



# COUNCIL AGENDA & REPORTS

for the meeting

Tuesday 9 November 2021  
at 5.30pm

in the Council Chamber,  
Adelaide Town Hall



Members - The Right Honourable the Lord Mayor, Sandy Verschoor (Presiding)  
Deputy Lord Mayor, Councillor Couros  
Councillors Abrahamzadeh, Donovan, Hou, Hyde, Khera, Knoll,  
Mackie, Martin, Moran and Snape.

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## 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 – 12/10/2021, 19/10/2021 & 26/10/2021

That the Minutes of the meeting of the Council held on 12 October 2021 and the Special meetings of the Council held on 19 October 2021 at 5.00pm and 6.00pm and the Special meeting of the Council held on 26 October 2021, be taken as read and be confirmed as an accurate record of proceedings.

## 7. Deputations

Granted at time of Agenda Publication – 5/11/2021

**7.1** Deputation – Ms Rachel Healy & Mr Neil Armfield – 2022 Adelaide Festival Program

## 8. Petitions

Nil

## 9. Advice from Adelaide Park Lands Authority & Advice/Recommendations of the Audit and Risk Committee

**9.1.** Advice of the Adelaide Park Lands Authority – 14 & 28 October 2021 [2018/04062] [Page 4]

**9.2.** Audit and Risk Committee Report – 29 October 2021 [2018/04062] [Page 6]

## 10. Reports for Council (Chief Executive Officer's Reports)

### Strategic Alignment – Thriving Communities

- 10.1. Adelaide South West Community Centre [2020/01966] Presented to Committee on 2/11/2021 [Page 9]
- 10.2. Residential Growth Action Plan [2021/00082] Presented to Committee on 2/11/2021 [Page 15]
- 10.3. Local Government Infrastructure Partnership Program [VS2021/4325] [Page 24]

### Strategic Alignment – Strong Economies

- 10.4. Adelaide Economic Development Agency – Quarterly Update [2020/01894] Presented to Committee on 2/11/2021 [Page 45]
- 10.5. Adelaide Central Market Authority – Quarterly Update [2015/02959] Presented to Committee on 2/11/2021 [Page 50]
- 10.6. Adelaide City Deal Update [2019/01590] Presented to Committee on 2/11/2021 [Page 54]

### Strategic Alignment – Dynamic City Culture

- 10.7. Adelaide International Tennis 2022 Partial road closure of War Memorial Drive [2021/01954] Presented to Committee on 2/11/2021 [Page 60]
- 10.8. Proposed Event in the Adelaide Park Lands – Mango [2021/02103] Presented to Committee on 2/11/2021 [Page 65]

### Strategic Alignment – Environmental Leadership

- 10.9. Adelaide Park Lands Foundation [2012/01346] Presented to Committee on 2/11/2021 [Page 70]

### Strategic Alignment – Enabling Priorities

- 10.10. 2021-2022 Quarter 1 Finance Report [2021/00122] Presented to Committee on 2/11/2021 [Page 76]
- 10.11. 2021-22 Quarter 1 Commercial Operations Report [2021/00850] Presented to Committee on 2/11/2021 [Page 95]
- 10.12. Capital Works Status Report [2021/00122] Presented to Committee on 2/11/2021 [Page 104]
- 10.13. 2021 Review of Confidentiality Orders [2021/00830] [Page 125]
- 10.14. CEO Performance Review Committee [2021/01294] [Page 134]
- 10.15. Local Government Reform – Feedback on Round 2 Regulations [2019/01903] [Page 142]
- 10.16. Position of Deputy Lord Mayor [2018/04057] [Page 163]
- 10.17. Code of Conduct - Outcome [2017/03262] [Page 167]

## 11. Exclusion of the Public

- 11.1. Exclusion of the Public [2018/04291] [Page 178]

For the following Reports of Committees seeking consideration in confidence

- 12.1.1. Audit and Risk Committee in Confidence – 29 October 2021 [s 90(3) (i)]

For the following reports for Council (Chief Executive Officer's Reports) seeking consideration in confidence

- 12.2.1. Telecommunications SmartHub [s 90(3) (b) & (h)]
- 12.2.2. Appointment of Board Members to Adelaide Central Market Authority [s 90(3) (a)]
- 12.2.3. Residential Housing Strategic Review [s 90(3) (b) & (d)]
- 12.2.4. 2021-22 Quarter 1 Confidential Commercial Operations Report [s 90(3) (b)]

## 12. Confidential Reports

- 12.1. Confidential Advice/Recommendations of the Audit and Risk Committee
  - 12.1.1. Audit and Risk Committee in Confidence – 29 October 2021 [2018/04062] [Page #]
- 12.2. Confidential Reports for Council (Chief Executive Officer's Reports)

### Strategic Alignment – Strong Economies

- 12.2.1. Telecommunications SmartHub [2018/02304] Presented to Committee on 2/11/2021 [Page 185]

- 12.2.2.** Appointment of Board Members to Adelaide Central Market Authority [2015/02959] [Page 195]

Strategic Alignment – Enabling Priorities

- 12.2.3.** Residential Housing Strategic Review [2021/01157] Presented to Committee on 2/11/2021 [Page 199]

- 12.2.4.** 2021-22 Quarter 1 Confidential Commercial Operations Report [2021/00850] Presented to Committee on 2/11/2021 [Page 209]

**13.** Lord Mayor's Reports

**14.** Councillors' Reports

- 14.1** Reports from Council Members [2018/04064] [Page 230]

**15.** Questions on Notice

- 15.1.** Councillor Abrahamzadeh – Question on Notice – Moonta Street Upgrade [Page 233]  
**15.2.** Councillor Abrahamzadeh – Question on Notice – Pedestrian Refuge Upgrade [Page 234]  
**15.3.** Councillor Moran - Question on Notice – Park Lands & APLA [Page 235]  
**15.4.** Councillor Martin – Question on Notice - At Grade Car Parks [Page 236]  
**15.5.** Councillor Martin – Question on Notice - Adelaide Gaol Vacant Land [Page 237]  
**15.6.** Councillor Martin – Question on Notice - Vogue Fashion Festival [Page 238]  
**15.7.** Councillor Martin – Question on Notice - Council Development Partner Apartment Sales [Page 239]  
**15.8.** Councillor Martin – Question on Notice - Aquatic Centre Costs [Page 240]  
**15.9.** Councillor Martin – Question on Notice - Budgeted Asset Expenditure [Page 241]

**16.** Questions without Notice

**17.** Motions on Notice

- 17.1.** Councillor Moran – Motion on Notice – Local Government Association Membership [Page 242]  
**17.2.** Deputy Lord Mayor, Councillor Couros – Motion on Notice – City Cycling [2018/04053] [Page 243]  
**17.3.** Councillor Moran – Motion on Notice - Pedestrian Crossing [2018/04053] [Page 245]  
**17.4.** Councillor Abrahamzadeh – Motion on Notice – Halloween [2020/01167] [Page 247]  
**17.5.** Councillor Snape – Motion on Notice - Advertiser Climate Change Initiative [2021/01236] [Page 249]  
**17.6.** Councillor Martin – Motion on Notice - Service Cut Report [Page 251]  
**17.7.** Councillor Martin – Motion on Notice - Non Discrimination Policy Park Lands and Council Owned Property [2020/01167] [Page 252]  
**17.8.** Councillor Snape – Motion on Notice – Pride Progress Flag [2021/01668] [Page 254]  
**17.9.** Councillor Abrahamzadeh – Motion on Notice – Rundle Mall [2013/01725] [Page 256]  
**17.10.** Councillor Khera – Motion on Notice – Riverbank Precinct Code Amendment – Draft Submission – Revocation [Page 258]

**18.** Motions without Notice

**19.** Closure

# Advice of the Adelaide Park Lands Authority – 14 October 2021 and 28 October 2021

**ITEM 9.1** 09/11/2021  
**Council**

**Program Contact:**  
Mick Petrovski, Manager  
Governance 8203 7119

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

2018/04062  
Public

## EXECUTIVE SUMMARY

The Adelaide Park Lands Authority (APLA) is the principal advisor to both the Council and the State Government on the protection, management, enhancement and promotion of the Adelaide Park Lands.

Future reports to Council on matters considered by APLA will include APLA's advice.

The Board of the Adelaide Park Lands Authority met in a Special Board meeting held on 14 October 2021 (see Agenda document [here](#)) and on Thursday 28 October 2021 (see Agenda document [here](#)).

Deliberations of the Board in relation to:

- Riverbank Precinct Code Amendment (14 October 2021)
- Request for Care and Control of Kate Cocks Park to be transferred to the Minister for Health and Wellbeing (14 October 2021)
- Rymill Park Lake – Renewal Options (28 October 2021)

resulted in advice from the Board for Council to note.

The Riverbank Precinct Code Amendment advice was noted by Council at its Special meeting held on 26 September 2021.

The Rymill Park Lake – Renewal Options is scheduled for presentation in a separate report to The Committee on 7 December 2021 for Council consideration and determination on 14 December 2021.

## APLA ADVICE TO NOTE

THAT COUNCIL NOTES THE FOLLOWING ADVICE OF THE ADELAIDE PARK LANDS AUTHORITY:

1. **Advice 1** – Request for Care and Control of Kate Cocks Park to be transferred to the Minister for Health and Wellbeing

### BOARD DECISION TO ADVISE CITY OF ADELAIDE AND STATE GOVERNMENT

That the Adelaide Park Lands Authority:

1. Acknowledges the benefits of locating the proposed new Women's and Children's hospital adjacent the Royal Adelaide Hospital. However the proposed construction of a large, permanent, multi-storey car park on the Adelaide Park Lands for the new hospital is manifestly inconsistent with both the Adelaide Park Lands Management Strategy, Community Land Management Plan and National Heritage values and therefore advises the State Government to provide that facility on a non-Park Lands site.
2. Recommends that the State Government and City of Adelaide cooperatively develop a Master Plan for the Adelaide Park Lands Riverbank Precinct which would allow for a more holistic and contextual consideration of future proposals.

**2. Advice 2 – Rymill Park Lake – Renewal Options****THAT THE ADELAIDE PARK LANDS AUTHORITY ADVISES COUNCIL:****That the Adelaide Park Lands Authority:**

1. Supports the renewal of the Rymill Park Lake with a sustainable lake (Option C), as detailed in Attachment A to Item 7.1 on the Agenda for the meeting of the Board of the Adelaide Park Lands Authority held on 28 October 2021.
2. Supports the finalisation of the Rymill Park Master Plan and the Community Land Management Plan to include the sustainable lake (Option C).

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- END OF REPORT -

# Audit and Risk Committee Report – 29 October 2021

**ITEM 9.2** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2018/04062  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

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## EXECUTIVE SUMMARY

The Audit and Risk 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 informed decision making in relation to discharging its legislative responsibilities and duties.

The Audit and Risk Committee met on Friday, 29 October 2021 and is required to report to Council after every meeting to identify and present advice and recommendations.

A precis of the matters considered by the Audit and Risk Committee is presented within this report.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the report of the meeting of the Audit and Risk Committee held on 29 October 2021.
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## DISCUSSION

1. The Audit and Risk Committee met on Friday, 29 October 2021. The Agenda with reports for the public component of the meeting can be viewed [here](#).
2. The following matters were subject of deliberations:

### **2.1. Presentation – Climate Change Risk Adaptation Action Plan 2021-2026**

### **2.2. Presentation – Future Fund & Investment Policy**

### **2.3. Draft Climate Change Risk Adaptation Action Plan**

#### THAT THE AUDIT AND RISK COMMITTEE

1. Notes the draft Climate Change Risk Adaptation Action Plan 2021-2026, which enables the City of Adelaide to meet its strategic objectives and transition to become a climate ready organisation.

### **2.4. Q1 2021-22 Consultants Report**

#### THAT THE AUDIT AND RISK COMMITTEE

1. Receives the quarterly consultants report per Attachment A to Item 5.2 on the Agenda for the meeting of the Audit and Risk Committee held on 29 October 2021.

### **2.5. 2021-2022 Quarter 1 Finance Report**

#### THAT THE AUDIT & RISK COMMITTEE

1. Notes the First Budget Review for 2021/22 incorporating the Uniform Presentation of Finances as presented in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 29 October 2021, noting that the revised budget consists of:
  - 1.1. Total estimated operating income of \$203.689 million
  - 1.2. Total estimated operating expenditure (including depreciation) of \$203.651 million
  - 1.3. An operating surplus of \$37,000
  - 1.4. Capital expenditure of \$81.413 million
  - 1.5. Grant funding to support capital expenditure on new/upgraded assets of \$1.5 million
  - 1.6. Council's borrowings (debt) ceiling of \$57.7 million
  - 1.7. Offsets across both expenditure and revenue totalling \$1.45 million towards the \$4.75 million savings target.
2. Notes additional operating expenditure for the Representation Review Process engagement for \$20,000, approved on 13 July 2021, which has been included in the revised budget figures in Recommendation 1.
3. Notes additional capital funding for the MacKinnon Parade pedestrian refuge for \$40,000, approved on the 13 July 2021, which has been included in the revised capital expenditure budget figures in Recommendation 1.
4. Approves additional operating expenditure for budget reconsideration for the Adelaide Zero Project Partnership, \$183,000 (\$140,000 in 2021/22) on 14 September 2021, which has been included in the revised budget figures in Recommendation 1.
5. Notes an additional net operating impact for Reignite the City for \$1.140 million (\$200,000 of funding for identified support initiatives and support for an estimated \$1.14m in foregone revenue), approved on 10 August 2021, which has been included in the revised budget figures in Recommendation 1.
6. Notes the ongoing commitment to maintain a surplus operating result, and the short-term nature of these budget amendments have been achievable only due to favourable timing impacts and the receipt of grants.

### **2.6. Internal Audit Progress Update**

#### THAT THE AUDIT AND RISK COMMITTEE

1. Notes the Internal Audit Progress Update report.



## 2.7. Activities of the Strategic Risk and Internal Audit Group Meetings

Considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999 (SA)*

### THAT THE AUDIT AND RISK COMMITTEE

1. Notes the report is provided to the next meeting of the Council as part of the confidential report of the Audit and Risk Committee meeting.
2. In accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 10.1 listed on the Agenda for the meeting of the Audit and Risk Committee held on 29 October 2021 was received, discussed and considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999 (SA)* this meeting of the Audit and Risk Committee, do order that:
  - 2.1. The resolution become public information and included in the Minutes of the meeting.
  - 2.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2028.
  - 2.3. The confidentiality of this matter be reviewed in December 2022.
  - 2.4. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

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- END OF REPORT -

# Adelaide South West Community Centre

**ITEM 10.1** 09/11/2021  
**Council**

Strategic Alignment - Thriving Communities

**Program Contact:**

Christie Anthony, Associate  
Director, City Culture 8203 7444

2020/01966

Public

**Approving Officer:**

Tom McCready, Acting Director  
City Shaping

## EXECUTIVE SUMMARY

Between 2005 and 2020 the Adelaide South West Community Centre (ASWCC) operated as a staffed facility from a leased building at 171 Sturt Street Adelaide. As a result of the sale of this building in 2018, and the subsequent end of the lease in February 2021, a report was presented to Council on 13 October 2020 outlining four potential options. Council approved the purchase of a new building within a limited section of the South West of the city and establishing this as a staffed facility run by Council. The approval further detailed that new building would need to offer the same or a greater gross floor area and that the operating cost (including mortgage repayments but excluding the initial fit-out) would vary by no more than 50% of the current operating costs.

Throughout 2021, while the search for a new building has been underway, the ASWCC has been operating successfully from its temporary location at the Minor Works Building (MWB) in Stamford Court. The MWB provides modern, accessible, inclusive, safe and welcoming facilities, has been performing successfully and in many aspects is exceeding what was possible at the Sturt Street location. The majority of the programs that were running at the Sturt Street location have transitioned to the MWB and new programs and partnerships have been established. When taking COVID-19 restrictions and impacts into account, visitation numbers are exceeding those that had been attending at Sturt Street. The MWB is well used by hire groups and feedback about the facilities, programs and services offered has been exceedingly positive.

There have been no properties listed on the market over the past 12 months that satisfy Council's criteria for the purchase of a new building. The Property Team have engaged the services of a real estate agent operating in the area to assist in identifying suitable premises for purchase. Advice has been received that the market is very competitive and fast moving with very little stock available in this quadrant of the city. Therefore, and based on the current performance of the Centre and feedback received, it is our recommendation to use the Minor Works Building as the permanent location for the Community Centre.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the feedback, visitor numbers and services delivered at the Minor Works Building.
2. Approves the Minor Works Building as the permanent location for the staffed Adelaide South West Community Centre in response to the feedback, visitor numbers and services being successfully delivered.
3. Notes that the \$1.5m allocated within the 2021/22 budget period could be repurposed in-part towards an expansion of programmes to enhance services and deliverables in the South West of the City.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<p><b>Strategic Alignment – Thriving Communities</b></p> <ul style="list-style-type: none"> <li>- Support the wellbeing of our communities</li> <li>- Healthy and resilient communities</li> <li>- Safe and welcoming community spaces</li> </ul>
Policy	No changes to Council policy or procedure are required as a result of this report.
Consultation	Regular monthly meetings have been undertaken with the South West City Community Association (SWCCA) and wider community engagement was completed with South West city users via the Library and Community Centre Out and About program, Welcome morning tea and chats at the Minor Works Building and a focus survey in August – September 2021.
Resource	Ongoing community engagement, search for a new building and delivery of community centre programs and services will be managed within existing resources.
Risk / Legal / Legislative	The <i>Local Government Act 1999 (SA)</i> and any potential Memorandum of Lease govern the way COA community centre services are delivered.
Opportunities	Locating the Adelaide South West Community Centre at the Minor Works Building will support delivery of an effective Community Service while making financial savings. This includes \$1.5m of approved capital budget in 2021-22 plus \$53,000 in ongoing operational costs. Opportunities exist to deliver complementary partnership programs that provide neighbourhood connections throughout the South West of the city.
21/22 Budget Allocation	Up to \$1.5 million capital budget for the purchase of a new building, including up to \$300,000 for the fit-out of the new building.
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	25+ years
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Interest expense plus \$149,000 in operating costs
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. Council's Community Centre service is founded on the principles of community connection. We work to create a city with community driven neighbourhood places and spaces where people belong, flourish and create connections.
2. The City Adelaide (CoA) operates three Community Centres as safe and welcoming spaces, providing the local community with facilities, programs and exhibitions that respond to community need. These currently include:
  - 2.1. The Box Factory Community Centre, that includes a sub-lease to the University of the Third Age (U3A) during weekdays.
  - 2.2. North Adelaide Community Centre, which is co-located with a CoA library service.
  - 2.3. The temporary delivery of a staffed Adelaide South West Community Centre (ASWCC) at the Minor Works Building (MWB) at Stamford Court.
3. Between 2005 and 2020 the ASWCC operated as a staffed facility from a leased building at 171 Sturt Street Adelaide. As a result of the sale of this building in 2018 and subsequent expiry of the lease from February 2021, a Your Say community engagement program was conducted throughout August 2020 to seek views and understand the requirements for future community services in the South West of the City.
4. A report was presented to Council on 13 October 2020 along with a petition containing 526 signatures and depositions made by the South West Community Association (SWCCA) and Mr Kieran Snape (now Councillor Snape).
5. Council approved the purchase of a new property for the ASWCC to be operated as a staffed facility run by Council. The decision required that:
  - 5.1. the building is located within the area of the Central Business District (CBD) that is located west of Morphett Street and south of Gouger Street.
  - 5.2. the building is the same Gross Floor Area (GFA) or larger than the building on Sturt Street.
  - 5.3. the operating costs (including mortgage repayments but excluding the initial fit-out) vary by no more than 50% of the operating costs at Sturt Street.
  - 5.4. the new building is purchased before 31 December 2021.
  - 5.5. during the interim period, the MWB is used as the temporary (staffed) community centre.
  - 5.6. in the event that a suitable building is not found for purchase by 31 December 2021, a new property within the nominated CBD area would be leased to until a suitable building is found.

## New building investigations

6. There have been no properties listed on the market over the past 12 months that satisfy Council's criteria as outlined in part 5 above.
7. The Property Team have engaged the services of a real estate agent operating in the area to assist in identifying suitable premises for purchase.
8. Advice has been received that the current market is very competitive and fast moving with very little stock available in this quadrant of the city.
9. The most recent property market report (Link 1 view [here](#)) indicates that commercial building sale prices are regularly exceeding \$1.5 million.
10. Direct approaches have also been made to building owners to enquire about interest to sell or lease without success.
11. The real estate agent has advised that leasing a building that meets the identified scope, location and budget may prove challenging.

## Status of the temporary use of the Minor Works Building

12. The ASWCC has been operating successfully from its temporary location at the Minor Works Building (MWB) in Stamford Court since January 2021.

13. The MWB:
  - 13.1. Provides modern, accessible, inclusive, safe and welcoming facilities that exceed what was possible at the Sturt Street location.
  - 13.2. Is larger than the Sturt Street space, providing separation and privacy across its two floors while maintaining a ground floor space for up to a capacity of 60 people (pre-COVID) for functions.
  - 13.3. Meets full accessibility requirements and was built according to universal design principles.
  - 13.4. In comparison to the Sturt Street location, provides additional functions including separated meeting rooms, two kitchen spaces, multiple secure interior storage spaces, large windows, natural light and an external garden that provides a pleasant atmosphere for new and expanded programs.
  - 13.5. Has consistently reliable high-speed Wi-Fi.
  - 13.6. Location is safe, well lit, with regular foot traffic passing by and located within the centre of a residential complex which includes Ergo apartments and Housing SA Trust Units.
  - 13.7. Is close to bus routes, a bus stop and is surrounded by a variety of local businesses and services.
14. The majority of the programs that were running at the Sturt Street location have transitioned to the MWB and new programs have been established:
  - 14.1. Of the ten regular programs that were running at the Sturt Street location, ranging from fitness to language classes, creative arts and personal wellbeing, eight have transitioned to the MWB.
  - 14.2. The two programs that have not currently transitioned to the MWB are currently on hold due to COVID-19 restrictions given that they are cooking based programs. When COVID-19 restrictions ease these programs can be delivered at the MWB to bring the services back to the full complement.
  - 14.3. In addition, four new programs have been established at the MWB. These are in response to the expressed needs of the local community and have been developed in collaboration with residents and are being delivered with volunteers from the Ergo Apartments. New programs include access to Justice of the Peace services, a local history group and meditation sessions. An extra weekly fitness class has also been added due to demand.
15. Visitation to the temporary ASWCC at the MWB location is positive and, when taking COVID-19 restrictions and impacts into account, numbers are exceeding those that had been attending at Sturt Street:
  - 15.1. Since relocating to MWB, ASWCC has experienced a 19.5% increase in visitors and a 37% increase in people attending its programs.
  - 15.2. An average of 761 people per month participated in programs and classes at the MWB during the past eight months (January to September 2021), compared with 250 per month during the period November and December 2020 at the Sturt Street location.
  - 15.3. This indicates that the vast majority of attendees at Sturt Street are actively engaging with the community connections programs on offer at MWB. It is also evident that the MWB has attracted 730 users to the programs offered during the period it has been opened to date.
  - 15.4. 'Drop in' visitors to the MWB are also exceeding those that had been visiting the Sturt Street location. Currently there are an average of 290 visitor 'drop ins' per month at the MWB, compared with 117 per month at the Sturt Street location.
  - 15.5. Given that COVID-19 restrictions have been in place throughout the time that MWB has been open, these numbers are considered to be substantial, with the potential to increase further as restrictions reduce.
16. The MWB has been popular and is well used by hire groups as a place to meet, gather, connect and celebrate:
  - 16.1. Six of the existing 12 hire groups that had been regularly utilising the Sturt Street location have transitioned to the MWB temporary location.
  - 16.2. One hire group has moved to the Box Factory Community Centre in the South East of the city.
  - 16.3. Four of the previous hire groups that have not yet transitioned had cancelled at the Sturt Street location in response to COVID-19 restrictions. Feedback received was that the cancellations stemmed from the required reductions to participant numbers and the inability to access the kitchens. Notably, two of these groups were supported to find, access and continue to operate at other facilities within the South West of the city. This included the Chinese Welfare Service who provide social support and lunch to 60 plus participants who we assisted to work from St Luke's Church and Life Drawing which is now operating from Amethyst Dance Studio on Hamlyn Street.

- 16.4. One hire group has moved out of the City.
- 16.5. In addition, the MWB has experienced a 36% increase in private and commercial hire use, compared with the total number of hirers using the Sturt Street location, This includes an increase in both one-off ad hoc hirers, as well as a range of new ongoing hire groups such as the Anti-Poverty Network, Becoming Yoga, Wellness Connect and Qigong Wellbeing and Health.
17. Feedback about the facilities, programs and services offered through the temporary MWB location has been exceedingly positive:
- 17.1. General feedback shared by visitors, program attendees and hirers of the MWB is that it is 'a fantastic space; centrally located, spacious, easy to find, clean, and organised'. Ergo apartment users say it is 'great to see the building in use'.
- 17.2. Two welcome coffee and chat events were held at the MWB location in July and September 2021, to invite people to experience the space, explore the activities on offer and to discuss future opportunities. Over 60 people attended the events, including local service providers and potential future partners. Attendees enjoyed garden, coffee and music provided by South West businesses.
- 17.3. A focus survey was conducted with visitors to the MWB during August and September 2021, including volunteers, users and hirers. Community feedback was sought about the facilities and programs provided at the temporary location, and to better understand the priorities for future community connections services and programs in the South West of the city:
- 17.3.1. The survey results (Link 2 view [here](#)) indicate that the highest priority for users of community centres in the South West continue to be that they are welcoming and provide a range of activities and services that meet community needs. These factors were rated more important than location and ease of access.
- 17.3.2. Current users of the MWB report that they most value the facilities and spaces that it provides, and that it is welcoming and modern. The range of services and programs on offer and its convenient location are also highly regarded.
- 17.4. Some local residents have provided feedback that whilst the facilities at the MWB meets their needs, the location is not as convenient as the Sturt Street location. This is in response to the fact that the MWB is a 650m walk from the original Sturt Street location.
- 17.5. Feedback has also been received from a few users who live outside the city that there is a lack of free parking closely associated with the MWB.

#### **Regular liaison with the South West City Community Association (SWCCA)**

18. Monthly meetings with the three members of the SWCCA continue to discuss the progress on purchase of new facility for the ASWCC, community requirements and identifying any service gaps resulting from the temporary relocation of the ASWCC to the MWB and opportunities to address them.
19. To date the only identified gaps by SWCCA are:
- 19.1. The opportunity for residents in the vicinity of the Sturt Street premises to drop in at the centre as they go about their daily activities.
- 19.2. The loss of a dedicated City of Adelaide people resource circulating and connecting with residents in the South West of the city, as had previously existed prior to the integration of service delivery across the City of Adelaide community service program.

#### **Maximising community connections in the South West of the City**

20. The centralised CoA community connection program remains active in the South West of the City. It includes:
- 20.1. Contribution to the 'South West Working Together Group' regular exchange with local businesses, housing providers and other service provider organisations to share knowledge, align programs, jointly promote and understand our communities' current strengths, needs and issues.
- 20.2. Support to six Neighbour Day events in the South West of the city during March 2021 across a variety of streets, parks, cafes and outside the MWB.
- 20.3. Introduction of an 'Out and About' program for the South West, with community centre staff visiting and engaging directly with local businesses, education facilities and service providers in the area.

- 20.4. Establishment of a range of new community led partnerships active across the South West of the city. Based on the principles of shared knowledge, co-design and maximising resources, these partnerships are extending our neighbourhood programs to facilitate social connections between residents.
21. Noting the increased visitation and the views of community, we recommend that the MWB becomes the permanent community hub for both the ASWCC and the surrounding precinct.
22. Council may wish to consider reallocation of some of the \$1.5m funding (that had been approved for the purchase and fit-out of a new building) towards an expansion of this partnership program to increase its impact in the South West of the city.
- 

## DATA AND SUPPORTING INFORMATION

**Link 1** – Property Market Report, 27 July to 13 October 2021

**Link 2** – Adelaide South West Community Centre at the Minor Works Building, community feedback and statistics, August to September 2021

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Residential Growth Action Plan

**ITEM 10.2** 09/11/2021  
**Council**

Strategic Alignment - Thriving Communities

**Program Contact:**  
Ian Hill, Managing Director,  
AEDA 8203 7249

2021/00082  
Public

**Approving Officer:**  
Clare Mockler, Chief Executive  
Officer

## EXECUTIVE SUMMARY

With the commencement of the Adelaide Economic Development Agency (AEDA) in January 2021, the AEDA Board has been working to address one of its objectives, namely: *To accelerate economic growth in the City of Adelaide by attracting investment and supporting businesses, festivals and events, as well as visitor, student and residential growth.* This was reinforced as an action in the approved 2021/22 AEDA Business Plan to work with industry partners, property developers and owners to stimulate residential growth. Growth of the city's residential population is also a strategic outcome within the City of Adelaide 2020-2024 Strategic Plan.

The AEDA Board endorsed a ten point plan at its May meeting to identify opportunities to increase the number of people living in the city. The research and discussions arising from this have contributed to the identification of 20 actions for consideration by Council and the State Government.

