PART meets on a quarterly basis, with representatives engaged outside the meeting schedule on as needs basis for participation in public art assessment panels.

The appointment of two (2) Council members to the PART is sought for the term of the current Council.

A review of the Public Art and Memorials Policy, together with the development of a new Public Art Action Plan, is currently underway. As part of this an update to the Terms of Reference for the PART will take place.

RECOMMENDATION:

THAT COUNCIL:

1. Approves the appointment of two (2) Council Members to the Public Art Round Table for the term of the current Council.

IMPLICATIONS AND FINANCIALS:

Strategic Plan	Public art is central to supporting delivery of the vision of the Strategic Plan for Adelaide to be a welcoming and dynamic city full of rich and diverse experiences. It aligns with Creative objective to surprise, delight and attract people by continuing to encourage and support dynamic and changing urban public spaces, heritage, art, laneways, streets, facilities and activities. It further contributes to the aspirations in the Cultural Strategy to showcase high quality art; to build Adelaide's creative cultural reputation; to pursue bold new opportunities; and to facilitate broad cultural engagement and audience development.
Policy	The Public Art and Memorials Policy requires a PART to be convened to advise on public art in the City. The Terms of Reference for PART are described in the associated Public Art and Memorials Operating Guideline.
Consultation	PART members are consulted regularly (quarterly plus occasional participation on public art assessment panels) and have expressed support to continue the format of the advisory table. PART will contribute to the review of its Terms of Reference.
Resource	Coordination of PART is delivered through Administration's existing capacity. This involves preparation for and attendance at regular meetings.
Risk / Legal / Legislative	Not as a result of this report.
Opportunities	PART's contribution to the work of Council provides expert advice from a broad range of experience in a range of areas related to public art from across Council, community, business and public art practice. PART provides the opportunity to explore and establish new ideas, networks and partnerships.
18/19 Budget Allocation	Remuneration is not payable for PART positions. The cost of coordination of PART is minimal and will be undertaken by Administration within the existing operating budget for Public Art.
Proposed 19/20 Budget Allocation	The cost of the coordination of PART is minimal and will be undertaken by Administration within the operating budget for Public Art.
Life of Project, Service, Initiative or (Expectancy of) Asset	PART is currently established for a five (5) year term in line with the current Public Art Action Plan 2014-2019. Councillor nomination is sought for the term of Council.
18/19 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

1. The Public Art and Memorials Policy ([Link 1](#)) requires a Public Art Round Table (PART) to be convened to advise on public art in the City. The Terms of Reference for PART ([Link 2](#)) are described in the associated Public Art and Memorials Operating Guidelines ([Link 3](#)).
 2. The PART provides advice and acts as a sounding board and ideas generator for Council staff. It provides advice and feedback on Council's public art practices, policies and action plan. Members of the PART act as ambassadors and advocates for quality public art in the City.
 3. Membership of the PART is designed to reflect experience and expertise in a range of areas related to public art, including public art practice, public art policy, creative industries, urban planning, national and international public art perspectives, public art sector development and local community perspectives.
 4. The current membership composition of the PART is:
 - 4.1. Two (2) Council Members;
 - 4.2. Three (3) Strategic Arts Agency Representatives, representing Arts South Australia, the Art Gallery of South Australia, and the South Australian Museum;
 - 4.3. One (1) Practising artist;
 - 4.4. One (1) representative from the Public Art / Design business sector; and
 - 4.5. Two (2) representatives from the Public Art / Community sector.
 5. The community members are drawn from a publicly advertised call for Registrations of Interest from local community and businesses sectors, strategic arts agencies and Council's public art database. Members of the PART may also be drawn from a direct selection process if expediency requires.
 6. External appointments for the PART are made by Council for the periods that match the Public Art Action Plan (currently 2014-2019). The membership cycle does not necessarily align with Council election cycles.
 7. The appointment of two (2) Council members to the PART is sought.
 8. The term of appointment is for the term of the current Council.
 9. No remuneration is payable for the positions.
 10. The PART meets on a quarterly basis at the City Library for a two-hour meeting. The next scheduled meeting is 2.00-4.00pm on Wednesday 9 January 2019, with subsequent meetings planned for April, July and October 2019.
 11. PART also meets on occasion as required outside this meeting schedule to participate in selection panels.
 12. The PART is convened by the Chief Executive Officer, Adelaide City Council or nominee, currently the Public Art Planner.
 13. The PART is an advisory group, not a formal Committee of Council or a decision-making forum and there is no provision for formal voting or adoption of positions.
 14. The Terms of Reference for the PART were last updated in 2011.
 15. The development of the next Public Art Action Plan incorporates a review of the existing Public Art and Memorials Policy and the associated Guidelines (which includes the terms of reference for PART).
-

ATTACHMENTS

Nil

- END OF REPORT -

Treasury Policy Revision

ITEM 12.10 11/12/2018
COUNCIL

2018/03945

Public

Program Contact:
Tracie Dawber, Associate Director
Finance 8203 7002

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

At its meeting on 14 August 2018 Council resolved that administration provide a report with regards the impacts of giving preference to banks and other financial agencies which do not invest in the fossil fuel industry where; there is a competitive rate of return and it is compliant with Council's Treasury Policy.

Administration has researched the inclusion of this request in its Treasury Policy and determined the impact is minimal and is consistent with its Strategic Plan's Green theme.

The revised Treasury Policy has been reviewed and updated to enable Council to meet its Strategic Plan objectives. Feedback was sought from Audit Committee on the content of the revised Treasury Policy and attached is the recommend Policy for adoption.

RECOMMENDATION:

THAT COUNCIL:

1. Notes that the Audit Committee is satisfied the revised Treasury Policy, as set out in Attachment A to Item 5.4 on the Agenda for the meeting of the City of Adelaide Audit Committee held on 5 October 2018, provides appropriate direction to Council and the Administration in managing the key financial risk exposures of the Corporation; and
 2. Adopts the proposed Treasury Policy, as contained in Attachment A, to Item 12.10 on the Agenda for the meeting of the Council held on 11 December 2018.
-

IMPLICATIONS AND FINANCIALS:

Strategic Plan	Financial sustainability is critical to achieving our vision and Council will carefully manage its revenue, costs, debt and assets.
Policy	Review of the existing Treasury Policy that enable the Long term financial plan goals in a prudent financial manner.
Consultation	Audit Committee at its meeting 5 October 2018
Resource	Not as a result of this report
Risk / Legal / Legislative	<i>Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011.</i>
Opportunities	The revised Treasury Policy will provide increased monitoring of borrowings against prudential limits and give preference to banks and other financial agencies which do not invest in the fossil fuel industry.
18/19 Budget Allocation	Not as a result of this report
Proposed 19/20 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
18 / 19 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

1. The revised Treasury Policy has been reviewed and updated to enable Council to meet its Strategic Plan objectives. The reference material considered includes CPA Australia financial risk guides, Local Government Association Financial Sustainability Information Papers No.'s 9, 10 and 15, and the KPMG Review of borrowings report dated 11 May 2012.
2. As part of this review, with reference to Council's resolution at its meeting on 14 August 2018, the Treasury Policy includes the following:

'Subject to compliance with legislation, Treasury Policy objectives and parameters; and a competitive return, the City of Adelaide will preference investment securities and financial institutions which do not invest in the fossil fuel industry.'
3. The impact of including this change to policy has been researched and assessed as having minimal impact on Council. As part of its research, it was identified other Councils have included a similar guideline in their Treasury Policy, inclusive of:

City of Newcastle, City of Sydney, City of Fremantle, City of Moreland and City of Hobart.

Administration is confident that this policy change can be implemented with no detrimental impact to financial operations.
4. The City of Adelaide's Treasury function is responsible for the management of the following financial risks, which are addressed in the Treasury Policy
 - 4.1. liquidity risk
 - 4.2. borrowings risk;
 - 4.3. cash investment risk;
 - 4.4. interest rate risk;
 - 4.5. foreign currency risk; and
 - 4.6. credit risk;

Operational risk is implicitly addressed throughout the policy.
5. The revised Treasury Policy has been prepared based on the following principles:
 - 5.1. Council's 'risk appetite' in managing financial risks is governed by the prudential limits;
 - 5.2. 'User pays' and inter-generational equity principles are to be considered in determining the most appropriate way to fund activities;
 - 5.3. The ability to service debt from available cash flows;
 - 5.4. Speculative transactions that will put Council assets at risk are not permitted; and
 - 5.5. Borrowings are managed holistically.
6. Key changes to the Treasury include the following and have been highlighted in the policy document:
 - 6.1. Repayment of Borrowings
 - 6.1.1. The previous policy noted "borrowings <\$10m will have a repayment timeframe of 6 years" and "borrowings ≥\$10m will have a repayment timeframe of 10-15 years".
 - This has been replaced with the following
 - 6.1.2. "Council's capital requirements assume repayment of principle and interest over 20 years, including major infrastructure projects and land banking"; and
 - 6.1.3. "Commercial Investment will assume repayment of principle and interest as defined in the business case."
 - 6.2. Liquidity Risk Management and Borrowing requirements
 - 6.2.1. The previous policy noted "Council's net borrowing requirements will be reviewed annually as part of the Business Plan & Budget development and updated Long Term Financial Plan,
 - In addition to this, the new policy proposes
 - 6.2.2. That "Council will hold, as a minimum, sufficient borrowing facilities to meet projected net debt levels for the next twelve months;" and
 - 6.2.3. "Total long term borrowings facilities should be within the prudential limits calculated at the time facilities are sought."

6.3. Cash Investment Risk Management

6.3.1. Has been amended to enable the administration's written undertaking given at a meeting of Council on 14 August 2018 in relation to Item 11.9, Fossil Fuels and Sustainable Procurement, that: "Subject to the resolution of Council, the Administration will review the City of Adelaide's Treasury Policy to reflect the preference for banks and other financial agencies which do not invest in the fossil fuel industry".

6.3.2. Up to 25% of cash deposits can be held with financial institutions with a Standard and Poors short-term credit rating of A-2 or better, previously A-1.

6.4. Reporting Requirements

6.4.1. Prudential limit ratios will be monitored daily and reported monthly to executive and quarterly to Council.

6.4.2. Prudential limit ratios are included in the Annual Business Plan and Budget document adopted by Council.

6.4.3. Breaches of the prudential limits will be reported to immediately to the CEO with remediation actions, where required and reported quarterly to Council.

7. Feedback was sought from Audit Committee on the content of the revised Treasury Policy.

8. That Audit Committee recommend that Council adopt the revised Treasury Policy at the next Council meeting following caretaker period.

ATTACHMENTS

Attachment A – Treasury Policy

- END OF REPORT -

TREASURY POLICY

Date this document was adopted

legislative / non-legislative

PURPOSE

The objective of the Treasury Policy is to ensure long-term financial sustainability of Council. Treasury activities will therefore be managed to ensure the clear, prudent, cost-effective and comprehensive management of Council's financial risks whilst reflecting the needs of stakeholders. Ensuring Treasury activities are in accordance with its legislative responsibilities under the Local Government Act 1999 and common law responsibilities.

Operational risk, arising from the management of financial risk is implicitly addressed through this Policy and includes appropriate segregation of duties, maintenance of accurate records, reconciliation of key accounts, and monitoring of financial risk management activities by senior management and Council.

The key financial risks this policy seek to address are:

- Liquidity Risk
- Borrowing Risk
- Cash Investment Risk
- Interest Rate Risk
- Foreign Currency Risk
- Credit Risk

STATEMENT

To achieve the purpose, financial risks are managed centrally to ensure alignment of with Council's Strategic objectives. This enables Council to optimise access to debt capital and ensure that Treasury operates within a controlled environment.

In assessing and addressing risk the following must be considered:

- Council's 'risk appetite';
- 'User pays' and inter-generational equity principles;
- The ability to service debt;
- Speculative transactions are not permitted;

Application of this document

This document is approved by Council and no part of the document may be amended without Council approval. The approved document includes the body of the document and any explanatory documents. The policy is to be reviewed and approved by Council on a biennial basis. The policy is applicable to the whole organisation including any wholly owned subsidiaries.

Type of Borrowings

Council's net borrowing requirements will be reviewed annually as part of the Business Plan & Budget development and update of the Long Term Financial Plan.

Borrowings may be structured as a mixture of short and long-term, fixed and floating interest rates. Borrowings for revenue-generating investments should match the business case assumptions.

For administrative efficiency, surplus cash or short-term borrowings may be utilised during the construction phase of major projects, consistent with a holistic approach to cash management.

The level of overall borrowing that Council can sustain will take into account the following:

- strategic planning for the future of the Council, covering short, medium and long-term spending and investment requirements;
- current and estimated future revenues and the ability to increase the revenue stream through rates growth, user charges, additional grant funds or business activities;
- opportunities to leverage external grant funding for non-revenue generating projects;
- inter-generational equity considerations in terms of the rate payers who benefit from the expenditure and therefore, on a user pays basis, who should pay for the costs associated with such expenditure;
- current and future funding needs for both operating and capital expenditures; and
- the 'risk appetite' of Council, as defined by Council's prudential limits

Prudential Limit

Debt Service Coverage Ratio:	Minimum: 5 times
Leverage Test:	Maximum: 1.5 years
The Asset Test:	Maximum: 25%

These ratios are to be included in the Annual Business Plan & Budget document adopted by Council.

Repayment of Borrowings

The term of borrowings should match the need for funds. Short-term borrowings (less than one year) may be used to manage seasonal cash flow fluctuations.

Longer-term borrowings are to be managed holistically and should be paid down in line with Council's Long-term Financial Plan.

As a guide, debt term for each type of borrowing should be as follows

- Council's capital requirements assume repayment of principle and interest over 20 years, including major infrastructure projects and land banking;
- Commercial Investment will assume repayment of principle and interest as defined in the business case.

Borrowing Risk Management

To manage the risk associated with Borrowings:

- Council approval is required for all new loans, as per Section 44 (3)(c) of the Local Government Act 1999;
- Loans are to be provided by institutions with long term Standard and Poors (or equivalent) credit ratings of 'A' (Authorised Borrowing Institutions) or better;
- All new loans are to be tendered to at least three Authorised Borrowing Institutions.

Liquidity Risk Management

Council's bank account balance is to be kept at a level no greater than is required to meet immediate working capital requirements. Any surplus funds are to be applied to reduce debt or invested to generate interest income.

Council's net borrowing requirements will be reviewed annually as part of the Business Plan & Budget development and update of the Long Term Financial Plan and following quarterly Re-forecasting of Budgets.

Council will hold, as a minimum, sufficient borrowing facilities to meet projected net debt levels for the next twelve months.

Total long term borrowings facilities should be within the prudential limits calculated at the time facilities are sought.