The actions identified by the AEDA board support existing initiatives being led by Council toward realising its Strategic Plan Vision of Adelaide becoming the most liveable city in the world.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the role of the Adelaide Economic Development Agency to accelerate residential growth in the city.
2. Notes the background work and investigations undertaken by the Adelaide Economic Development Agency to date.
3. Notes the Adelaide Economic Development Agency's Proposed Initiatives to Accelerate Residential Growth, provided in Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 9 November 2021, and endorses discussion with the Capital City Committee on these actions.
4. Notes the City of Adelaide and Adelaide Economic Development Agency are continuing work to further increase residential growth in the City and North Adelaide. A further report will be brought back to Council in 2022.



## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Thriving Communities</b> Vision – Adelaide is the most liveable city in the world. Outcome – Well planned and inclusive population growth (housing affordability is a key factor of liveability).
Policy	Not as a result of this report
Consultation	Key city developers and community housing providers
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
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. The Adelaide Economic Development Agency (AEDA) commenced operation on 18 January 2021.
2. Clause 7.1 of the AEDA Charter states that an Object and Purpose of AEDA is:
  - 2.1. *“To accelerate economic growth in the City of Adelaide by attracting investment and supporting businesses, festivals and events, as well as visitor, student and residential growth.”*
3. An action in the approved 2021/22 AEDA Business Plan is to work with industry partners, property developers and owners to create residential growth.
4. At its May 2021 meeting, the AEDA Board endorsed a ten point plan to host roundtables with private developers and the community housing sector, undertake research into the economic impact of accelerating the number of people living in the city, an examination of the new Planning and Design Code to identify opportunities or barriers to residential growth, a review of past initiatives and an examination of what strategies other cities are implementing
5. AEDA provided a briefing to the Capital City Committee’s (the Committee) September 2021 meeting on its role and initial thoughts on increasing the number of people living in the city. Further discussions with government agencies will be held and a report will be provided to the next meeting of the Committee following endorsement through Council.
6. The AEDA Board has noted and acknowledged the significant commitment Council is already undertaking with the 88 O’Connell Street and Central Market Arcade redevelopment.

## AEDAs work on residential growth

7. The latest estimated residential population figure for the City of Adelaide is 26,177 up from a low point of 12,656 in 1981. Although the city’s population growth has outpaced South Australia’s growth rate for the past two decades, it would be insufficient to reach the 50,000 figure that was formerly targeted by 2041.
8. If that target was able to be achieved by 2041, as opposed to Plan SA’s medium population scenario (41,000 people), economic modelling undertaken by BDO suggests a net economic benefit for SA of \$157 million with avoided infrastructure costs of \$235 million. The economic impact for the CBD flowing from increased household expenditure is \$74.5 million supporting 211 FTE jobs. This suggests there is a strong economic case for both the State and the Council to collaboratively increase the number of people living in the city.
9. The research and engagement undertaken to inform this process identified a range of disparate factors that should be collectively addressed if the number of people living in the city is to increase more rapidly. These include:
  - 9.1 Lifting the overall rate of South Australia’s population growth, noting that it continues to be sluggish.
  - 9.2 The collapse of international student numbers, with just 30% of student beds in the city currently occupied.
  - 9.3 Challenging the trend that accelerated during COVID-19 for more people to express a preference for non-apartment and/or regional living options.
  - 9.4 Improving amenity and vibrancy as key elements that attract people to live in the city.
  - 9.5 The absence of products such as Built To Rent housing in South Australia despite it being increasingly delivered overseas and in other parts of Australia.
  - 9.6 The absence of a contemporary City Plan to facilitate and guide future growth and development of our city in a way that reinforces its liveability.
  - 9.7 The appropriateness of the way in which fees and charges are levied on multi-storey residential development in the city.
  - 9.8 The way in which housing construction grants are designed implicitly preference non-CBD locations.
  - 9.9 The balance between facilitating new development and reactivating/repurposing vacant building stock for residential purposes.
  - 9.10 The absence of an over-arching authority/agency to take ownership of accelerating dwelling construction in the city and to ensure that government housing policy and programs include a CBD-focussed component.
  - 9.11 Lack of a coordinated and joined up approach to the disposal of publicly owned land, and acquisition of strategic development sites, in the city.

- 9.12 The absence of a vehicle or structure that enables community housing providers to develop at scale in the CBD rather than in suburban locations.
- 9.13 The review of the Planning and Design Code concluded that the Code has resulted in planning policy that is more facilitatory for residential development however there are elements more suited to a suburban context that may be overly restrictive within the CBD where higher density development is envisaged.
10. There was also a strong feeling that there is no time like the present to focus on accelerating residential growth in the city due to:
- 10.1 Adelaide's mantle as the world's third most liveable city complements what is already an unparalleled value proposition as a driver of economic activity and gateway to South Australia with unique advantages in environment, scale, amenity, infrastructure, lifestyle, safety, accessibility, experience and opportunity.
- 10.2 Adelaide is now being increasingly recognised as an international city that is attractive to global brands as an ideal living and investment location.
- 10.3 Major investment and policy decisions across government agencies and corporate entities increasingly consider a wider range of qualitative factors where factors such as liveability and amenity rates highly. Many of these have emerged of greater importance post COVID.
- 10.4 COVID-19 has disproportionately affected all capital cities and presented a number of economic challenges because of declining worker and visitor numbers. However, Adelaide has not been as affected as its counterparts and in fact its market position if anything has been enhanced.
- 10.5 There is a compelling narrative around the Adelaide offer as a living and working location that cannot be replicated and resonates strongly with young and professional cohorts that live, work and play in the city. This is being enhanced through initiatives such as Lot 14 and Biomed City as creators of highly skilled jobs.
11. Given the above it is apparent that a single, individual project will not address all the above issues and opportunities. Twenty projects have been identified and are itemised in **Attachment A**.
12. Of the identified projects, several are of fundamental importance ranging from the delivery of short-term outcomes through to laying the structural foundation for longer term growth. These include:
- 12.1. Introduce a new product segment to Adelaide by working with Renewal SA to develop a pilot Build To Rent project.
- 12.2. Build on the mantle of Australia's most liveable city to deliver a comprehensive marketing and communications strategy that aligns with the work being undertaken by the Department of the Premier and Cabinet.
- 12.3. Attract new developers into the city through a significant financial stimulus package to develop at least 1,000 city dwellings.
- 12.4. Establishing structures that:
- 12.4.1 Provide a holistic approach to the release to market and development of publicly-owned land in the City of Adelaide as well as acquisition of strategic sites.
- 12.4.2 Enable community housing providers to develop projects at scale in the City of Adelaide.
- 12.4.3 Provide a vehicle for the rollout of a City Housing Strategy in the City of Adelaide.
13. The initiatives endorsed by the AEDA Board can be divided into six general categories:
- 13.1. Increase Demand for Housing in the City – ensuring that the city benefits from accelerating the rate of population growth in South Australia, that there are sufficient jobs and people recognise the benefits of living in the City.
- 13.2. Financial Considerations – equalising the financial differential that developers and purchasers of dwellings in the city face due to fees and charges designed for suburban contexts but applied to the City irrespective of its unique built environment and style of development.
- 13.3. New Housing Products and Models – unlocking new land opportunities and ensuring the right structures are in place to accelerate residential development.
- 13.4. Council Processes – ensuring that Council plays a proactive role in enhancing liveability around new developments, has a rating system that recognises the whole of life income generated by new developments and has a facilitatory role in aggregating land parcels.

- 13.5. Policy and Regulatory Matters – ensuring that planning regulations do not unreasonably restrict the development of new dwellings, the utilisation of vacant dwellings or the reuse of older buildings.
- 13.6. Strategic Positioning of the City – ensuring the City of Adelaide has a long-term spatial vision and the primacy of the city is recognised and informs State Government policy and program delivery.
14. A copy of the Proposed Initiatives to Accelerate Residential Growth endorsed by the AEDA Board is provided in **Attachment A**.

#### Alignment with City of Adelaide Projects

15. Council's Strategic Plan Vision is for Adelaide to become the most liveable city in the world. To assist with the realisation of this goal the City of Adelaide is undertaking a number of investigations and projects to increase the liveability of the city and North Adelaide and in turn generate residential growth
16. A brief overview of the work currently being undertaken by the City of Adelaide that relates to our Strategic Plan vision to become the most liveable city in the world and status update is provided in Table 1 below:

<b>Project/Action</b>	<b>Council consideration</b>	<b>Status/Comment</b>
Key Development Policy Improvement Priorities – Liveability identified as a key pillar	Endorsed by Council 10/8/21 to begin investigations	This includes multiple areas of development policy being considered together including residential growth and development, encouraging business, economic drivers and strong public realm policies.
Homelessness, Social and Affordable Housing Policy	Endorsed for stakeholder engagement 13/4/21	Engagement proposed to commence in November 2021.  Engagement timing to follow Council endorsement of the Home Buyer's Rate Remission Scheme (see below)
Home Buyer's Rate Remission Scheme	Endorsed 13/7/21 subject to State Government providing complementary financial incentives	The State Government has advised that no specific incentives will be provided at this time.  To be brought back to Council for direction on how or if to progress without State government financial support.
Local Housing Plan	Identified in the Homelessness, Social and Affordable Housing Policy	The State Government's <i>Our Housing Future 2020-2030</i> includes a recommendation for local government to prepare a local housing plan to help identify local housing needs and trends from both a supply and demand perspective.
Establish an Under 40's City Living Reference Group	Endorsed by Council 9/3/21	The Lord Mayor's 40 Under 40 Forum held in 2020 may form the basis of this Group
Develop a Graduate Retention Strategy	Approved the scoping of a Graduate Retention Strategy 9/3/21	The Strategy will be scoped in partnership with State Government, universities and the private sector, including budget implications, and will be prepared for further consideration by Council.

17. In addition to the above work being undertaken, AEDA and Council are continuing to work together to further increase residential growth in the City and North Adelaide. This collaborative piece will be brought back to Council in 2022.

## ATTACHMENTS

**Attachment A** – Adelaide Economic Development Agency's Proposed Initiatives to Accelerate Residential Growth

- END OF REPORT -

## Adelaide Economic Development Agency's Proposed Initiatives to Accelerate Residential Growth

(endorsed by the AEDA Board at its meeting on 26 October 2021)

<b>Increase Demand for Housing in the City – ensuring that the City benefits from accelerating the rate of population growth in South Australia, that there are sufficient jobs and people recognise the benefits of living in the City</b>		
<p>1. Advocate to the Australian Government to:</p> <ul style="list-style-type: none"> <li>• Increase the number of jobs in the City through the relocation of Commonwealth Government Agencies and services to Adelaide</li> <li>• Expand the City Deal to complement the existing investment in Lot 14 but expand its focus to stimulate further economic activity within the CBD.</li> <li>• Review policy settings for skilled and business migrants to further incentivise their choice to locate in South Australia.</li> <li>• Waive Foreign Investor Stamp Duty Surcharges for new and off the plan purchases for owner-occupiers of apartments.</li> </ul>	<p>State Government/City of Adelaide</p>	<p>Short Term</p>
<p>2. Deliver a comprehensive marketing and communications strategy (over a number of years) that promotes the City as a great place to live (amenity and lifestyle) as well as work (job opportunities and changing economy). The strategy is to align with and complement the work being undertaken by the Department of the Premier and Cabinet to promote the availability of job opportunities in South Australia to interstate markets.</p>	<p>City of Adelaide (AEDA)/State Government</p>	<p>Ongoing</p>
<p>3. Work with all stakeholders within the purpose built student accommodation sector to rebuild the market in SA and support the enablers of growth including policy settings that enable easier entry into SA for overseas students, promoting new source markets as well as improving access and affordability for student housing in the City</p>	<p>State Government</p>	<p>Short – Medium Term</p>
<p>4. Raise awareness of co-living options for key city workers and young professionals within under-utilised purpose built student accommodation, hotels and short stay accommodation facilities.</p>	<p>City of Adelaide (AEDA)</p>	<p>Short – Medium Term</p>
<p>5. Provide a “residential concierge service” to support firms who are looking to locate in South Australia to inform and assist their workforce about accommodation options in the City.</p>	<p>City of Adelaide (AEDA)</p>	<p>Short Term</p>

<b>Financial Considerations – equalising the financial differential that developers and purchasers of dwellings in the City face due to fees and charges designed for suburban contexts but applied to the City irrespective of its unique built environment and style of development</b>		
6. Recognising the unique nature of residential development proposals in the CBD, reform the design of government fees and charges applied to residential development in the CBD to ensure it is not placed at a financial disadvantage to development elsewhere in metropolitan Adelaide.	State Government	Short Term
7. Alter the way in which revenue collected through the Open Space Levy from multi-storey residential development in the CBD is distributed so that such revenue can be invested into improving the surrounding amenity of those developments.	State Government	Short Term
8. Design and deliver a significant financial stimulus package to develop at least 1,000 city dwellings.	State Government/City of Adelaide	Short term
<b>New Housing Products and Models – unlocking new land opportunities and ensuring the right structures are in place to accelerate residential development</b>		
9. Create a public land development portfolio through which federal, state and local government land, and land owned by other public bodies, is collectively considered for development. The scope of the portfolio should be expanded to include strategic acquisitions that will accelerate residential or mixed use development outcomes.	State Government/City of Adelaide	Medium Term
10. Establish a new partnership entity between agencies of government, council, community housing providers, industry and development groups that can oversee and/or be vested with a key responsibility to deliver significant affordable, social and specialised housing in the City and activating and/or expanding existing joint project arrangements for the same.	State Government	Medium Term
11. City of Adelaide and/or the State Government work with the private sector to deliver a significant Build To Rent development in the city as a demonstration project.	City of Adelaide/State Government	Short Term

<b>Council Processes – ensuring that Council plays a proactive role in enhancing liveability around new developments, has a rating system that recognises the whole of life income generated by new developments and has a facilitatory role in aggregating land parcels.</b>			
12.	Investigate mechanisms to fund public realm improvements in areas surrounding new residential development activity in line with broader masterplans and amenity upgrades.	City of Adelaide	Short Term
13.	Explore greater flexibility on rebates for educational uses to consider rate concessions for operators of purpose built student housing that can offset operational costs and thereby provide more affordable and competitive housing options in the city.	City of Adelaide	Short Term
14.	Consider rating concessions and deferred payment arrangements on residential developments in the City that involve the adaptive reuse of existing buildings for city living, shared cost arrangements for public realm upgrades or ground floor activation of multi-level apartment blocks.	City of Adelaide	Short – Medium Term
15.	Initiate a study of the City to establish priorities for land and property purchases, through the Future Fund, by the City of Adelaide which have the potential for residential and/or mixed use development.	City of Adelaide	Short – Medium Term
<b>Policy and Regulatory Matters – ensuring that planning regulations do not unreasonably restrict the development of new dwellings, the utilisation of vacant dwellings or the reuse of older buildings</b>			
16.	Examine and prioritise potential Planning and Design Code Amendment opportunities that remove barriers to residential development, reinforce liveability or open up new opportunities.	City of Adelaide	Short – Medium Term
17.	Identify ways to remove or address barriers to the repurposing of older and vacant buildings within the City of Adelaide with the potential to deliver an “adaptive reuse trial”.	City of Adelaide	Short Term

<b>Strategic Positioning of the City – ensuring the City of Adelaide has a long term spatial vision and the primacy of the City is recognised and informs State Government policy and program delivery</b>			
18.	Develop a City Plan for the City of Adelaide to facilitate and guide future growth and development. The 30-Year Plan for Greater Adelaide provides a sound framework for strategising the City's future within the context of metropolitan Adelaide and the State, however, is not positioned or able to provide the fine-grain on-ground responses to address the truly unique characteristics of the City. The Plan should include a focus on enhancing the City's liveability as an attractor of residents ensuring future residential development. Consideration should be given to the plan meeting the requirements under Section 64 of the Planning, Development and Infrastructure Act 2016.	City of Adelaide	Short-Medium Term
19.	The City of Adelaide develop a housing strategy that gives effect to the Regional Plan which overlays and enables the manner, style and density of residential developments in the City with set outputs and targets in a short, mid and long term time frame.	City of Adelaide	Medium Term
20.	Examine opportunities for public-sector residential development in the of the City of Adelaide through existing programs delivered through SAHA and Renewal SA such as the 1000 Homes Program.	State Government	Short Term



# Local Government Infrastructure Partnership Program

**ITEM 10.3** 09/11/2021  
**Council**

Strategic Alignment - Thriving Communities

VS2021/4325  
Public

**Program Contact:**  
Garry Herdegen, Associate  
Director, City Operations 8203  
7132

**Approving Officer:**  
Klinton Devenish, Director  
Services, Infrastructure &  
Operations

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## EXECUTIVE SUMMARY

On 10 August 2021 Council endorsed to affix the Common Seal to the Funding Deed for the Local Government Infrastructure Partnership Program Deed.

We identified a project within the scope that could not be constructed due to a development commencing construction. When we notified the State Government of the project variation, they requested that the deed be amended as it had not yet been executed by them.

A Council resolution is required in order to affix the Common Seal to the new Funding Deed.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the successful grant application for the Local Government Infrastructure Partnership Program for the Accelerated Asset Renewal Program.
  2. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Funding Deed under the Local Government Infrastructure Partnership Program, as contained in Attachment A to Item 10.3 on the Agenda for the meeting of the Council held on 9 November 2021.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Thriving Communities</b> A safe, affordable, accessible, well-connected city for people of all ages and abilities, and all transport modes
Policy	Works are in line with Asset Management Policy, Strategic Asset Management Plan and Long Term Financial Plan.
Consultation	Consultation will be in line with Council's Consultation policy.
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	\$1m of Transportation Asset Renewals will be brought forward from 2022-23 and funded through the grant.
21/22 Budget Allocation	\$1,000,000 Transportation Asset Renewals
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Life expectancy of asset depends on the asset: Roads – 25 years Footpaths – 50 years Kerb and Water Table – 80 years
21/22 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	\$1,000,000 State Government Local Government Infrastructure Partnership Program

## DISCUSSION

1. The Local Government Infrastructure Partnership Program was established to support councils to accelerate spending on community infrastructure projects that contribute to the future economic growth of the region, or support the Government's Growth State agenda, or improve local infrastructure facilities for businesses and community organisations to enable them to grow in the future, or upgrade key community facilities.
2. This project encompasses a series of accelerated capital works (\$1 million) to be incorporated into City of Adelaide's Transportation Asset Renewal Program for 2021/22 (\$7.1 million total program of works).
3. The original scope of works was this:
  - 3.1. Kerb and Water Table renewal of Mills Terrace from Hill Street to Buxton Street.
  - 3.2. Road Resurfacing of Mills Terrace from Hill Street to Buxton Street.
  - 3.3. Kerb and Water table Renewal of Waymouth Street from West Terrace to Morphett Street.
  - 3.4. Road Resurfacing of Waymouth Street from West Terrace to Morphett Street.
  - 3.5. Road Resurfacing of Ranelagh Street from Waymouth Street to Dead End.
  - 3.6. Road Resurfacing of Angas Court from Angas Street to Dead End.
  - 3.7. Road Resurfacing of Catholic Cemetery Road from Sir Donald Bradman Drive to Dead End.
  - 3.8. Footpath Renewal of Sir Donald Bradman Dr (South side).
  - 3.9. Footpath Renewal of Jerningham Street (East Side).
4. We have recently been informed that a development is commencing construction on Ranelagh Street which means we are unable to complete our road resurfacing works until the development is complete. We therefore are removing this from the scope of this year's works, to be completed in a future year once the development is complete.
5. All remaining works will be completed within the 2021-22 financial year.
6. The Department of Infrastructure and Transport requested that the project be removed from the deed and a new deed be executed and sealed by Council. To formalise the new deed, City of Adelaide is required to enter into a Deed with the Department of Infrastructure and Transport as shown in **Attachment A**. Section 38 of the *Local Government Act 1999 (SA)* and provides that resolution of Council is required in order to affix the Common Seal to any such document.

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## ATTACHMENTS

**Attachment A** – Funding Deed for the Local Government Infrastructure Partnership Program

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- END OF REPORT -

DATED THE

DAY OF

2021

**LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM**

**GRANT DEED**

**BETWEEN**

**THE TREASURER  
("Treasurer")**

**-AND-**

**THE CORPORATION OF THE CITY OF ADELAIDE  
("Grantee")**

**GRANT DEED  
LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM**

**DEED** made on 2021

**BETWEEN:**

**THE TREASURER OF SOUTH AUSTRALIA** ("Treasurer")

**AND:**

**THE PARTY NAMED IN ITEM 2 OF ATTACHMENT 1** ("Grantee")

**IT IS AGREED**

- A. The Local Government Infrastructure Partnership Program ("the Program") has been established to support the Grantee spending on agreed infrastructure projects.
- B. The Grantee has applied for, and the Treasurer has agreed to provide, assistance in the form of a grant ("Grant") to the Grantee for the Purpose.
- C. The Treasurer and Grantee agree that the Grant will be provided on the terms and conditions of this Deed.
- D. This Deed comprises this Execution Page, the Grant Details (Attachment 1), the Project Details (Attachment 2), the Additional Obligations (Attachment 3), the Payment Schedule (Attachment 4), the Standard Terms and Conditions (Attachment 5), the Acquittal Form (Attachment 6), Claim Notice (Attachment 7), and Reports (Attachment 8).

**EXECUTED AS A DEED**

**THE COMMON SEAL** of **THE TREASURER** )  
was affixed in the presence of )

.....  
Witness

Print Name: .....

THE COMMON SEAL of THE CORPORATION OF THE CITY OF ADELAIDE )

was hereunto affixed, in the )

presence of: )

.....  
Principal Member

Print Name:.....

.....  
Chief Executive Officer

Print Name:.....

Item 10.3 - Attachment A

## Attachment 1 - Grant Details

Item 1	Treasurer	The Treasurer a body corporate pursuant to the <i>Administrative Arrangements Act, 1994 (SA)</i> State Administration Centre, 200 Victoria Square, Adelaide, SA, 5000
Item 2	Grantee	The Corporation of the City of Adelaide 25 Pirie Street ADELAIDE SA 5000 ABN 20 903 762 572
Item 3	Grantee's Business	The operations and undertakings of the Grantee under the <i>Local Government Act 1999 (SA)</i>
Item 4	Project Commencement Date	1 October 2021
Item 5	Project Completion Date	30 August 2022 or such later date approved in writing by the Treasurer
Item 6	Last Date to Claim	30 November 2022 or such later date approved in writing by the Treasurer
Item 7	Expiry Date	30 August 2023
Item 8	Grant (GST exclusive)	The lesser of: <ul style="list-style-type: none"> <li>• \$1,000,000 (GST exclusive); and</li> <li>• 50% of Eligible Expenditure incurred in completing the Project.</li> </ul>
Item 9	Eligibility Period	The period commencing on 23 March 2021 and ending on the Project Completion Date
Item 10	Conditions Precedent to Deed	The Grantee must provide: <ul style="list-style-type: none"> <li>• evidence to the satisfaction of the Treasurer that the Grantee has sufficient Other Funding to complete the Project;</li> <li>• evidence to the satisfaction of the Treasurer that the Grantee has obtained all Authorisations and Approvals required for the Project;</li> <li>• copies of all Material Contracts;</li> <li>• where the Project Location is Crown land, the Grantee must provide evidence to the satisfaction of the Treasurer that the Minister for Environment and Water consents to the Grantee undertaking the Project on the Project Location.</li> </ul>
Item 11	Insurances	The Grantee warrants that it is a member of the Local Government Association Mutual Liability Scheme (Scheme) and is bound by the rules of the Scheme pursuant to the provisions of the <i>Local Government Act 1999 (SA)</i> and in the event that the Grantee ceases to be a member of the Scheme it will immediately, pursuant to provisions of the <i>Local Government Act 1999 (SA)</i> , effect public liability insurance to a minimum level of cover of fifty million dollars (\$50,000,000.00).

<b>Item 12</b>	<b>Authorised Representatives</b>	<b>Treasurer:</b> Director, Risk and Commercial Advisory, SAFA <b>Grantee:</b> Chief Executive Officer
<b>Item 13</b>	<b>Addresses for Notices</b>	<b>Treasurer:</b> South Australian Government Financing Authority Level 5, State Administration Centre, 200 Victoria Square Adelaide SA 5000 Email: SAFAIndustryAssistance@sa.gov.au  or as otherwise notified in writing.  <b>Grantee:</b> Corporation of the City of Adelaide 25 Pirie Street Adelaide, SA 5000
<b>Item 14</b>	<b>Form of Funding Acknowledgement</b>	During the Term, the Grantee must: <ul style="list-style-type: none"> <li>• if required by the Treasurer, display signage acknowledging the support of the Program in relation to the Project at a location or locations agreed by the Grantee and the Treasurer until the Expiry Date unless otherwise agreed by the Treasurer in writing; and</li> <li>• invite the Treasurer and the Minister for Planning and Local Government to attend any formal opening of the Project.</li> </ul>



## Attachment 2 - Project Details

<b>Item 1</b>	<b>Project</b>	<p>The Project is the Accelerated Asset Renewal Program, to be constructed at the Project Location in accordance with the Project Documents. The Project includes:</p> <ul style="list-style-type: none"> <li>• kerb and water table renewal of Mills Terrace from Hill Street to Buxton Street;</li> <li>• road resurfacing of Mills Terrace from Hill Street to Buxton Street;</li> <li>• kerb and water table renewal of Waymouth Street from West Terrace to Morphett Street;</li> <li>• road resurfacing of Waymouth Street from West Terrace to Morphett Street;</li> <li>• road resurfacing of Angas Court from Angas Street to Dead End;</li> <li>• road resurfacing of Catholic Cemetary Road from Sir Donald Bradman Drive to Dead End;</li> <li>• footpath renewal of Sir Donald Bradman Dr (South side);</li> <li>• footpath renewal of Jerningham Street (East Side).</li> </ul>
<b>Item 2</b>	<b>Project Location</b>	<ul style="list-style-type: none"> <li>• Mills Terrace, North Adelaide, 5006;</li> <li>• Royal Ave, Adelaide, 5000;</li> <li>• Waymouth St, Adelaide, 5000;</li> <li>• Jeffcott St, North Adelaide, 5006;</li> <li>• Ward St, North Adelaide, 5006;</li> <li>• Margaret Ln, North Adelaide, 5006;</li> <li>• Catholic Cemetery Rd, Adelaide, 5000;</li> <li>• Sir Donald Bradman Dr, Adelaide, 5000;</li> <li>• Wellington Square, North Adelaide, 5006;</li> <li>• Bartels Rd, Adelaide, 5000;</li> <li>• Jerningham St, North Adelaide, 5006</li> </ul>
<b>Item 3</b>	<b>Material Contracts</b>	<ul style="list-style-type: none"> <li>• Any Approvals or Authorisations required for the Project.</li> <li>• Any building, construction, works and supply, including equipment supply, contracts and agreements necessary for the Project.</li> <li>• Any finance, grant, loan and security documents entered into by the Grantee in respect of Other Funding.</li> <li>• Any agreement between the Grantee and any other contributors to the Project.</li> </ul>

**Attachment 3 – Additional Obligations**

[Not used]

Item 10.3 - Attachment A

## Attachment 4 – Payment Schedule

Date for Achievement	Performance Milestones	Amount of Payment (excluding GST)
1 October 2021	<p><b>Performance Milestone 1</b></p> <p>The Grantee must provide evidence to the Treasurer's satisfaction that:</p> <ul style="list-style-type: none"> <li>• construction of the Project has commenced physically at the Project Location; and</li> <li>• the Grantee has submitted a Claim Notice in accordance with Attachment 7.</li> </ul>	\$100,000
1 February 2022	<p><b>Performance Milestone 2</b></p> <p>The Grantee must provide evidence to the Treasurer's satisfaction that:</p> <ul style="list-style-type: none"> <li>• road resurfacing of Angas Court from Angas Street to Dead End complete;</li> <li>• road resurfacing of Catholic Cemetary Road from Sir Donald Bradman Drive to Dead End complete;</li> <li>• footpath renewal of Sir Donald Bradman Dr (south side) complete;</li> <li>• footpath renewal of Jerningham Street (East Side) complete;</li> <li>• completed works certified by an external project consultant, project engineer, quantity surveyor or similar;</li> <li>• the Grantee has incurred Eligible Expenditure totalling at least twice the amount claimed [under this Deed (in aggregate)] at the date of the Claim Notice;</li> <li>• the Grantee has provided a Performance Milestone Report in accordance with Attachment 8; and</li> <li>• the Grantee has submitted a Claim Notice in accordance with Attachment 7.</li> </ul>	Up to \$500,000 less previous amounts claimed
Last Date to Claim	<p><b>Performance Milestone 3</b></p> <p>The Grantee must provide evidence to the Treasurer's satisfaction that:</p> <ul style="list-style-type: none"> <li>• kerb and water table renewal of Mills Terrace from Hill Street to Buxton Street complete;</li> <li>• road resurfacing of Mills Terrace from Hill Street to Buxton Street complete;</li> <li>• kerb and water table renewal of Waymouth Street from West Terrace to Morphett Street complete;</li> <li>• road resurfacing of Waymouth Street from West Terrace to Morphett Street complete;</li> <li>• practical completion of the Project as described in Attachment 2 has been achieved on or before the Project Completion Date as evidenced by provision of a certificate of practical completion by an external project consultant, project engineer, quantity surveyor or similar;</li> <li>• the Grantee has incurred aggregate Eligible Expenditure totalling at least twice the amount claimed under this Deed (in aggregate) at the date of the Claim Notice;</li> <li>• the Grantee has submitted a Claim Notice in accordance with Attachment 7; and</li> <li>• the Grantee has provided the Project Completion Report in accordance with Attachment 8.</li> </ul>	Up to \$1,000,000 less previous amounts claimed

## Attachment 5 - Standard Terms & Conditions

### AGREED TERMS

#### 1. THE TERM

The Term of this Deed commences on the Commencement Date and continues until the Expiry Date, unless terminated earlier.

#### 2. CONDITIONS PRECEDENT

The rights and obligations of the parties under this Deed, including the obligation of the Treasurer to provide the Grant or any part of the Grant, are subject to the Treasurer being satisfied that the conditions precedent specified in Attachment 1, if any, have been complied with to the Treasurer's satisfaction, unless expressly waived by the Treasurer in writing.

#### 3. AUTHORISED REPRESENTATIVES

3.1 The Representatives named in Attachment 1 are authorised to act on behalf of the Parties and are responsible for overseeing the effective administration of the Deed. The Representatives have authority to:

- (a) exercise all of the powers and functions of the Party they represent under this Deed other than the power to amend this Deed; and
- (b) bind the Party they represent under this Deed in relation to any matter arising out of or in connection with this Deed.

3.2 A notice served on a Representative is taken to be notice to the Party they represent.

3.3 A Party may vary or revoke an authorisation at will, and nothing in this clause 3 shall prevent a Party from exercising any of its rights and powers under this Deed.

#### 4. PAYMENT OF GRANT

4.1 The Grantee may only make a claim for an instalment of the Grant for Eligible Expenditure incurred for the Project.

4.2 Unless expressly waived by the Treasurer in writing, the obligation of the Treasurer to provide the Grant, or any instalment of the Grant, is subject to the Treasurer:

- (a) receiving, in all things to the complete satisfaction of the Treasurer:
  - (i) a Claim Notice in the form prescribed in Attachment 7 on or before the Last Date to Claim;
  - (ii) all Reports due at the date of the Claim Notice; and
  - (iii) documentary evidence that the Grantee has sufficient Other Funding.
- (b) being satisfied that:
  - (i) the Grantee has, in all respects, complied with the terms and conditions of this Deed;
  - (ii) the Grantee has achieved the relevant Performance Milestone by the date for its achievement specified in Attachment 4;
  - (iii) an Event of Default has not occurred or is not occurring;
  - (iv) an Insolvency Event has not occurred;
  - (v) the Grantee's representations and warranties in this Deed are true in all material respects, and not misleading, when made or repeated; and
  - (vi) the Grantee has satisfied or complied with such other requirements (if any) specified in Attachment 1.

4.3 If the Treasurer is not satisfied that one or more of the requirements of clause 4.2 have been satisfied then the Treasurer may, by way of written notice to the Grantee, terminate or suspend the Treasurer's

obligations to provide the Grant, or any other obligations under this Deed.

4.4 Payment of any instalment of the Grant will be made to the Grantee's bank account specified in a Claim Notice which must be to an ADI and in the name of the Grantee.

4.5 The Grantee must ensure that it can properly account for the Grant received under the Deed.

#### 5. GST

5.1 The parties acknowledge that compliance with this Deed may give rise to a Taxable Supply and that any consideration or payment obligation in this deed, including the payment of the Grant, is exclusive of GST unless stated otherwise.

5.2 The Grantee represents that:

- (a) the ABN shown in Attachment 1 is the Grantee's ABN; and
- (b) it is registered under the GST Act.

5.3 The Parties agree that this Deed satisfies the requirement for a written agreement specifying the supplies to which the Recipient Created Tax Invoice ("RCTI") relates.

5.4 The Treasurer will provide a RCTI and where relevant an Adjustment Note, to the Grantee within 30 days of the making, or determining of the value, of the Taxable Supply.

5.5 The Grantee must not issue a Tax Invoice in respect of a Taxable Supply or, where relevant, an Adjustment Note in respect of an Adjustment Event.

5.6 If an Adjustment Event arises in respect of a Taxable Supply under this Deed the Parties must do all things necessary to make sure that the Adjustment Event may be properly accounted for, including the issue of an Adjustment Note.

#### 6. REPAYMENT OF UNALLOCATED FUNDS

6.1 If the Grantee has not expended all of the Grant for the Purpose by the Project Completion Date, it must notify the Treasurer of the unexpended amount and may submit a written request for retention or carryover of unexpended amounts specifying:

- (a) the amount to be retained or carried over; and
- (b) the purpose for which the unexpended amount will be used.

6.2 The Treasurer may consider the Grantee's request and notify the Grantee in writing whether it:

- (a) agrees that the Grantee may retain or carry over all or part of the unexpended amount; or
- (b) requires the Grantee to repay all or part of that amount as notified by the Treasurer to the Treasurer within 30 days of receipt of the notice from the Treasurer.

#### 7. REPRESENTATIONS AND WARRANTIES

7.1 The Grantee represents and warrants to the Treasurer that:

- (a) it is duly qualified and properly accredited to carry on the Business and Project;
- (b) it has the power (without restriction or condition), Approvals and Authorisations to enter into this Deed and perform its obligations under this Deed and will continue to have the power to perform its obligations under this Deed;
- (c) an Insolvency Event has not occurred and there are no threatened actions or proceedings before any court or other body which will or are likely to materially adversely affect the financial position of the Grantee or its ability to perform its obligations under this Deed;

<b>Total Grant Ex GST</b>		<b>Up to \$1,000,000</b>

Item 10.3 - Attachment A

- (d) there are no threatened actions or proceedings before any Court or other body which will or are likely to materially adversely affect the financial position of the Grantee, its ability to perform its obligations under this Deed or to undertake and complete the Project;
- (e) it is not in material default under any law, indenture, mortgage, trust deed, agreement or other instrument or arrangement by which it is bound;
- (f) this Deed constitutes legal, valid and binding obligations on the part of the Grantee which are enforceable against it in accordance with its terms;
- (g) it has or will have available, sufficient Other Funding to complete the Project;
- (h) all information provided by the Grantee in the Application and to the Treasurer in accordance with this Deed, is true and correct in all material respects at the time it was provided, and there are no material facts known to the Grantee relating to it which could or might affect the willingness of the Treasurer to enter into an agreement with the Grantee on terms similar to the terms of this Deed which have not been disclosed to the Treasurer; and
- (i) it does not have any interests or obligations that conflict with its interests or obligations under this Deed.
- 7.2 The Grantee acknowledges that the representations and warranties made in this clause 7 have induced the Treasurer to agree to provide the Grant to the Grantee.
- 7.3 The Grantee acknowledges that each of the above representations and warranties shall survive the execution of this Deed and the provision of the Grant under this Deed and will be correct and complied with in all material respects on the date of this Deed, the dates of any Claim Notices and the dates of payment of the Grant and thereafter are repeated by reference to the circumstances existing at the time of such repetition except that each reference to financial statements or accounts shall be construed as a reference to the then latest available financial statements or accounts.
- 8. OBLIGATIONS**
- 8.1 All obligations under this Deed will apply for the duration of the Term.
- 8.2 The Grantee must comply with the Additional Obligations (if any) specified in Attachment 3.
- Purpose**
- 8.3 The Grantee must use the Grant solely for the Purpose.
- Business**
- 8.4 The Grantee must, during the Term, carry on and maintain its Business in the State of South Australia.
- Project**
- 8.5 The Grantee must commence the Project by the Project Commencement Date unless otherwise agreed in writing by the Treasurer.
- 8.6 The Grantee must complete the Project by the Project Completion Date unless otherwise agreed in writing by the Treasurer.
- 8.7 The Grantee must achieve each Performance Milestone by the date for achievement of that Performance Milestone specified in Attachment 4.
- 8.8 If the Grantee becomes aware of the possibility of a delay, which may prevent the Grantee from complying with clauses 8.5, 8.6 or 8.7, the Grantee must promptly notify the Treasurer in writing of:
- (a) the detail and likely extent of the delay and the Grantee's proposed strategies to manage the consequences of the delay; and
- (b) any request for an extension of time where such a request is necessary and reasonable in the circumstances.
- 8.9 The Treasurer may in its absolute discretion, consent to a request for an extension of time provided that:
- (a) the Grantee uses its best endeavours to minimise the delay and recover lost time;
- (b) where requested by the Treasurer, the Grantee provides a plan indicating in detail the steps the Grantee proposes to take to minimise the impacts of the delay; and
- (c) the Grantee complies with such other conditions imposed as part of the Treasurer's consent.
- 8.10 The Grantee must comply with, and must undertake the Project in compliance with, all applicable laws, rules and regulations and orders of any governmental authority.
- Keep Informed**
- 8.11 The Grantee must immediately notify the Treasurer in writing if it defaults in fully performing, observing and fulfilling any provision of this Deed, there occurs an Insolvency Event or it becomes aware of any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proving to be untrue in any material respect.
- 8.12 The Grantee must immediately inform the Treasurer of any significant changes to the nature and/or scope of the activities conducted by the Grantee which would impact on the Purpose, the Project, the Other Funding or the Grantee's ability to comply with its obligations under this Deed or the financial position of the Grantee.
- Project Assets**
- 8.13 The Grantee must not Deal With any real or personal property in relation to which the Grant has been applied by the Grantee without the prior written consent of the Treasurer, which shall not be unreasonably withheld.
- 8.14 If at any time prior to the Expiry Date the Grantee Deals With any real or personal property in relation to which the Grant has been applied (referred to in this clause 8.14 as "**the Property**"):
- (a) the Treasurer may by notice in writing given to the Grantee demand that the Grantee pay to the Treasurer a monetary amount (not exceeding the amount of the Grant) which is equivalent to the monetary payment or value received by or to be paid to or for the benefit of the Grantee in connection with the assignment, transfer, conveyance, sale, disposal or removal of the Property; and
- (b) the Grantee must then pay to the Treasurer the amount demanded by the Treasurer within the time stipulated by the Treasurer for payment.
- 9. REPORTING AND RECORD KEEPING**
- 9.1 During the Term the Grantee must keep all records (including original receipts and invoices) relating to the conduct and management of the Project, and necessary to provide a complete, detailed, up-to-date and accurate record and explanation of:
- (a) progress of the Project;
- (b) the application of the Grant;
- (c) incurred Eligible Expenditure; and
- (d) Other Funding.
- 9.2 The Grantee must provide the Reports and other documents as specified in Attachment 8, and must attend meetings as reasonably required by the Treasurer.

- 10. FINANCIAL REPORTING AND AUDITING**
- 10.1 On the date specified in Attachment 8, the Grantee must provide an Acquittal Form in relation to the expenditure of all funds under this Deed:
- certifying that the Grant has been properly spent on the Purpose in accordance with the requirements of the Deed; and
  - signed by the Grantee's Representative.
- 10.2 Not later than each 31 October during the Term, the Grantee will provide to the Treasurer a copy of its annual report and financial statements and any other documents relevant to its operations, including management accounts if requested, prepared in accordance with the Australian Accounting Standards and signed by the Grantee's Chief Executive Officer and audited by a qualified independent auditor.
- 10.3 The Grantee agrees the Treasurer may direct that the financial accounts of the Grantee be audited at the Treasurer's cost, and the Treasurer may specify the minimum qualifications that must be held by the person appointed to conduct the audit.
- 10.4 The financial statements referred to in clause 10.2 must be prepared in accordance with Australian Accounting Standards and where this Grant or the sum of grants provided by the Treasurer over a Financial Year is in excess of \$1 million (GST exclusive), they must be in the form of General Purpose Financial Statements.
- 10.5 If the audit discloses that the Grantee has applied the Grant for a purpose other than the Purpose then the Grantee will be required to reimburse the Treasurer the costs of the audit.
- 11. INSPECTION**
- The Grantee must allow any officer or person authorised by the Treasurer on the giving of reasonable notice, to enter the premises of and to inspect the operations of the Grantee (including equipment, premises, accounting records, documents and information) and interview the Grantee's employees, agents and contractors on matters pertaining to the Project or the operations and reporting obligations of the Grantee under this Deed.
- 12. PUBLICITY**
- 12.1 The Grantee must not make any public announcements or media releases about this Deed or the Project without the prior written consent of the Treasurer.
- 12.2 The Grantee will acknowledge the Grant by the Treasurer in any advertising, publicity or promotional material relating to this Deed in the manner specified in Attachment 1.
- 12.3 The Grantee will participate in promotional or publicity activity in relation to this Deed as is reasonably required by the Treasurer.
- 13. OTHER FINANCIAL ASSISTANCE**
- 13.1 The Grantee must give the Treasurer full details of any financial assistance for activities in connection with the Project which the Grantee expects or receives from another source or agency (be it government or otherwise) after the date of this Deed, including the amount and source of the funding, any relevant agreements and the name of the program under which it was provided, within thirty (30) days of receiving notice that the other financial assistance has been approved.
- 13.2 The Grantee acknowledges and agrees that the Grantee must contribute at least 50% of the Eligible Expenditure from its own funds. Own funds excludes any third party funding, being funding from the State Government of South Australia and/or non-Government funding, required to complete the Project.
- 13.3 The Treasurer may reduce the amount of the Grant to reflect the amount of the other financial assistance referred to in clause 13.1.
- 14. INSURANCE**
- 14.1 The Grantee must effect and maintain the insurance specified in Attachment 1 during the Term.
- 14.2 The Grantee must apply any monies received for any claim against a policy of insurance required by this Deed to be maintained, towards the repair or replacement of the property insured, unless the Treasurer approves otherwise.
- 15. DEFAULT AND TERMINATION**
- 15.1 The following are Events of Default:
- the Grantee breaches any of its obligations or undertakings under this Deed and has not rectified such breach within the time frame specified in a notice given in writing by the Treasurer to the Grantee requiring rectification of the breach;
  - any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proves to be untrue in any material respect;
  - an Insolvency Event occurs, or threatens to occur;
  - if a secured party enforces its rights in relation to any asset of the Grantee;
  - if there is a Material Adverse Effect in relation to a Material Contract or the condition or stability of the Grantee;
  - if the Grantee determines to cease to complete the Project; or
  - if the Other Funding is not available for any reason.
- 15.2 The Grantee undertakes that it will promptly inform the Treasurer in writing upon the Grantee becoming aware of, or when the Grantee ought reasonably to have become aware of, the happening of an Event of Default.
- 15.3 If an Event of Default occurs the Treasurer may, then notwithstanding any previous delay or waiver on the Treasurer's part, upon giving written notice to the Grantee:
- require the Grantee to immediately pay the Repayment Amount to the Treasurer as liquidated damages upon demand by the Treasurer;
  - withhold the portion of the Grant not already paid;
  - withhold future funding from the Grantee; and/or
  - terminate this Deed.
- 15.4 If pursuant to clause 15.3 the Treasurer requires the Grantee to pay the Repayment Amount to the Treasurer then the Grantee agrees to make such repayment in full within 14 days of receipt of a written demand from the Treasurer.
- 15.5 The Grantee acknowledges that:
- the Treasurer has concluded that it is in the interests of the public of the State of South Australia that the Treasurer should provide the Grant to the Grantee but only upon the terms and conditions of this Deed;
  - it is essential to the purpose for which the Grant is advanced pursuant to this Deed that:
    - the Grantee uses the Grant for Eligible Expenditure incurred for the Project; and
    - the Grantee does not permit an Event of Default to occur;
  - if an Event of Default occurs the extent of the loss or damage sustained by the Treasurer will be extremely difficult to assess or quantify accurately or to otherwise determine precisely;
  - the Repayment Amount represents a genuine pre-estimate by the Treasurer of the compensation which the Treasurer believes is fair and reasonable; and
  - any amounts payable to the Treasurer pursuant to this clause 15 are not and will not

- be construed or deemed to be a penalty payable by the Grantee for the purposes of any applicable legal rule or norm.
- 15.6 The Grantee enters into the obligation to pay the Repayment Amount with the intention that it is a legally binding, valid and enforceable contractual provision against the Grantee.
- 15.7 The Treasurer and the Grantee intend to exclude, to the extent permissible, the application and operation of any legal rule or norm, whether statutory or common law, relating to:
- the characterisation as penalties of liquidated amounts payable under a contract on a breach occurring; or
  - the enforceability or revocability of such liquidated amounts.
- 15.8 The Grantee's obligation to pay the Repayment Amount to the Treasurer shall not be subject to any set off or counterclaim by the Grantee and the Repayment Amount shall be paid by the Grantee to the Treasurer free and clear of any withholding of whatever nature.
- 15.9 Any amount due and payable by the Grantee to the Treasurer pursuant to:
- this Deed; or
  - any other agreement that the Grantee may have with the Crown;
- may be set off against any amount due and payable by the Treasurer to the Grantee under this Deed.
- 16. NOTICES**
- 16.1 Any notice, request, approval, consent or other communication to be given or served pursuant to this Deed must be in writing and addressed and signed as the case may be, as specified in Attachment 1.
- 16.2 A notice, request, approval, consent or other communication must be delivered by hand, sent by prepaid post or email, or transmitted by facsimile.
- 16.3 A notice, request, approval, consent or other communication will be deemed to be received:
- if delivered by hand, upon delivery;
  - if sent by pre-paid ordinary post within Australia, upon the expiration of seven (7) Business Days after the date on which it was sent;
  - if sent by email, on the Business Day on which it is sent if sent before 5:00pm on that Business Day and the sender does not receive a message from its internet service provider or the recipient's mail server indicating that it has not been successfully transmitted, otherwise on the next Business Day.
- 17. CONTRACT DISCLOSURE**
- 17.1 The Treasurer may disclose this Deed and/or information in relation to this Deed in either printed or electronic form, and either generally to the public or to a particular person as a result of a specific request.
- 17.2 Nothing in this clause derogates from:
- the Grantee's obligations under any provisions of this Deed; or
  - the provisions of the *Freedom of Information Act 1991 (SA)*.
- 18. COMPLIANCE WITH LAWS AND POLICIES**
- 18.1 The Grantee must comply with the laws in force in the State of South Australia in performing its obligations under this Deed.
- 18.2 The Grantee must comply with any policies notified by the Treasurer in writing at the Commencement Date.
- 19. COSTS**
- 19.1 The Grantee must pay, on the basis of a full indemnity, any costs incurred by the Treasurer in enforcing the Treasurer's rights under this Deed.
- 19.2 Each Party will bear its own costs of and incidental to the negotiation, preparation and execution of this Deed.
- 20. GOVERNING LAW AND JURISDICTION**
- 20.1 This Deed is governed by the laws in the State of South Australia.
- 20.2 The courts of the State of South Australia have exclusive jurisdiction in connection with this Deed.
- 21. ENTIRE DEED**
- The Deed constitutes the entire Deed between the Parties in respect of the matters dealt with in this Deed and supersedes all prior Deeds, understanding and negotiations in respect of the matters dealt with in this Deed.
- 22. NO ASSIGNMENT**
- 22.1 The Grantee must not assign, encumber or otherwise transfer any of its rights or obligations under this Deed without the written consent of the Treasurer.
- 22.2 Subject to any contrary legislative intention, the Parties agree that if there is any Machinery of Government Change, this Deed is deemed to refer to the new entity succeeding or replacing the Treasurer and all of the Treasurer's rights and obligations under this Deed will continue and will become rights and obligations of that new entity.
- 23. MODIFICATION**
- No addition to or modification of any provision of this Deed will be binding upon the Parties unless agreed by the Parties in writing.
- 24. SEVERANCE & READING DOWN**
- 24.1 Each word, phrase, sentence, paragraph and clause of this Deed is severable.
- 24.2 Severance of any part of this Deed will not affect any other part of this Deed.
- 24.3 Where a word, phrase, sentence, paragraph, clause or other provision of this Deed would otherwise be unenforceable, illegal or void the effect of that provision shall so far as possible, be limited and read down so that it is not unenforceable, illegal or void.
- 24.4 If any provision of this Deed is, or becomes, defective, and the Treasurer consequently is unable to enforce any of the Grantee's obligations under this Deed, and the defect is capable of remedy, the Grantee must do all things and sign all documents which the Treasurer may reasonably require the Grantee to do or sign to remedy the defect.
- 25. COUNTERPARTS**
- This Deed may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument. An executed counterpart may be delivered by email.
- 26. NO FURTHER OBLIGATION**
- 26.1 The Grantee acknowledges that the Grant represents a one-off contribution by the Treasurer towards the Project, and the Grantee agrees any request for subsequent funding will require a new application to the Treasurer. The Treasurer is under no obligation to agree to pay any subsequent funding to the Grantee.
- 26.2 The Grantee acknowledges the Treasurer will not be liable to reimburse the Grantee for any losses or cost over runs that may result from the operation of this Deed or the carrying out of the Purpose.
- 27. TIME OF THE ESSENCE**
- Time is of the essence in respect of any time, date or specified period either in this Deed or in any notice served under this Deed.



- 28. NO WAIVERS**
- 28.1 No waiver of any right under this Deed is effective unless given in writing and signed by the Party waiving its rights.
- 28.2 A waiver by either Party in respect of a breach of a provision of this Deed by the other Party is not a waiver in respect of any other breach of that or any other provision.
- 28.3 The failure of either Party to enforce at any time any of the provisions of this Deed must not be interpreted as a waiver of that provision.
- 28.4 The rights and remedies contained in this Deed are cumulative and not exclusive of any rights or remedies provided at law.
- 29. CONSENT**
- If the Grantee requires the Treasurer's consent under this Deed, the Treasurer may in absolute discretion give or withhold consent (subject to any provision in this Deed to the contrary) and if giving consent, the Treasurer may impose any condition on that consent that he considers appropriate. The Treasurer's consent will not be effective unless it is in writing and signed.
- 30. INTERPRETATION**
- In this Deed (unless the context requires otherwise):
- 30.1 a reference to any legislation includes:
- (a) all legislation, regulations and other forms of statutory instrument issued under that legislation; and
- (b) any modification, consolidation, amendment, re-enactment or substitution of that legislation;
- 30.2 a word in the singular includes the plural and a word in the plural includes the singular;
- 30.3 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings;
- 30.4 a reference to a clause number is a reference to all its subclauses;
- 30.5 a reference to two or more persons is a reference to those persons jointly and severally;
- 30.6 a reference to dollars is to Australian dollars;
- 30.7 a reference to a Party includes that Party's administrators, successors and permitted assigns;
- 30.8 no provision or expression in this Deed is to be construed against a Party on the basis that the Party (or its advisers) was responsible for the drafting of this document;
- 30.9 a reference to legislation includes legislation repealing, replacing or amending that legislation;
- 30.10 mentioning anything after the words include, includes or including does not limit what else might be included; and
- 30.11 if any act pursuant to this Deed would otherwise be required to be done on a day which is not a Business Day, then that act may be done on the next Business Day.
- 31. DEFINITIONS**
- In this Deed:
- 31.1 "**Acquittal Form**" means a notice of financial acquittal in the form specified in Attachment 6;
- 31.2 "**Additional Obligations**" means the obligations specified in Attachment 3;
- 31.3 "**ADI**" means a deposit taking institution authorised under the *Banking Act 1959 (Cth)* to carry on banking business in Australia;
- 31.4 "**Adjustment Event**" has the meaning attributed in the GST Law;
- 31.5 "**Adjustment Note**" has the meaning attributed in the GST Law;
- 31.6 "**Application**" means the application for financial assistance from the Program submitted by the Grantee in respect of which the Grant has been awarded;
- 31.7 "**Approval**" means any approval, authorisation, permit, permission, licence, consent, clearance, exemption, filing, registration or the like, which is required by law or required to be issued by or obtained from a government authority or any other person;
- 31.8 "**Authorisation**" means any corporate action, approval or the like which is required to be satisfied or obtained in order to authorise the Grantee to undertake the Project or to enter into, deliver and perform its obligations under the Deed;
- 31.9 "**Business**" means the business of the Grantee described in Attachment 1;
- 31.10 "**Business Day**" means any day which is not a Saturday, Sunday or a public holiday in Adelaide;
- 31.11 "**Claim Notice**" means a notice of claim and compliance in the form specified in Attachment 7;
- 31.12 "**Commencement Date**" means the date of this Deed;
- 31.13 "**Crown**" means the Crown in right of the State of South Australia;
- 31.14 "**Deal With**" means:
- (a) sell, transfer, novate, assign, declare a trust over or otherwise dispose of or procure or effect the disposal of, any interest or right; or
- (b) effect a change in the beneficial interest or beneficial unit holding under a trust which has an interest or right.
- 31.15 "**Eligible Expenditure**" means expenditure associated with the Project, reasonably incurred and actually paid, during the Eligibility Period, by the Grantee (exclusive of GST) but does not include:
- (a) amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of South Australia pursuant to an arrangement other than this Deed;
- (b) amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of Australia (Cth) pursuant to an arrangement other than this Deed;
- (c) amounts for which the Grantee is entitled to claim reimbursement or funding from other third party contributions (eg: sporting or community club) pursuant to an arrangement other than this Deed;
- (d) any amount incurred by the Grantee prior to the Eligibility Period;
- (e) any amount incurred by the Grantee in relation to the purchase of land, buildings or a business;
- (f) any amount incurred by the Grantee in respect of ongoing operating costs including wages and salaries, recruitment, training, mentoring and procurement fees, rent or other property costs, grant applications and administration costs;
- (g) any amounts incurred by the Grantee that are non-cash expenses according to generally accepted accounting principles such as depreciation, amortisation or opportunity costs;
- (h) any amount incurred by the Grantee in respect of feasibility studies, project masterplans or business cases;
- (i) any amount incurred by the Grantee in respect of marketing activities including websites, traditional and digital marketing, subscriptions or contract fees to third party

- marketing distributors and channel management providers; and
- (j) any other amounts that the Treasurer determines are the usual or direct requirement of business;
- 31.16 "Eligibility Period" means the period specified in Attachment 1;
- 31.17 "Event of Default" means the defaults specified in clause 15.1;
- 31.18 "Expiry Date" means the date specified in Attachment 1;
- 31.19 "Financial Year" means a year commencing on 1 July and ending on 30 June;
- 31.20 "General Purpose Financial Statements" has the same meaning as in the Australian Accounting Standards;
- 31.21 "Grant" means the funds payable under this Deed specified in Attachment 1;
- 31.22 "GST" means the tax imposed by the GST Law;
- 31.23 "GST Act" means the *A New Tax System (Goods and Services Tax) Act 1999*;
- 31.24 "GST Law" has the meaning given to that expression in the GST Act;
- 31.25 "Input Tax Credit" has the meaning attributed in the GST Law;
- 31.26 "Insolvency Event" means:
- (a) the Grantee ceases to carry on the Business;
  - (b) the Grantee ceases to be a council under the *Local Government Act 1999 (SA)*;
  - (c) the Grantee is or states that it is unable to pay its debts when they fall due; or
  - (d) anything analogous to or of similar effect to anything described above occurs in respect of the Grantee;
- 31.27 "Last Date to Claim" means the date specified in Attachment 1;
- 31.28 "Material Adverse Effect" means any change that has had, or is reasonably likely to have, an effect that is or will be materially adverse to the ability of the Grantee to perform its obligations under this Deed;
- 31.29 "Material Contracts" means those documents listed in Attachment 2;
- 31.30 "Other Funding" means funding or other financing in addition to the Grant that must be secured by the Grantee to enable it to satisfactorily complete the Project;
- 31.31 "Party" means a party to this Deed;
- 31.32 "Performance Milestones" means the performance milestones specified in Attachment 4;
- 31.33 "Prescribed Rate" means a daily interest rate being the aggregate of 2% per annum and the rate percent per annum determined by the Treasurer to be that which expresses as a percentage per annum the cost to the Treasurer of funding, on a daily basis for the period of the default, any amount due and unpaid under this Deed;
- 31.34 "Project" means the project specified in Attachment 2;
- 31.35 "Project Commencement Date" means the date specified in Attachment 1;
- 31.36 "Project Completion Date" means the date specified in Attachment 1;
- 31.37 "Project Documents" means:
- (a) All documents associated with the initial design (including any plans, designs, or specification documents), through to installation, construction, commissioning, and acceptance of the Project Description;
  - (b) All Project consents;
- (c) Any other document or agreement entered into by the Grantee for purposes of the Project;
- (d) The Grantee's application for assistance under the Local Government Infrastructure Partnership Program; and
- (e) For the avoidance of doubt, an amendment or variation to any documents or agreements referred to above is a Project Document.
- 31.38 "Project Location" means the location of the Project specified in Attachment 2;
- 31.39 "Purpose" means the purpose of reimbursing itself for Eligible Expenditure in accordance with this Deed;
- 31.40 "Repayment Amount" means:
- (a) all amounts paid by the Treasurer to the Grantee under this Deed up to the Repayment Date; and
  - (b) interest at the Prescribed Rate calculated from the Repayment Date up to but excluding the day on which the Grantee repays the amount in full without deduction;
- 31.41 "Repayment Date" means the date of the Treasurer's demand given under clause 15.4;
- 31.42 "Reports" means those reports specified in Attachment 8;
- 31.43 "Representatives" means the persons occupying the positions for each Party specified in Attachment 1;
- 31.44 "Taxable Supply" has the meaning attributed in the GST Law;
- 31.45 "Tax Invoice" has the meaning attributed in the GST Law; and
- 31.46 "Term" means the period commencing on the Commencement Date and continuing until the Expiry Date, unless terminated earlier.