Cash Investment Risk Management

Funds that are not immediately required for operational needs and cannot be applied to either reduce existing borrowings or avoid the raising of new borrowings, will be invested.

Without further approval from Council, cash investments are limited to 'approved investments', including:

- Deposits with the Local Government Finance Authority;
- Bank accepted / endorsed bank bills;
- Bank negotiable Certificate of Deposits;
- Authorised Deposit Taking Institutions interest bearing deposits; and
- State / Commonwealth Government Bonds.
- Cash investments must not be speculative in nature.

Cash Investment Spread Treasury may invest:

- Up to 100% of investments with A-1 rated (Standard and Poors, or equivalent) organisations;
- Up to 25% of investments with A-2 rated (Standard and Poors, or equivalent) organisations for periods of 90 days or less; and
- No more than \$20,000,000 invested with any individual rated organisation.

Subject to compliance with legislation, Treasury Policy objectives and parameters; and a competitive return, the City of Adelaide will preference investment securities and financial institutions which do not invest in the fossil fuel industry.

Interest Rate Risk Management

- Borrowings will be held and managed on a holistic basis;
- Borrowings may be structured as a mix of short and long-term loans with fixed and floating interest rates.
- Investments and borrowings will be actively managed to minimise net interest costs;
- Investments and borrowings should have a variety of maturity dates in order to spread exposure to interest rate movements and manage cash flow requirements; and

Foreign Currency Risk Management

Potential sources of Council's foreign currency exposure include:

- purchases of goods and services in a foreign currency; and
- purchases of capital equipment priced in foreign currency, or subject to price change due to relative movements in exchange rates.

Foreign currency hedges (in the form of forward exchange contracts) may be used to mitigate the risks of significant adverse currency movements but must not be speculative in nature. Foreign exchange options and other derivative instruments will not be used.

The Procurement function should notify Treasury as soon as any potential foreign currency exposures are identified. Foreign currency exposures in excess of AUD 100,000 must be hedged.

Hedges will be taken out with institutions holding a minimum Short-Term rating of A-2 or better, (Standard & Poors or equivalent). Treasury must obtain quotes from at least two unrelated financial institutions, to ensure best value is achieved.

Credit Risk Management

Credit risk may arise from financial institutions with whom Council has borrowings or cash deposits, customers and members of the public who have a financial liability to Council, or suppliers contracted to deliver a service or project.

To mitigate avoidable credit risks:

- Borrowings will only be held with financial institutions with long-term Standard & Poor's (or equivalent) credit ratings of A or better;
- Cash deposits will only be held with financial institutions with short-term Standard & Poor's (or equivalent) credit ratings of A-2 or better;
- Where required by Procurement Policy, key suppliers will be subject to independent credit assessment (e.g. Dun & Bradstreet report) prior to awarding new contracts;

- Payments to suppliers in advance of delivery are subject to approval by Council's Procurement Manager.

Authorised Arrangements

The Treasury function should actively seek to minimise the number of different bank accounts operated by Council or its business entities. Opening and closure of bank accounts may only proceed with written authorisation from the Chief Executive Officer.

All new borrowing arrangements will be approved by Council, as required by Section 44 (3)(c) of the Local Government Act 1999. The power to borrow money cannot be delegated from the Council itself.

Council approval of borrowing requirements for the upcoming year is included in the Annual Business Plan & Budget adoption. Details of the effects of the new borrowings on the applicable borrowing ratios are to be provided with the budget documentation, including the trend of these ratios in the Long Term Financial Plan.

Where the required borrowing has increased following a Council approved quarterly re-forecast, this will constitute Council approval for the additional borrowings.

Reporting Requirements

Monthly a Borrowings & Cash Investments Summary will be provided to the Executive Leadership outlining the following:

- for each borrowing and cash investment - the balance of funds, its interest rate and maturity date, and changes in the balance since the previous report;
- a summary of interest income and expenditure variance from budget for the month and year to date;
- Prudential limit ratios monitored daily and reported at the end of each month;
- and
- a summary of foreign currency exposures, hedges in place at reporting date, and details of any new or executed hedges for the month and year to date.

Quarterly a report on borrowing and cash investment performance will be included as part of the quarterly budget review to Council. The report will highlight:

- for each borrowing and cash investment - the balance of funds, its interest rate and maturity date, and changes in the balance since the previous report;
- the proportion of fixed interest rate and variable interest rate borrowings at the end of the reporting period;
- a summary of interest income and expenditure variance from budget for the quarter and year to date;
- Prudential limit ratios monitored daily and reported at the end of each quarter; and
- a summary of foreign currency exposures, hedges in place at reporting date, and details of any new or executed hedges for the quarter and year to date.

Prudential limit ratios are included in the Annual Business Plan & Budget document adopted by Council.

Any breaches of the Prudential limits will be reported with remediation actions to CEO immediately and reported as part of the quarterly report on borrowing and cash investment performance.

OTHER USEFUL DOCUMENTS

related documents

- n/a

relevant legislation

- Local Government Act (SA) 1999
- Local Government (Financial Management) Regulations 2011

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Amount Available for Projects: Surplus operating income after meeting operating expenditure, before interest expense.

Asset Test Ratio: The percentage of total borrowings to Council's saleable property assets. Calculated as:

$$\text{Total Borrowings} / \text{Total Saleable Property Assets}$$

('Saleable Property Assets' = Total Real Property Assets LESS Landmark Public Buildings, Park Lands and Buildings on Park Lands)

Authorised Deposit Taking Institutions: financial institutions in Australia which are supervised by the Australian Prudential Regulation Authority (APRA) and authorised under the Banking Act 1959 (Cwlth) to accept deposits from the public.

Borrowing Risk: That Council is unable to secure borrowed funds when required.

Cash Investment Risk: Cash investment funds are not preserved resulting in Council suffering financial loss from investment activities

Credit Risk: The risk of financial loss occurring from a counter-party in a transaction with Council being unable or unwilling to meet its obligations.

Debt Service Coverage Ratio: The number of times Council's annual 'Amount Available for Projects' can service annual principle and interest commitments. Calculated as:

$$\text{Amount Available for Projects} / \text{Annual Principal \& Interest Payments}$$

Foreign Currency Risk: The risk of financial loss due to variation in rates of exchange used to convert foreign currency transactions

Interest Rate Risk: The risk of financial loss from adverse movements in interest rates applicable to borrowings and/or cash investments.

Inter-Generational Equity: When assessing investment & borrowing decisions, the consideration given for the "generation of rate payers" who will derive the substantive benefits versus those who will ultimately pay (through Council rates and user charges).

Leverage Test Ratio: Total borrowings expressed as a multiple of the annual 'Amount Available for Projects'. Calculated as:

$$\text{Total Borrowings} / \text{Amount Available for Projects}$$

Liquidity Risk: That Council have a lack of available funds to meet short-term financial commitments

Standard & Poors rating: A Standard & Poor's issue credit rating is a forward-looking opinion about the creditworthiness of an obligor with respect to a specific financial obligation, a specific class of financial obligations, or a specific financial program. Issue credit ratings can be either long-term or short-term

Long-term Obligation Ratings

AAA

An obligation rated 'AAA' has the highest rating assigned by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA

An obligation rated 'AA' differs from the highest-rated obligations only to a small degree. The obligor's capacity to meet its financial commitment on the obligation is very strong.

A

An obligation rated 'A' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher-rated categories. However, the obligor's capacity to meet its financial commitment on the obligation is still strong.

Short-term Obligation Ratings:

A-1

A short-term obligation rated 'A-1' is rated in the highest category by Standard & Poor's. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2

A short-term obligation rated 'A-2' is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed for currency at least annually as part of the review of delegations. Those requiring detailed consideration are flagged in the current forward Council Policy Program.

review history:

ACC2018/163534: adopted by Council, date **TBA**, decision ID #**TBA**

ACC2014/30423: adopted by Council, 22 October 2013, decision ID #13541

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2018-19 Quarter 1 Finance Report

ITEM 12.11 11/12/2018
COUNCIL

2017/03018
Public

Program Contact:
Tracie Dawber, AD Finance 8203
7002

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

The 2018-19 Quarter 1 Finance Report includes:

1. 2018-19 Quarter 1 Revised Forecast (QF1)
2. Proposed Process for the 2019-20 Integrated Business Plan
3. Certification of Annual Financial Statements

The QF1 Report summarises:

- The year to date financial performance for the quarter ended 30 September 2018;
- Proposed adjustments to the Quarter 1 Revised Budget to fund emerging priorities and adjust income and expenditure in line with the latest forecasts for 2018-19.

The financial result for the first quarter is a net funding requirement of (\$0.5m) including subsidiaries. The year to date result is \$8.4m favourable to budget, primarily due to the timing variations in the delivery of projects \$4.0m (including City Transformation Investments and Commercial Opportunities), Subsidiary projects \$3.2m, and favourable variances in General Operations \$1.3m.

The proposed net adjustments for the Quarter are \$0.3m, which includes Council retiming adjustments into 2019-20 of \$0.3m and 2020-21 of \$0.2m, Adelaide Central Market Authority operating savings \$0.3m, and net additional Council requests of (\$0.5m). These decrease the forecasted annual funding requirement for 2018-19 from (\$49.4m) to (\$49.1m). These adjustments include:

- A forecast reduction in the financial performance of the UParks (\$0.2m) due to reduced net revenue from Gawler Place UPark for the three months to 30 September 2018;
- A forecast reduction in On Street Parking Income (\$0.3m) due to reduced On Street Parking Income (\$0.1m), and Expiations (\$0.3m) for the three months to 30 September 2018, offset by favourable late payment fee income \$0.1m;
- A forecasted improvement in the Adelaide Central Market Authority operations of \$0.3m;
- Reallocation of \$0.5m within existing budgets to fund Council Decisions; and
- Retiming adjustments of \$0.5m to align the budgeted expenditure with the respective schedule of works across the 2019-20 and 2020-21 financial years.

At the end of this financial year the cumulative funding requirement is forecasted to be (\$80.5m) which is a \$8.9m decrease compared to the Approved Budget. This includes the opening adjusted cash position of \$8.6m following the finalisation of 2017-18 Financial Statements. This level of borrowing is within our current Prudential Borrowing Limits.

Proposed Process for the 2019-20 Integrated Business Plan

This Report outlines the proposed approach and timeframes for the consideration of the 2019-20 Integrated Business Plan including the revised Long Term Financial Plan and the 2019-20 Budget.

It is proposed that the Long Term Financial Plan and key funding priorities be considered in February 2019, and the budget considered in March 2019 before Council approves the Draft 2019-20 Integrated Business Plan in April 2019. These timeframes enable Council to commence Community Engagement in April prior to finalising the 2019-20 Integrated Business Plan for adoption in June 2019.

Certification of Annual Financial Statements

In accordance with the Local Government (Financial Management) Regulations 2011, this Report authorises the Chief Executive Officer (CEO) and the Lord Mayor to certify the Annual Financial Statements in their final form for this term of Council, being the 2018-19 to 2021-22 Financial Years.

RECOMMENDATION:

THAT COUNCIL:

1. Notes the year to date Corporation Financial Performance for the period ended 30 September 2018, as detailed in Schedule 1 of Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 2. Notes the year to date Treasury Report for the period ended 30 September 2018, as detailed in Schedule 2 of Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 3. Notes the 2018-19 QF1 Proposed Forecast Uniformed Presentation of Finances as detailed in Schedule 7 of Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 4. Notes the 2018-19 Proposed QF1 revised Long Term Financial Plan, forecasted Key Financial Indicators, and prudential borrowing ratios as detailed in Schedules 4-6 of Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 5. Approves the 2018-19 proposed QF1 revised forecast for Business Operations, General Operations, Operating and Capital Projects, the Infrastructure Program, and City Transformation Investments as summarised in Schedule 3 and detailed in Schedules 8-14 in Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 6. Approves the proposed retiming of Operating and Capital Project budgets to 2019-20 and 2020-21 as detailed in Schedules 10-11 in Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 7. Notes the Quarter 1 Capital Program Report for the period ended 30 September 2018 as included in Schedule 15 in Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 8. Approves the proposed QF1 revised forecast for the Adelaide Central Market Authority (ACMA) as summarised in Schedule 16 and detailed in Schedule 17 of Attachment A to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018.
 9. Notes the proposed approach and timeframes for the preparation of the 2019-20 Integrated Business Plan as outlined in the body of the Report and as summarised in Attachment B to Item 12.11 on the Agenda for the meeting of the Council held on 11 December 2018
 10. Authorises, In accordance with the Local Government (Financial Management) Regulations 2011, the Chief Executive Officer and the Lord Mayor are authorised to certify the Annual Financial Statements in their final form for the 2018-19 to 2021-22 Financial Years.
-

IMPLICATIONS AND FINANCIALS:

Strategic Plan	The deliverables and objectives set out in the Quarter 1 Revised Forecast (QF1) document are directly aligned to the delivery of year 3 of the 2016-2020 City of Adelaide Strategic Plan. Year 4 of the City of Adelaide 2016-2020 Strategic Plan will form the basis of the deliverables and objectives for the 2019-20 Integrated Business Plan.
Policy	Not as a result of this report.
Consultation	Not as a result of this report.
Resource	Not as a result of this report.
Risk / Legal / Legislative	The Quarter 1 Revised Forecast (QF1) meets Council's obligations under the Local Government Act 1999 and Local Government (Financial Management) Regulations 2011. Council's 2019-20 Integrated Business Plan is a requirement under section 123 of the Local Government Act 1999 (the Act), and sections 6 and 7 of the Local Government (Financial Management) Regulations 2011 Council's Long Term Financial Plan is a requirement under section 122 of the Local Government Act 1999 (the Act), and section 5 of the Local Government (Financial Management) Regulations 2011.
Opportunities	Not as a result of this report.
18/19 Budget Allocation	Adjustment to the 2018-19 Budget are detailed throughout the Report and Attachment A .
Proposed 19/20 Budget Allocation	Retiming of Operating and Capital Projects of \$0.3m to 2019-20 (and a further \$0.2m to 2020-21) as detailed in Schedules 10-11 of Attachment A .
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
18/19 Budget Reconsideration (if applicable)	Yes. The year-end cumulative funding requirement of (\$80.5m) for QF1 is expected to be \$8.9m favourable to that included in the Approved Budget as shown in Schedule 3 of Attachment A .
Ongoing Costs (eg maintenance cost)	Not as a result of this report.