## Attachment 6 – Acquittal Form

NOTICE OF FINANCIAL ACQUITTAL

TO: SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Director, Risk &amp; Commercial Advisory

FROM: \_\_\_\_\_

*Grantee Name*

Contact Person for enquiries: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Email: \_\_\_\_\_

Contact Phone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

DETAILS OF GRANT**Grant Deed***Grant Deed dated [ ] between the Treasurer and [ ] ("Grantee")***Purpose of Grant***Reimburse the costs incurred by the Grantee in respect of up to 50% of Eligible Expenditure for the Project.**The Project is the Grantee's [ ] ("Project").***Grant Monies and Application**

Grant Amount: \$ \_\_\_\_\_

Total Eligible Expenditure: \$ \_\_\_\_\_

Funds Remaining: \$ \_\_\_\_\_

**Representations**

The Grantee represents and warrants that:

1. the Grant was solely applied to the Purpose;
1. the Project was completed on or prior to the Project Completion Date (as defined in the Grant Deed); and
2. the Grantee complied, in all material respects, with its obligations under the Grant Deed.

**Signed for and on behalf of the Grantee by the Grantee's Authorised Representative:**\_\_\_\_\_  
*Signature***Print Name:**

Date: / /

## Attachment 7 – Claim Notice

NOTICE OF CLAIM AND COMPLIANCE

To: South Australian Government Financing Authority  
Level 5, 200 Victoria Square  
Adelaide SA 5000

**Attention: Director, Risk and Commercial Advisory**

[Grantee] provides the Treasurer with a Notice of Claim and Compliance pursuant to the **Grant Deed** dated [ ] between the Treasurer and [Grantee] (Grant Deed).

Unless the context otherwise requires, terms and conditions in the **Grant Deed** have the same meanings where used herein.

**Claim**

The [Grantee] advises that:

- (a) Performance Milestone [#] has been achieved;
- (b) the Grant instalment amount being claimed is \$[ ] (not to exceed the amount for the Performance Milestone achieved)
- (c) Eligible Expenditure related to the achievement of the Performance Milestone totals \$[ ]
- (d) the Grantee's bank account details are:
  - Account Name: [ ]
  - BSB: [ ]
  - Account Number: [ ]
- (e) The Grantee has submitted all reports (if any) required on or before the submission of this Notice.

**Attachments**

The [Grantee] attaches the following documentary evidence of having incurred and paid the Eligible Expenditure:

- (a) [ for example: invoices, receipts ]

The [Grantee] attaches the following documentary evidence of having completed the relevant Performance Milestones:

- (a) [ ]

**Representations and Warranties**

The [Grantee] represents and warrants as at the date of this Notice that:

- (a) the payment of the grant to be provided under the **Grant Deed** have/will be applied for the reimbursement of **Eligible Expenditure**;
- (b) no event which is, or with the giving of notice, the lapse of time or the making of any determination would be likely to become, an **Event of Default** has occurred or is continuing;
- (c) it is not in default of any of its remaining **Warranties or Representations** provided under the **Grant Deed** and they remain true as though made at the date of this certificate in respect of the facts and circumstances then subsisting;
- (d) all insurances required to be held pursuant to the **Grant Deed** have in fact been held and are presently in force;
- (e) Other Funding is comprised of:
  - a. [ Other: \$ being [ ]%

**DATED** the       day of

**SIGNED** for and on behalf of [Grantee] by the **Grantee's Authorised Representative**

.....  
Name:

Title:

## Attachment 8 – Reports

Report required	Date for Provision
<p><b>Performance Milestone Report</b> containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which details key expenditures, activities, use of local contractors and full time equivalent employees (FTEs) used during construction, and achievements associated with the satisfaction of each Performance Milestone. The report should also detail progress of the Project.</p>	Refer Attachment 4
<p><b>Project Completion Report</b> containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which:</p> <ul style="list-style-type: none"> <li>• details key expenditures, activities, use of local contractors, FTEs used during construction, and achievements associated with the satisfaction of each Performance Milestone;</li> <li>• confirms that the Grant and Other Funding were spent for the Purpose and in accordance with this Deed and that the Grantee has complied with this Deed; and</li> <li>• reports on the Project as a whole and how Project outcomes (eg key achievements arising out of, or in connection with, the use of the Grant, the number of direct full time jobs created) have contributed to the Program's objectives.</li> </ul>	Refer Attachment 4
<p><b>Acquittal Form</b></p>	Within six (6) months of the Project Completion Date
<p><b>Other:</b> Such other reports or information in respect of this Deed and the Grantee's performance, compliance with this Deed and laws, the application of the Grant, Other Funding, the Grantee's Business, the Project, and any other matters relevant to the Treasurer's grant of the Grant as the Treasurer may request.</p>	Within thirty (30) days of receiving a request for information from the Treasurer, any time prior to the Expiry Date

# Adelaide Economic Development Agency – Quarterly Update

**ITEM 10.4** 09/11/2021  
**Council**

Strategic Alignment - Strong Economies

**Program Contact:**

Ian Hill, Managing Director, AEDA  
8203 7249

2020/01894

Public

**Approving Officer:**

Clare Mockler, Chief Executive  
Officer

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## EXECUTIVE SUMMARY

In accordance with Clause 35.2 of the Charter of the Adelaide Economic Development Agency (AEDA), this report provides a quarterly update to Council on progress against milestones and performance indicators as outlined in the AEDA Business Plan and Budget for 2021-22.

This report provides an update to Council for the period 1 July to 30 September 2021.

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## RECOMMENDATION

THAT COUNCIL

1. Notes the report.
- .....

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<a href="#">Strategic Alignment – Strong Economies</a>
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	Not as a result of this report
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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. Clause 35.2 of the Charter of the Adelaide Economic Development Agency (AEDA) states:  
*“At the end of each quarter the Agency shall submit a report to the Council on progress against milestones and performance indicators as outlined in the Agency’s Strategic and Annual Business Plans.”*
2. This report provides an update to Council for the period 1 July to 30 September 2021. An overview of the key highlights is shown here at Link 1 view [here](#).
3. Key activities undertaken during this period included:
  - 3.1. Dinner’s On Us and Hit the Town campaigns
  - 3.2. Rundle Mall winning the National Retailer Award as the Retail Precinct of the Year
  - 3.3. Launch of the Events Recovery Fund
  - 3.4. Strategic Partnership Program
  - 3.5. Support for the South Australia Tourism Commission’s Go To Town campaign

### **Dinner’s on Us and Hit the Town Campaign (Strategic Focus – Business Growth)**

4. Throughout June, July and August, AEDA ran a digitally-led campaign “Hit the Town”, curating city events and activities to drive visitation to the city during traditionally quieter winter months. This highlighted more than 50 events including Adelaide Winter Staycations and Winter Weekends within the city.
5. A component of this campaign was the “Dinner’s On Us” promotion giving away 5,000 x \$30 vouchers to use on dine-in dinners at participating businesses between 1 July and 31 August.
6. The campaign had 92 registered businesses throughout the city and North Adelaide.
7. Over 46,000 entries were submitted to receive one of the 5,000 vouchers on offer of which almost half were redeemed during the campaign.
8. The campaign created additional spend of \$2.10 for every \$1.00 of the voucher value.
9. A survey of winners who redeemed their voucher noted that 70% of respondents said they would not have visited or were unsure if they would have visited without the voucher.

### **Retail Precinct of the Year (Strategic Focus – Business Growth)**

10. On 3 September 2021, the National Retail Association (NRA) named Rundle Mall as the Retail Precinct of the Year. This award honours shopping centres and precincts for leading the way in providing experiential and entertaining opportunities for customers.
11. The NRA judges were impressed with Rundle Mall’s continued efforts to provide the best possible experience to retailers and customers alike.

### **Events Recovery Fund (Strategic Focus – Visitor Growth)**

12. The purpose of the fund is to provide financial support to eligible organisations to assist in the staging of events and festivals held within the City of Adelaide boundary.
  - 12.1. The fund offers three categories of funding designed to assist in the staging of COVID safe events that help drive visitation spend and vibrancy for the city:
    - 12.1.1. Quick response – up to \$10,000 is intended to support events with costs associated with disruption caused by the impacts of COVID-19.
    - 12.1.2. Expansion of Existing Events – up to \$50,000 to help existing events expand, enhance or activate additional areas of the city.
    - 12.1.3. New Events – up to \$200,000 to support new and exciting events within the city.
  - 12.2. Applications are now open and will close on 30 April 2022 or when funds are expended.
  - 12.3. To date a number of enquiries have been received for all categories within the fund.

### **Strategic Partnership Program (All Strategic Focus areas)**

13. The purpose of the AEDA Strategic Partnership program is to provide financial support and to work with partner organisations to provide financial support and to work with partner organisations who will focus on delivering projects and activities that:
  - 13.1 Respond to and deliver innovative ideas that accelerate economic growth in the city.



- 13.2 Deliver initiatives that are responsive and provide solutions to challenges faced by the city in a COVID environment.
- 13.3 Support business growth through attraction, retention and building business capability initiatives.
- 13.4 Contribute to a vibrant and dynamic city experience that grows the Visitor Economy sector (tourism, events/festivals, international students, and business events).
- 14. Organisations are able to apply for a minimum of \$50,000 up to a maximum of \$150,000 per project and are able to apply for more than one project each year. Multi-year funding is available for projects that demonstrate a sustained period of activities.

#### **Go to Town Campaign (Strategic Focus – Brand & Marketing)**

- 15. Launched by the Premier Steven Marshall and Deputy Lord Mayor Mary Couros at the beginning of September, this campaign invites South Australians to enjoy all that the city has to offer through a range of city-based deals and events while supporting local business.
- 16. As part of this broader campaign, AEDA partnered with the State Government, and the Property Council South Australia on the FOMO Fridays initiative which included activities aimed to encourage CBD workers back into offices and out of working from home on Fridays.

#### **Win @ Rundle Mall (Strategic Focus – Business Growth)**

- 17. Run between 2 July and 31 August, this campaign encouraged shoppers to spend \$50 within Rundle Mall and go into the draw for \$30,000 worth of prizes.
- 18. A total of 6,998 entries were received, with consumers able to submit multiple entries if they spent more than \$50. On average, consumers submitted three competition entries with an average spend of \$134 per entry.
- 19. Consumers spent at 424 different businesses within the Precinct during the campaign.

#### **Other Activities**

- 20. Other activities undertaken within the first quarter of the 2021-22 financial year address the following Business Plan and Budget actions:
  - 20.1 Strategic Focus - City and Residential Growth:
    - 20.1.1 Tenders were sought for the establishment of a Digital Market Place. The tender submissions are being evaluated and negotiations with the preferred supplier are underway.
    - 20.1.2 Discussions with stakeholders on initiatives to stimulate residential growth.
  - 20.2 Strategic Focus – Business Growth:
    - 20.2.1 Met with Presidents of all Precinct Groups to discuss challenges and opportunities experienced by all groups and circulated funding agreements for 2021/22.
    - 20.2.2 Facilitated 95 activations within Rundle Mall during the period.
  - 20.3 All Strategic Focus areas:
    - 20.3.1 Liaised with current strategic partners including the Adelaide Convention Bureau, StudyAdelaide, Festivals Adelaide and Renew Adelaide regarding the Strategic Partnership Program for 2021/22 prior to the launch.
  - 20.4 Strategic Focus - Brand and Marketing:
    - 20.4.1 Followers on AEDA social media channels and Electronic Direct Marketing databases have grown as a result of the sign in requirements linked to the Dinner's on Us campaign.
- 21. Forward Activities
  - 21.1 Delivered 2021 Vogue Festival – 8 to 10 October
  - 21.2 Delivering WellFest Adelaide – 15 to 31 October
  - 21.3 Preparation for Christmas and holiday trading
  - 21.4 First meeting of the AEDA Advisory Committee
  - 21.5 Continuation of development of Residential Growth agenda.
  - 21.6 Commencement of business growth element of the City Business Support Package as part of the Reignite the City initiative delivered in partnership with Business SA.

22. Quarter 1 Financial Position

22.1 AEDA's financial forecast remains unchanged from the original budget 2021-22.

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## DATA AND SUPPORTING INFORMATION

**Link 1** – Quarterly Update presentation for period 1 July to 30 September 2021

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Adelaide Central Market Authority – Quarterly Update

**ITEM 10.5** 09/11/2021  
**Council**

Strategic Alignment - Strong Economies

**Program Contact:**  
Jodie Kannane, General Manager  
ACMA, 8203 7957

2015/02959  
Public

**Approving Officer:**  
Tom McCready, Acting Director  
City Shaping

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## EXECUTIVE SUMMARY

In accordance with Charter of the Adelaide Central Market Authority (ACMA), this report provides a quarterly update to Council on progress against the strategic milestones and key performance indicators outlined in the Strategic Plan and Annual Business Plan and Budget for 2021-22.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the report.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<a href="#">Strategic Alignment – Strong Economies</a>
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	Not as a result of this report
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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. Clause 6.3.2 of the Charter of the Adelaide Central Market Authority (ACMA) states:  
*"Within 14 business days of the end of each quarter the Authority must submit to the Council's CEO a quarterly report on progress against the strategic milestones and key performance indicators outlined in the Strategic plan and the Annual Business Plan and Budget."*
  2. A copy of the quarterly report for the period 1 July to 30 September 2021 as provided to the Council's Chief Executive Officer is found at Link 1 view [here](#).
  3. The ACMA Chairperson's letter to CEO is available at Link 2 view [here](#).
  4. Key highlights within the report include:
    - 4.1 July 2021
      - 4.1.1 Home Delivery Online platform launched.
      - 4.1.2 Market Lovers/UPark Plus card launched.
      - 4.1.3 Amended ACMA Charter 2021 gazetted 8 July.
      - 4.1.4 Bastille Day event on 14 July.
      - 4.1.5 State Government lockdown with the Market remaining open as an essential service.
    - 4.2 August 2021
      - 4.2.1 The Grind stall upgrade completed.
      - 4.2.2 Thompson's Fruit and Veg stall expansion completed.
      - 4.2.3 Lockdown Recovery Marketing Action Plan established.
    - 4.3 September 2021
      - 4.3.1 Escalator and main switchboard capital projects completed.
      - 4.3.2 Traders Representation Committee established per Charter. Inaugural meeting held 21 September.
      - 4.3.3 SA Country Women's Association pop up receiving overwhelming success.
      - 4.3.4 Home Delivery Online sales successfully implemented after 9 weeks of operation.
      - 4.3.5 New stall "Let Them Eat" opened.
      - 4.3.6 Delivered "Sustainable September" looking at simple steps to reducing our environmental impact through how we shop, cook and live.
  5. Forward Activities and / or services
    - 5.1. Chilli Crab event - 29/30 October
    - 5.2. CoA property & services audit report to be updated to support an updated 10 year Capital Plan
    - 5.3. Two new art murals have been commissioned for unveiling in October
    - 5.4. New stall SiSea planned to open in 2021.
    - 5.5. Deliver Christmas marketing & operational program.
    - 5.6. Recruitment of two ACMA Board Members.
  6. Quarter 1 Financial Position
    - 6.1. ACMA's Financial Forecast remains unchanged from the original budget 2021-22.
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## DATA AND SUPPORTING INFORMATION

**Link 1** - Quarterly report for period 1 July to 30 September 2021

**Link 2** – Letter from ACMA Chairperson

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Adelaide City Deal Update

**ITEM 10.6** 09/11/2021  
**Council**

Strategic Alignment - Strong Economies

**Program Contact:**

Ian Hill, Managing Director, AEDA  
8203 7249

2019/01590  
Public

**Approving Officer:**

Clare Mockler, Chief Executive  
Officer

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## EXECUTIVE SUMMARY

Council at its meeting on 18 March 2019 endorsed the City of Adelaide's component of the Adelaide City Deal namely to invest \$8 million for the Ten Gigabit Adelaide Network, \$2.79 million over five years to install LED smart lighting and \$1.8 million for Adelaide Free Wi-Fi. As part of the Adelaide City Deal, the Commonwealth undertook to invest a capped funding contribution of \$10 million to support smart infrastructure across the City of Adelaide, excluding Lot 14.

This report provides an update on the projects that have been approved by the Australian Government to utilise the Adelaide City Deal funding. These include the next generation Adelaide Free Wi-Fi network, update of the City Safe CCTV network and a new 'Experience Adelaide' Smart Visitor Centre.

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## RECOMMENDATION

THAT COUNCIL

1. Notes the report.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<a href="#">Strategic Alignment – Strong Economies</a>
Policy	Not as a result of this report
Consultation	<p>Various departments and agencies of South Australian Government (including Botanic Gardens) and Adelaide Zoo, Study Adelaide, Event Organisers, Community support sector have been consulted regarding a new Adelaide Free Wi-Fi.</p> <p>South Australian Police have been consulted regarding the update of the City Safe CCTV Network.</p> <p>Key contacts within the South Australian Tourism Commission, Renewal SA, Local Government Association, Department of Transport and Infrastructure and Visitor Information Centre volunteers.</p>
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	<p>A new Adelaide Free Wi-Fi will provide an expanded footprint and enhanced connectivity, improve digital experience capability, and enhance social inclusion with greater access to digital connectivity, to assist in providing access to support services.</p> <p>The updated City Safe CCTV Network will provide key infrastructure for services to help the City of Adelaide to be a safer city.</p> <p>'Experience Adelaide' to be a world class, digitally led, best practice visitor information centre.</p>
21/22 Budget Allocation	\$900,000 has been included in the 2021/22 Business Plan and Budget towards the delivery of a new Adelaide Free Wi-Fi.
Proposed 22/23 Budget Allocation	\$900,000 to meet the City of Adelaide's commitment through the Adelaide City Deal to delivery a new Adelaide Free Wi-Fi
Life of Project, Service, Initiative or (Expectancy of) Asset	5 years for Adelaide Free Wi-Fi, 10 years for CCTV network infrastructure. Seeking a long term location for the Experience Adelaide Smart Visitor Centre
21/22 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	City of Adelaide has been allocated up to \$10 million within the Adelaide City Deal to deliver smart technology projects



## DISCUSSION

### Background

1. The Adelaide City Deal is a 10-year agreement between the Australian Government, the Government of South Australia and the City of Adelaide to grow Adelaide as an innovative and vibrant city. Governments are working together to deliver projects and initiatives that support the growth of businesses and jobs, encourage the growth of Adelaide's population, and build on the city's global reputation in the arts and culture.
2. Total funding for the Adelaide City Deal is \$699 million.
3. Council at its meeting on 18 March 2019 endorsed the City of Adelaide's component of the Adelaide City Deal namely to invest \$8 million for the Ten Gigabit Adelaide Network, \$2.79 million over five years to install LED smart lighting and \$1.8 million for Adelaide Free Wi-Fi. As part of the Adelaide City Deal, the Commonwealth undertook to invest a capped funding contribution of \$10 million to support smart infrastructure across the City of Adelaide, excluding Lot 14.
4. Business cases for three projects have been accepted by the Australian Government to utilise the funding committed to the City of Adelaide. These are:
  - 4.1 A new Adelaide Free Wi-Fi – to assist the City of Adelaide to deliver a new free wi-fi network with expanded footprint and enhanced connectivity and improved digital experience capability.
  - 4.2 Replacement of the Adelaide City Safe CCTV Network which is owned by the City of Adelaide and operated by South Australia Police.
  - 4.3 Deliver an 'Experience Adelaide' Smart Visitor Experience Centre.

### Adelaide Free Wi-Fi

5. The existing Adelaide Free Wi-Fi service is provided as a result of an agreement between the Government of South Australia and TPG Telecom (TPG), comprising of 200 outdoor access points. This contract ended on 9 December 2019 however TPG are continuing this service whilst the City of Adelaide develops a plan for delivering a new free Wi-Fi network for the city.
6. The current Wi-Fi technology and infrastructure is:
  - 6.1 End-of-life and at risk of failure.
  - 6.2 No longer meets minimum performance criteria due to the mix of technologies such as mesh-wireless, fibre and ADSL.
  - 6.3 No longer delivering reliable connectivity sought by city users.
  - 6.4 A barrier to Local and State Governments delivering a quality digital experience to city users.
  - 6.5 No longer meeting the needs of the evolving stakeholder groups such as visitors, tourists, festivals / events attendees, students etc.
7. Despite this, the network still provides connectivity to a wide range of city users, with over 180,000 user connections on average per month. Based on statistics provided by TPG Telecom in 2019, the top services accessed by users connected to the Wi-Fi network were:
  - 7.1 Web browsing / misc. web traffic – 47 %
  - 7.2 YouTube / Online video content – 12%
  - 7.3 Apple / iTunes services – 10 %
  - 7.4 Facebook – 8 %.
8. Businesses within the City of Adelaide have been significantly impacted by the effects of COVID-19, particularly with loss of visitors and tourists to the city and the growth in the number of people working from home on a more regular basis rather than in city offices. Provision of a new Adelaide Free Wi-Fi Network will be a tool available to city users, particularly when international travel resumes, and when the city welcomes more tourists and international students.
9. In determining the ongoing need for a free Wi-Fi network in the city we conducted consultation sessions with staff within Council and the following stakeholders:
  - 9.1 Various departments and agencies of South Australian Government (including Botanic Gardens) and Adelaide Zoo

- 9.2 StudyAdelaide
  - 9.3 Event Organisers
  - 9.4 Community support sector.
10. The intent of the consultation was to understand the potential benefits a new Adelaide Free Wi-Fi network could provide. The response from all sectors has been positive, with feedback received that a reliable, robust, free Wi-Fi service that is easily accessible, will close a connectivity and inclusion gap for several categories of city users including visitors and tourists, 'Gig-economy' workers, international students, lower socio-economic groups, and people experiencing homelessness.
  11. Anticipated outcomes from a refreshed Adelaide Free Wi-Fi network will be:
    - 11.1 Significantly higher performing wireless broadband delivery to better meet user expectations of reliability and seamless connectivity across the city.
    - 11.2 An expanded footprint that services areas around retail, business, education, visitor, cultural, recreation, innovation, and medical precincts.
    - 11.3 A denser access point array provides greater connectivity in regions currently under-served by the existing network.
    - 11.4 The proposed wi-fi coverage area does not include public spaces in Lot 14, however the Wi-Fi network can be used by start-ups and entrepreneurs (include those that reside in Lot 14) as a city scale living lab to test and trial technologies and big data analytics.
    - 11.5 Focused visitor information accessible as part of a smart Visitor Experience Centre. This includes digital wayfinding applications and self guided tours though the city. City of Adelaide can add splash and landing pages to the Wi-Fi connection process to directly inform new users to the network.
    - 11.6 Providing digital connectivity to enable immersive and experiential digital engagement with city landmarks and cultural sites (i.e. Virtual Reality, Augmented Reality, 360 immersive photography, flyovers etc.).
    - 11.7 Enhanced social inclusion with greater access to digital connectivity, to assist in providing access to support services.
    - 11.8 Improved access to emergency help and critical services to people in crisis, those experiencing homelessness and the underprivileged.
    - 11.9 Improved social dialogue, activation and engagement between citizens.
    - 11.10 Enhanced connectivity and improved digital experience capability.
    - 11.11 Provides a platform for innovation amongst the community and attract innovative local businesses to build, test and deploy innovative mobile content and services.
    - 11.12 Contributes to Adelaide's reputation as being one of the most liveable cities in the world.
  12. Provision of a high-quality broadband to city users encourages them to "linger longer" in and around city destinations and precincts to stay connected on the network, thus increasing spending in the city. It further extends the virtual workplace opportunities for people to work in open spaces.
  13. Council in partnership with the preferred supplier will build a new Adelaide Free Wi-Fi, that will be owned and operated by supplier for the next five years.
  14. The proposed Wi-Fi solution ensures coverage of key areas, replace all underperforming meshed based access points with high-speed fibre optics. The Wi-Fi network will utilise Cisco networking equipment, the latest Wi-Fi Access Point technology (Wi-Fi 6), the ability to support multiple Service Set Identifier (SSID) names, ability to support University EduRoam in the future and the introduction of a splash page to facilitate city-wide promotions and capture some basic user information.
  15. The proposed solution consists of 251 new Cisco access points and additional data analytics capabilities.
  16. The data analytics will include but not limited to:
    - 16.1 Wi-Fi metrics data which includes information around number of connected devices, number of sessions, length of sessions, bandwidth usage (downloads and uploads) and services consumed (including but not limited to YouTube, social media, web browsing etc.).
    - 16.2 Wi-Fi footfall information including but not limited to visit time, duration, and dwell time.

17. Council has budgeted \$900,000 in the 2021/22 financial year and has identified an additional \$900,000 in the 2022/23 financial to fund the new Adelaide Free Wi-Fi network. In addition, \$3 million has been nominated from the Adelaide City Deal funding to support the delivery of the new network.
18. Subject to contract negotiations, this project is anticipated to be delivered in the next 12 months.

#### **City Safe CCTV Network Upgrade**

19. The current City Safe Network operating system including cameras is reaching the end of life and needs to be updated for public safety. The City Safe network is managed through a partnership between South Australia Police (SAPOL) and the City of Adelaide (CoA) which maximise the strengths of each organisation, increasing efficiencies and reducing duplication. The governance of the partnership is executed through the CCTV Strategic Group. Details about the City Safe CCTV Network can be found at <https://www.cityofadelaide.com.au/community/safety/city-safe-cctv-network/>
20. An open market approach has been undertaken for the procurement of a new operating system and cameras and is currently under evaluation.
21. The tender specification for the new cameras and operating system requests the most up to date smart technology including up to 360 degree view, low light performance, and the capability to implement object tracing, facial and number plate recognition in the future. It will be the decision of SAPOL whether these functions will be turned on in line with their policing requirements. SAPOL will continue to maintain the privacy of city users, noting that the confidentiality of the network is a requirement of their prosecution chain.
22. Specific locations for the cameras will be subject to cost and capability of the new technology and will be determined in conjunction with SAPOL who operate the City Safe CCTV Network. SAPOL and City of Adelaide regularly review locations for CCTV cameras based upon crime intelligence data and risk assessments.
23. Up to \$3 million will be invested by the Australian Government for the upgrades to the CCTV cameras and monitoring system as part of the Adelaide City Deal.
24. Subject to contract negotiations, this project is anticipated to be delivered in the next 18 months.

#### **'Experience Adelaide' Smart Visitor Centre**

25. With the commencement of the Charter Hall development between King William Street and James Place and the associated building works, CoA relocated the Adelaide Visitor Information Centre (Centre) to ensure we could comfortably welcome and provide services for visitors to the city and ensure a safe working environment for staff and volunteers. The centre is now temporarily co-located within the CoA's Customer Centre at 25 Pirie Street.
26. A new visitor experience centre in Adelaide would provide local, domestic and international visitors with a collection of accessible tourism experiences from across the city and regional areas and would be the main visitor touch point in Adelaide.
27. As a result of ever-changing advancements in technology such as virtual and augmented reality, a new centre provides the opportunity to present information and immersive experiences through new channels to excite visitors and encourage increased visitation, length of stay and spend by consumers.
28. It is envisaged that the centre will host a hub and spoke digital model whereby mobile devices can be used to support how visitors explore and receive interpretive information about the destination. Mobile device technology can deliver site specific information on key city experiences such as the North Terrace cultural boulevard, key attractions including the Adelaide Central Market, retail precincts, cafes, restaurants, events and festivals, trails and the Adelaide Park Lands. The implementation of a new Adelaide Free Wi-fi network will support city visitors to access these experiences.
29. There is opportunity for the centre to raise income to support its ongoing operational expenses through services such as advertising and booking commissions.
30. Up to \$4 million will be invested by the Australian Government for the delivery of the 'Experience Adelaide' Smart Visitor Centre.
31. Subject to securing an appropriate location, this project is anticipated to be delivered in the next 2 years.

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## **DATA AND SUPPORTING INFORMATION**

<https://www.cityofadelaide.com.au/community/safety/city-safe-cctv-network/>

## ATTACHMENTS

Nil

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- END OF REPORT -

# Adelaide International Tennis 2022

## Partial road closure of War Memorial Drive

**ITEM 10.7** 09/11/2021  
**Council**

Strategic Alignment - Dynamic City Culture

**Program Contact:**  
Christie Anthoney, Associate  
Director, City Culture 8203 7444

2021/01954  
Public

**Approving Officer:**  
Tom McCready, Acting Director  
City Shaping

## EXECUTIVE SUMMARY

We have received an application from Tennis Australia to close a portion of War Memorial Drive to support the delivery of the Adelaide Tennis International 2022. The proposal is a temporary partial road closure of War Memorial Drive in front of the tennis centre, from 10:00am on Thursday 6 January 2022 to 7:00am on Sunday 16 January 2022.

The primary reason for the partial closure is that Tennis Australia require additional space to effectively manage patrons for their COVID-19 event compliance. The road closure enables additional controlled space for queue management on the street and public footpaths.