Other Funding Sources	Not as a result of this report.
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DISCUSSION

2018-19 Quarter 1 Revised Forecast

1. **Attachment A** provides a summary of the financial performance for the quarter ended 30 September 2018 and proposes adjustments to the Approved Budget as part of the Quarter 1 Revised Forecast (QF1).
2. Schedule 1 compares the financial performance for the first quarter to the 2018-19 Approved Budget and shows a net funding requirement of (\$0.5m) inclusive of subsidiaries with a \$8.4m favourable variance. The favourable variance is primarily due to the timing variations in the delivery of projects for City of Adelaide \$4.0m, Adelaide Central Market Authority (ACMA) \$3.2m, and \$1.3m in General Operations of which \$0.9m relates to contractual services.
3. Schedule 2 provides the Treasury Report for the first quarter and shows borrowings as at 30 September 2018 of \$26.8m which is within our Prudential Borrowing Limits, and favourable net interest income/expense to budget of \$21k.
4. Schedule 3 provides a summary of all proposed adjustments to income and expenditure arising from emerging priorities, additional costs, savings, transfers between categories and carry forwards recommended by the Administration. The proposed net adjustments for QF1 are \$0.3m, decreasing the forecasted funding requirement for 2018-19 from (\$49.4m) to (\$49.1m). These adjustments include:
 - 4.1. Business Operations are forecast to be (\$0.2m) unfavourable to the Approved budget due to reduced revenue from Gawler Place UPark. *Refer to Schedule 8 for a detailed list of proposed adjustments.*
 - 4.2. General Operations are forecast to be \$0.3m favourable to the Approved Budget primarily due to one-off windfall gains for the proceeds from transfer of roads to Pulteney Grammar School \$1.0m and compensation for the Hindley Street Pavers \$0.2m offset by a reduction in forecast On Street Parking Income (\$0.3m) due to reduced On-Street Parking machine income and Expiations for the three months to 30 September 2018, additional resource costs of (\$0.6m) as a result of Program and Service reviews. *Refer to Schedule 9 for a detailed list of proposed adjustments.*
 - 4.3. Projects (Operating & Capital) are forecast to be \$0.1m favourable to the Approved Budget primarily due to retiming adjustments of \$0.5m, savings of \$0.2m and emerging priorities of (\$0.6m). *Refer to Schedules 10 and 11 for the detailed lists of proposed adjustments.*
 - 4.4. The Infrastructure Program is forecast to be \$0.8m favourable to the Approved Budget with net savings of \$0.8m allocated to Gawler Place Redevelopment in City Transformation Investments. *Refer to Schedule 12 for a summary of the Infrastructure Program and Schedule 13 for a detailed list of proposed adjustments.*
 - 4.5. City Transformation Investments are forecast to be (\$1.0m) unfavourable to the Approved Budget including Gawler Place Redevelopment (\$0.9m). *Refer to Schedule 14 for a detailed list of proposed adjustments*
 - 4.6. Commercial Opportunities are forecast to be in line with the Approved Budget.
 - 4.7. Subsidiaries are forecast to be \$0.3m favourable to the Approved Budget due to operational savings identified within Adelaide Central Market Authority, and a reallocation of priorities within the capital budget. *Refer to Schedule 16 for a summary of the Subsidiaries, Schedule 17 for a detailed list of proposed adjustments for the Adelaide Central Market Authority.*

The end of the financial year cumulative funding requirement is forecast to be (\$80.5m), which is a \$8.9m reduction compared to the Approved Budget.

5. Schedule 4 provides Long Term Financial Plan updated for the proposed QF1 Cumulative Borrowing Position and Baseline changes into 2019-20 and beyond.
6. Schedule 5 provides the proposed Quarter 1 Revised Key Financial Indicators and Ratios
7. Schedule 6 provides the proposed Quarter 1 Revised Prudential Borrowing Ratios, which indicate that our 10 year projection of borrowings is within our current Prudential Borrowing Limits.
8. Schedule 15 provides a summary of the Capital Program (Capital Projects, the Infrastructure Program and City Transformation Investment Projects) performance to the end of September where 39% of projects are currently in the build stage with 14% of the full year Approved Budget has been spent.

Proposed Process for the 2019-20 Integrated Business Plan

9. The proposed 2019-20 Budget Process is staged to enable Elected Members to consider and provide direction on funding priorities, commencing from an initial workshop in February 2019.
10. In particular, the proposed process will provide Elected Members with the opportunity to consider the Long Term Financial (LTFP) and funding priorities for Projects and the Infrastructure Program before considering the consolidated budget in March 2019 to facilitate Public Consultation in April 2019.

- 10.1. A workshop will be held in February 2019 to provide Elected Members with the opportunity to consider our LTFP, including key parameters for the 2019-20 Budget. Consideration of the key parameters including rating policy, business and commercial revenue, fees and charges, and operating expenditure indexation will guide the funding available for Projects and the Infrastructure Program, and budget parameters for General and Business Operations. This will allow Elected Members to consider:
- 10.1.1. the funding allocation for key categories within Projects and the Infrastructure Program;
 - 10.1.2. a draft list of funding priorities within each category.
- An agreed list of funding priorities will provide direction to enable the development of detailed project bids and the 3 Year Infrastructure Program for consideration at a workshop in March 2019.
- 10.2. Elected Members will have the opportunity to consider the consolidated budget during a workshop in March 2019.
- 10.3. Direction provided during the March workshop will enable us to present the Draft 2019-20 Integrated Business Plan for consideration in April 2019 to enable commencement of Public Consultation in the week commencing 24 April 2019.
- 10.4. Following the conclusion of Public Consultation in early May 2019, Elected Members will have the opportunity to consider community feedback and amend the draft Budget through a final workshop in May 2019.
- 10.5. The May workshop will provide direction for us to prepare the final 2019-20 Integrated Business Plan for consideration for adoption by Council on Tuesday 11 June 2019.

Certification of Annual Financial Statements

11. In accordance with Section 14 (g) of the Local Government (Financial Management) Regulations 2011, the Chief Executive Officer and Principal Member require authorisation by the council to certify the Annual Financial Statements in their final form.
12. This report authorises the Chief Executive Officer and the Lord Mayor to certify the Annual Financial Statements in their final form for this term of Council, being the 2018-19 to 2021-22 Financial Years.

ATTACHMENTS

Attachment A – 2018-19 Quarter 1 Revised Forecast

Attachment B – 2019-20 Integrated Business Plan Process and Timeframes

2018-19 Quarter 1 Revised Forecast

Attachment A

Item 12.77 - Attachment A



Schedule 1: 2018-19 Financial Performance to 30 September 2018

Financial Performance	Schedule 1: 2018-19 Financial Performance to 30 September 2018 Schedule 2: 2018-19 Treasury Report to 30 September 2018
Revised Forecast	Schedule 3: Proposed 2018-19 QF1 Revised Forecast Schedule 4: Revised Quarter 1 Long-Term Financial Plan Schedule 5: Revised Quarter 1 Key Financial Indicators and Ratios Schedule 6: Revised Quarter 1 Prudential Borrowing Ratios
Uniform Presentation of Finances	Schedule 7: Uniform Presentation of Finances
General & Business Operations	Schedule 8: Proposed amendments to Business Operations Schedule 9: Proposed amendments to General Operations
Projects	Schedule 10: Proposed amendments to Operating Projects Schedule 11: Proposed amendments to Capital Projects
Infrastructure Program	Schedule 12: Infrastructure Program Summary Schedule 13: Proposed amendments to the Infrastructure Program
City Transformation Investments	Schedule 14: Proposed amendments to City Transformation Investments
Capital Report	Schedule 15: QF1 2018-19 Capital Program Report
Subsidiaries	Schedule 16: Subsidiaries Summary Schedule 17: Proposed amendments to Adelaide Central Market Authority

Schedule 1: 2018-19 Financial Performance to 30 September 2018

Financial Performance
Revised Forecast
Uniform Presentation of Finances
General & Business Operations
Projects
Infrastructure Program
City Transformation Investments
Capital Report
Subsidiaries

This schedule compares the 2018-19 actual performance against 2018-19 Approved Budget.

The year to date net funding requirement is (\$0.5m) which is \$8.4m favourable to budget. Key variances include:

\$'m	Year to Date			Full Year
	2018-19 Actual	2018-19 Approved Budget	Variance to Budget	2018-19 Approved Budget*
Business Operations	5.7	6.2	(0.4)	25.6
General Operations	7.3	6.1	1.3	34.0
Funding available for Projects	13.1	12.2	0.8	59.6
Projects (Operating & Capital)	(4.7)	(5.5)	0.9	(22.8)
Infrastructure Management Program	(8.4)	(10.2)	1.8	(51.2)
Projects and Infrastructure Program	(13.1)	(15.7)	2.7	(73.9)
Underlying Surplus/(Deficit)	(0.0)	(3.5)	3.5	(14.3)
City Transformation Investments	(1.3)	(2.3)	1.1	(15.7)
Commercial Opportunities	(1.6)	(1.8)	0.2	(14.4)
City of Adelaide Surplus/(Deficit)	(2.9)	(7.6)	4.7	(44.3)
Subsidiaries	2.4	(1.2)	3.6	(5.1)
Annual Net Funding Surplus/(Deficit)	(0.5)	(8.8)	8.4	(49.4)
Cumulative Funding Surplus/(deficit) including Subsidiaries				(89.4)

- **Business Operations (\$0.4m) unfavourable** primarily due to the financial performance of UPark (\$0.4m).
- **General Operations \$1.3m favourable** primarily due to the timing of contractual expenditure \$0.9m and Resource costs \$0.2m.
- **Operating/Capital Projects \$0.9m favourable** mainly due to timing variances on operating including Community & Culture Grants/Partnerships \$243k favourable due to caretaker period.
- **Infrastructure Program \$1.8m favourable** due to the timing of Residential Streets \$0.9m, Laneways \$0.4m, ICT Renewals \$0.3m, and City Landscape \$0.2m.
- **City Transformation Investments \$1.1m favourable** primarily due delays in the Smart City Projects, including Smart Parking.
- **Commercial Opportunities \$0.2m favourable** due to timing of activation and marketing activity.
- **Subsidiaries \$3.6m favourable** due to the timing ACMA capital works \$3.2m, including Fire & Emergency System \$1.6m, Stall Mezzanine Safety \$0.6m and Waste Management \$0.5m.

* The Approved Budget is the 2018-19 Budget adopted by Council in June, adjusted for the Preliminary End of Year carry forwards and emerging priorities.

Schedule 2: 2018-19 Treasury Report to 30 September 2018

Financial Performance
Revised Forecast
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Borrowing Facility

Borrowings Facility	Available	Interest Type	Interest Rate	Borrowing(s) Amount as at 30 September 2018	Change since previous report	Maturity Date	CAD Interest Rate
LGFA CAD 554	\$30m	Variable	2.75%	\$26.8m	(\$1.2m)	16/12/2023	2.75%
LGFA CAD 555	\$70m	Variable	2.75%	\$0m	\$0m	15/06/2033	2.75%

* Note CAD facilities are flexible and allows Council to convert all or part of it into a fixed rate interest only loan for a maximum of 5 years.

Prudential Borrowing Limits

Prudential Limit Ratio	Comments	Limits	YTD Actual to Sep-18	Proposed QF1 2018-19 EoY Position
Debt Service Coverage Ratio	The number of times Council's annual 'Amount Available for Projects' can service annual principle and interest commitments.	Min 5 times	33.9	8.4
Leverage Test	Total borrowings expressed as a multiple of the annual 'Amount Available for Projects'.	Max 1.5 years	0.45	1.35
Asset Test	The percentage of total borrowings to Council's saleable property assets.	Max 25%	8%	23.2%

Interest Income/(Expenditure)

	Quarter Jul - Sep		Administration Comments
	Actual	Budget	
Interest Revenue	\$7,803	\$15,750	Interest revenue consists of interest earned on operating monies held in the NAB operating account.
Expense	(\$209,813)	(\$238,602)	Interest expense consist of LGFA CAD facility interest.

Schedule 3: Proposed Quarter 1 Revised Forecast

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This schedule compares the 2018-19 QF1 full year forecast to 2018-19 Approved Budget.

\$'m	2018-19 Adopted Budget	2017-18 Carry Forwards and EoY Adjustments	2018-19 Approved Budget*	2018-19 QF1	Variance to Approved Budget
Business Operations	25.7	(0.1)	25.6	25.4	(0.2)
General Operations	34.1	(0.2)	33.9	34.1	0.3
Funding available for Projects	59.8	(0.3)	59.5	59.5	0.1
Projects (Operating & Capital)	(17.3)	(5.5)	(22.8)	(22.7)	0.1
Infrastructure Management Program	(42.5)	(8.7)	(51.2)	(50.4)	0.8
Projects and Infrastructure Program	(59.8)	(14.2)	(73.9)	(73.0)	0.9
Underlying Surplus/(Deficit)	-	(14.5)	(14.5)	(13.5)	1.0
City Transformation Investments	-	(15.7)	(15.7)	(16.7)	(1.0)
Commercial Opportunities	(13.7)	(0.5)	(14.2)	(14.2)	-
Annual Funding Surplus/(deficit) excluding Subsidiaries	(13.7)	(30.7)	(44.3)	(44.4)	(0.0)
Subsidiaries	(4.1)	(0.9)	(5.1)	(4.8)	0.3
Annual Funding Surplus/(deficit) including Subsidiaries	(17.8)	(31.6)	(49.4)	(49.1)	0.3
Cumulative Funding Surplus/(deficit) including Subsidiaries	(93.0)	(89.4)	(89.4)	(80.5)	8.9

* The Approved Budget is the 2018-19 Budget adopted by Council in June, adjusted for the Preliminary End of Year carry forwards and emerging priorities.

The proposed net adjustments are \$0.3m reducing the forecasted funding requirement for 2018-19 from (\$49.4m) to (\$49.1m). This includes proposed retiming adjustments of \$0.5m to 2019-20 and 2020-21.

The cumulative funding requirement forecast to the end of 2018-19 has decreased from (\$89.4m) to (\$80.5m). This includes the opening cash adjustment of \$8.6m following the finalisation of the 2017-18 Financial Statements.