This will also act as a connection between the Memorial Drive Tennis Arena and Pinky Flat, where they have proposed to host pre and/or post game activations.

## RECOMMENDATION

### THAT COUNCIL

1. Approves Tennis Australia to close a portion of War Memorial Drive to support the delivery of the Adelaide Tennis International 2022 from 10:00am on Thursday 6 January 2022 to 7:00am on Sunday 16 January 2022.
2. Authorises the Chief Executive Officer to take all necessary steps to implement the required road closure, as set out in Attachment A to Item 10.7 on the Agenda for the meeting of the Council held on 9 November 2021, under Section 33 of the *Road Traffic Act 1961 (SA)*.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Dynamic City Culture</b> The proposals outlined in this report align with Key Action 3.11: <i>Expand Adelaide’s global reputation as a ‘magnet city’ through world class events, festivals and activation</i>
Policy	All events proposed for a road are assessed against the <a href="#">Adelaide Park Lands Event Management Plan 2016-2020</a> (APLEMP) and <a href="#">Guidelines for Events on SA Roads</a> in line with the <a href="#">Road Traffic Act 1961 (SA)</a> through the application process. The application meets the relevant requirements of each.
Consultation	Under Section 223 of the <i>Local Government Act 1999 (SA)</i> , public consultation must be undertaken before a permit is granted for an application to close a road for an event that may impede the passage of traffic to a material degree.  In Accordance with the APLEMP, public consultation and a decision of Council is required where an event is seeking a road closure of more than 24 hours.  Public consultation was administered from Monday 20 September to Monday 11 October 2021 through the <i>Your Say Adelaide</i> website. There were 11 individuals who visited the <i>Your Say Adelaide</i> page and 9 individuals who lodged a submission.
Resource	Not as a result of this report
Risk / Legal / Legislative	If the proposed use of the road and associated closure is approved by Council, the Chief Executive Officer has delegated authority to implement the closure under the <i>Road Traffic Act 1961 (SA)</i> . The Chief Executive Officer, or delegate, also have the authority to prepare and execute a permit under the <i>Local Government Act 1999 (SA)</i> .
Opportunities	The closure and associated activation would be a way of bringing added energy and vibrancy to the riverbank area. Highlighting Adelaide’s riverbank as a backdrop on a global stage.
21/22 Budget Allocation	Tennis Australia will be required to pay the City of Adelaide fees and charges as approved by Council for any operational services and remediation. Noting site fees are currently waived as part of the Reignite initiative.
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The requested road closure is from 10:00am on Thursday 6 January 2022 to 7:00am on Sunday 16 January 2022
21/22 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. As part of the Adelaide Tennis International 2022, Tennis Australia have proposed to utilise Pinky Flat and War Memorial Drive to ensure safe ingress and egress for the event, with pre and/or post game activations.
2. To support the safe activation of the Arena and Pinky Flat during the event, Tennis Australia is requesting a temporary, partial road closure of War Memorial Drive from 10:00am on Thursday 6 January 2022 to 7:00am on Sunday 16 January 2022, between Montefiore Road and King William Road.
3. To facilitate safe management of the road closure, the following would be implemented:
  - 3.1. Tennis Australia would fund the engagement of a traffic management company to install all of the required traffic control devices used to enact the road closure.
  - 3.2. Full access to the Next Generation Health Club Car Park would still be maintained.
  - 3.3. 16 on-street public car parks within the closure would be removed to accommodate the closure request. These car parks are currently four hour Ticketed Monday to Friday 8:00am to 6:00pm, two of these being four hour Disabled Parking all times.
  - 3.4. Security personnel would be present within the closure at peak times.
  - 3.5. General pedestrian access through the closure would be maintained where possible in line with their COVID management plan.
  - 3.6. Emergency egress from neighbouring premises would not be impacted.
4. War Memorial Drive is a two-way road with a speed of 50km per hour. It mostly serves as a 'District' Road, carrying traffic of a district and neighbourhood wide origin, with traffic numbers of a moderate to low level. Access to the existing Next Generation Car Park will not be impacted by the closure.
5. The proposed dates in January are during a period where there is traditionally less traffic on the roads due to school holidays.
6. Noise levels would be adhered to throughout the event to ensure that the event organiser does not exceed the maximum noise levels permitted by the City of Adelaide Event Noise Mitigation Standard Operating Procedures.
7. The section of War Memorial Drive being proposed for closure is denoted in **Attachment A**.
8. Tennis Australia has identified that the partial road closure is increasingly important in 2022 to increase the space for safe, socially distanced patrons to queue in line with planning to deliver a COVID Safe event.
9. This is the first time this proposal would be undertaken by Tennis Australia. Similar road closures are frequently enacted in this area for Adelaide Oval events, however this closure is proposed for an extended period of time.
10. Tennis Australia proposed to undertake this closure for its 2021 event, however this was down scaled to just a footpath closure out the front of the Arena for queuing, due to COVID restrictions at the time.
11. Consultation occurred via the *Your Say Adelaide* website between 20 September 2021 and 11 October 2021. An advertisement appeared in *The Advertiser* to advise of this consultation. Targeted consultation was also directed to Adelaide Oval, BBQ Buoys, Popeye Boats, Segway Sensation SA, Next Generation Health Club and the Adelaide Oval Hotel.
12. A summary of the consultation results is provided below:
  - 12.1. A total of 11 people visited the *Your Say Adelaide* website.
  - 12.2. Of the 11 people, nine people lodged feedback via the *Your Say Adelaide* website, five of which were strongly agree, three that agreed and one that was neutral of the proposal.

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## DATA AND SUPPORTING INFORMATION

[Adelaide Park Lands Event Management Plan 2016-2020](#)

[Guidelines for Events on SA Roads](#)

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## ATTACHMENTS


**Attachment A** – Traffic Management Plan for the closure of War Memorial Drive for the Adelaide International Tennis 2022

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- END OF REPORT -





 <p><b>TRAFFIC GROUP AUSTRALIA</b></p>	<p><b>Client:</b> Tennis Australia</p>
	<p><b>Event:</b> Adelaide International 2022</p>
<p><b>Job Location:</b> War Memorial Drive, Adelaide SA</p>	<p><b>Contact:</b> TBA</p>
<p><b>DWG No.:</b> WMD Closure &amp; Pedestrian Diversion</p>	<p><b>Contact Number:</b> TBA</p>
<p><b>Revision:</b></p>	<p><b>Drawn By:</b> Luke Macnamara</p>
<p><b>Plan:</b> 1 of 1</p>	<p><b>Date:</b> 22/07/2021</p>
<p><b>D.P.T.I. Road:</b> No</p>	<p><small>Disclaimer: This plan has been prepared as a guide for Traffic Management purposes. Traffic Group Australia disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages and costs you might incur as a result of the information being inaccurate or incomplete in any way, and for any reason.</small></p> <p><small>This plan remains the property of Traffic Group Australia and is only valid for regulatory approval when submitted by Traffic Group Australia or with consent from Traffic Group Australia.</small></p> <p><small>TCP drawn in conjunction with: AS 1742 3:2005</small></p> <p><small>SA Standards Version 3:2014 &amp; SA Field Guide Version 7:2012</small></p>

# Proposed Event in the Adelaide Park Lands – Mango

ITEM 10.8 09/11/2021  
Council

Strategic Alignment - Dynamic City Culture

**Program Contact:**  
Christie Anthoney, Associate  
Director, City Culture 8203 7444

2021/02103  
Public

**Approving Officer:**  
Tom McCready, Acting Director  
City Shaping

## EXECUTIVE SUMMARY

An application has been received from AWW Pty Ltd to hold an event, Mango, at Helen Mayo Park / Tulya Wardli (Park 27).

Mango is a new event to bring people together to celebrate summer. This will be a small-scale event that caters to the younger demographic.

The event application has been assessed against the [Adelaide Park Lands Event Management Plan \(APLEMP\)](#) and meets the Helen Mayo event site criteria, apart from one element which is highlighted in the discussion. If this event is approved, the applicant will be required to abide by the [City of Adelaide Event Amplified Sound Management Guidelines](#) ensuring the appropriate notification is distributed to all key stakeholders and noise management procedures are in place.

In accordance with the APLEMP, Council approval is required for the event application as it is a new event that is seeking to operate beyond midnight.

## RECOMMENDATION

### THAT COUNCIL

1. Approves the Mango event to operate beyond 12 midnight and until 2:00am on Friday and Saturday evenings from 17 December 2021 up until 16 January 2022 in a portion of Helen Mayo Park / Tulya Wardli (Park 27).
2. Authorises the Chief Executive Officer to approve any further changes required to the event application where the change is necessary in order to fulfil a COVID Management Plan or COVID Safe Plan approved by SA Health.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Dynamic City Culture</b> Celebration of diverse community, culture and creativity
Policy	This event application has been assessed against the requirements of the APLEMP. If supported by Council to proceed, the event would be subject to all relevant policies, plans and procedures including the APLEMP and City of Adelaide Event Amplified Sound Management Guidelines.
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 the report
21/22 Budget Allocation	AWV Pty Ltd will not be charged for site fees as per the Event Fee Free initiative that was approved by Council in August 2021
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	If supported by Council, the event organiser will be issued a single year event licence for 2021 event.
21/22 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. An event application has been received from AWV Pty Ltd to hold an event, Mango, in a portion of Helen Mayo Park / Tulya Wardli (Park 27) shown at Link 1 view [here](#).
2. As outlined in the Adelaide Park Lands Event Management Plan (APLEMP), the application requires Council approval as it is a new event application proposing to operate beyond midnight.

### Event Description

3. The proposed event:
  - 3.1. Will utilise the small portion of Helen Mayo Park / Tulya Wardli from mid December 2021 until mid-January 2022. Bump in will be from 10 December 2021 and bump out by 20 January 2022.
  - 3.2. Aims to create a unique atmosphere that will allow for local artists to engage with the event.
  - 3.3. Will engage local suppliers and vendors to deliver the food and beverage for the event, which supports the local economy and small businesses that have struggled over the restriction period.
  - 3.4. Is a fresh new intimate event where patrons will be able to unwind on a warm summers night along the River Torrens.
  - 3.5. Will have staging, seating, bar and a fruit shop within the event space.
  - 3.6. Helen Mayo Park / Tulya Wardli is an underused area for events. This event allows for the space to be used on a small scale.
4. The venue will:
  - 4.1. Have a maximum capacity of 600 people at any one time.
  - 4.2. Apply for a liquor licence and provide food and beverage offerings.
  - 4.3. Charge an admission fee for entry on Fridays and Saturdays, with free entry on Sundays.

### Trading Hours

5. The applicant has proposed the following operating hours in Helen Mayo Park / Tulya Wardli for Friday, Saturday and Sunday evenings from 17 December 2021 up until 16 January 2021:
  - 5.1.

Dates	Times
Friday 17 December	4:00pm until 2:00am
Saturday 18 December	4:00pm until 2:00am
Sunday 19 December	12:00pm until 12:00am
Friday 24 December	4:00pm until 2:00am
Sunday 26 December	12:00pm until 12:00am
Friday 31 December	4:00pm until 2:00am
Saturday 1 January	12:00pm until 2:00am
Friday 7 January	4:00pm until 2:00am
Saturday 8 January	4:00pm until 2:00am
Sunday 9 January	12:00pm until 12:00am
Friday 14 January	4:00pm until 2:00am
Saturday 15 January	4:00pm until 2:00am
Sunday 16 January	12:00pm until 12:00am
<b>The following dates will be days where the site will be closed to the public</b>	
Saturday 25 December 2021	
Sunday 2 January 2022	

6. The APLEMP states a 1:00am finish for this Park Land. The event organisers are requesting a 2:00am finish, which would be supported due to having a proposed smaller scale stage and audio setup, limited sensitive receivers in the area, no anticipated impact on residents and the requirement for noise monitoring throughout the event.

### **Consultation**

7. The event organisers will undertake targeted consultation with businesses within the surrounding area which include the Riverside Rowing Club and Pulteney Boat Club. Notification will be sent to Royal Adelaide Hospital, SAHMRI, UniSA, The University of Adelaide and the Adelaide Metropolitan Passenger Rail Network.

### **Noise Levels**

8. The event organisers will be required to develop a Noise Management Plan which will describe how noise emission will be managed for the event. This event has been categorised as a Temporary Multi-Day Venue under the CoA Event Amplified Sound Management Guidelines.
9. Temporary Multi-Day Venues are required to pay a noise bond and install a noise logger at front of house to monitor and record noise levels throughout the event.
10. It is a requirement of the CoA Event Amplified Sound Management Guidelines for events to provide an event hotline telephone number that is manned for the duration of the event. Any concerns with noise or the event can be reported and addressed in real-time.
11. A complaint procedure will be developed as part of the Noise Management Plan, addressing how all feedback or complaints received through the event hotline number will be assessed, mitigated and actions reported back to the member of the public.

### **Access To and Through the Event Site**

12. The event will occupy only a portion of Helen Mayo Park / Tulya Wardli, with access off Festival Drive.
13. Where access is unable to be maintained in the vicinity of the proposed event site, appropriate directional signage will be used to ensure pedestrian and cyclist safety is maintained and alternative options are provided via the other pathways.
14. The event organisers will address access and egress public safety in their Risk Management Plan.

### **Care of Park Lands**

15. The event organiser must cover all costs associated with remediating the site back to its original condition after an event. This has been communicated to the event organiser and would be a condition of the event licence agreement.
16. A remediation bond will be required to be pre-paid as a Site Bond prior to the event taking occupation of the site.

### **Liquor Licence**

17. The event organiser will be seeking a liquor licence capacity of 600 people, subject to final approval from Consumer and Business Services. The event organisers would be required to comply with the liquor licence conditions as set by Consumer and Business Services.

### **Site Fees**

18. AWW Pty Ltd will not be charged with site fees as per the Event Free Fee initiative as part of the Reignite Adelaide initiative approved by Council in August 2021.

### **COVID-19 Considerations**

19. All City of Adelaide event applications and approvals are subject to the event organisers complying with relevant laws, regulations and restrictions in relation to the outbreak of the human disease named COVID-19.
20. At the time of writing this report all events in South Australia require a COVID Safe Plan or a COVID Management Plan (if attendance is in excess of 1,000 people or a liquor licenced venue with dancing) approved by SA Health. The Mango event will prepare a COVID Safe Plan.
21. A COVID Management Plan or COVID Safe Plan outlines the measures an event is taking to keep event patrons and staff safe in the context of the COVID-19 Pandemic to minimise the risk of spreading COVID-19 and are subject to the South Australian Directions or restrictions that apply at the time of the event.

22. As a condition of hire, all events are required to submit the relevant COVID Safe and/or Management plans to the City of Adelaide for review and approval of those elements that affect occupancy of the Park Lands in the delivery of the event.

**Next Steps**

23. If approved by Council, we will proceed with granting a single year short term event licence to AWW Pty Ltd for the delivery of Mango in Helen Mayo Park / Tulya Wardli for the dates and times specified.

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## DATA AND SUPPORTING INFORMATION

**Link 1 – Site Plan Area**

[Adelaide Park Lands Event Management Plan \(APLEMP\)](#)

[City of Adelaide Event Amplified Sound Management Guidelines](#)

[South Australian Roadmap for Easing COVID-19 Restrictions](#)

[City of Adelaide Park Land Site Fees](#)

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Adelaide Park Lands Foundation

**ITEM 10.9** 09/11/2021  
**Council**

Strategic Alignment - Environmental Leadership

**Program Contact:**  
Mick Petrovski, Manager  
Governance 8203 7119

2012/01346  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

The Adelaide Park Lands are nationally Heritage listed and are Australia's largest inner urban park system, comprised of wetlands, picnic grounds, sports fields, playgrounds, native vegetation, trees and green open spaces.

The *Adelaide Park Lands Act 2005* provides for the establishment and maintenance of a fund to be called the Adelaide Park Lands Fund to receive contributions from the City of Adelaide, the State Government and others who wish to contribute to the improvement of the Park Lands.

The City of Adelaide is seeking to explore the merits of establishing a philanthropic foundation with Deductible Gift Recipient (DGR) status under the *Income Tax Assessment Act 1997* (ITAA), to encourage philanthropic fundraising for Park Lands enhancement and conservation and to support activities in the Park Lands.

Legal advice indicates that the only DGR category relevant for a philanthropic foundation of this nature would be to establish a public fund that, when the gift is made, it is made to a body that is on the Register of Environmental Organisations (REO Fund). All REO Funds require the approval of the Commonwealth Government, including approval of the membership of the Board of Trustees for the fund. To attain (and retain) DGR status, the fund will require that monies raised be expended on projects which involve:

- *the protection and enhancement of the natural environment or of a significant aspect of the natural environment; or*
- *the provision of information or education, or the carrying on of research, about the natural environment or a significant aspect of the natural environment.*

To establish an Adelaide Park Lands Foundation with DGR status would, in line with this, necessitate an application process that will take at least 12 months, and likely longer.

If Council decides to instigate the process for establishing an Adelaide Park Lands Foundation, due to the lengthy establishment process, an interim consideration for the City of Adelaide that would encourage a broader and more active interest in the Park Lands, is to access and partner with an existing fund for a defined period. There are existing charitable funds with DGR status whose objectives may be sufficiently broad to enable a wide range of fundraising activities and projects which have similar objectives to those undertaken by an REO Fund.

Taking this approach in the short term will enable the City of Adelaide to more quickly make available a mechanism to receive tax deductible donations, thus providing a means to broadening a sense of 'ownership' of the Park Lands and encouraging a wider range of people to take a more active interest in them. Meanwhile the process of establishing a "standalone" Park Lands Foundation, according to Commonwealth government timelines, can proceed alongside this.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the information provided regarding relevant considerations for establishing a philanthropic foundation for the purpose of fundraising for Park Lands enhancement and conservation and to support certain activities in the Park Lands.
  2. Approves the preparation of a detailed business case for establishing an independent Adelaide Park Lands Foundation, providing:
    - 2.1. Clear objectives and purpose (noting the parameters presented for Register of Environmental Organisations).
    - 2.2. Detailed costings for establishing the Foundation and ongoing operational costs.
    - 2.3. An appropriate governance and decision-making framework for developing projects for the purposes of the Foundation.
    - 2.4. The process for accessing donated funds for projects and their expenditure and acquittal.
  3. Authorises the administration to identify, and undertake discussions with, existing Funds whose objectives are sufficiently broad to enable a range of activities and projects with similar objectives to those undertaken under the auspices of a Register of Environmental Organisations Fund, and which currently have Deductible Gift Recipient status, for the purpose of commencing fundraising for projects that will enhance the Adelaide Park Lands.
  4. Requests the administration to provide a report with a proposal for the City of Adelaide to partner with an existing Fund for raising monies for the purposes of enhancement and conservation of, and to support certain activities in, the Adelaide Park Lands, as an interim measure during the application process for establishing an independent Adelaide Park Lands Foundation.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Environmental Leadership</b>
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	Further investigations will be required to identify an existing Fund whose objectives are sufficiently broad to enable fundraising for the purposes of an Adelaide Park Lands Foundation, while the application process for establishing an Adelaide Park Lands Foundation is being undertaken.
Opportunities	To increase opportunities to enhance and conserve the Adelaide Park Lands through philanthropic means.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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 Adelaide Park Lands receive in excess of 10 million visitations annually, with the City of Adelaide responsible for managing approximately 723ha of the Adelaide Park Lands (74% of the total 930ha). The area includes the six Squares and River Torrens / Karrowirra Pari, as shown in the Adelaide Park Lands Plan.
2. At its meeting on 19 November 2019, Council received a report on 'Adelaide Park Lands Expenditure and Income'. In this report it was estimated the City of Adelaide expends approximately \$25 million per annum on Park Lands capital works and maintenance.
3. The *Adelaide Park Lands Act 2005* provides for the creation of the Adelaide Park Lands Fund (the Fund), however a report presented to the Adelaide Park Lands Authority (APLA) in March 2009 concluded that the Adelaide Park Lands Fund is not eligible for deductible gift recipient (DGR) status, because:
  - 3.1. APLA is a subsidiary of Council and therefore does not have the required level of independence.
  - 3.2. APLA does not have clear environmental objectives – which normally exclude cultivated parks and gardens.
  - 3.3. The Fund is set up to also receive money from State Government and Council.
4. At its meeting held on 13 October 2020, Council resolved:
 

*'That Council:*

  1. *Notes community interest in philanthropic fundraising for Park Lands enhancement and conservation;*
  2. *Notes that the Adelaide Park Lands Act 2005 and its associated Adelaide Park Lands Fund, does not hold the required independence nor legal autonomy to be able to attain and maintain deductible gift recipient (DGR) endorsement;*
  3. *Request administration provide Council with an options framework to establish a legally independent Adelaide Park Lands Foundation by the City of Adelaide in consultation with Adelaide Park Lands Authority, ensuring that such an entity would be a public fund and have DGR status.*
  4. *Requests that the proposed expenditure of the fundraised money would be allocated only to Council endorsed projects, which are in keeping with the Adelaide Park Lands Management Strategy and have been recommended by APLA.*
  5. *Requests that efforts into operational options should consider the Foundation supporting the unique relationship and knowledge base that exists between the Kaurra People and the Park Lands.*
  6. *Notes the stringent rules surrounding DGR status;*
  7. *Request that the administration investigate what type of governance model would be appropriate to meet the objectives outlined above, including but not limited to a prudential analysis of the Foundations operation and maintenance.'*
5. Subsequently, legal advice was sought to clarify Council's ability to obtain public funding via DGR status to be used for specified Park Lands projects.
6. The advice provides that in order to achieve DGR status as an REO Fund, the entity seeking registration must be an "environmental organisation" which (inter alia) requires that its principal purpose be:
  - 6.1. the protection and enhancement of the natural environment or of a significant aspect of the natural environment; or
  - 6.2. the provision of information or education, or the carrying on of research about the natural environment or a significant aspect of the natural environment.

The entity can have other purposes, but at least one of the above purposes must be its principal purpose.
7. The interpretation of the purpose is crucial. Unfortunately, the only information provided by the Department of Agriculture, Water and Environment (DAWE) is paragraph 2.1 of their Guidelines, which reads as follows:
 

*"2.1 Principal Purpose must be the Protection of the Natural Environment [Section 30-265(1) of the ITAA]*

*An environmental organisation's principal purpose must be:*

  - "(a) the protection and enhancement of the natural environment or of a significant aspect of the natural environment; or*
  - (b) the provision of information or education, or the carrying on of research, about the natural environment or a significant aspect of the natural environment."*

*The objects of the organisation must be set in the context of the natural environment. This includes all aspects of the natural surroundings of humans, whether affecting them as individuals or in social groupings.*

*The term natural to describe 'environment' is used to make a distinction between the natural environment and other types of environments e.g.*

- *built;*
- *cultural; and*
- *historic environments.*

*The natural environment and concern for it would include, for example:*

- *significant natural areas such as rainforests;*
- *wildlife and their habitats; issues affecting the environment such as air and water quality, waste minimisation, soil conservation, and biodiversity; and*
- *promotion of ecologically sustainable development principles.*

*The natural environment would exclude, for example:*

- *constructions such as the retaining walls of dams;*
- *cultivated parks and gardens;*
- *zoos and wildlife parks (except those parks and zoos principally carried on for the purposes of species preservation); and*
- *cultural sites and heritage properties.”*

8. Administration have had informal discussions with a representative of DAWE to better understand the references to “natural environment”. Advice received was constrained only to the Australian natural environment; native flora and fauna.
9. In that context, the functions, purposes and activities of APLA are too broad for it to pass the entity purpose test - that is, neither of the purposes discussed above are the principal purpose of APLA.
10. The only option is to establish a separate and independent entity which will satisfy four REO tests, namely:
  - 10.1. The Entity Purpose Test
  - 10.2. The Fund Purpose Test
  - 10.3. The Membership Test.
  - 10.4. The Charity/AGA Test.
11. Legal advice received suggests that a separate entity could be structured as a charitable purpose trust, with purposes defined so that the Statutory Purposes are its principal purpose (and extra provisions to limit the REO Fund as required). This is how the Centennial Parklands Foundation was established.
12. In this scenario neither the Council nor APLA could be the trustee, rather, the trustee would be a group of individual trustees (as is the case with the Centennial Parklands Foundation). Each Trustee would be required to have credentials appropriate to the purposes of the Foundation.
13. It is evident that there is considerable complexity and a high degree of difficulty in establishing an entity eligible to be an REO Fund and be eligible for DGR status. It will require careful consideration and concerted effort to satisfy each of the tests (above).
14. The legal advice has also provided there would be significant establishment costs (in the vicinity of \$10,000 to \$15,000 plus disbursements) for creating a Foundation that would qualify for DGR status. This does not include costs associated with required staff resources, ongoing annual accounting fees and audit fees, or any other fees that would be necessary for administering the Foundation.
15. In addition to the complexity associated with the establishment of a Park Lands Foundation (the Foundation) under a separate entity to APLA, other critical issues to address are:
  - 15.1. The level of resource needed to establish and administer the Foundation.
  - 15.2. Setting realistic a fundraising target.
  - 15.3. Marketing the work of the Foundation.
  - 15.4. Learning from similar established Foundations.

**An interim model**

16. Given one of the fundamental objectives is to secure DGR status to provide a tax effective means for donors to contribute to the enhancement of the Park Lands, an alternative may be to engage with others who have similar objectives and existing DGR eligibility.
  17. There may be existing charitable funds with DGR status with a broad remit based on the principles of preservation and access for the benefit of the people of South Australia.
  18. It may be possible to establish a relationship with such an organisation whose purposes are sympathetic to the purposes of the intended Foundation, to facilitate the receipt of tax deductible donations to be applied for projects which are consistent with their objectives.
  19. The most significant advantage of such an approach is the comparatively short lead time to be 'up and running' and raising funds for the benefit of the Park Lands without the need to submit to the lengthy approval processes of the Commonwealth when establishing a REO Fund.
  20. It is proposed that this would be the starting point for the City of Adelaide to establish the appetite of the broader community to contribute financially to the enhancement of the Park Lands natural environment. This option has a much lower cost of establishment, less onerous reporting and compliance obligations and it comes with a level of established trust and credibility.
  21. It can operate as an interim measure while work is undertaken on the more lengthy process to establish a fully-fledged and independent Adelaide Park Lands Foundation as an REO fund with DGR status.
  22. To date, this possibility has not been explored in the absence of Council consent but the recommendation to this report proposes this pathway.
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## ATTACHMENTS

Nil

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- END OF REPORT -

# 2021-2022 Quarter 1 Finance Report

**ITEM 10.10** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Grace Pelle, Manager, Finance &  
Procurement 8203 7343

2021/00122  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

In accordance with *Regulation 9 of the Local Government (Financial Management) Regulations 2011*, Council must reconsider its budget at least two times throughout the year, between 30 September and 31 May, restating the impact in the Uniform Presentation of Finances.

This is the first major budget reconsideration by Council for the 2021/22 financial year. The purpose of this review is to adjust the budget for any changes in circumstances and priorities since the adoption of the Budget in June 2021 and present the year-to-date financial performance for the quarter ended 30 September 2021.

Following endorsement of this Budget Review all changes will be incorporated into the revised end of month reporting documents for 2021/22. The impacts of the proposed changes on the operating and capital budgets are presented in the revised Uniform Presentation of Finances Statement, **Attachment A**.

## RECOMMENDATION

### THAT COUNCIL

1. Adopts the First Budget Review for 2021/22 incorporating the Uniform Presentation of Finances as presented in Attachment A to Item 10.10 on the Agenda for the meeting of the Council held on 9 November 2021, noting that the revised budget consists of
  - 1.1. Total estimated operating income of \$203.689 million,
  - 1.2. Total estimated operating expenditure (including depreciation) of \$203.651 million,
  - 1.3. An operating surplus of \$37,000.
  - 1.4. Capital expenditure of \$81.413 million.
  - 1.5. Grant funding to support capital expenditure on new/upgraded assets of \$1.5 million.
  - 1.6. Council's borrowings (debt) ceiling of \$57.7 million.
  - 1.7. Offsets across both expenditure and revenue totalling \$1.45 million towards the \$4.75 million savings target.
2. Approves additional operating expenditure for budget reconsideration for Representation Review Process considerations for \$20,000 on the 13 July 2021, that has been included in the revised budget figures in Part 1 herein.
3. Approves additional capital funding for budget reconsideration MacKinnon Parade pedestrian refuge for \$40,000 on the 13 July 2021, that has been included in the revised capital expenditure budget figures in Part 1 herein.
4. Approves additional operating expenditure for budget reconsideration Adelaide Zero Project Partnership for \$183,000 (\$140,000 in 2021/22) on the 14 September 2021, that has been included in the revised budget figures in Part 1 herein.