- **Business Operations (\$0.2m)** due to reduction in income received from UPark and Commercial Rent received from Subsidiary. *Refer to Schedule 8*
- **General Operations \$0.3m** including private sale of roads \$1.0m, Hindley Street compensation settlement \$0.2m, On-Street Parking machine and expiation income (\$0.3m), and additional FTE's (\$0.6m) as a result of Program and Services reviews. *Refer to Schedule 9.*
- **Operating and Capital Projects \$0.1m** including retiming adjustments of \$0.5m, transfers of \$0.1m and emerging priorities of (\$0.6m). *Refer to Schedules 10 and 11 for a detailed breakdown.*
- **Infrastructure Program \$0.8m** net savings allocated to Gawler Place Upgrade in City Transformation Investments (below). *Refer to Schedules 12 and 13 for a detailed breakdown.*
- **City Transformation Investments (\$1.0m)** due to Emerging Priorities of (\$0.9m) for Gawler Place Upgrade, and transfers of (\$0.1m). *Refer to Schedule 14 for a detailed breakdown.*
- **Commercial Opportunities** in line with approved budget.
- **Subsidiaries \$0.3m** due to operational savings identified, and a reallocation of priorities within the capital budget. *Refer to Schedules 16 and 17.*

Schedule 4: Proposed Quarter 1 Revised Long-Term Financial Plan

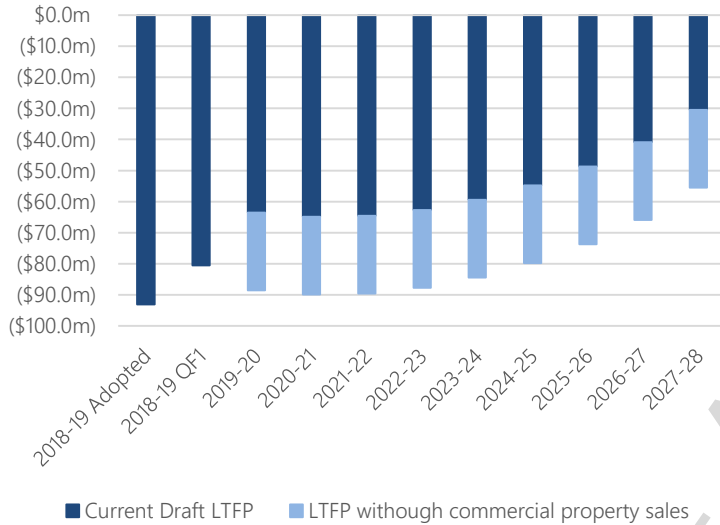
This schedule provides the Long Term Financial Plan updated for QF1 Cumulative Borrowing Position and Baseline changes into 2019-20 and beyond

	\$'m	2018-19 Budget (Adopted)	2018-19 Budget (Approved)	2018-19 QF1	2019-20 Plan	2020-21 Plan	2021-22 Plan	2022-23 Plan	2023-24 Plan	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan
General Operations													
General Rates	102.8	102.8	102.8	106.2	109.7	113.3	117.0	120.9	124.9	129.0	133.3	137.7	
Other Revenue	32.9	32.9	33.8	32.8	33.6	34.4	35.2	36.0	36.8	37.6	38.5	39.4	
Expenditure	(101.7)	(101.7)	(102.5)	(105.4)	(107.7)	(110.0)	(112.3)	(114.7)	(117.2)	(119.7)	(122.3)	(124.0)	
General Operations Surplus	34.1	34.0	34.1	33.6	35.6	37.7	39.9	42.2	44.5	46.9	49.5	53.1	
Business Operations													
Revenue	46.8	46.7	46.5	48.2	47.3	48.4	49.5	50.6	51.8	53.0	54.2	55.4	
Expenditure	(21.2)	(21.2)	(21.1)	(21.5)	(22.0)	(22.5)	(23.0)	(23.5)	(24.0)	(24.6)	(25.2)	(25.8)	
Business Operations Surplus	25.7	25.6	25.4	26.7	25.3	25.9	26.5	27.1	27.8	28.4	29.0	29.6	
Amount available for Projects	59.8	59.6	59.5	60.3	60.9	63.6	66.4	69.3	72.3	75.3	78.5	82.7	
Projects (inc. Grants & Sponsorships)	(17.3)	(17.9)	(17.8)	(15.7)	(16.1)	(16.5)	(16.9)	(17.3)	(17.7)	(18.1)	(18.5)	(18.9)	
Capital Works Program													
Infrastructure Program	(33.1)	(33.8)	(32.9)	(34.8)	(35.6)	(36.4)	(37.2)	(38.1)	(39.0)	(39.9)	(40.8)	(41.7)	
Other Asset Renewals	(3.1)	(3.1)	(3.2)	(3.6)	(3.7)	(3.7)	(3.8)	(3.9)	(4.0)	(4.1)	(4.2)	(4.3)	
Capital Works Program Management	(6.4)	(6.4)	(6.4)	(6.5)	(6.6)	(6.8)	(7.0)	(7.2)	(7.4)	(7.6)	(7.8)	(8.0)	
Capital Works Program	(42.5)	(43.3)	(42.5)	(44.9)	(45.9)	(46.9)	(48.0)	(49.2)	(50.4)	(51.6)	(52.8)	(54.0)	
Underlying Current Year Funding Surplus (Deficit)	0.0	(1.6)	(0.8)	(0.2)	(1.0)	0.2	1.4	2.8	4.2	5.6	7.2	9.9	
City Transformation Investments	0.0	0.0	(1.0)	(4.1)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Commercial Opportunities	(13.7)	(13.8)	(13.7)	30.0	(0.2)	0.1	0.4	0.4	0.5	0.5	0.6	0.6	
Current Annual Funding Surplus (Deficit)	(13.7)	(15.5)	(15.5)	25.6	(1.2)	0.3	1.9	3.2	4.7	6.1	7.8	10.5	
Project retiming	(21.8)	(28.9)	(28.9)	(7.0)	(0.1)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Annual Funding Surplus (Deficit) Excluding Subsidiaries	(35.5)	(44.3)	(44.4)	18.6	(1.4)	0.3	1.9	3.2	4.7	6.1	7.8	10.5	
Subsidiaries	(5.0)	(5.1)	(4.8)	(1.6)									
Annual Funding Surplus (Deficit) Including Subsidiaries	(40.5)	(49.4)	(49.1)	17.0	(1.4)	0.3	1.9	3.2	4.7	6.1	7.8	10.5	
Cumulative Funding Surplus/(Deficit) At End of Year - Including Subsidiaries	(93.0)	(89.4)	(80.5)	(63.5)	(64.9)	(64.5)	(62.7)	(59.5)	(54.8)	(48.7)	(40.9)	(30.5)	

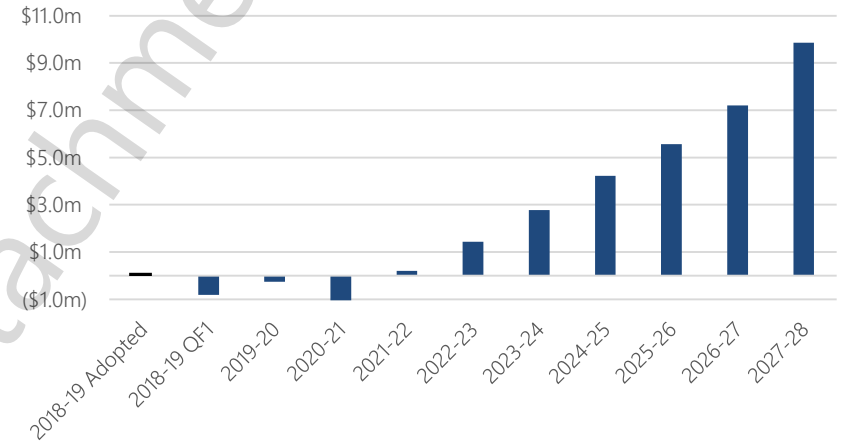
Schedule 5: Proposed Quarter 1 Revised Key Financial Indicators and Ratios

- Financial Performance
- Revised Forecast**
- Uniform Presentation of Finances
- General & Business Operations
- Projects
- Infrastructure Program
- City Transformation Investments
- Capital Report
- Subsidiaries

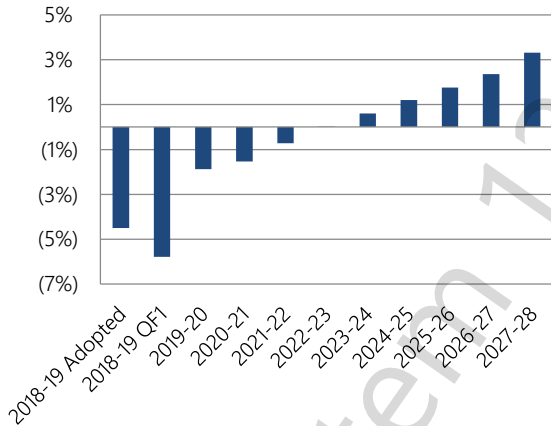
Borrowings



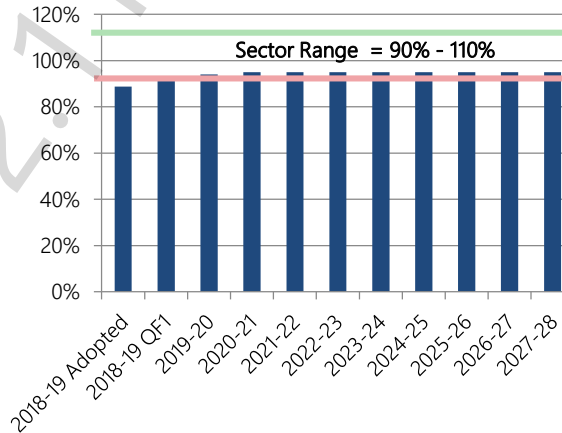
Underlying Operating Surplus/(Deficit)



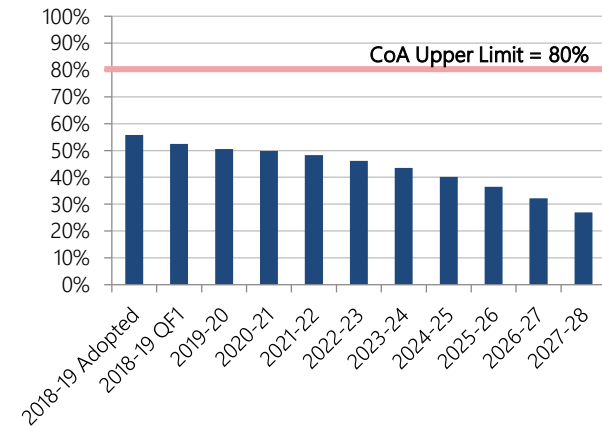
Operating Surplus Ratio



Asset Sustainability Ratio



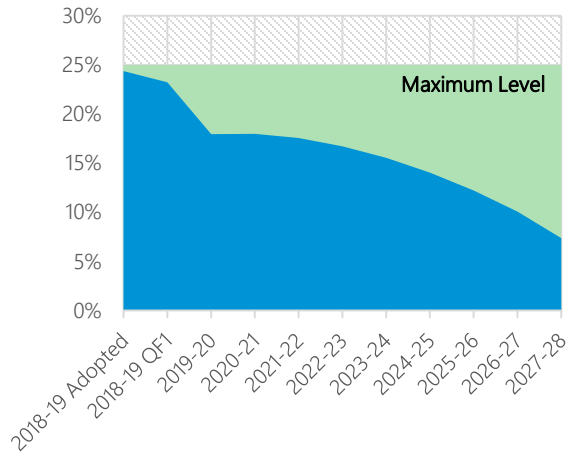
Net Financial Liabilities Ratio



Schedule 6: Proposed Quarter 1 Revised Prudential Borrowing Ratios

- Financial Performance
- Revised Forecast**
- Uniform Presentation of Finances
- General & Business Operations
- Projects
- Infrastructure Program
- City Transformation Investments
- Capital Report
- Subsidiaries

Asset Test Ratio

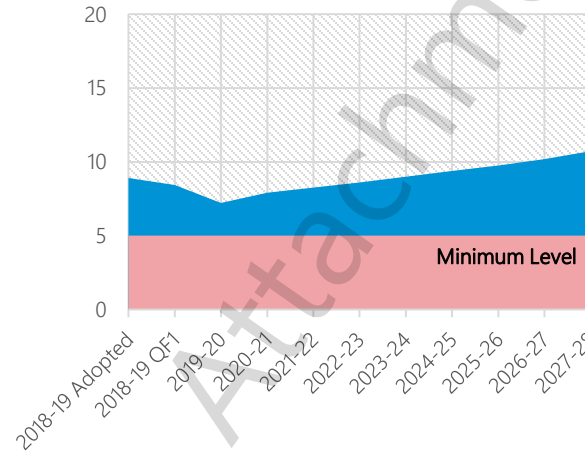


The percentage of total borrowings to Council's saleable property assets.

Maximum 25%

Total Borrowings / Total Saleable Property Assets
(Saleable Property Assets = Total Property Assets LESS Landmark Public Buildings and Park Lands)

Debt Service Coverage Ratio

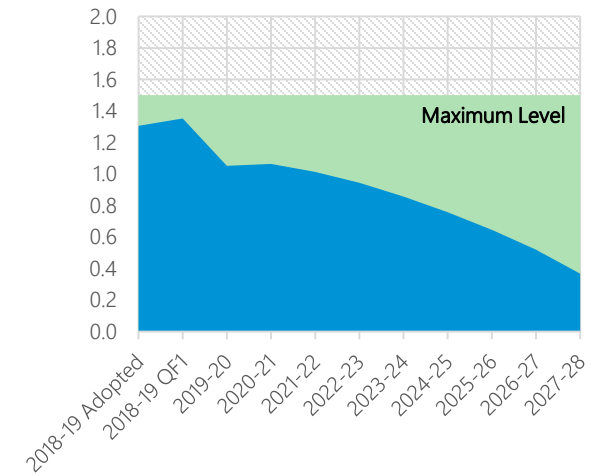


The number of times Council's annual 'Amount Available for Projects' can service annual principle and interest commitments.

Minimum 5 times

(General Operations Surplus + Commercial Businesses Surplus) / Annual Principal and Interest Payments.

Net Financial Liabilities Ratio



Total borrowings expressed as a multiple of the annual 'Amount Available for Projects'.