5. Approves an additional net operating impact for budget consideration Reignite the City for \$1.140 million (\$200,000 of funding for identified support initiatives and support for an estimated \$1.14m in foregone revenue) on the 10 August 2021, that has been included in the revised budget figures in Part 1 herein.
  6. Notes the ongoing commitment to maintain a surplus operating result, and the short-term nature of these budget amendments have been achieved due to favourable timing impacts and the receipt of grants.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
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 financial indicators have been included in <b>Attachment A</b> to support Council's strategic decision making by comparing the financial sustainability, asset sustainability, liquidity and capacity to respond in the context of the Long-Term Financial Plan.
Opportunities	The quarterly review meets Council's obligations under the <i>Local Government Act 1999</i> and <i>Local Government (Financial Management) Regulations 2011</i> .
21/22 Budget Allocation	Adjustments to the 2021-22 Budget and the year-to-date performance to end of September 2021, are detailed throughout the Report and <b>Attachment A</b> .
Proposed 22/23 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
21/22 Budget Reconsideration (if applicable)	Adjustments to the 2021-22 Budget and the year-to-date performance to end of September 2021, are detailed throughout the Report and <b>Attachment A</b> .
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

## DISCUSSION

### 2021-22 Quarter 1 Financial Result

1. The year-to-date financial position for the quarter ended 30 September 2021 is an operating surplus of \$94.9m which is \$2.1m favourable compared to budget of \$92.8.
2. Lower income of \$1m primarily due to the impact of COVID and the July lockdown. Some of this income is expected to return such as from commercial operations, while other areas may not recover such as On Street Parking and Events and as such have been reflected in the budget review.
3. Also contributing to this favourable result is a reduction in spend in contractual services of \$1.6m. This was impacted by the lockdown in July as it created delay in spend in this area. However we are working to ensure these funds are spent as intended to ensure service levels and delivery to the community are maintained.
4. Other favourable variances are due to vacancy management savings of \$1.5m. These are currently temporary in nature and not expected to be permanent to ensure service delivery is not adversely impacted.

### Proposed Budget Review 1

5. The proposed budget review projects an operating surplus of \$37,000 which is \$6,000 favourable compared to budget of \$31,000.
6. Council's borrowings (debt) at 30 June 2022 is forecasted to decrease by \$19.8 million from \$77.5m to \$57.7 million.
7. The Revised Uniform Financial Statements are included as an Appendix to **Attachment A**
8. The variation to the operating result is due to:
  - 8.1. Inclusion of \$1,140,000 in foregone revenue due to COVID and the subsequent Reignite Adelaide program.
  - 8.2. Inclusion of grant income received for an accelerated asset renewal program from State Government Planning and Development Fund and Local Roads funding totalling \$1.5m.
  - 8.3. Inclusion of additional adjustments requested via Council decisions as detailed in the recommendation of \$360,000.
9. Risks and Opportunities for the rest of the financial year include:
  - 9.1. Ongoing risks of COVID-19 from possible lockdowns and reduced activity in the city continues to be a risk to revenue targets and delivery of programs for the community.
  - 9.2. Opportunities exist through the sale of underperforming assets to enable the reduction of debt and improve long-term financial position.

### Savings targets - Update

10. During the development of the Business Plan and Budget for 2021-22, a budget repair item was introduced to ensure a balanced budget for 2021-22. This has been entered into the draft budget with an even split between revenue and expenses to the value of \$4.75 million.
11. Items to achieve this target can be confirmed, totalling \$1.45m and are detailed in **Attachment A** and included in the revised budget figures.
12. We remain committed to achieving this budget repair item in the 2021-22 financial year and will continue to report to Council on the progress of achieving this.

### Cash flow from Operations

13. The current year's debt collection continues to be better than last year despite lockdown.
  - 13.1. As at the 30 September 2021, 28.5% of payments have been received, an increase from 20.8% last year. There are 129 active accounts in financial hardship (2% of total rates outstanding). There are some delays in collecting prior year debts as we see the effect of deferrals put in place at the height of COVID now impact current cashflows.

### Capital Projects - Adjustments

14. As detailed in the Capital Projects update at Item 5.10, adjustments of \$13.8 million for projects and infrastructure works from 2020-21 are included in the Revised Budget.
15. As detailed in the Capital Projects update at Item 5.10, adjustments of \$7.7 million for projects and infrastructure works expenditure offset by additional capital income from Grants.



16. The Capital Projects update at Item 5.10 provides the detail regarding delivery and progress of projects and the financial implications of any adjustments noted in that report are included in the budget revision for this quarter.

#### Additional adjustments as requested by Council

17. The decision of Council on 13 July 2021 called for a budget reconsideration for Representation Review process considerations for an additional expenditure of \$20,000. This item is short-term in nature and as such this item will not impact future years budgets.
18. The decision of Council on 13 July 2021 called for a budget reconsideration for MacKinnon Parade Pedestrian Refuge for \$40,000. This item is capital in nature and has been included in the increase in capital expenditure.
19. The decision of Council on 14 September 2021 called for a budget reconsideration for the Adelaide Zero Project Partnership for \$140,000. This item is short-term in nature being for a 12-month period. As such this item will not impact future years budgets.
20. The decision of Council on the 10 August 2021 called for a budget reconsideration for the Reignite the City for \$1.34 million comprising of \$200,000 of funding for identified support initiatives and \$1.14m of revenue impacts. This item is short-term in nature and will not impact future years budgets.
21. Given the short-term nature of the operational items these have been able to be funded via other positive movements in the budget due to the receipt of grants. For this reason, the ability to fund these items has been achieved without adversely impacting the overall operating result.

#### Treasury Report

22. As per the requirements set out in the Treasury and Cash Investment Policy, the borrowing and cash investment performance at 30 September 2021 is reported in **Attachment A**.
23. Borrowings on 30 September 2021 were \$22.0 million.

Borrowings Facility	Available	Interest Type	Interest Rate	Borrowing(s) Amount as at 30 September 2021	Change since previous report	Maturity Date	CAD Interest Rate
LGFA CAD 554	\$30m	Variable	1.35%	\$22m	(\$8.0m)	16/12/2023	1.35%
LGFA CAD 555	\$70m	Variable	1.35%	-	(\$4.7m)	15/06/2033	1.35%

\* 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.

24. The Prudential Limits on 30 September 2021 based on borrowings of \$22 million are all within approved limits.

Prudential Limit Ratio	Comments	Limits	YTD Actual to September 2021
Interest Expense Ratio	Number of times annual General Rates Revenue (less Landscape Levy) can service the annual interest expense	Maximum 10%	0.6%
Leverage Test	Total borrowings relative to annual General Rates Revenue (Less Landscape Levy)	Max 1.5 years	0.20
Asset Test	The percentage of total borrowings to Council's saleable property assets.	Max 25%	7%

## Forecast Financial Statements and Long-Term Financial Plan

25. Council's Long Term Financial Plan has been updated to reflect the re-timing adjustments for projects and infrastructure works from 2021-22 financial year, along with revised estimates for interest expense and borrowings.
26. Financial statements and the Long-Term Financial Plan are provided in the appendices to **Attachment A**. These show the forecast operating surplus/(deficit), funding requirement and borrowings in 2021-22 and future years based on the proposed re-timing adjustments.
27. The Financial indicators have been included in **Attachment A** to support Council's strategic decision making by comparing the financial sustainability, asset sustainability, liquidity and capacity to respond in the context of the Long-Term Financial Plan.

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[The following information requested at The Committee on 2 November 2021 can be found here](#)

As per the explanation provided by the Chief Operating Officer at The Committee meeting on 2 November 2021, the recommendation that will be presented to the meeting of Council on 9 November will be updated to reflect the actions required for consideration based on existing decisions of Council.

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## ATTACHMENTS

**Attachment A** – 2021-22 Quarter 1 Finance Report

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# City of Adelaide 2021-22 Quarter 1 Finance Report – Attachment A

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## September 2021

Prepared for the City of Adelaide  
by Finance

# Contents

**Uniform Presentation of Finances**

**Adjustments**

**Financial Dashboard**

**Long Term Financial Plan**

## Glossary

**Asset Sustainability Ratio:** Expenditure on asset renewals as a percentage of forecast required expenditure in the asset management plans

**Asset Test Ratio:** Borrowings as a percentage of total saleable property assets

**Debt Service Coverage:** Number of times the funding surplus from Operations can fund annual debt (principle and interest) repayments

**Leverage Test Ratio:** Total borrowings relative to rates revenue (less NRM levy)

**Interest Expense Ratio:** Proportion of Council's general rate income that is being used to service debt (interest)

**Liquidity:** Measure of the Council's ability to cover its immediate and short-term debts and obligations

**Net Financial Liabilities:** Financial liabilities as a percentage of operating surplus

**Operating Surplus Ratio:** Operating surplus as a percentage of operating revenue

**Uniform Presentation of Finances:** Annual funding requirement to cover spend on operations and capital

**Vacancy Management:** Centralisation of vacancies across operations against an annual target of \$2.1m

# Uniform Presentation of Finances

## Explanation

Uniform Presentation of Finances provides a breakdown of the key variances in operations, net outlays on existing assets and net outlays on new and upgraded assets between the year to date Actuals and Original Budget.

This summary is presented in a format consistent with the Uniform Presentation of Finances.

\$'000s	2021-22 YTD Actuals	2021-22 YTD Budget	Variance	Full Year 2021-22 Budget (Adopted)	2021-22 Budget Review 1	Variance
Income	140,535	141,595	(1,060)	201,923	203,689	1,766
less Expenses	(45,649)	(48,780)	3,131	(201,891)	(203,651)	(1,760)
<b>Operating Surplus / (Deficit) before Capital Amounts</b>	<b>94,886</b>	<b>92,816</b>	<b>2,070</b>	<b>31</b>	<b>37</b>	<b>6</b>
<b>less Net Outlays on Existing Assets</b>						
Net Capital Expenditure on Renewal & Replacement of Existing Assets	(4,490)	(4,135)	(355)	(34,231)	(34,670)	(439)
Add back Depreciation, Amortisation and Impairment	14,890	12,995	(1,895)	52,614	52,614	-
Add back Proceeds from Sale of Replaced Assets	284	22	2	650	650	-
<b>Net Outlays on Existing Assets</b>	<b>10,684</b>	<b>8,671</b>	<b>(1,860)</b>	<b>19,033</b>	<b>18,594</b>	<b>(439)</b>
<b>less Net Outlays on New and Upgraded Assets</b>						
Net Capital Expenditure on New and Upgraded Assets	(2,077)	(3,562)	1,485	(33,451)	(46,743)	(13,293)
less Amounts received specifically for New and Upgraded Assets	300	680	(380)	156	7,877	7,721
less Proceeds from Sale of Assets	-	-	-	2,100	1,384	(716)
<b>Net Outlays on New and Upgraded Assets</b>	<b>(1,777)</b>	<b>(2,882)</b>	<b>1,105</b>	<b>(31,195)</b>	<b>(37,482)</b>	<b>(6,288)</b>
<b>Net Lending / (Borrowing) for the Financial Year</b>	<b>103,793</b>	<b>98,816</b>	<b>4,977</b>	<b>(12,130)</b>	<b>(18,851)</b>	<b>(6,721)</b>

# Operating program

## Adjustments

Item Explanation	Budget \$'000	Adjustment \$'000	Budget Review 1 \$'000
<b>Grants for Asset renewals</b> Additional funding received from State Government and external parties for the renewal and replacement of assets from various programs such as FAG and LG Infrastructure Participation Program	255	1,506	1,761
<b>Disposal of Plant and Fleet for Renewal</b> Anticipated proceeds from the disposal of Plant and Fleet under the renewals program.	650	-	650
<b>Reignite the City</b> \$200,000 of funding for identified support initiatives and support for an estimated \$1.14m in foregone revenue.	-	(1,340)	(1,340)
<b>Adelaide Zero</b> Entering into a partnership with the Australian Alliance to End Homelessness to the value of \$183,000 (\$140,000 in 2021/22) for the backbone coordination of the Adelaide Zero Project (AZP).	(95)	(140)	(235)
<b>Rep Review</b> Representation review process considerations.	-	(20)	(20)
<b>Adelaide Free Wi-fi (Expenditure)</b> Replacement of the existing Adelaide Free Wi-Fi network with a current "best-of-breed" technology solution.	(900)	(1,400)	(2,300)
<b>Adelaide Free Wi-fi (Revenue)</b> Funding from the Australian Government from the Adelaide City Deal funding commitment for the replacement of the existing Adelaide Free Wi-Fi network with a current "best-of-breed" technology solution.	-	1,400	1,400
<b>Total</b>	<b>260</b>	<b>6</b>	<b>266</b>

### Summary of Adjustments

The adjustments on the left reflect changes since Budget 2021-22 to the existing funding allocated to the items listed in the operating program as a result of new funding received from external sources and decisions of Budget Reconsiderations required by Council.

# Operating program

## Adjustments – offsetting to \$4.75m savings target

Item Explanation	Budget \$'000	Adjustment \$'000	Budget Review 1 \$'000
<b>Rates</b> Following the completion of the valuation process a final return of rates was determined.	121,190	950	122,140
<b>Interest Expenses</b> Reductions as a result of a reduction in borrowings as a result of the 2020/21 financial result.	(1,826)	500	(1,326)
<b>Budget Repair</b> \$4.75m budget repair established in the development of the 2021/22 Business Plan and Budget and LTFP.	4,750	(1,450)	3,300
<b>Total</b>	<b>124,114</b>	<b>0</b>	<b>124,114</b>

### Summary of Adjustments

The budget repair of \$4.75m was set by Council via the adopted budget. The achievement of \$1.45m in Q1 have materialised and further updates on the remaining \$3.3m will be provided in future budget reviews.

# Capital program

## Adjustments

Item Explanation	Budget \$'000	Adjustment \$'000	Budget Review 1 \$'000
<b>Renewals</b> Works of a capital nature that are replacing an existing asset like for like or like for modern equivalent.	29.0	3.4	32.4
<b>New and Upgrades</b> Works of a capital nature that are either introducing new assets or significantly upgrading existing assets. Usually by extending the footprint of an asset or increasing the level of service the asset provides.	7.4	2.0	9.4
<b>Major Projects</b> Significant works of a capital nature that are over the prudential limit, multi year or have significant grant funding being administered via a contractual deed.	26.2	7.3	33.5
<b>Capital Program Management</b>	6.6	1.1	7.7
<b>Total Capital Expenditure</b>	<b>69.2</b>	<b>13.8</b>	<b>83.0</b>
<b>Capital Write-Off</b>	(1.5)	-	(1.5)
<b>Total Net Capital (per Uniform Presentation of Finances)</b>	<b>67.7</b>	<b>13.8</b>	<b>81.5</b>

### Summary of Adjustments

The adjustments on the left reflect changes since Budget 2021-22 to the existing funding allocated to projects.



# Financial Indicators

## Explanation

The table below provides information about the key indicators of the Council's financial performance and financial position. A range of financial indicators have been included to support Council's strategic decision making by comparing the financial sustainability, asset sustainability, liquidity and capacity to respond in the context of the Long Term Financial Plan.

Financial Indicator	Explanation	Target	2021-22	2021-22 BR1
<b>Operating Surplus Ratio</b>	Operating surplus as a percentage of operating revenue	0%-20%	0%	0%
<b>Net Financial Liabilities</b>	Financial liabilities and a percentage of operating income	Less than 80%	48%	40%
<b>Asset Sustainability Ratio</b>	Expenditure on asset renewals as a percentage of forecast required expenditure in the asset management plans	90%-110%	60%	71%
<b>Asset Test Ratio</b>	Borrowings as a percentage of total saleable property assets	Maximum 50%	22%	17%
<b>Interest Expense Ratio</b>	Number of times General Rates Revenue (less Landscape Levy) can service the annual interest expense	Maximum 10%	0.9%	0.3%
<b>Leverage Test Ratio</b>	Total borrowings relative to General Rates Revenue (Less Landscape Levy)	Maximum 1.5 years	0.6	0.5
<b>Cash Flow fom Operations Ratio</b>	Operating income as a percentage of Operating Expenditure plus expenditure on renewal/replacement of assets	Greater than 100%	111%	110%
<b>Borrowings</b>	Total borrowings	Within Prudential Limits	77.5	57.7
			45%	33%
<b>Operating Position</b>	Operating Income less Expenditure	\$2m - \$10m	0.0	0.0
<b>Future Fund</b>	Proceeds from the sale of Council assets to fund new income generating assets or new strategic capital projects	N/A	2.2	2.7

# Long Term Financial Plan

## Statement of Comprehensive Income

\$'000s	2020-21 Actuals	2021-22 Budget	2021-22 Budget Review 1	2022-23 Plan	2023-24 Plan	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan
<b>Income</b>												
Rates Revenues	118,510	121,190	122,140	125,115	128,535	133,271	137,737	141,703	145,748	149,874	154,083	158,375
Statutory Charges	10,709	11,601	11,601	11,976	12,173	12,373	12,576	12,819	13,068	13,322	13,580	13,852
User Charges	61,250	62,267	61,127	63,423	64,554	71,655	72,916	74,302	75,775	77,278	78,810	80,416
Grants, Subsidies and Contributions	5,432	3,274	6,180	3,579	3,388	3,442	3,498	3,563	3,424	3,436	3,505	3,575
Investment Income	276	20	20	26	26	27	27	28	28	29	29	30
Reimbursements	665	541	541	710	722	735	748	763	778	794	810	826
Other Income	540	3,029	2,079	2,718	2,766	2,814	2,863	2,921	2,979	3,039	3,100	3,162
<b>Total Income</b>	<b>197,382</b>	<b>201,923</b>	<b>203,689</b>	<b>207,547</b>	<b>212,165</b>	<b>224,317</b>	<b>230,365</b>	<b>236,098</b>	<b>241,801</b>	<b>247,771</b>	<b>253,916</b>	<b>260,235</b>
<b>Expenses</b>												
Employee Costs	74,410	73,950	73,950	74,874	76,437	78,032	79,660	81,285	82,943	84,635	86,361	88,133
Materials, Contracts & Other Expenses	71,353	73,501	75,761	76,589	77,208	80,330	81,273	82,886	85,270	90,439	89,663	96,782
Depreciation, Amortisation & Impairment	56,808	52,614	52,614	51,932	53,159	53,778	57,520	53,601	57,082	51,355	57,344	57,729
Finance Costs	1,740	1,826	1,326	2,029	1,915	1,436	995	676	443	353	271	214
Net loss - Equity Accounted Council Businesses	4	-	-	-	-	-	-	-	-	-	-	-
<b>Total Expenses</b>	<b>204,315</b>	<b>201,891</b>	<b>203,651</b>	<b>205,424</b>	<b>208,719</b>	<b>213,576</b>	<b>219,448</b>	<b>218,449</b>	<b>225,738</b>	<b>226,782</b>	<b>233,638</b>	<b>242,859</b>
<b>Operating Surplus / (Deficit)</b>	<b>(6,933)</b>	<b>31</b>	<b>37</b>	<b>2,123</b>	<b>3,446</b>	<b>10,741</b>	<b>10,917</b>	<b>17,649</b>	<b>16,063</b>	<b>20,989</b>	<b>20,278</b>	<b>17,377</b>
Physical Resources Received Free of Charge	450	-	-	-	-	-	-	-	-	-	-	-
Asset Disposal & Fair Value Adjustments	(6,527)	(861)	78	2,090	2,213	-	-	-	-	-	-	-
Amounts Received Specifically for New or Upgraded Assets	2,698	156	7,877	1,600	-	-	-	-	-	-	-	-
<b>Net Surplus / (Deficit)</b>	<b>(10,312)</b>	<b>(674)</b>	<b>7,992</b>	<b>5,813</b>	<b>5,659</b>	<b>10,741</b>	<b>10,917</b>	<b>17,649</b>	<b>16,063</b>	<b>20,989</b>	<b>20,278</b>	<b>17,377</b>
Changes in Revaluation Surplus - I,PP&E	48,206	-	-	-	46,144	-	-	-	-	-	-	-
Net Actuarial Gains/(Loss) on Defined Benefit Plan	203	-	-	-	-	-	-	-	-	-	-	-
<b>Total Other Comprehensive Income</b>	<b>48,409</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>46,144</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Comprehensive Income</b>	<b>38,097</b>	<b>(674)</b>	<b>7,992</b>	<b>5,813</b>	<b>51,803</b>	<b>10,741</b>	<b>10,917</b>	<b>17,649</b>	<b>16,063</b>	<b>20,989</b>	<b>20,278</b>	<b>17,377</b>

# Long Term Financial Plan

## Statement of Financial Position

\$'000s	2020-21 Actuals	2021-22 Budget	2021-22 Budget Review 1	2022-23 Plan	2023-24 Plan	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan
<b>ASSETS</b>												
<b>Current Assets</b>												
Cash and Cash Equivalents	1,912	800	800	800	800	7,968	25,813	46,627	69,315	60,973	86,544	69,903
Trade & Other Receivables	16,299	13,489	16,000	15,980	16,247	17,145	17,603	18,040	18,475	18,930	19,399	19,882
Other Financial Assets	-	41	-	-	-	-	-	-	-	-	-	-
Inventories	506	576	506	506	506	506	506	506	506	506	506	506
Non-Current Assets Held for Sale	958											
<b>Total Current Assets</b>	<b>19,675</b>	<b>14,907</b>	<b>17,306</b>	<b>17,286</b>	<b>17,553</b>	<b>25,619</b>	<b>43,922</b>	<b>65,173</b>	<b>88,296</b>	<b>80,409</b>	<b>106,450</b>	<b>90,291</b>
<b>Non-Current Assets</b>												
Financial Assets	376	249	338	305	274	247	222	200	180	162	146	131
Equity Accounted Investments in Council Businesses	1,119	605	1,439	1,439	1,439	1,439	1,439	1,439	1,439	1,439	1,439	1,439
Investment Property	2,870	2,600	2,899	2,928	2,957	2,987	3,016	3,047	3,077	3,108	3,139	3,170
Infrastructure, Property, Plant & Equipment	1,897,255	1,882,879	1,924,748	1,925,720	1,947,537	1,913,133	1,901,112	1,892,726	1,881,580	1,906,395	1,897,113	1,927,869
Other Non-Current Assets	2,107	2,161	2,107	2,107	2,107	2,107	2,107	2,107	2,107	2,107	2,107	2,107
<b>Total Non-Current Assets</b>	<b>1,903,727</b>	<b>1,888,494</b>	<b>1,931,531</b>	<b>1,932,498</b>	<b>1,954,314</b>	<b>1,919,912</b>	<b>1,907,896</b>	<b>1,899,518</b>	<b>1,888,383</b>	<b>1,913,210</b>	<b>1,903,944</b>	<b>1,934,717</b>
<b>TOTAL ASSETS</b>	<b>1,923,402</b>	<b>1,903,400</b>	<b>1,948,837</b>	<b>1,949,784</b>	<b>1,971,867</b>	<b>1,945,531</b>	<b>1,951,818</b>	<b>1,964,691</b>	<b>1,976,679</b>	<b>1,993,620</b>	<b>2,010,393</b>	<b>2,025,008</b>
<b>LIABILITIES</b>												
<b>Current Liabilities</b>												
Trade & Other Payables	24,843	18,837	23,646	23,642	30,756	24,401	24,544	24,657	24,850	24,889	25,019	25,157
Provisions	13,320	12,305	13,586	13,858	14,135	14,418	14,706	15,000	15,300	15,607	15,919	16,237
Borrowings (Lease Liability)	4,690	5,093	4,771	4,877	4,989	5,102	5,224	4,525	4,518	3,989	3,262	3,344
<b>Total Current Liabilities</b>	<b>42,853</b>	<b>36,236</b>	<b>42,003</b>	<b>42,376</b>	<b>49,880</b>	<b>43,920</b>	<b>44,474</b>	<b>44,183</b>	<b>44,668</b>	<b>44,485</b>	<b>44,200</b>	<b>44,738</b>
<b>Non-Current Liabilities</b>												
Trade & Other Payables	1,293	1,293	1,293	7,293	293	293	293	293	293	293	293	293
Borrowings	34,700	77,483	57,727	51,341	26,054	-	-	-	-	-	-	-
Provisions	1,816	1,616	1,852	1,889	1,927	1,966	2,005	2,045	2,086	2,128	2,170	2,214
Borrowings (Lease Liability)	50,463	46,782	45,693	40,803	35,828	30,726	25,502	20,977	16,377	12,470	9,209	5,865
<b>Total Non-Current Liabilities</b>	<b>88,272</b>	<b>127,174</b>	<b>106,565</b>	<b>101,327</b>	<b>64,102</b>	<b>32,985</b>	<b>27,801</b>	<b>23,315</b>	<b>18,756</b>	<b>14,891</b>	<b>11,672</b>	<b>8,371</b>
<b>TOTAL LIABILITIES</b>	<b>131,125</b>	<b>163,410</b>	<b>148,568</b>	<b>143,703</b>	<b>113,982</b>	<b>76,905</b>	<b>72,275</b>	<b>67,498</b>	<b>63,424</b>	<b>59,376</b>	<b>55,872</b>	<b>53,110</b>
<b>Net Assets</b>	<b>1,792,277</b>	<b>1,739,990</b>	<b>1,800,269</b>	<b>1,806,082</b>	<b>1,857,885</b>	<b>1,868,626</b>	<b>1,879,543</b>	<b>1,897,192</b>	<b>1,913,255</b>	<b>1,934,244</b>	<b>1,954,521</b>	<b>1,971,898</b>
<b>EQUITY</b>												
Accumulated Surplus	806,973	802,195	813,581	812,893	793,552	778,794	789,711	807,360	823,422	844,411	864,689	882,065
Asset Revaluation Reserves	982,216	934,010	982,216	982,216	1,028,360	1,028,360	1,028,360	1,028,360	1,028,360	1,028,360	1,028,360	1,028,360
Other Reserves	1,815	1,612	1,815	1,815	1,815	1,815	1,815	1,815	1,815	1,815	1,815	1,815
Future Reserve Fund	1,273	2,173	2,657	9,157	34,157	59,657	59,657	59,657	59,657	59,657	59,657	59,657
<b>Total Council Equity</b>	<b>1,792,277</b>	<b>1,739,990</b>	<b>1,800,269</b>	<b>1,806,082</b>	<b>1,857,885</b>	<b>1,868,626</b>	<b>1,879,543</b>	<b>1,897,192</b>	<b>1,913,255</b>	<b>1,934,244</b>	<b>1,954,521</b>	<b>1,971,898</b>

# Long Term Financial Plan

## Statement of Changes in Equity

\$'000s	2020-21 Actuals	2021-22 Budget	2021-22 Budget Review 1	2022-23 Plan	2023-24 Plan	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan
<b>Balance at the end of previous reporting period</b>	1,754,180	1,740,664	1,792,277	1,800,269	1,806,082	1,857,885	1,868,626	1,879,543	1,897,192	1,913,255	1,934,244	1,954,521
a. Net Surplus / (Deficit) for Year	(10,312)	(674)	7,992	5,813	5,659	10,741	10,917	17,649	16,063	20,989	20,278	17,377
b. Other Comprehensive Income	48,409				46,144	-						
Total Comprehensive Income	38,097	(674)	7,992	5,813	51,803	10,741	10,917	17,649	16,063	20,989	20,278	17,377
<b>Balance at the end of period</b>	1,792,277	1,739,990	1,800,269	1,806,082	1,857,885	1,868,626	1,879,543	1,897,192	1,913,255	1,934,244	1,954,521	1,971,898

# Long Term Financial Plan

## Statement of Cash flows

\$'000s	2020-21 Actuals	2021-22 Budget	2021-22 Budget Review 1	2022-23 Plan	2023-24 Plan	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan
<b>Cash Flows from Operating Activities</b>												
<b>Receipts</b>												
Operating Receipts	198,848	202,230	203,987	207,567	211,898	223,419	229,907	235,661	241,366	247,315	253,447	259,752
<b>Payments</b>												
Operating Payments to Suppliers and Employees	(145,970)	(149,070)	(151,569)	(153,197)	(155,116)	(158,834)	(161,462)	(164,409)	(168,220)	(174,970)	(175,824)	(184,646)
<b>Net Cash provided by (or used in) Operating Activities</b>	<b>52,878</b>	<b>53,160</b>	<b>52,419</b>	<b>54,370</b>	<b>56,782</b>	<b>64,585</b>	<b>68,445</b>	<b>71,253</b>	<b>73,146</b>	<b>72,345</b>	<b>77,623</b>	<b>75,106</b>
<b>Cash Flows from Investing Activities</b>												
<b>Receipts</b>												
Amounts Received Specifically for New/Upgraded Assets	2,698	156	7,877	1,600	-	-	-	-	-	-	-	-
Proceeds from Surplus Assets	1,405	3,100	1,384	12,500	25,000	18,500	-	-	-	-	-	-
Sale of Replaced Assets	815	650	650	-	-	-	-	-	-	-	-	-
<b>Payments</b>												
Expenditure on Renewal/Replacement of Assets	(23,205)	(34,231)	(34,670)	(44,853)	(51,618)	(44,875)	(45,498)	(45,216)	(45,937)	(76,170)	(48,062)	(88,486)
Expenditure on New/Upgraded Assets	(12,425)	(33,451)	(46,743)	(12,461)	-	-	-	-	-	-	-	-
Net Purchase of Investment Securities	(17)											
Capital Contributed to Equity Accounted Council Businesses	(451)											
<b>Net Cash provided by (or used in) Investing Activities</b>	<b>(31,180)</b>	<b>(63,776)</b>	<b>(71,502)</b>	<b>(43,214)</b>	<b>(26,618)</b>	<b>(26,375)</b>	<b>(45,498)</b>	<b>(45,216)</b>	<b>(45,937)</b>	<b>(76,170)</b>	<b>(48,062)</b>	<b>(88,486)</b>
<b>Cash Flows from Financing Activities</b>												
<b>Receipts</b>												
Proceeds from Borrowings	87,900	15,671	23,027	-	-	-	-	-	-	-	-	-
Proceeds from Bonds and Deposits	1,007											
<b>Payments</b>												
Repayment from Borrowings	(104,800)			(6,386)	(25,288)	(26,054)	-	-	-	-	-	-
Repayment of Lease Liabilities	(4,838)	(5,055)	(5,055)	(4,771)	(4,877)	(4,989)	(5,102)	(5,224)	(4,521)	(4,518)	(3,989)	(3,262)
<b>Net Cash provided by (or used in) Financing Activities</b>	<b>(20,731)</b>	<b>10,616</b>	<b>17,972</b>	<b>(11,156)</b>	<b>(30,164)</b>	<b>(31,042)</b>	<b>(5,102)</b>	<b>(5,224)</b>	<b>(4,521)</b>	<b>(4,518)</b>	<b>(3,989)</b>	<b>(3,262)</b>
<b>Net Increase (Decrease) in Cash Held</b>	<b>967</b>	<b>(0)</b>	<b>(1,112)</b>	<b>0</b>	<b>(0)</b>	<b>7,168</b>	<b>17,845</b>	<b>20,813</b>	<b>22,688</b>	<b>(8,342)</b>	<b>25,571</b>	<b>(16,642)</b>
plus: Cash & Cash Equivalents at beginning of period	945	800	1,912	800	800	800	7,968	25,813	46,627	69,315	60,973	86,544
<b>Cash &amp; Cash Equivalents at end of period</b>	<b>1,912</b>	<b>800</b>	<b>800</b>	<b>800</b>	<b>800</b>	<b>7,968</b>	<b>25,813</b>	<b>46,627</b>	<b>69,315</b>	<b>60,973</b>	<b>86,544</b>	<b>69,903</b>