Maximum 1.5 Years

Total Borrowings / (General Operations Surplus + Commercial Businesses Surplus)

Schedule 7: Uniform Presentation of Finances

Financial Performance	Consolidated \$'m	Adopted Budget 2018-19	Approved Budget 2018-19	QF1 Budget 2018-19
Revised Forecast				
Uniform Presentation of Finances				
	Income	197.2	196.9	197.5
	<i>less</i> Expenses	(206.1)	(208.7)	(208.8)
	Operating Surplus / (Deficit)	(8.9)	(11.8)	(11.3)
General & Business Operations	<i>add</i> Project related expenditure	8.3	9.1	9.2
Projects	Funding Surplus before Capital Amounts	(0.6)	(2.7)	(2.1)
Infrastructure Program	<i>less</i> Net Outlays on Existing Assets			
	Capital expenditure on renewal and replacement of existing assets	53.2	58.4	58.0
City Transformation Investments	<i>less</i> Depreciation, Amortisation and impairment	(43.6)	(43.6)	(43.4)
	<i>less</i> Amounts received specifically for existing assets	(1.6)	(2.6)	(2.9)
Capital Report	Sub-total	8.0	12.2	11.7
Subsidiaries	<i>less</i> Outlays on New and Upgraded Assets			
	Capital expenditure on new and upgraded assets	42.4	46.3	47.4
	<i>less</i> Amounts received specifically for new and upgraded assets	(10.5)	(11.8)	(12.1)
	Sub-total	31.9	34.5	35.3
	Net Lending / (Borrowing) for Financial Year	(40.5)	(49.4)	(49.1)

Schedule 8: Proposed amendments to Business Operations

Financial Performance
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Reference	Description	Proposed Net Budget Adjustment \$'000s	Administration Comment	Baseline Change
BO1	UPark Gawler Place	(212)	Adjustment for the first quarter revenue reduction due to the impact of North Terrace tram works.	One-Off
BO2	Commercial Rent	36	Reduction in internal rent received from Adelaide Central Market Authority due to forecasted revenue.	One-Off
Total Net Adjustment		(176)		

Schedule 9: Proposed amendments to General Operations (1 of 2)

Financial Performance	Reference	Description	Proposed Net Budget Adjustment \$'000s	Administration Comment	Baseline Change
Revised Forecast	GO1	Private Road sale	1,025	Recognition of the proceeds from the transfer of ownership of Osmond Street and the unnamed public road off Symonds Place to Pulteney Grammar School. Council Decision ID 18771.	One-Off
Uniform Presentation of Finances	GO2	Hindley Street Paving Compensation	242	Recognition of compensation received following settlement of the Hindley Street paving issues.	One-Off
General & Business Operations	GO3	Annual Aquatic Centre Picnic Donation	18	Saving arising from the discontinuation of the Annual Christmas Picnic at the Aquatic Centre.	Ongoing
Projects	GO4	Consultancy costs	29	Reallocation of consultancy expenditure to Operating Projects for <ul style="list-style-type: none"> OP9 Cultural Heritage Survey - Golf Master Plan \$23k OP10 Heritage Management Plan - Adelaide Park Lands & City Layout \$6k 	One-Off
Infrastructure Program	GO5	On Street Parking Machines	(92)	Adjustment to On-Street Parking income due to delays in the completion of the North Terrace Tram works as Department of Planning, Transport & Infrastructure have been using parking bays for storage of materials and equipment.	One-Off
City Transformation Investments	GO6	On Street Parking	123	Adjustment to the late payment fee income for Quarter 1 2018-19 resulting from the decision to delay new Courtesy Letter by one month.	One-Off
			(328)	Adjustment to expiation income for Quarter 1 2018-19 due to the continued decline in expiations.	One-Off
Capital Report	GO7	Service Review outcome	(228)	Additional funding for 2.0 FTEs and 2.0 apprentices in the Horticulture Team as a result of stage 1 of the Public Realm service review.	Ongoing
Subsidiaries	GO8	CoA Reconciliation officer	(126)	Employee costs for a reconciliation officer to manage the relationship between Kurna people and City of Adelaide.	2019-20
	GO9	Discounts on Event fees	(96)	Additional discounts applied to event fees.	One-Off
	GO10	Food Inspection fees	(47)	Reduced income on food inspection fees as a result of the implementation of the new fee structure model. Council Decision ID 18365.	Ongoing
	GO11	City Deals	(15)	Funding for consultant fees.	One-Off
	GO12	Utility analyst	(65)	Funding for a utilities analyst resource from Quarter 3 2018-19, offset by anticipated savings.	Ongoing

Schedule 9: Proposed amendments to General Operations (2 of 2)

Reference	Description	Proposed Net Budget Adjustment \$'000s	Administration Comment	Baseline Change
GO13	Contribution to Adelaide Holocaust Museum	(20)	Additional funding contribution to Adelaide Holocaust Museum to assist in the development of an App, funded by savings identified in Software Maintenance. Council Decision ID 18730.	One-Off
		20		
GO14	Program Review	(221)	Adjustment of labour resources arising from the Program Reviews.	Ongoing
GO15	Contingency Reserve	(31)	Quarter 1 2018-19 allocation of the Contingency Reserve for costs associated with Program Reviews	One-Off
Total Adjustment		253		
Contingency Reserve				
	Transfer from the Contingency Reserve	31	Allocation of the Contingency Reserve Fund for Program Reviews	

Schedule 10: Proposed amendments to Operating Projects

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Reference	Project	Current Net Budget 2018-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget (QF1) 2018-19 \$'000s	Administration Comment
OP1	City Activation	(360)	30	-	(330)	Project savings identified.
OP2	International Relations	(492)	15	-	(477)	Project savings identified.
OP3	PCI DSS Compliance	(100)	(409)	-	(509)	Additional funding for the purchase of software, replacement of back up tapes, CyberSecurity Training and Project Management to meet PCI DSS compliance requirements. Foreshadowed in Council Decision ID 18726 .
OP4	Residential Growth Action Plan	-	(80)	-	(80)	Additional funding to extend promotional activities for 'The Free Rates for Five Years' incentive period finishing 30 June 2019. Council Decision ID 18717 .
OP5	Mainstreet Development Program	(244)	(25)	-	(269)	Funding for the Hutt Street Precinct Group.
OP6	Sponsorship Funding	(1,919)	(15)	-	(1,934)	Additional funding for Chinatown Chinese New Years Celebrations. Council Decision ID 18626 .
OP7	Strategic Partnership - Don Dunstan Foundation	(111)	(15)	-	(126)	Additional funding to facilitate extension of the Don Dunstan Strategic Partnership. Council Decision ID 18769 .
OP8	Waste Services Transition	(1,110)	-	281	(829)	Carry forward funding for the Waste Strategy Resource \$139k to 2019-20 and \$142k to 2020-21.
OP9	Carbon Neutral Adelaide - Partners Program	(565)	120	-	(445)	Transfer Electric Vehicle Charging budget to Capital Projects <ul style="list-style-type: none"> • S727 UPark Electric Vehicle Charging System \$98k • T177 On Street Electric Vehicle Charging System \$22k
OP10	Cultural Heritage Survey - Golf Master Plan	-	(23)	-	(23)	Reallocation of G04 Consultancy expenditure from General Operations to undertake cultural heritage survey for Golf masterplan.
OP11	Heritage Management Plan - Adelaide Park Lands & City Layout	-	(6)	-	(6)	Reallocation of G04 Consultancy expenditure from General Operations to the Heritage Management Plan project.
Projects with no changes		(12,886)	-	-	(12,886)	
Total Net Adjustment		(17,786)	(408)	281	(17,912)	

Table Key	Additional Expenditure / Reduced Income	Transfers / Zero Bottom Line	Savings / Increased Income	Carry Forwards
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Schedule 11: Proposed amendments to Capital Projects

Financial Performance
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Project Number	Project	Current Net Budget 2018-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget 2018-19 \$'000s	Administration Comment	Contracted
Capital Projects							
S727	UPark Electric Vehicle Charging System	(71)	(98)	-	(168)	Transfer from OP8 Carbon Neutral Adelaide – Partners Program project to focus on EV charging stations.	Yes
T177	On Street Electric Vehicle Charging System	(40)	(22)	-	(63)	Transfer from OP8 Carbon Neutral Adelaide – Partners Program project to focus on EV charging stations.	Yes
U001	Christmas in the City	(200)	-	200	-	Carry forward for the purchase of decorations and installation costs for Christmas 2019.	No
U020	Asset Management System	(800)	136	-	(664)	Re-timing of data cleansing activities into future years, savings transferred to Smart Parking project.	N/A
Projects with no changes		(3,864)	-	-	(3,864)		
Total Capital Projects		(4,975)	16	200	(4,759)		

Schedule 12: Infrastructure Program and Renewals Summary

Financial Performance
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Category \$'000s	Current Net Budget 2018-19	Proposed Net Budget Adjustment	Proposed Net Carry Forwards	Revised Net Budget (QF1) 2018-19
Main Streets	(7,764)	(34)	-	(7,798)
Residential Streets	(6,978)	580	-	(6,398)
Laneways	(2,846)	-	-	(2,846)
City Landscape	(1,115)	(261)	-	(1,376)
Street Furniture	(569)	161	-	(408)
Park Lands	(2,376)	(98)	-	(2,473)
City Works				
Transport	(7,139)	146	-	(6,993)
Traffic Signal	(1,540)	405	-	(1,136)
Bridges	(1,828)	-	-	(1,828)
Lighting & Electrical	(2,274)	158	-	(2,116)
Water Infrastructure	(1,648)	55	-	(1,593)
Urban Elements	(740)	(129)	-	(869)
Park Lands Assets	(765)	22	-	(743)
City Works Sub Total	(15,935)	657	-	(15,278)
Asset Management Services	(672)	72	-	(600)
Design Services	(650)	-	-	(650)
Buildings	(2,713)	(220)	-	(2,933)
Plant, Fleet and Equipment	(1,512)	(60)	-	(1,572)
Information Management	(1,600)	-	-	(1,600)
Sub-total	(44,730)	798	-	(43,932)
Capital Works Program Management	(6,426)	-	-	(6,426)
Infrastructure Program & Renewals	(51,156)	798	-	(50,358)

The full year QF1 forecast for the Infrastructure Program is a \$0.8m reduction due to:

- **City Works \$0.7m net decrease** though reduced expenditure due to a Blackspot project not proceeding, and additional Roads grant income.
- **Residential Streets \$0.6m net decrease** due to Wright St works now proposed for 2019-20 as a result of the impact of external services.
- **Street Furniture \$0.2m net decrease** – consolidation of furniture roll out with Urban Elements renewal
- **Buildings (\$0.2m) net increase** due to two emerging priorities (Town Hall – contribution to new Café tenant, Colonel Light Room new furniture).

Schedule 13: Proposed amendments to the Infrastructure Program (1 of 6)

Project Number	Project	Current Net Budget 18-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget 18-19 \$'000s	Administration Comment	Contracted
Main Streets							
T104	Hutt St Streetscape	(488)	(34)	-	(522)	Tender responses above available budget.	Yes
Projects with no changes		(7,276)	-	-	(7,276)		
Total Main Streets		(7,764)	(34)	-	(7,798)		
Residential Streets							
T111	Boulton St Streetscape	(357)	(99)	-	(455)	Additional SA Power works required to complete undergrounding	Partial
T113	St Helena Place Streetscape	(725)	(98)	-	(823)	Additional costs associated with reconnection of services and private property reinstatements.	Partial
T117	Tree Planting, Landscaping and Green City Plan 17-18	(177)	171	-	(5)	Reallocation of ancillary greening works aligned with existing projects under City Landscape.	N/A
U111	Residential Streets Improvement Program	(800)	5	-	(795)	Reallocation of ancillary greening works aligned with existing projects under City Landscape.	N/A
U114	Wright Court and Field St	(600)	600	-	-	Street upgrade works now proposed for 2019-20 due to impact of external services.	N/A
Projects with no changes		(4,319)	-	-	(4,319)		
Total Residential Streets		(6,978)	580	-	(6,398)		
City Landscape							
T198	Landscaping Frome St	(33)	(246)	-	(279)	Ancillary greening works aligned with existing projects.	Completed
U141	Hurtle Square Landscape Improvements	(75)	(15)	-	(90)	Addition of verge turf on the eastern side of Hurtle Square at the request of local community.	Partial
Projects with no changes		(1,007)	-	-	(1,007)		
Total City Landscape		(1,115)	(261)	-	(1,376)		

Schedule 13: Proposed amendments to the Infrastructure Program (2 of 6)

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Project Number	Project	Current Net Budget 18-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget 18-19 \$'000s	Administration Comment	Contracted
Street Furniture							
T131	Street Furniture 17-18	(69)	69	-	-	Reallocation of works aligned with existing projects under City Landscape.	N/A
U130	Wayfinding 18-19	(280)	15	-	(265)	Allocation to T154 Western Entry Statement to complete signage design.	N/A
U131	Street Furniture 18-19	(220)	140	-	(80)	Allocation to U220 Urban Elements for the installation of new furniture.	N/A
U132	Bus shelter King William Street	-	(53)	-	(53)	New bus shelter style developed and installed in front of a heritage listed building.	Partial
U133	Wyatt Street Outdoor dining	-	(10)	-	(10)	Request for temporary outdoor dining in Wyatt Street using planter boxes to create additional space. Council ID: 18544.	Yes
Projects with no changes		-	-	-	-		
Total Street Furniture		(569)	161	-	(408)		
Park Lands							
P255	Playspace & Playground Equipment Renewal (Park 15)	-	(11)	-	(11)	Allocation from U220 Urban Elements to complete project.	Completed
S227 & T155	Park Lands Landscape Program	-	(23)	-	(19)	Allocation from U240 Park Lands Assets Program to complete projects.	Completed
T152	Blue Gum Park/Kurangga (Park 20) BMX & Tennis Courts	-	(10)	-	(10)	The recently completed Park 20 BMX track has been misused by some visitors to the Park leading to damage of the track.	Partial
T154	Western Entry Statement	-	(15)	-	(15)	Allocation from U130 Wayfinding Program to finalise entry sign design.	Completed
U155	Place of Reflection	(150)	15	-	(150)	Recognition of \$15k grant from Arts SA and related expenditure budget.	N/A

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Park Lands continued							
U162	Pelzer Park/Pityarilla (Park 19) Plaque	-	(10)	-	(10)	Manufacture and install a rectangular plaque within Park 19 to commemorate APEX.	Completed
U163	Victoria Park/Pakapakanthi (Park 16) Water feature	-	(30)	-	(30)	Feasibility study of a 'water-jump' within Park 16 for Adelaide's 3-Day International Event.	No
Projects with no changes		(2,226)	-	-	(2,226)		
Total Park Lands		(2,376)	(98)	-	(2,473)		
Transport/Transportation Multi-Class							
T350	Footpath Renewals 17-18	(554)	(140)	-	(978)	Ancillary footpath renewals aligned with existing projects (\$140k), and reallocation from Road Renewal Program (\$235k) and Kerb and Footpath Renewals (\$54k).	Completed
			(235)				
			(54)				
T370	Road, Kerb and Footpath 17-18	(152)	(73)	-	(229)	Ancillary kerb and road renewals aligned with existing projects (\$73k) and additional funds to complete 2017-18 renewal program (\$4k).	Completed
			(4)				
U300	Roads Renewal Program	(1,686)	126	-	(1,118)	Recognition of Financial Assistance grant \$126k, re-classification of renewals into U350 Kerb and Footpath Renewals \$207k, and allocation to T350 Footpath Program \$235k.	N/A
			207				
			235				
U350	Kerb and Footpaths Renewals	(3,335)	233	-	(3,255)	Recognition of Roads to Recovery grant receipt \$233k, re-classification of renewals from U300 Roads Renewal Program \$207k, and allocation to T350 Footpath Program \$54k.	N/A
			(207)				
			54				
Projects with no changes		(1,412)	-	-	(1,412)		
Total Transportation Multi-Class		(7,139)	146	-	(6,993)		

Schedule 13: Proposed amendments to the Infrastructure Program (4 of 6)

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Project Number	Project	Current Net Budget 18-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget 18-19 \$'000s	Administration Comment	Contracted
Traffic Signals							
T180	Traffic signals Frome St	-	(17)	-	(17)	Ancillary traffic signal renewals aligned with existing projects.	Completed
U203	Blackspot funding – War Memorial Drive	(168)	170	-	-	Blackspot funding full funded by Federal Government rather than 67% from State Government. <ul style="list-style-type: none"> Income budget increased by \$170k from \$334k to \$504k Expenditure budget increased by (\$2k) from \$502k to \$504k 	N/A
	Blackspot funding – West Terrace	(254)	(506)	-	-	The Blackspot funding application was unsuccessful, project cancelled with CoA contribution released. <ul style="list-style-type: none"> Previously budgeted expenditure \$760k with 67% external funding. Income and expenditure budgets both reduced to \$0 	
Projects with no changes		(1,118)	-	-	(1,118)		
Total Traffic Signals		(1,540)	405	-	(1,136)		
Lighting and Electrical							
T137	Electrical Cable and Switchgear Renewal 17-18	(136)	136	-	-	Reallocation of ancillary lighting renewals aligned with existing projects.	N/A
T139	Distribution Board Renewal 17-18	(120)	(2)	-	(122)	Tender responses above available budget.	Partial
T197	Lighting Renewals Frome St	(0)	(98)	-	(98)	Ancillary lighting and electrical renewals aligned with existing projects.	Completed
U212	Main Street LED conversion	(900)	122	-	(778)	Funding reallocated to emerging priorities.	N/A
Projects with no changes		(1,118)	-	-	(1,118)		
Total Lighting and Electrical		(2,274)	158	-	(2,116)		

Table Key	Additional Expenditure / Reduced Income	Transfers / Zero Bottom Line	Savings / Increased Income	Carry Forwards
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Project Number	Project	Current Net Budget 18-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget 18-19 \$'000s	Administration Comment	Contracted
Water Infrastructure							
S003	Gross Pollutant Trap Program	(37)	(16)	-	(53)	Allocation from U233 Minor Water Projects to complete project.	Completed
U233	Minor Water Projects	(110)	16	-	(39)	Allocation to S003 Gross Pollutant Trap Program (\$16k), and savings from scope reduction by exclusion of Macrophyte revegetation (\$55k).	N/A
			55				
Projects with no changes		(1,501)	-	-	(1,501)		
Total Water Infrastructure		(1,648)	55	-	(1,593)		
Urban Elements							
U220	Urban Elements	(740)	11	-	(869)	Allocation to P255 Playspace & Playground Equipment Renewal (Park 15) to complete project \$11k, and installation of new furniture re-allocated from Street Furniture projects \$140k.	N/A
			(140)				
Projects with no changes		-	-	-	-		
Total Urban Elements		(740)	(129)	-	(869)		
Park Land Assets							
T150	Irrigation Renewal 17-18	-	(4)	-	(4)	Allocation from U240 Park Lands Assets to complete project.	Completed
U240	Park Lands Assets	(765)	4	-	(738)	Allocation to T150 Irrigation Renewal (\$4k) and S227 & T155 Park Lands Programs (\$23k).	N/A
			23				
Projects with no changes		-	-	-	-		
Total Park Land Assets		(765)	22	-	(743)		

Schedule 13: Proposed amendments to the Infrastructure Program (6 of 6)

Project Number	Project	Current Net Budget 18-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget 18-19 \$'000s	Administration Comment	Contracted
Asset Management Services							
U910	Audits and Inspections	(485)	72	-	(413)	Funding reallocated to emerging priorities.	N/A
Projects with no changes		(187)	-	-	(187)		
Total Asset Management Services		(672)	72	-	(600)		
Buildings							
S318	Frome UPark Lighting and Ventilation Upgrade	(14)	(30)	-	(44)	Scope increased to include replacement of Emergency and Exit lighting (including LED technology).	Yes
T164	Pavilion on the Park Restaurant improvements 17-18	-	(8)	-	(8)	Remediation to address leaks in the ceiling.	Completed
U270	Adelaide Bowling Club	(365)	(2)	-	(367)	Additional funds for independent cost estimate.	Partial
U272	Town Hall Café refurbishment	-	(100)	-	(100)	Contribution to upgrade conducted by new tenant.	Yes
U273	Colonel Light Room Furniture	-	(80)	-	(80)	Civic Recognition Working Party decision to purchase furniture in Colonel light room to match new carpet.	No
Projects with no changes		(2,334)	-	-	(2,334)		
Total Buildings		(2,713)	(220)	-	(2,933)		
Plant, Fleet and Equipment							
U402	Town Hall Stage and Lighting	-	(60)	-	(60)	Renewals works to the existing stage extension and lighting in Town Hall.	No
Projects with no changes		(1,512)	-	-	(1,512)		
Total Plant, Fleet and Equipment		(1,512)	(60)	-	(1,572)		

Schedule 14: Proposed amendments to City Transformation Investments

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Project Number	Project	Current Net Budget 18-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Proposed Net Carry Forwards \$'000s	Revised Net Budget 18-19 \$'000s	Administration Comment	Contracted
City Transformation Investments							
S710	Gawler Place Redevelopment	(5,479)	(858)	-	(6,337)	Increase in scope of project requiring additional funds. Council ID: 18794.	Yes
S717	Peltzer Park/Pityarilla (Park 19) Enhancement	-	118	-	-	Recognition of grant interest and corresponding expenditure budget \$118k.	N/A
			(118)				
S750	Smart City - City Parking Experience	(1,721)	(33)	-	(2,123)	Delay in project delivery requiring additional funding to continue resources. Funded from savings in: <ul style="list-style-type: none"> • People Movement project (\$33k) • Online Forms Phase 1 (\$234k) • Asset Management System (\$136k) 	Yes
			(234)				
			(136)				
S752	Smart City - City Connectivity	(315)	33	-	(283)	People movement project completed, savings transferred to City Parking experience.	N/A
T019	Online Forms	(330)	234	-	(97)	Phase 1 completed, savings transferred to City Parking experience.	Completed
T174	Josie Agius Park/Wikaparntu Wirra (Park 22)	-	33	-	-	Recognition of grant interest and corresponding expenditure budget \$33k.	N/A
			(33)				
T175	Gladys Elphick Park/Narnungga (Park 25)	-	120	-	-	Recognition of grant interest and corresponding expenditure budget \$120k.	N/A
			(120)				
Projects with no changes		(7,812)	-	-	(7,812)		
Total City Transformation Investments		(15,658)	(994)	-	(16,652)		

Schedule 15: QF1 2018-19 Capital Program Report (1 of 3)

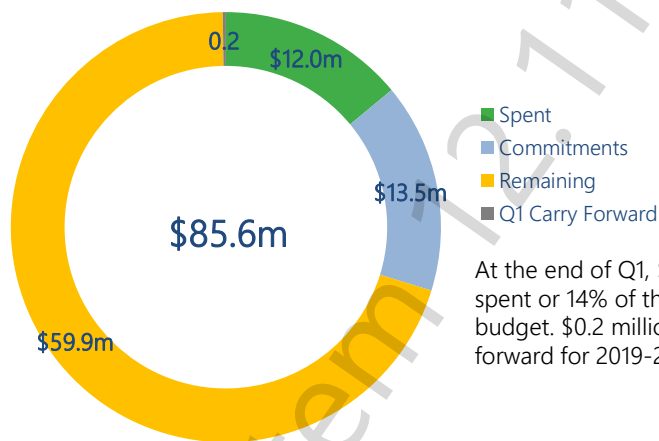
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Project Type	Major Projects	Streets	City Works	City Landscapes	Buildings	Other	Total	Percentage
Carry forward from 17-18	11	15	18	5	7	23	79	37%
18-19 Program of Work	4	25	44	25	13	17	128	60%
New 18-19 Projects	0	0	0	4	2	1	7	3%
Total	15	40	62	34	22	41	214	100%
Planning Phase	2	6	7	4	6	11	36	17%
Design Phase	2	18	21	10	8	4	63	29%
Construction Phase	7	8	28	12	7	22	84	40%
Ongoing projects with completion planned in future years	3	0	0	0	0	2	5	2%
Delivered	1	7	6	8	1	2	25	12%
Not Progressing This Year	0	1	0	0	0	0	1	0%

There are 214 projects in 2018-19 for the Capital Program. 79 are carry forwards from 2017-18 and 7 are new projects initiated during Q1. Of these, 25 projects (12%) have been delivered in Q1. 1 project will not be progressing this year.

There are 30 design only projects in 2018-19 Capital Program.

Capital Program - Budget Profile



At the end of Q1, \$12 million has been spent or 14% of the 2018-19 approved budget. \$0.2 million has been carried forward for 2019-20.

Schedule 15: QF1 2018-19 Capital Program Report (2 of 3)

Financial Performance	City Transformation Investments	
Revised Forecast	Project	Key Update
Uniform Presentation of Finances	Pelzer Park/Pityarrilla (Park 19) Enhancements	<ul style="list-style-type: none"> Park re-opened to the public and well received. Minor enhancement being undertaken with remaining available grant budget. Works completed on the flood-lighting system for dog park. Procurement of Kaurna inspired Public Art elements are underway.
General & Business Operations	Josie Agius/Wikaparntu Wirra and Gladys Elphick Park/Narnungga (Park 22 & 25) [two projects]	<ul style="list-style-type: none"> Park 22 – Project is complete and operational but there remains opportunities for the use of remaining available grant budget. Park 25 – Works underway and well advanced on the construction of the Park 25 enhancement which is focussing on pathway and trail connections, lighting and key community spaces. Planned launch/reopening end of November 2018.
Projects	Gawler Place Redevelopment	<ul style="list-style-type: none"> Construction to commence in January 2019 with anticipated completion in December 2019.
Infrastructure Program	City of Adelaide Bikeways	<ul style="list-style-type: none"> North-South Bikeway: Construction of the extension of the bikeway on Frome Street between Rundle Street- Pirie Street, and reworking on the bikeway between Pirie Street – Carrington Street was completed in August. Design, engagement and construction of the remainder of the North-South Bikeway will continue as a rolling program until works are complete. East-West Bikeway: Work is on hold as per Council decision and subsequent direction from the CEO.
City Transformation Investments	Market to Riverbank	<ul style="list-style-type: none"> Bank Street and Topham Mall - completed December 2017. Bank Street's design was recognised by the Australian Institute of Landscape Architects and won the Civil Landscape category Bentham Street - currently in the design and construction phase with service authority upgrades and service re-locations underway Leigh Street – underway with minor construction work on the foot paths, tree pits and public art, due to be completed in January Pitt Street –undergoing two, 3rd party major developments at each end of the street. Design integration with the Her Majesty's Theatre development has commenced. The remaining integration with these two developments will continue as requested during their construction Topham Mall South – undergoing design development and negotiations with the land owner. The is due to be finalised and construction commenced by March 2019
Capital Report	North Terrace Public Realm	<ul style="list-style-type: none"> Proof of Design and Constructability review underway.
Subsidiaries	Denise Norton Park/ Pardipardinyilla (Park 2) Enhancements	<ul style="list-style-type: none"> Early design works package underway with anticipated finalisation of Master planning in October 2018.
	Smart Projects	<ul style="list-style-type: none"> Smart parking infrastructure is installed with go live anticipated for November. Off-Street parking element delayed until February 2019. People movement project completed in September and Events Management phase 1 completed in early October.

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Completed Projects in Q1

City Transformation Investments

- ✓ Online Forms

Streets

- ✓ Gouger St Streetscape
- ✓ Melbourne St Streetscape
- ✓ Molesworth & Tynte St Streetscape Design
- ✓ Wright St Streetscape Design
- ✓ Tree Planting, Landscaping and Green City Plan 17/18
- ✓ Laneway Upgrade Design Program 17/18

City Works

- ✓ Gross Pollutant Trap Program (S003)
- ✓ Lantern and Controllers Replacement 17/18
- ✓ Electrical Cable and Switchgear Renewal 17/18
- ✓ Irrigation Renewal 17/18
- ✓ Footpath Renewal 17/18
- ✓ Road, Kerb and Footpath 17/18

City Landscapes

- ✓ Pelzer Park/ Pityarilla (Park 19) Plaque
- ✓ Playspace & Playground Equipment Renewal (Park 15)
- ✓ East Terrace Median
- ✓ Planter Box Program 17/18
- ✓ Street Furniture 17/18
- ✓ Western Entry Statement
- ✓ Park Lands Landscaping 17/18

Buildings

- ✓ Townhall Internal Works (T168)

Others

- ✓ Victoria Park/ Pakapakanthi Change Rooms
- ✓ Gawler U-park Façade Survey

2017-18 Carry Forward projects with planned completion in Q2

City Transformation Investments

- ❑ Park 25 (Gladys Elphick/ Narnungga)

Streets

- ❑ Wright Court & Field Street Design
- ❑ Boulton St. Streetscape
- ❑ City West Quietway Stage 2 – Lowe, Blenheim & Gray
- ❑ O'Connell St Streetscape

City Works

- ❑ Grenfell – Currie Transport Corridor
- ❑ Morphett / Gouger St Intersection
- ❑ Bridge Renewal (Albert Bridge)
- ❑ Torrens Linear Trail South
- ❑ Traffic SCATS & CCTV Installation 17/18
- ❑ CCTV Renewal 17/18

Buildings

- ❑ Public Conveniences – General Renewals
- ❑ Town Hall External Works
- ❑ Wyatt Carpark Renewal - Design

Other

- ❑ City Library WHS Remediation
- ❑ EV Charging Stations (On and off street)
- ❑ City Connector Smart Technology & Bus Stops
- ❑ Christmas in the City
- ❑ E-Planning

Schedule 16: Subsidiaries Summary

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\$'000s	2018-19 Adopted Budget	2018-19 Approved Budget	2018-19 QF1	Variance to Approved Budget	Administration Comment
Adelaide Central Market Authority	(5,025)	(5,080)	(4,738)	342	Net decrease of \$0.3m through operating savings identified. Refer to schedule 17.
Adelaide Park Lands Authority	-	-	-	-	
Rundle Mall Management Authority	-	-	(38)	(38)	Recognition of 2017-18 surplus at year end to be reinvested in 2019-20 increasing the expenditure budget by (\$38k).
Annual Funding Surplus/(deficit)	(5,025)	(5,080)	(4,776)	304	

Schedule 17: Proposed amendments to Adelaide Central Market Authority (1 of 3)

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\$'000s	2018-19 Approved Budget	2018-19 QF1	Variance to Approved Budget
ACMA Administration	(1,776)	(1,643)	133
Central Market Car Park	1,533	1,726	194
Central Market Complex	(159)	(144)	15
Operating Surplus/(Deficit)	(403)	(60)	342
ACMA Capital Current Year	(3,734)	(3,734)	-
ACMA Capital Carry Forward 2017-18	(943)	(943)	-
Total Capital	(4,622)	(4,677)	-
Annual Funding Surplus/(deficit)	(5,080)	(4,738)	342

Adelaide Central Market Authority net decrease of \$0.4m:

- ACMA Administration \$133k favourable to Approved Budget – savings identified.
- Central Market Car Park \$194k favourable to Approved Budget – Increased casual parking income \$78k and expenditure savings identified \$144k driven mainly by Electricity and Repairs & Maintenance, offset by an increase in Internal Rent (\$28k).
- Central Market Complex \$15k favourable to Approved Budget – expenditure savings identified \$229k mainly by Electricity, Repairs & Maintenance, and Consultant Fees, offset by reduced income (\$214k), including Tenancy Fitout Incentive (\$268k).
- ACMA Capital – savings and deferral of projects have been offset by emerging priorities.