# Long Term Financial Plan

## Uniform Presentation of Finances

\$'000s	2020-21 Actuals	2021-22 Budget	2021-22 Budget Review 1	2022-23 Plan	2023-24 Plan	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan
Income	197,382	201,923	203,689	207,547	212,165	224,317	230,365	236,098	241,801	247,771	253,916	260,235
less Expenses	(204,315)	(201,891)	(203,651)	(205,424)	(208,719)	(213,576)	(219,448)	(218,449)	(225,738)	(226,782)	(233,638)	(242,859)
<b>Operating Surplus / (Deficit) before Capital Amounts</b>	(6,933)	31	37	2,123	3,446	10,741	10,917	17,649	16,063	20,989	20,278	17,377
<b>Net Outlays on Existing Assets</b>												
Capital Expenditure on Renewal & Replacement of Existing Assets	(23,205)	(34,231)	(34,670)	(44,853)	(51,618)	(44,875)	(45,498)	(45,216)	(45,937)	(76,170)	(48,062)	(88,486)
add back Depreciation, Amortisation and Impairment	56,808	52,614	52,614	51,932	53,159	53,778	57,520	53,601	57,082	51,355	57,344	57,729
add back Proceeds from Sale of Replaced Assets	815	650	650	-	-	-	-	-	-	-	-	-
<b>Net Outlays on Existing Assets</b>	34,418	19,033	18,594	7,079	1,541	8,904	12,022	8,386	11,145	(24,814)	9,281	(30,756)
<b>Net Outlays on New and Upgraded Assets</b>												
Capital Expenditure on New and Upgraded Assets	(12,425)	(33,451)	(46,743)	(12,461)	-	-	-	-	-	-	-	-
add back Amounts received specifically for New and Upgraded Assets	2,698	156	7,877	1,600	-	-	-	-	-	-	-	-
add back Proceeds from Sale of Surplus Assets	1,405	2,100	1,384	6,500	25,000	25,500	-	-	-	-	-	-
<b>Net Outlays on New and Upgraded Assets</b>	(8,322)	(31,195)	(37,482)	(4,361)	25,000	25,500	-	-	-	-	-	-
<b>Net Lending / (Borrowing) for Financial Year</b>	19,163	(12,130)	(18,851)	4,840	29,986	45,145	22,939	26,035	27,208	(3,826)	29,559	(13,380)

# Long Term Financial Plan

Financial Indicator	Explanation	Target	2021-22	2021-22 BR1	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31
<b>Operating Surplus Ratio</b>	Operating surplus as a percentage of operating revenue	0%-20%	0%	0%	1%	2%	5%	5%	7%	7%	8%	8%	7%
<b>Net Financial Liabilities</b>	Financial liabilities and a percentage of operating income	Less than 80%	48%	40%	39%	26%	7%	-	-	-	-	-	-
<b>Asset Sustainability Ratio</b>	Expenditure on asset renewals as a percentage of forecast required expenditure in the asset management plans	90%-110%	60%	71%	90%	90%	90%	90%	90%	90%	90%	90%	90%
<b>Asset Test Ratio</b>	Borrowings as a percentage of total saleable property assets	Maximum 50%	23%	17%	15%	6%	0%	0%	0%	0%	0%	0%	0%
<b>Interest Expense Ratio</b>	Number of times General Rates Revenue (less Landscape Levy) can service the annual interest expense	Maximum 10%	0.9%	0.3%	0.9%	0.9%	0.5%	0.3%	0.1%	0.0%	0.0%	0.0%	0.0%
<b>Leverage Test Ratio</b>	Total borrowings relative to General Rates Revenue (Less Landscape Levy)	Maximum 1.5 years	0.7	0.5	0.4	0.2	-	-	-	-	-	-	-
<b>Cash Flow fom Operations Ratio</b>	Operating income as a percentage of Operating Expenditure plus expenditure on renewal/replacement of assets	Greater than 100%	111%	110%	105%	102%	110%	111%	112%	113%	98%	113%	95%
<b>Borrowings</b>	Total borrowings	Within Prudential Limits	78.5	57.7	51.3	26.1	-	-	-	-	-	-	-
			46%	33%	30%	14%	0%	0%	0%	0%	0%	0%	0%
<b>Operating Position</b>	Operating Income less Expenditure	\$2m - \$10m	0.0	0.0	2.1	3.4	10.7	10.9	17.6	16.1	21.0	20.3	17.4
<b>Future Fund</b>	Proceeds from the sale of Council assets to fund new income generating assets or new strategic capital projects	N/A	2.2	2.7	9.2	34.2	59.7	59.7	59.7	59.7	59.7	59.7	59.7

# 2021-22 Quarter 1 Commercial Operations Report

**ITEM 10.11** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Shaun Coulls, Acting AD  
Strategic Property & Commercial

2021/00850  
Public

**Approving Officer:**  
Tom McCready, Acting Director  
City Shaping

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## EXECUTIVE SUMMARY

Council's commercial operations during the first quarter of 2021/22 generated an operating surplus of \$7.7m which was \$0.2m unfavourable to budget. The \$0.2m variance comprised of unfavourable results in Parking (includes On-Street and UPark) of \$0.9m and Town Hall \$0.1m partially offset by favourable variances in Property of \$0.5m, Aquatic Centre of \$0.2m and Golf \$0.2m.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the 2021-22 Quarter 1 commercial operations report as detailed in Attachment A to Item 10.11 on the Agenda for the meeting of the Council held on 9 November 2021.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Council has the financial capacity to meet its long-term commitments
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	Not as a result of this report
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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. This report is prepared quarterly and provides a summary of the year to date financial and operating performance for Council's commercial operations as detailed in **Attachment A**.

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## ATTACHMENTS

**Attachment A** - 2021-2022 - Quarter 1 Commercial Operations Report

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- END OF REPORT -

# 2021-22 Quarter 1 Commercial Operations Report

Item 10.11 - Attachment A



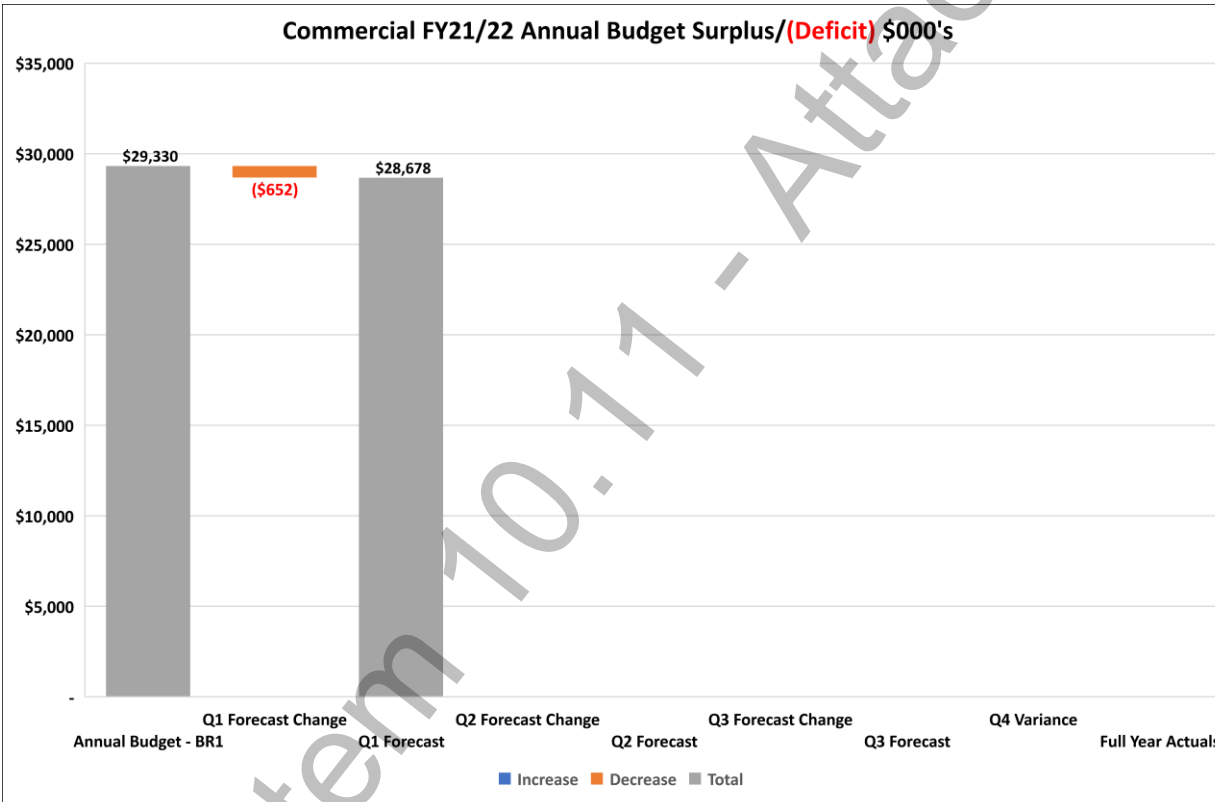
# Commercial Operations Overview

## Overview

\$'000	Year To Date			Prior YTD Actuals		Annual Budget	Full Year Forecast
	Actual	Budget	Variance	2019/20	2020/21		
Parking	6,563	7,473	(910)	7,122	5,728	27,199	26,361
Aquatic Centre	(200)	(385)	185	(289)	(545)	(928)	(716)
North Adelaide Golf Course	37	(135)	171	(187)	121	(333)	(209)
Adelaide Town Hall	(31)	48	(78)	119	(57)	(259)	(409)
Property Services	1,378	908	470	2,979	2,787	3,651	3,651
<b>Program Teams Net Position</b>	<b>7,747</b>	<b>7,910</b>	<b>(163)</b>	<b>9,745</b>	<b>8,034</b>	<b>29,330</b>	<b>28,678</b>

**YTD \$7.7m Surplus, (\$0.2m) unfavourable to budget.**

- Parking revenue during Q1 was impacted by the July lockdown.
- Adelaide Town Hall still impacted by COVID restrictions.
- All other businesses performing better than budget.
- Year end forecasted to be (\$0.7m) unfavourable to budget mainly due to revenue target in Parking.



*Note: All budget figures in this report include BR1 adjustments and exclude depreciation.*

# Commercial Operations Overview

## Overview

### Parking Highlights

- UPark Andrew St opened in August 2021 to support the Market Precinct during the upcoming Central Market Arcade Development. UPark Andrew is a 127-space open air car park and the first UPark to have License Plate Recognition Technology installed. This is enabling UPark to review usage and performance of the technology prior to rollout to all UParks as part of the Car Park Management System Replacement during 21/22 and 22/23.
- UPark and ACMA partnered to promote the sign up to UPark Plus for Market Lovers who wanted to retain first hour free parking when visiting Adelaide Central Market. From 1 July a fee of \$2 has been applied for the first hour at the gate. As of 30 September, 3,997 Market Lovers had signed up to UPark Plus.
- Transitioning of existing monthly account customers to UPark Plus has continued, with the last car park UPark Wyatt due for cutover on 1 November.
- UPark have made finalists in two categories in the upcoming Parking Australia Awards for Excellence: UPark Plus for Outstanding Customer Service and UParks Business Development Coordinator Ranveer Singh for Young Parking Achiever

### Parking Upcoming

- Ongoing refresh and rebrand of internal car park painting and signage.
- Park Land event Not the Royal Adelaide Show commenced late September and will continue into October. The event will generate revenue to partially offset revenue impact of cancellation of Royal Adelaide Show.

### Parking COVID Impacts

- During the Lockdown in late July car park patronage dropped 90% for the lockdown period, which has been consistent through previous lock downs. Immediately following the safe, touch free parking benefit of UPark Plus was promoted to both new and existing customers. Patronage has steadily increased and now exceeds pre lockdown numbers. It is anticipated any further lockdowns will result in a similar impact.

# Commercial Operations Overview

## Overview

### North Adelaide Golf Course Highlights

- North Course signage updated providing a short and long course option.
- Finalisation of first stage of automated irrigation on North Course so the new 'Short' course is fully irrigated. Backed by increased maintenance this has resulted in significant improvement to the course quality and increasing round numbers.
- Par 3 kitchen and internal upgrade finalised with uplift in Par 3 rounds and secondary spend expected to flow into the 2nd quarter and beyond.
- Finalisation of Corporate and Groups promotional materials which has resulted in additional bookings heading into Summer.

### North Adelaide Golf Course Upcoming

- Upgrade to Par 3 external look/functionality being finalised to complement internal upgrades.
- Increased focus on group coaching which will improve engagement with community and enhance golf participation. This will result in flow on to rounds and Season Pass holder growth.
- Improvements on the South Course to the first tee presentation, 6<sup>th</sup> green and approach replacement and 11<sup>th</sup> fairway lengthening which will further enhance course appeal, speed of play and increase round numbers.
- Installation of public lockers for golf bags/clubs which will enhance attractiveness of the course to visitors and Season Pass holders.

# Commercial Operations Overview

## Overview

### Aquatic Centre Highlights

- Swim School demand has seen numbers reach upwards of 2,700 participants. This represents a 14% increase on actual enrolments during the same period in FY19/20.
- Memberships numbers are holding to budget. Expected uplift during the summer period.
- Casual patronage remains slightly down month on month compared to prior years.

### Aquatic Centre Upcoming

- Swim School set to resume operational activities three weeks earlier during January.
- Scheduled capital expenditure - lane rope renewal for 50m pool and pin loaded gym equipment in transit.
- Facilitate activities that tie in to Wellbeing Month and Christmas in the City.
- Upgrade Point of Sale system to improve service efficiency and customer experience including online booking capabilities.

# Commercial Operations Overview

## Overview

### Town Hall Achievements

- Council approved a **new operating model** including the City of Adelaide managing all bookings at the Adelaide Town Hall venue to allow greater community use and activation whilst meeting revenue targets and maintaining it as a prestigious venue in Adelaide.
- Council approved the **removal of venue hire fees for the Mankurri-api Kuu / Reconciliation Room**, which will be a focus for the celebration of Aboriginal and Torres Strait Islander cultures and reconciliation initiatives
- Council has approved negotiations to introduce a music home company who will work from the Adelaide Town Hall and will increase connection and collaboration with the cultural sector, showcasing the venue as a flagship for the **Adelaide UNESCO City of Music** designation.

### Town Hall Upcoming

- In spite of the July lockdown, the first three months of 21-22 are an **improvement on the prior year**. External room hire has more than trebled, internal income is in line with the prior year and commissions are up recognising income from the new Blanco agreement.
- The State Government is currently preparing for border openings in December. This signals further easing of restrictions and density caps, enabling greater certainty for venues and events to return to pre-covid conditions.
- However, in the short term, the risk of outbreaks and potentially lockdowns may increase; and given the typically older demographic of the Town Hall patrons, uncertainty remains for Town Hall revenues in the second half of the year.

### Property Highlights

- Favourable due to on-going revenue being better than anticipated.
- Debt collection remains a key activity requiring resource focus as tenants continue to operate in challenging market conditions.



# Capital Works Status Report

**ITEM 10.12** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Grace Pelle, Manager, Finance &  
Procurement 8203 7343

2021/00122  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

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## EXECUTIVE SUMMARY

This report provides Council with an update with regards to the status of delivery of the approved capital program of works. Historically Council has received this information via the quarterly finance reporting. Feedback from Council via various workshops regarding the preparation of the 2021-22 Business Plan & Budget, showed support for future capital reporting into Council to provide more information in regards to the delivery of capital program in addition to the financial implications to ensure Council received a more holistic view of the capital program.

The report in Attachment A has been prepared to provide more detailed information on the reasons for the financial movement within the program and the status of the projects being delivered. Financial considerations will not be presented in the report as they will continue to be addressed within the Quarter 1 Finance Report.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the Capital Works Status Report as presented in Attachment A to Item 10.12 on the Agenda for the meeting of the Council held on 9 November 2021.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> The delivery of the Capital Program is vital to ensuring the ongoing sustainable delivery of services to our community.
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	Not as a result of this report
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report. Financial implications will be addressed within the Quarter 1 Finance Report.
Proposed 22/23 Budget Allocation	Not as a result of this report. Financial implications will be addressed within the Quarter 1 Finance Report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
21/22 Budget Reconsideration (if applicable)	Not as a result of this report. Financial implications will be addressed within the Quarter 1 Finance 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. Historically Council has received updates on delivery of the capital program via quarterly financial reporting.
2. During the budget process various feedback was received regarding the receipt of more detailed reporting regarding the delivery of the capital program that considered delivery in broader terms that then financial implications.
3. As a result, the preparation of the Capital Works Status Report (**Attachment A**) was undertaken in order to provide further qualitative and quantitative information to Council with regards to delivery.
4. The report is broken up into the three categories by which capital delivery is managed, being:
  - 4.1. Major Projects – Significant works of a capital nature that are over the prudential limit, multi year or have significant grant funding being administered via a contractual deed.
  - 4.2. New and Upgrade Projects - Works of a capital nature that are either introducing new assets or significantly upgrading existing assets. Usually by extending the footprint of an asset or increasing the level of service the asset provides.
  - 4.3. Renewals - Works of a capital nature that are replacing an existing asset like for like or like for modern equivalent.
5. Each category commences with detail with regards to the financial movement are shown at each section of the report to understand the budget impact and summary of funds received, expended and committed.
6. Secondary to the financial movement, each section includes a status update on delivery of the works which is detailed by project for Major Projects, by service for New and Upgrade and by asset category for Renewals.
7. Subject to any feedback from Council regarding variations to this report, it will be brought to Council each quarter to ensure transparency of financial movement and delivery of the capital works program with Council and the community.

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## ATTACHMENTS

**Attachment A** – Q1 2021-22 Capital Works Status Report

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- END OF REPORT -

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# City of Adelaide Capital Works Status Report Q1 2021-22

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## September 2021

Prepared by the Program Management Office

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New & Upgrade Projects Carry Over

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## Renewals Status Update

2021/22 Funding and Expenditure Summary

Renewals Carry Over

Status Update

## Glossary

**Contracted:** The amount of money that is allocated under a legal commitment between CoA and the supplier to acquire goods or services in the completion of the works

**Expenditure Summary:** An indicator to the financial status of a program of works. The total budget is split between actuals, contracted and not yet committed funds. This section has been included as a comparison to graphically represent the financial progress of the program from one quarter to the next.

**Major Projects:** Significant works of a capital nature that are over the prudential limit, multi year or have significant grant funding being administered via a contractual deed.

**New and Upgrade Projects:** Works of a capital nature that are either introducing new assets or significantly upgrading existing assets. Usually by extending the footprint of an asset or increasing the level of service the asset provides.

**Not yet committed:** Represents the amount of approved budget that has yet to be committed in the procurement of goods and services.

**PC:** Practical Completion (PC) is when a project is 'practically complete', in the sense of the works being capable of being used, as distinct from when they are completely finished (with all defects rectified).

**Renewals:** Works of a capital nature that are replacing an existing asset like for like or like for modern equivalent.

**Spent:** Works have occurred and invoice has been processed in the financial system.

**Whole of Project Budget:** The capital expenditure required to deliver the scope of the project over multiple financial years.

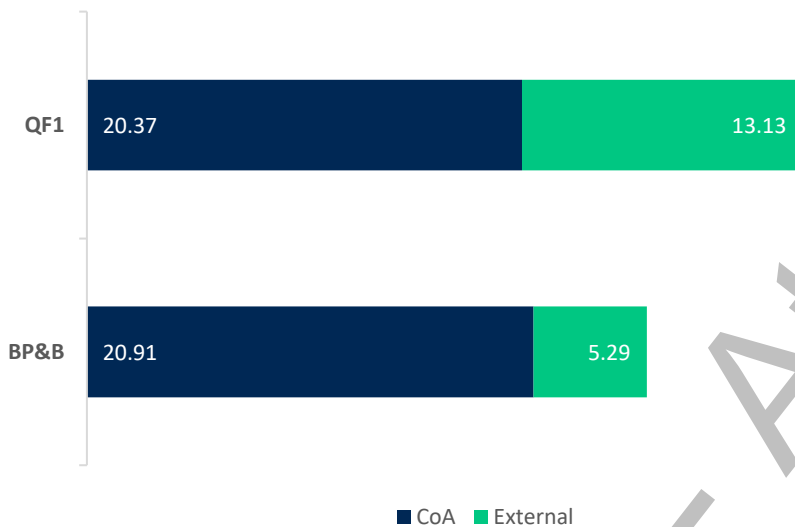
# Major Projects Update

Major Projects are large scale infrastructure projects which usually result in an increased level of service for the community. Major projects are often joint funded and subject to deed conditions. They are often complex and are planned to be delivered over multiple financial years.

The first quarter has seen significant progress in the delivery of Major Projects, with design well underway for Cycling Infrastructure, Moonta Street nearing completion and the commencement of construction on Whitmore Square Greening and The Skate Park. More detailed status updates are available in the status update section.

## Major Projects - Funding and Expenditure Summary

2021/22 Funding Source ('000,000)



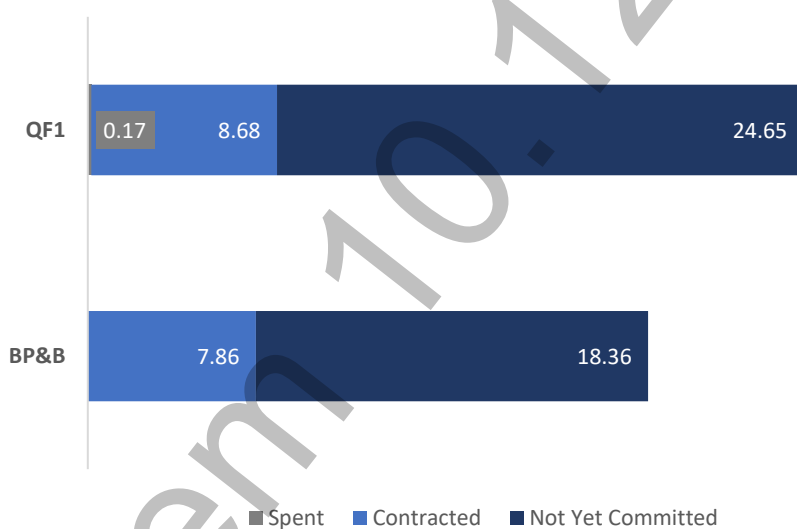
### Funding and Expenditure Summary

This section provides information on the financial progress of the Major Projects. Representing the financial movement across the program since the Business Plan and Budget was adopted.

**Funding Source Graph:** Outlines the breakdown of external funding and City of Adelaide contribution to Major Projects in 2021/22.

The increase between the two graphs is because the City of Adelaide has been successful in securing an additional \$7.4M in grant funding for Major Projects which is being formally recognised by Council in the Q1 finance report, \$5.8M in 2021/22 and \$1.6M in 2022/23. These projects are listed in the Whole of Project Cost section of this report.

2021/22 Expenditure Summary ('000,000)



**Expenditure Summary Graph:** The annual forecast expenditure has increased by \$7.3M from the approved budget of \$26.2M to a revised budget of \$33.5M. This is due to the above mentioned grant funds and an increase of \$2.3m of projects which commenced is a previous financial year, a further breakdown of information can be found in the Whole of Project Cost section of this report.

A total \$8.8M has been contracted resulting in 35% of the 2021/22 program currently contracted.

# Major Projects Update

## Whole of Project Financial Summary

This table summarises whole of project financial reporting. The purpose of whole of project reporting is to provide better oversight of our capital works budget by providing the full cost of delivery to achieve the desired outcome, as explained through the business plan and budget workshops. To provide a true financial representation of the project financials, the table below outlines the budget information for the whole life of the project. The table includes previous years, the current year and future years, the variance section outlines the movement compared to the Business Plan and Budget for both funds that have moved across financial years as well as any changes to the overall whole of life budget for the projects.

## Major Projects Whole of Project Budget

Project Name	previous years	2021-2022	future years	Whole of Project
City Skate Park	1.0	2.5	-	3.5
CMA Redevelopment	-	11.4	11.2	22.6
Cycling Infrastructure	0.4	5.6	-	6.0
Events Infrastructure Rymill Park	-	1.1	-	1.1
Market to Riverbank - Bentham and Pitt St	1.2	6.1	-	7.3
Moonta St Reinvigoration	2.3	1.7	-	4.0
North-South Bikeways	3.2	2.8	-	6.0
Paxton's Walk Revitalisation	-	0.6	1.6	2.2
Quentin Kenihan Inclusive Playspace Additional Works	0.0	0.3	-	0.3
Reviving Laneways to Adelaide's West End - Stage 1 Solomon Street	-	0.4	-	0.4
Whitmore Square Greening	0.0	0.9	-	0.9
<b>Total QF1 position</b>	<b>8.1</b>	<b>33.5</b>	<b>12.8</b>	<b>54.3</b>
<b>Total BPB position</b>	<b>10.4</b>	<b>26.2</b>	<b>14.2</b>	<b>50.8</b>
<b>Variance</b>	<b>-2.3</b>	<b>7.3</b>	<b>-1.4</b>	<b>3.5</b>

The project whole of life budget for Major Projects has increased by \$3.5M since the adoption of the Business Plan and Budget as a result of:

- Inclusion of grant funding for new projects \$2.1m in the 20/21 financial year and \$1.6M in future years. Projects Include: Events Infrastructure Rymill Park, Paxton's Walk Revitalisation (over 2 years), Reviving Laneways to Adelaide's West End – Stage 1 – Solomon Street.
- \$0.7m Federal Government Local Roads and Community Infrastructure Grant allocated to City Skate Park Separable Portion and Quentin Kenihan Inclusive Playspace Additional Works.
- Council Decision in July to progress Cycling Infrastructure projects and contribute \$2.8M to match State Government contribution.
- Reduced costs for returnable works for Central Market Arcade Redevelopment (\$6.5M)

## Major Projects – Status Update

This section provides a status update for each Major Project, including a brief description of works, an estimated completion date and a current status comment.

Overall projects are tracking well with 82% of our Major Projects on time and 100% of the projects are on budget.



### City of Adelaide Bikeways – North-South

Stage	Est Completion	Budget	On Time	On Budget
Plan/ Design	June 2022	6,000	N	Y

Description of Works: The North-South Bikeway will build on the existing Frome Bikeway and will connect the existing Rugby/Porter Bikeway in Unley to the Braund Road Bike Boulevard in Prospect.

Status Update: North-South Bikeway - Brougham Gardens - Construction commenced in Sept 2021. WMD – Wombat crossing - Construction commencing in Oct 2021. Frome Rd (Vic Drv to NT) design is being finalised and RFT being prepared. Albert Bridge currently in design expected ready late 2021. Frome Road (Victoria Drive – Albert Bridge) is being developed and expected late 2021. Commencement of construction work on Frome St (North Tce-Rundle St) is on-hold due to access issues related to adjacent development sites. Construction of the bikeway on this section could be delayed by 1-2 years.