Operating requests

ACMA Administration:

Reference	Description	Proposed Net Budget Adjustment \$'000s	Administration Comment
Admin1	Contractual Services	41	Savings identified, including services accessed through CoA panels
Admin2	Materials	22	Savings identified in merchandise and promotional materials
Admin3	Other Expenditure	66	Savings identified in training, travel, catering and phone costs
Admin4	Internal Rent	4	Reduced rent based on percentage calculation of reduced revenue
Total ACMA Administration Net Adjustment		133	

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Central Market Car Park:

Reference	Description	Proposed Net Budget Adjustment \$'000s	Administration Comment
CP1	Casual Parking	78	Strategies implemented to increase revenue
CP2	Electricity	52	Savings identified in current electricity charges
CP3	Repairs & Maintenance	67	Savings identified as works completed
CP4	Contractors & Consultants	16	Savings identified as costs are included with capital projects
CP5	Head Lease Rent	(28)	Increased rent based on percentage calculation of increased revenue
CP6	Management Fee	9	Savings identified in fee negotiations
Total ACMA Car Park Net Adjustment		194	

Central Market Complex:

Reference	Description	Proposed Net Budget Adjustment \$'000s	Administration Comment
CM1	Tenancy Fitout Incentive	(268)	Tenant Incentives offered to encourage stall fit-outs
CM2	Rent	184	Increased revenue
CM3	Rental Income outgoings	(130)	Decrease in recharge of outgoings for Electricity
CM4	Cleaning	19	Savings identified in renegotiated contract
CM5	Electricity	35	Savings identified in current electricity charges
CM6	Repairs & Maintenance	136	Savings identified as works completed
CM7	Consultants Fees	55	Savings identified as costs are included with capital projects
CM8	Head Lease Rent	(16)	Reduced rent based on percentage calculation of reduced revenue
Total ACMA Market Complex Net Adjustment		15	

Table Key	Additional Expenditure / Reduced Income	Transfers / Zero Bottom Line	Savings / Increased Income	Carry Forwards
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Schedule 17: Proposed amendments to Adelaide Central Market Authority (3 of 3)

Capital requests

Project Number	Project	Current Net Approved Budget 18-19 \$'000s	Proposed Net Budget Adjustment \$'000s	Revised Net Budget (QF1) 18-19 \$'000s	Administration Comment
1901	Fire & Emergency Systems Renewal	(1,630)	604	(1,026)	Car Park sprinklers will not be completed this year. Planned works to provide booster tanks will mitigate risk of fire in the car park. Funding reallocated to emerging priorities.
1902	Main Switchboard Renewal	(30)	(16)	(46)	Project costings have increased from budget approval.
1903	Gas Compliance Works	(39)	(11)	(50)	Project costings have increased from budget approval.
1904	Waste Recycling Facility	(700)	44	(656)	Savings identified, funding reallocated to emerging priorities.
1905	Stall Mezzanine Structural Renewal	(800)	(255)	(1,150)	Prioritised structural and safety works, together with anticipated stall sales/assignments requiring structural works to minimise stall vacancies.
1908	Centre for Food Culture	(5)	5	0	Project deferred, funding reallocated to emerging priorities.
1909	Gouger Street Lift Renewal	-	(191)	(191)	Critical works required to ensure electrical board in main Market lift remains operational.
1910	HVAC Investigation	-	(100)	(100)	Cooling unit has exceeded life expectancy and parts are increasingly difficult to obtain. Investigation into new unit is required as matter of urgency for Market sustainability.
1912	Grote Street Dining Furniture	-	(80)	(80)	Replacement of broken and derelict furniture is required for ongoing Market enjoyment by customers to ensure Market sustainability.
Projects with no changes		(973)	-	(973)	
Total Net Adjustment		(4,677)	-	(4,677)	

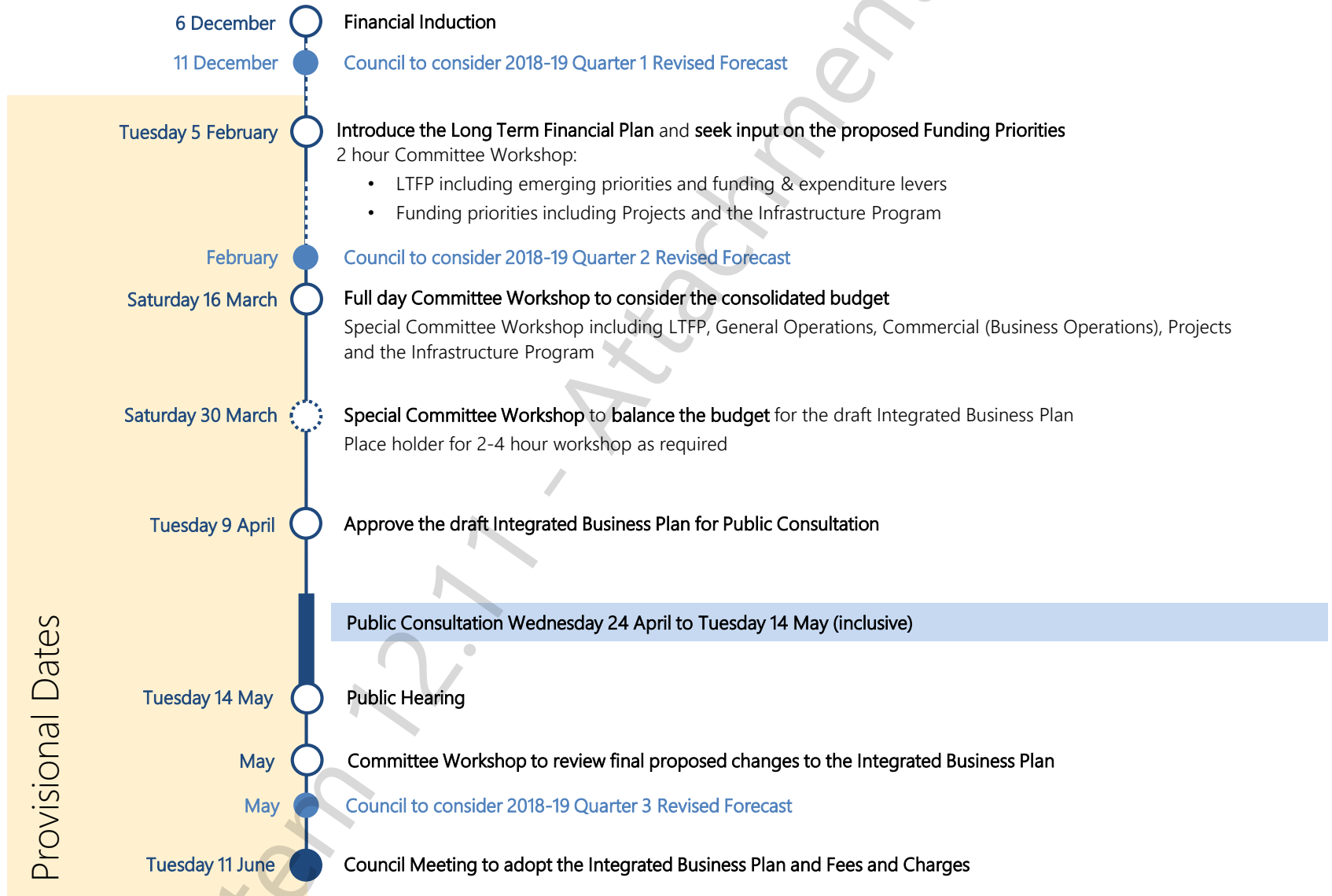
2019-20 Integrated Business Plan Process and Timeframes

Attachment B



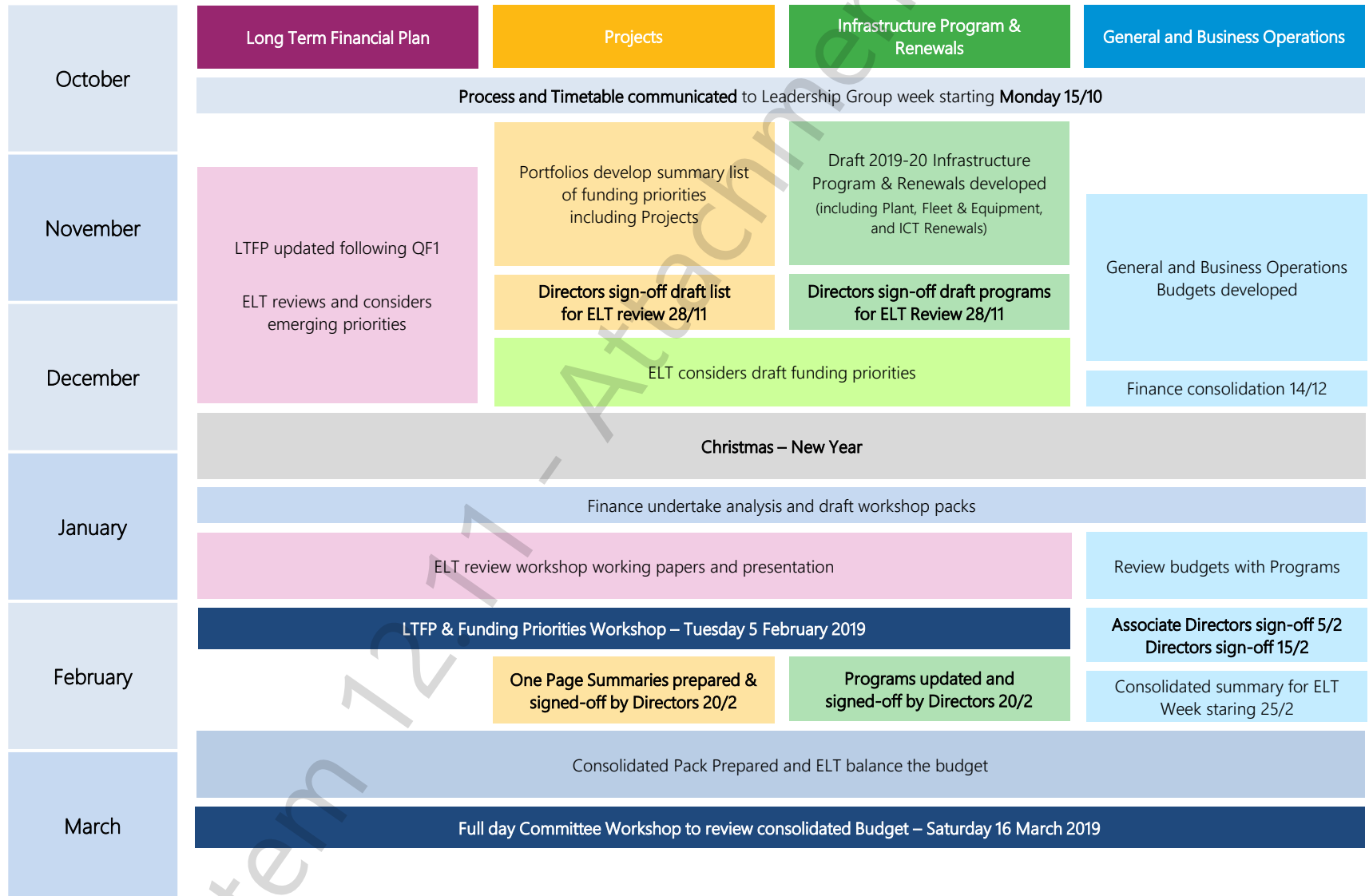
Development of 2019-20 Budget and Integrated Business Plan

Budget Development
Budget Build
Community Consultation Process



2019-20 Budget Build Process

Budget Development
Budget Build
Community Consultation Process



2019-20 Proposed Community Consultation Process

Budget Development

Budget Build

Community
Consultation Process

Channels:

- City of Adelaide/Your Say **website**
- Draft 2019-20 IBP document and Consultation Packs will be available at Council's **Customer Service Centre, libraries and community centres**
- **Public Notice** advertisements in the Advertiser and City Messenger newspapers
- **Posters** displayed at all Council locations frequented by ratepayers and other city users such as UParks, Customer Service Centre, libraries, community centres, Aquatic Centre and North Adelaide Golf Course
- **Promotional advertisements** on Customer Service Centre, City Library and City Cross' screens
- **Email campaign** to registered users of the Your Say Adelaide engagement website and other programs' databases
- **Media release** to all local media announcing draft 2019-20 Integrated Business Plan and consultation
- **Social media campaign** via City of Adelaide Twitter feed and Facebook page

Feedback Options:

- **Online** at yoursay.cityofadelaide.com.au
- **Email** at yoursay@cityofadelaide.com.au
- **In writing** to 'Community Consultation: Draft 2019-20 Integrated Business Plan, GPO Box 2252, Adelaide SA 5001'
- Hard copy **submission forms** will be available from City of Adelaide's Customer Service Centre, libraries and community centres

Public Consultation period	
Lord Mayor's Precinct Forum	Between 24 April and 14 May
Lord Mayor's Residents Group Forum	
Lord Mayor's Business Forum	
Public meeting to facilitate public submissions and Q&A with Elected Members	14 May

Quarterly Forward Procurement Report

ITEM 12.12 11/12/2018
COUNCIL

2018/03945
Public

Program Contact:
Tracie Dawber, AD Finance 8203
7002

Approving Officer:
Steve Mathewson, Director
Services

EXECUTIVE SUMMARY:

In accordance with the Procurement Policy and Operating Guidelines, a forward Procurement Report will be presented to Council every quarter outlining significant planned procurement activities for the next quarter. Council may elect to call in a particular procurement activity to be considered by Council prior to commencing planned procurement activities. Significant procurements are defined as those with procurement expenditure estimated to be equal to or above \$4 million and high value / high criticality / risk procurements as assessed by Council's tiering tool as Tier 1 or 2.

This report covers Quarters 3 for the 2018/2019 financial year.

RECOMMENDATION:

THAT COUNCIL:

1. Receives and notes the report.
-

IMPLICATIONS AND FINANCIALS:

Strategic Plan	This report supports the delivery of all key themes in Council's strategic plan.
Policy	This report is prepared in accordance with the requirements of Council's Procurement Policy. Council's current delegations for procurement are outlined in the Procurement Policy and Procurement Approvals Operating Guideline. There are no other policy implications.
Consultation	All Programs were consulted with in respect to significant procurement activity that is anticipated to occur in the third quarter of the 2018/19 financial year.
Resource	Not as a result of this report.
Risk / Legal / Legislative	Section 49 of the <i>Local Government Act</i> outlines the principles that Council will apply to procurement.
Opportunities	Not as a result of this report.
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
18/19 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

1. The purpose of the Quarterly Procurement Plan, ([Link](#)) to this report, is to provide further information and visibility to Council of major procurement and contracting activity. In addition, this process provides opportunity for Council to call in a particular procurement activity to be considered by Council.
2. The following is an extract from the Procurement Policy, endorsed by Council on 13 December 2016:
 “The Council will have regard to the following measures in ensuring probity, accountability and transparency”
 - Elected Members will be provided with a quarterly forward procurement plan for consideration, detailing tenders and contracts which will require Elected Member approval;
 - Elected Members will be requested to approve the award of all contracts that exceed \$4,000,000 (ex GST).”
3. Further, the *Procurement Approvals Operating Guideline* provides that Elected Members will also be given details of procurement activities which have been assessed as Tier 1 or 2 Procurement Activity. Such Procurement Activity is considered high criticality and/or high risk.
4. Following receipt of the Forward Procurement Report, the Council may elect to “call in” a particular procurement activity to be considered by Council. All procurement activities that are not “called in” will be undertaken as planned without any additional involvement from the Council except as otherwise specified in the Procurement Policy or Operating Guidelines.
5. For those procurement activities that are called into Council, a report may be provided to Council outlining the following:
 - 5.1. specification of goods or services to be procured;
 - 5.2. the proposed evaluation criteria and weighting for the procurement activity;
 - 5.3. the proposed evaluation team; and
 - 5.4. the proposed procurement approach and, if a select tender, the proposed companies that will be invited to submit a bid (***Procurement Summary Report***).
6. Based on the Procurement Summary Report, Council will either:
 - 6.1. approve the proposed procurement process as required; or
 - 6.2. request the Chief Executive Officer to make amendments to the proposed procurement process, consistent with the Procurement Policy and applicable legislation.
7. This report covers Quarter 3 of the 2018/2019 financial year.

ATTACHMENTS

Nil

- END OF REPORT -

Status of Skate Park

ITEM 13.1 11/09/2018
COUNCIL

Council Member:
Councillor Simms

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

QUESTION ON NOTICE:

Councillor Simms will ask the following Question on Notice:

'Can administration provide an update on their efforts to secure State Government funding for a permanent skate park in the City of Adelaide?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

- END OF REPORT -

Council Member
Councillor Simms

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

QUESTION ON NOTICE:

Councillor Simms will ask the following Question on Notice:

- '(1) Given community concern about the State Government's disappointing decision to sell the historic Edmund Wright House on King William Street, can Administration advise Council as to the current status of this process?
- (2) As this property has recently been subject to littering and graffiti, has or will Administration advocate for the State Government to immediately put in place a maintenance program to rectify these issues?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

- END OF REPORT -

Boxing Day Promotional Activity

ITEM 13.3 11/12/2018
COUNCIL

Council Member
Deputy Lord Mayor (Councillor
Abiad)

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

QUESTION ON NOTICE:

Deputy Lord Mayor (Councillor Abiad) will ask the following Question on Notice:

‘Noting the State Government’s recent announcement to allow all South Australian shops to trade on Boxing Day, can Council Administration please provide an update on what marketing promotional activities the City of Adelaide is undertaking to encourage shopping in the City on Boxing Day 2018?’

The response may consider City of Adelaide businesses such as U-Park and the Rundle Mall Management Authority.

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

- END OF REPORT -

Frome Road Traffic Management Plan

ITEM 13.4 11/12/2018
COUNCIL

Council Member
Councillor Abrahamzadeh

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

QUESTION ON NOTICE:

Councillor Abrahamzadeh will ask the following Question on Notice:

'Noting the Adelaide Botanic High School will be opening for Term 1, 2019;

Is Council Administration able to provide an update on what traffic management arrangements, if any, have been made for the portion of Frome Road between North Terrace and Victoria Drive to accommodate the additional traffic?'

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

- END OF REPORT -

Bikeway Network Implementation Plan

ITEM 13.5 11/12/2018
COUNCIL

Council Member
Councillor Dr Donovan

Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

QUESTION ON NOTICE:

Councillor Dr Donovan will ask the following Question on Notice:

‘Could Administration please provide an update on the progress of the Bikeway Network Implementation Plan as outlined as an action in the 2016-2018 Smart Move Interim Action plan?’

The Lord Mayor will provide a reply at the meeting, the reply and question will be included in the Minutes of the meeting.

- END OF REPORT -

Car Park – 88 O’Connell Street

ITEM 15.1 11/12/2018
COUNCIL

Council Member
Councillor Couros

2018/04053
Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Couros will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

‘That Council:

- 1) Notes the recent closure of multiple businesses on O’Connell St and the impact this has had on the community.
- 2) Requests administration look for ways to open the Car Park at 88 O’Connell Street, North Adelaide, immediately and especially for the Christmas trade.’

ADMINISTRATION COMMENT:

1. A Development Application for car parking associated and ancillary to community and civic events has been approved for 88 O’Connell Street, North Adelaide.
 - 1.1. The Development Application provides for a change of land use to a community use/activation space with car parking for a period of up to 2 years as a temporary development.
 - 1.2. This allows for a range of community and civic events (approximately 20-30 per year) with attendances up to 4000-5000 people per event.
 - 1.3. There is an allowance for ancillary car parking (60 spaces) to be used in association with the proposed community/activation space use of the land.
 - 1.4. The carpark will comprise an open area on the gravel hardstand with an access point to the site via Tynte Street.
2. Administration will look at opportunities to maximise the utilisation of the site and ancillary parking within the currently approved Development Application and revised land use.
3. It is proposed that a further report be presented for Council consideration incorporating background information, parking options/requirements and Development Policy implications of progressing non-complying open lot car parking. This report is to be presented for Council consideration no later than February 2019.

- END OF REPORT -

Council Member
Councillor Couros2018/04053
Public**Receiving Officer:**
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Couros will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council:

1. Notes the ongoing Expression of Interest process for the development of Eighty-Eight O'Connell Street and the imperative to keep the site activated throughout this process.
2. Requests for administration to prepare a report on how a temporary activation, similar to a box park concept, can be established on the Eighty-Eight O'Connell Street site to attract complementing and non-competing operators to North Adelaide.
3. Requests for this report to be returned no later than February 2019.'

ADMINISTRATION COMMENT:

1. Subject to Council resolution of this motion, a high-level feasibility report will be prepared for temporary activation options, similar to a box park concept, that will support activation of the 88 O'Connell Street site throughout the expression of interest and development processes including consideration of suitable uses, activities and operators.
2. The report will be provided no later than February 2019.

- END OF REPORT -

Waste Management Policy

ITEM 15.3 11/12/2018
COUNCIL

Council Member
Councillor Dr Donovan

2009/01488
Public

Receiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Dr Donovan will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council Administration:

1. Prepares a report reviewing the Waste Management services provided by Council.
2. Prepares a Waste Management Policy for Council consideration which provides options for waste services (including organics) for city businesses.
3. This policy would also address applicable fee for service models, including reducing fees for strata groups.'

ADMINISTRATION COMMENT:

1. A review of Waste Management services commenced in 2017, this will be the topic of engagement and workshop with Elected Members early in 2019.
2. As a part of the Waste Review a policy is under development, this will be presented to Elected Members for their consideration, along with the Review early in 2019, and will include options for city businesses including organics as well as fee for service models (including the reducing fees for strata groups).

- END OF REPORT -

Council Member
Councillor Martin2018/04053
PublicReceiving Officer:
Mark Goldstone, Chief Executive
Officer

MOTION ON NOTICE:

Councillor Martin will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:

'That Council;

Is aware of the ongoing media reports calling for a stadium for soccer and other sports and speculation about its construction on or near the City of Adelaide Golf Links and so requests the Administration to publicly release by January 1st, 2019 an extract of the draft Golf Course Master Plan noting this Master Plan has been received but not approved by the elected body and is currently the subject of a confidentiality order made by Council.

The CEO be delegated authority to release this extract Golf Course Master Plan concept document which should;

1. Not include any information which is genuinely commercial in confidence or copyright protected.
2. Provide as many illustrations as possible to demonstrate the extent of the draft plan of the proposed redevelopment to create an international standard golf facility and, in doing so, the likely impact of any stadium or other project on any such redevelopment.'

ADMINISTRATION COMMENT:

1. Consistent with Council's prior resolution we have engaged GHD (through their Cultural Heritage Consultant) to undertake Cultural Heritage Assessment on the riverbank adjacent the North Adelaide Golf Course and within the North Adelaide Golf Course itself. These studies will help further inform the draft Golf Course Master Plan and we are scheduled to bring these to Council for consideration in March 2019.
2. Subject to Council's resolution of this motion, the CEO will prepare an extract Golf Course Master Plan concept document and release from confidence under delegation enabling public release.

Exclusion of the Public

ITEM 17.1 11/12/2018
COUNCIL

Program Contact:
Jacki Done, AD People &
Governance 8203 7256

2018/04291
Public

Approving Officer:
Mark Goldstone, Chief
Executive Officer

EXECUTIVE SUMMARY:

It is the recommendation of the Chief Executive Officer that the public be excluded from this Council meeting for the consideration of information and matters contained in the following Agenda Items.

For the following Chief Executive Officer Reports seeking consideration in confidence:

Strategic Alignment – Green

18.2.1 UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report [s 90(3) (b), (d) & (h)]

Strategic Alignment – Corporate Activities

18.2.2 2018-19 Quarter 1 Commercial and Business Operations Report [s 90(3) (b) & (d)]

The Order to Exclude for Items 18.2.1 and 18.2.2:

1. Identifies the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
2. Identifies the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
3. In addition identifies for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.

ORDER TO EXCLUDE FOR ITEM 18.2.1:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b), (d) & (h) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11/12/2018 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.1 [UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The confidential information in this Report contains information that could prejudice the commercial position of the Council in respect of its intended procurement activities. The Contract Award Report will be considered by Council in Item 18.2.1 on the Agenda for the meeting of Council held on 11 December 2018. The Contract Award Report seeks the approval to award the contract for the Project and that the Chief Executive Officer, or delegate, be authorised to finalise the tender process and execute the relevant contracts as appropriate. Release of the confidential information prior to execution of a contract could prejudice Council's position in respect of its tendering activities and commercial negotiations.

The confidential information in this Report contains sensitive information that is the subject of legal advice and determinations.

Public Interest

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed because the disclosure of the confidential information as contained in **Attachments A and B** contains commercial in confidence information about Council's interests, legal advice and the commercial value of the Project. It may also prejudice Council's ability to complete commercial negotiations for the construction contract and achieve value for money for its ratepayers.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11/12/2018 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.1 [UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b), (d) & (h) of the Act.

ORDER TO EXCLUDE FOR ITEM 18.2.2:

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in s 90(3) (b) & (d) and s 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11/12/2018 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 18.2.2 [2018-19 Quarter 1 Commercial and Business Operations Report] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This item is commercial information of a confidential nature where confidence consideration is sought to protect the commercial position of the council and the operating position of Council's business entities operating in a competitive market place prior to the effective date of 1 October 2018. Disclosure of this information to competitors in advance may be to Council's commercial detriment.

Public Interest

Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because disclosure of this information to competitors in advance may be to Council's commercial detriment.

2. Pursuant to s 90(2) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 11/12/2018 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 18.2.2 [2018-19 Quarter 1 Commercial and Business Operations Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in s 90(3) (b) & (d) of the Act.

DISCUSSION

1. s 90(1) of the *Local Government Act 1999 (SA)*, directs that a meeting of Council must be conducted in a place open to the public.
2. s 90(2) of the *Local Government Act 1999 (SA)*, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in s 90(3).
3. s 90(3) prescribes the information and matters that a Council may order that the public be excluded from.
4. s 90(4) of the *Local Government Act 1999 (SA)*, advises that in considering whether an order should be made under s 90(2), it is irrelevant that discussion of a matter in public may:
 - 4.1 cause embarrassment to the council or council committee concerned, or to members or employees of the council; or
 - 4.2 cause a loss of confidence in the council or council committee.’
 - 4.3 involve discussion of a matter that is controversial within the council area; or
 - 4.4 make the council susceptible to adverse criticism.
5. s 90(7) of the *Local Government Act 1999 (SA)* requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from s 90(3) of the *Local Government Act 1999 (SA)* utilised to request consideration in confidence;
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public; and
 - 5.3 In addition identify for the following grounds – s 90(3) (b), (d) or (j) - how information open to the public would be contrary to the public interest.
6. s 83(5) of the *Local Government Act 1999 (SA)* has been utilised to identify in the Agenda and on the Report for the meeting, that the following reports are submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 18.2.1 – UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report
 - 6.1.1 Is not subject to an Existing Confidentiality Order.
 - 6.1.2 The grounds utilised to request consideration in confidence is s 90(3) (b), (d) & (h)
 - (b) information the disclosure of which—
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
 - (h) legal advice;
 - (i) information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

6.2. Information contained in Item 18.2.2 - 2018-19 Quarter 1 Commercial and Business Operations Report

6.2.1 Is not subject to an Existing Confidentiality Order.

6.2.2 The grounds utilised to request consideration in confidence is s 90(3) (b) & (d)

(b) information the disclosure of which—

(i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and

(ii) would, on balance, be contrary to the public interest;

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—

(i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and

(ii) would, on balance, be contrary to the public interest;

ATTACHMENTS

Nil

- END OF REPORT -

Confidential Item 18.2.1

UPark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report

Section 90 (3) (b), (d) & (h) of the *Local Government Act (SA) 1999*

Pages 219 to 276

Confidential Item 18.2.2

2018-19 Quarter 1 Commercial and Business Operations Report

Section 90 (3) (b) & (d) of the *Local Government Act (SA) 1999*

Pages 277 to 290