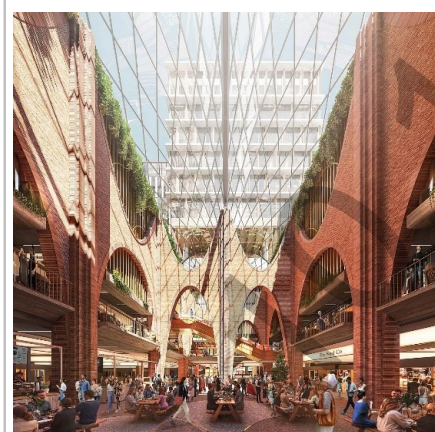


### City Skate Park

Stage	Est Completion	Budget	On Time	On Budget
Build/ Construct	Early 2022	3,487	Y	Y

Description of Works: New City Skate Park in Gladys Elphick Park / Nurnungga (Park 25) in the west Park Lands. The project is expected to deliver a regional facility drawing users from across the metropolitan area and State with the ability to hold competition events and be a main attraction for skate park users.

Status Update: Convic have mobilised onsite and have commenced works. Completion expected for early 2022



### Central Market Arcade Redevelopment

Stage	Est Completion	Budget	On Time	On Budget
Plan/ Design		22,600	Y	Y

Description of Works: The Central Market Arcade Redevelopment will be a catalyst for enriching the city. The redeveloped arcade will be a flagship mixed-use development of national significance and elevate the precinct as a major destination embracing culture, art, retail, and tourism. The arcade will promote the market district as the premier precinct showcasing the very best of South Australian food, wine and produce.


Status Update: Development of the concept design, including Council's returnable works, has significantly progressed with ICD engaging with building contractors. ICD Property is actively leasing its office component and is preparing for its formal launch of the residential apartments. The Central Market Arcade Redevelopment/ Market Square will commence in early to mid 2022. This will enable the Central Market Arcade to continue to operate during the 2021 Christmas period and into early 2022.





## Major Projects – Status Update

	<h3>Cycling Infrastructure</h3> <table border="1"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Plan/ Design</td> <td>June 2022</td> <td>5,600</td> <td>Y</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: Design and construction of 11 cycling infrastructure projects to improve access, safety and connectivity for bicycle riders within the Council area, prioritised to improve cycling connections to and around Lot 14.</p> <p>Status Update: The Signalised Bike Crossing of North Terrace at George St project has been awarded for construction with the remaining 10 projects in design.</p>	Stage	Est Completion	Budget	On Time	On Budget	Plan/ Design	June 2022	5,600	Y	Y
Stage	Est Completion	Budget	On Time	On Budget							
Plan/ Design	June 2022	5,600	Y	Y							
	<h3>Events Infrastructure Upgrade - Rymill Park</h3> <table border="1"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Plan/ Design</td> <td>August 2022</td> <td>1,108</td> <td>Y</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: The Events Infrastructure project will provide improved and upgraded services that will support the ongoing and continued use of the area as a major event and entertainment hub in the eastern Park Lands</p> <p>Status Update: Detailed Design is currently being amended to reflect adjusted footprints of the event organisers utilising the park, construction works need to be timed around event bookings in the park.</p>	Stage	Est Completion	Budget	On Time	On Budget	Plan/ Design	August 2022	1,108	Y	Y
Stage	Est Completion	Budget	On Time	On Budget							
Plan/ Design	August 2022	1,108	Y	Y							
	<h3>Market to Riverbank Laneways Upgrade</h3> <table border="1"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Build/ Construct</td> <td>On Hold</td> <td>14,600</td> <td>N</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: The Market to Riverbank link project is a joint investment project between the City of Adelaide and the State Government (through Renewal SA) to upgrade Bank Street, Leigh Street, Topham Mall, Bentham Street and Pitt Street. 2021 scope: Bentham Street upgrade to kerbless environment with feature decorative concrete, continuation of Market to Riverbank public art outcomes and improvements to greening and lighting. Pitt Street design works.</p> <p>Status Update: Bentham Street: Site works were suspended by SA Health, discussions are underway with SA Health, Hotel Management and contractors to agree the start date of works. Pitt Street: concept designs are being developed.</p>	Stage	Est Completion	Budget	On Time	On Budget	Build/ Construct	On Hold	14,600	N	Y
Stage	Est Completion	Budget	On Time	On Budget							
Build/ Construct	On Hold	14,600	N	Y							

## Major Projects – Status Update

	<h3>Moonta Street</h3> <table border="1" data-bbox="624 338 1442 439"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Build/ Construct</td> <td>October 2021</td> <td>4,000</td> <td>Y</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: Street upgrade including supply and install of new granite paving, stormwater improvements, and greening.</p> <p>Status Update: Works nearing completion - currently still on track for completion in October 2021. Stakeholder (traders) update meetings held periodically. Media conference announcement of project completion planned for Friday 29 October 2021.</p>	Stage	Est Completion	Budget	On Time	On Budget	Build/ Construct	October 2021	4,000	Y	Y
Stage	Est Completion	Budget	On Time	On Budget							
Build/ Construct	October 2021	4,000	Y	Y							
	<h3>Paxton's Walk and Vaughan Place</h3> <table border="1" data-bbox="624 781 1442 882"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Plan/ Design</td> <td>October 2022</td> <td>608</td> <td>Y</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: The Paxton's Walk Revitalisation project will bring new life to a popular East End pedestrian link, transforming it from a tired and constrained walkway into a vibrant, welcoming, green and accessible place. It will also provide a key link between Adelaide's East End Precinct to the Lot Fourteen site currently under rejuvenation by Renewal SA.</p> <p>Status Update: Detailed Design is currently underway and on track for completion of schedule. The land is currently owned by the adjacent property owner, however there is a historical agreement to transfer the land to City of Adelaide and undertake these works. Negotiations are currently underway to finalise this agreement and transfer the land to City of Adelaide.</p>	Stage	Est Completion	Budget	On Time	On Budget	Plan/ Design	October 2022	608	Y	Y
Stage	Est Completion	Budget	On Time	On Budget							
Plan/ Design	October 2022	608	Y	Y							
	<h3>Quentin Kenihan Inclusive Playspace QKIP</h3> <table border="1" data-bbox="624 1348 1442 1449"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Plan/ Design</td> <td>February 2022</td> <td>332</td> <td>Y</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: Following on from completion of the Quentin Kenihan Inclusive Playspace last year. Additional scope items are progressing in consultation with key stakeholders.</p> <p>Status Update: Additional funding for works has been sourced through the Federal Government Local Roads and Community Infrastructure Grant. Design for additional scope is complete and construction is commencing in October. There is a covid related lead time for the We-Go Swing which will delay installation of that item only, delaying it until early 2022.</p>	Stage	Est Completion	Budget	On Time	On Budget	Plan/ Design	February 2022	332	Y	Y
Stage	Est Completion	Budget	On Time	On Budget							
Plan/ Design	February 2022	332	Y	Y							

## Major Projects – Status Update

	<p>Reviving Laneways to Adelaide’s West End - Stage 1</p> <table border="1" data-bbox="517 331 1444 427"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Plan/ Design</td> <td>December 2021</td> <td>357</td> <td>Y</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: This project is being undertaken in partnership with Palumbo (Sofitel Hotel Developer) and the State Government. Streetscape upgrades will be constructed along the Currie, Solomon, Rosina and Burnett Street frontages of the Sofitel Development. The Public Realm upgrades include creating a new shared use space on Solomon Street to enhance activation as well as replacement of footpath and kerbing along the Currie Street, Rosina Street and Burnett Street frontages</p> <p>Status Update: Works progressing well, scheduled for completion in Q2.</p>	Stage	Est Completion	Budget	On Time	On Budget	Plan/ Design	December 2021	357	Y	Y
Stage	Est Completion	Budget	On Time	On Budget							
Plan/ Design	December 2021	357	Y	Y							
	<p>Whitmore Square Greening</p> <table border="1" data-bbox="517 779 1444 875"> <thead> <tr> <th>Stage</th> <th>Est Completion</th> <th>Budget</th> <th>On Time</th> <th>On Budget</th> </tr> </thead> <tbody> <tr> <td>Build/ Construct</td> <td>November 2021</td> <td>910</td> <td>Y</td> <td>Y</td> </tr> </tbody> </table> <p>Description of Works: Following the safety improvement project, the greening of the perimeter of Whitmore Square is the second project to be delivered in terms of the approved master plan. The scope consists of trees, walking path and garden beds around the perimeter of the eastern, western (north of Sturt Street) and the northern section.</p> <p>Status Update: Construction underway, proactive engagement with key stakeholders ongoing</p>	Stage	Est Completion	Budget	On Time	On Budget	Build/ Construct	November 2021	910	Y	Y
Stage	Est Completion	Budget	On Time	On Budget							
Build/ Construct	November 2021	910	Y	Y							

# New & Upgrade Projects Update

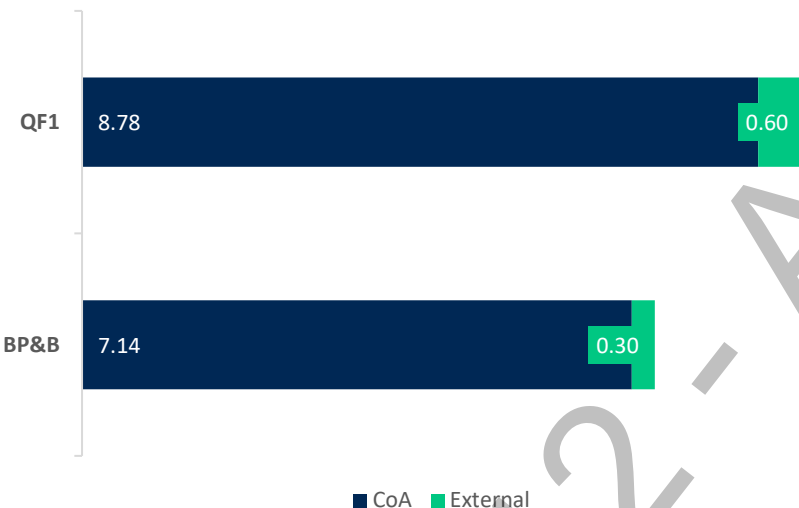
New/upgrade projects are capital projects that either create new assets or replace an existing asset and upgrades that asset's capacity and/or level of service significantly through its replacement. New and Upgrade projects are usually the result of a Council Decision or initiated to deliver the Strategic Plan of Council.

New and Upgrade Projects are a defined scope of work that is usually delivered in one financial year. The majority of this year's program is made up of Council Decisions from prior years projects which experienced delays during covid.

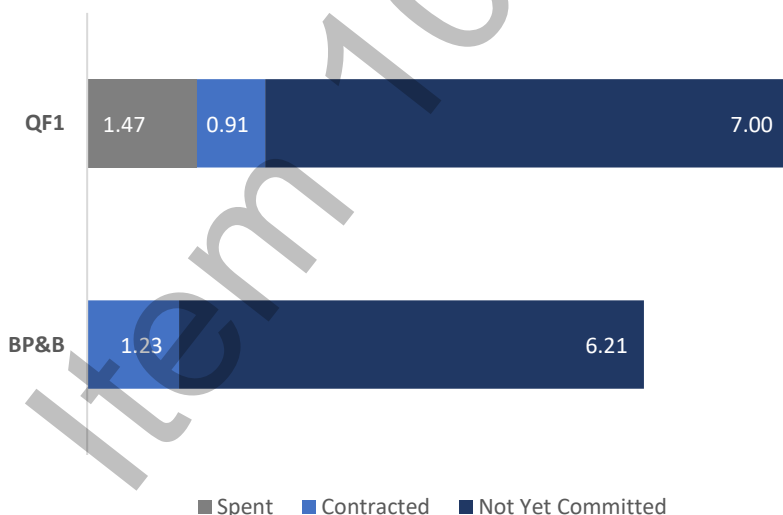
As a part of Council decision to apply financial sustainability measures during the 2021/22 budget preparation, there was a planned reduction in the New and Upgrade projects unless funded by external funding agreements. The resultant delays experienced by the construction industry and the need to reschedule and postpone works during the previous years results in this work now being delivered in 2021/22.

## New & Upgrade - Income and Expenditure Summary

### 2021/22 Funding Source ('000,000)



### 2021/22 Expenditure Summary ('000,000)



### Income and Expenditure Summary

This section provides information on the financial progress of the New & Upgrade Projects. Outlining the breakdown of income and comparison between the financial commitments and total budget at the time of the Business Plan and Budget and the close of the first Quarter.

**Funding Source:** City of Adelaide has been successful in securing an additional \$0.3M in grant funding for New & Upgrade Projects which is being formally recognised by Council in the Q1 finance report.

Golf Course Irrigation Grant	\$0.22M
Blackspot Federal Grants	\$0.08M

**Expenditure Summary:** The annual forecast expenditure has increased by \$2M from the approved budget of \$7.4m to a revised budget of \$9.4M. This is due to the above mentioned grants by \$0.3M as well as the inclusion of the MacKinnon Parade pedestrian crossing \$0.04M following the Council Decision. Additionally there was an increase in carry overs of \$1.65M details can be found on the following page.

An additional \$1.15M has been contracted across the new and upgrade projects since the adoption of the Business Plan and Budget, resulting in 34% of the 2021/22 program currently contracted, with \$1.47M having been spent to date.

# New & Upgrade Projects Update

## New & Upgrade Projects Carry Over

This section contains information on the reasons for the carry overs from 2020/21 financial year and should be read in conjunction with the financial Q1 report, where the decision to increase budget is being considered.

We are in unprecedented times and feeling the ongoing impacts of COVID on the construction industry, our stakeholders are also changing the way they operate and do business, often resulting in a need to re-engage and review some designs to ensure that we are still meeting the needs of the businesses and community, this has impacted our ability to deliver these New and Upgrade projects within the originally planned lead times.

Root cause	Description	Actual
Complex Stakeholder Engagement	Complex and extensive stakeholder engagement requirements have delayed the construction start date of projects. Projects such as: South West Community Centre, Hindley St, Place of Reflection, Place of Courage, Tavistock Lane, Field St, Wattle Grove, City Dirt Masterplan.	2.83
Contractor Issues	Post Covid Stimulus funding to construction sector has increased construction prices and limited the capacity for design and construction contractors to tender for works, and extended product leads times. Projects such as: Gawler UPark Sealant, Christmas in the City 2021, Halifax St footpath, Infrastructure Computers, E-Planning Computers.	2.44
Contracted Works	Fully contracted projects that had a short extension to completion date beyond Jun21, includes projects such as Illuminate 2021, Old Bus station temporary car park, City West Greening.	0.50
ACMA Reporting Changes	Following the adoption of the new charter, we have now incorporated ACMA in to our financial and capital reporting. This includes bringing into account works underway at 30 June.	1.49
<b>Total New/Upgrade Carry Overs</b>		<b>7.25</b>
<b>Total BPB position Carry Overs</b>		<b>5.60</b>
<b>Variance in Carry Overs</b>		<b>+1.65</b>

In the BP&B there was an estimated \$5.6M of works to be re-timed to the current financial year, that figure has increased by \$1.65M.

## New and Upgrade Projects – Status Update

This section outlines the new and upgrade projects currently in progress grouped by Service Delivery Category.

Adelaide Central Market Authority (ACMA)			
Project	Description	Status Update	Stage
CCTV & Electrical	CCTV to add additional cameras and increase security in the car park. Replacement of the Main Switchboard serving the Central Market.	The CCTV is in planning and the Switchboard works are complete.	Plan/ Design
Upgrade WiFi	Install free Wifi network tailored for the Central Market including new servers.	Forms part of the Market Wifi project which is currently on hold.	Plan/ Design
Federal Hall - Make Good & Reinforcement	Reinforcement of Federal Hall Grote St & Gouger St mezzanines	Assessment being undertaken to determine the methodology for the works required.	Plan/ Design
ACMA upgrade Program	Upgrade program including the installation of new grease arrestor, additional heating to the dining areas, a new customer toilet block, enhancements along the Grote Street frontage, a new cool room and construction of a pop up stall to allow casual leasing within ACMA.	Works are progressing well, with some initial works having been completed.	Build/ Construct
Adelaide Economic Development Agency			
Project	Description	Status Update	Stage
Visitor Info Centre	Hardware to support the Visitor Information Centre	On hold to ensure hardware is compatible with new booking platform currently under investigation	On Hold
Arts, Culture and Events			
Project	Description	Status Update	Stage
Christmas in the City	Christmas in the City Funding Allocation	Six submissions have been received as of the 24th August. Internal Assessment Panel to meet on same day to commence scrutiny of submissions.	Plan/ Design
Illuminate 2022	Illuminate Adelaide is a new major annual winter event for Adelaide that takes over city streets, laneways and buildings from July celebrating innovation, music, art, technology and light.	Illuminate 2021 - Grote St artwork works completed July 2021. Illuminate 2022 - Consultation with Illuminate Festival on location of works being undertaken.	Plan/ Design
Decorative Lighting Program	Implementation of Decorative Lighting in Ebenezer Place	Designs are now complete and we are seeking pricing for materials and installation.	Plan/ Design

## New and Upgrade Projects – Status Update

### Community Development

Project	Description	Status Update	Stage
Southwest Community Centre	To purchase a new property for the Adelaide South West Community Centre based on the Gross Floor Area (GFA) of the previous premises at Sturt Street and establish this as a staffed facility run by Council.	Locating a property that meets the aforementioned criteria and is within budget constraints is proving challenging. A report will be presented to Council for the November meeting.	Plan/ Design

### Community Safety

Project	Description	Status Update	Stage
E-Planning Hardware	Devices supporting new E-Planning system	Devices ordered, awaiting delivery	Plan/ Design

### Environmental Sustainability

Project	Description	Status Update	Stage
Turning Gray St Green - Arbour	Green Infrastructure to increase greening and improve temperature in the street	The project has commenced. A contractor has been engaged to undertake the works and ground has been broken on site	Build/ Construct

### Information Management

Project	Description	Status Update	Stage
Infrastructure Computers and Peripherals	Specialised IT hardware required for technical and design work now completed inhouse	Hardware has been delivered and is currently going through user acceptance testing	Build/ Construct

### Park Lands and Open Space

Project	Description	Status Update	Stage
Wattle Grove Memorial & Tree Planting	Concept design to explore the opportunity to enhance Golden Wattle Park / Mirnu Wirra (Park 21W). Construction subject to future funding endorsement by Council.	Conflicting priorities between safety and heritage priorities have led to concept design delays. Concept designs are now underway for the reinstatement of tree planting in the Wattle Grove.	Plan/ Design
City Dirt Masterplan	Detailed design and cost planning for the enhancement of the BMX facility in Park 20 and connections to the TreeClimb facility in Park 20.	Concepts have been on hold while BHKC works were finalised. Preparing scoping and framework drawings ahead of concept design. Overlaying Brownhill/ Keswick Creek design.	Design Only
Brownhill Keswick Creek (BHKC)	Creek remediation, wetland and creek realignment in Park 16 & 20. The Stormwater Project is an initiative of the Cities of Unley, Adelaide, Burnside, Mitcham and West Torrens to progress stormwater projects set out in the Brown Hill and Keswick Creek Stormwater Project Stormwater Management Plan (Worley Parsons, 2012).	Funding contribution only and interface management. Project being managed by a dedicated Project Management team engaged by the Brown Hill and Keswick Creeks Stormwater Management Board.	Build/ Construct

## New and Upgrade Projects – Status Update

### Park Lands and Open Space

Project	Description	Status Update	Stage
Bank St Granite Plinth	Additional granite plinth in Bank Street to protect the trees from reversing cars.	Design complete, procurement to commence.	Plan/Design

### Parking

Project	Description	Status Update	Stage
Gawler UPark Sealing	Continuation of the Gawler UPark Sealing project	Council report approved to tender sealing works. Sealing tender under evaluation. Facade contract being prepared for tender.	Build/Construct
Old Bus Station - Temp Car Park	Installation of a new temporary car park at the location of the old bus station.	Works completed in August 2021.	Practical Completion
Compliance Technology for On Street Parking	Procurement of compliance technology to improve our community services and which also prioritises the health, safety and wellbeing of our people.	Project and tender specification scope completed. Procurement of vehicle mounted camera compliance technology currently out to market through Tenders SA, closes 4 November 2021	Plan/Design

### Property Management and Development

Project	Description	Status Update	Stage
Central Market Arcade Options	Progress the Central Market Arcade Redevelopment with project development partner, ICD Property.	Development of the concept design, including Council's returnable works, has significantly progressed with ICD engaging with building contractors. ICD Property is actively leasing its office component and is preparing for its formal launch of the residential apartments.	Plan/Design

### Social and Economic Planning

Project	Description	Status Update	Stage
Place of Reflection	The creation of a Place of Reflection in Rymill Park/Murlawirrapurka honouring the Stolen Generations. Co-funded through the Stolen Generation Reparations Fund and supported by Arts SA	Artists being appointed for the detailed design and fabrication/installation/landscaping.	Plan/Design
Place of Courage	The Place of Courage commemorative artwork set into a integrated landscaping intended to raise awareness about the impact of domestic and family violence.	Awaiting design options from the Spirit of Women	Plan/Design

### Sports and Recreation

Project	Description	Status Update	Stage
Golf Course North Irrigation (grant)	The North Adelaide Golf Course consists of three courses across 82 hectares of Park Lands. This project is co-funded and will automate the irrigation system on the North Golf Course to improve the quality of the facility.	Installation of an automated irrigation system on the Northern Golf course is 50% completed with the remaining works scheduled for delivery in the autumn months.	Build/Construct



## New and Upgrade Projects – Status Update

Streets and Transportation			
Project	Description	Status Update	Stage
Hindley St	Continuation of the Hindley Street Project, to include parklets and planter boxes for outdoor dining.	Procurement underway, planter boxes for footpath extensions ordered and due late Oct 2021.	Plan/ Design
Whitmore Square Safety Improvements	Upgrades and improvements to Whitmore Square including new signalised intersection and pedestrian active crossing on the northern intersection, new DDA compliant pedestrian paths and ramps, mature tree plantings, understory plantings and irrigation.	All works completed. Minor omissions and minor defects being attended to.	Practical Completion
City Greening Design	Project to increase greening and the tree canopy cover to 20% in the City's south west and north west	Design works are in progress.	Design Only
Field St	Design of an upgrade to Field Street which creates a green, pedestrian-friendly destination to foster this new edgy dining and creative quarter in the city's Market district.	Detailed Design being reviewed following SAPN installation of conduits to service New Market Arcade.	Design Only
Blackspot - Angas/Pulteney St	Improvements to Pulteney Street/Angas Street Intersection to improve safety and reduce vehicular crashes	Contract has been awarded. Works to commence mid-October	Build/ Construct
Tavistock Lane	Continuation of co-funded upgrades to Tavistock Lane to facilitate a taxi drop-off area and the lane being upgraded and operating as a public road	Civil Works complete and the road has been made public following council report.	Practical Completion
Black Spot - Hindley Street/Gray Street intersection	Blackspot Hindley Street/ Gray Street Intersection Project	Main works completed, parking sensors and line marking scheduled to occur.	Practical Completion
Greening in the City's North West and South West	Undertake new street tree planting in Byron Place, Crowther St, Elizabeth St, Gray St and Young Street. Should external funding applications (Greening Neighbourhood Grants) being sought by Sustainability be successful project will be extended to potentially include Sturt St West.	Practical Completion has been reached	Practical Completion
Flinders Street Pedestrian Crossing Improvements	Prepare a detailed design for cost estimation for kerb extensions on Flinders Street adjacent Pilgrim Lane for the further consideration of Council.	Project was dependant on decisions regarding the East West Bikeway, concept design now underway.	On Hold
Blackspot Project - Jeffcott Street/Montefiore Hill Intersection Improvements	Improvements to Jeffcott Street/Montefiore Hill Intersection to improve safety and reduce vehicular crashes.	Design well underway.	Plan/ Design
MacKinnon Pedestrian Refuge	Install a pedestrian refuge on MacKinnon Parade adjacent the child care centre	Design underway	Plan/ Design
Halifax St Footpath	Footpath and Kerb Renewal between Hallet Street & Stephens Street incorporating new protuberance buildout, greening (WSUD) and DDA compliant crossing points.	Works complete, final walkover taking place early October to close out the contract.	Practical Completion

# Renewals Update

## Renewals Program

Renewal is the replacement or refurbishment of an existing asset (or component) with a new asset (or component) capable of delivering the same level of service as the existing asset.

The renewals program ensures that our assets get renewed according to their condition status and in alignment to the Asset Management Plans.

## Income and Expenditure Summary

This section provides information on the financial progress of the Renewals Program. Outlining the breakdown of income and comparison between the financial commitments and total budget at the time of the Business Plan and Budget and the close of the first Quarter.

**Funding Source:** CoA has been successful in securing an additional \$1.66M in grant funding and contributions since the publication of the BP&B.

Financial Assistance Grants	\$0.29M
Utilities reinstatement contribution	\$0.20M
Local Road and Community	
Infrastructure grant	\$0.17M
Infrastructure Partnership Program	\$1.00M

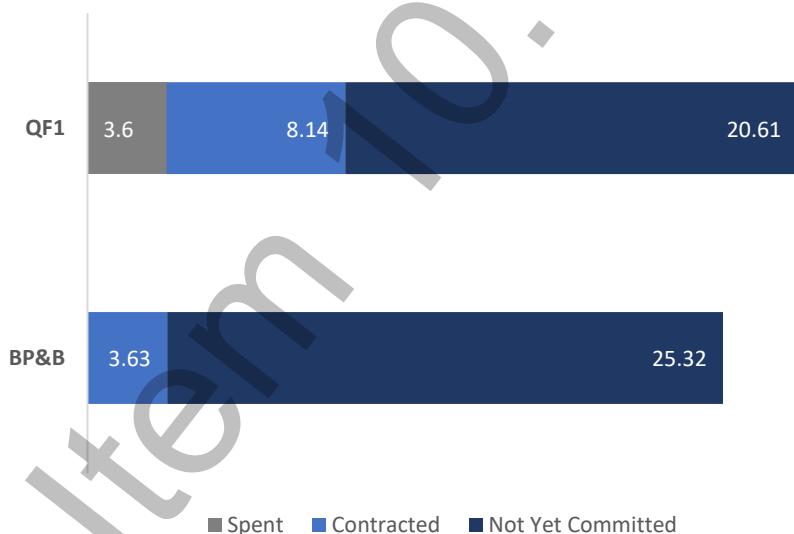
**Expenditure Summary:** The forecast expenditure has increased by \$3.40M from the approved budget of \$28.95M to a revised budget of \$32.35M. This was due to the above grants and contributions of \$1.66M and an increase in carry overs of \$1.74M.

An additional \$8.1M has been contracted across the renewals program in the first quarter, resulting in 57% of the 2021/22 program currently contracted, with \$3.6M having been spent to date.

## 2021/22 Funding Source ('000,000)



## 2021/22 Expenditure Summary ('000,000)



# Renewals Update

## Renewals Carry Over

### Renewals Program






This section contains information on the reasons for the carry overs from 2020/21 financial year which were committed for delivery at the end of financial year. This section should be read in conjunction with the financial Q1 report, where the decision to increase budget is being considered.

Root cause	Description	Actual
Complex Stakeholder Engagement	Complex and extensive stakeholder engagement requirements has delayed the construction start date of projects, including asset types Lighting & Electrical and Water Infrastructure.	0.20
Contractor Issues	Post Covid Stimulus funding to construction sector has increased construction prices and limited the capacity for design and construction contractors to tender for works, and extended product leads times. Including asset types Plant, Fleet and Equipment, Transport, Public Art, Lighting & Electrical and Buildings.	1.15
Contracted Works	Fully contracted projects that had a short extension to completion date beyond Jun21, including asset types Water Infrastructure, Buildings, Transport, Commercial, Lighting & Electrical and Bridges.	1.95
ACMA Reporting Changes	Following the adoption of the new charter, we have now incorporated ACMA in to our financial and capital reporting, this change has created a variance in our reports.	1.19
<b>Total Renewal Carry Over</b>		<b>4.49</b>
<b>Total BPB position</b>		<b>2.75</b>
<b>Variance</b>		<b>1.74</b>






In the BP&B there was an estimated \$2.75M of works to be re-timed and carried over in to the current financial year, that figure has increased by \$1.74M.

## Renewals – Status Update

Renewals are managed as a number of individual projects within programs of work relating to asset class. The following report outlines the number of individual projects within each program, the key projects in each category and the individual works that have reached practical Completion in the last quarter.

<p>Information Management</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>7</td> <td>7</td> <td>0</td> </tr> </tbody> </table>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	7	7	0				<p>Renewal of computer systems, communication systems, software and hardware owned, used or licensed by the Council for the purposes of information management including PC Replacement , Network Connectivity &amp; Security , Server Replacement and Telecommunication Systems</p>
On Track	Total Projects	Projects In Progress	Projects Reached PC										
Y	7	7	0										
<p>Park Lands Assets</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>13</td> <td>13</td> <td>0</td> </tr> </tbody> </table>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	13	13	0				<p>Ensures that landscape features and green infrastructure located within our Park Lands are actively managed giving consideration to legislative requirements, environmental performance, community expectation and safety including Water Feature Renewals (Veale Gardens and Pinky Flat), Park Lands Renewal Program, Public Art Refurbishments and Minor Irrigation renewals</p>
On Track	Total Projects	Projects In Progress	Projects Reached PC										
Y	13	13	0										
<p>Plant and Fleet</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>8</td> <td>8</td> <td>0</td> </tr> </tbody> </table>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	8	8	0				<p>Replacement of major plants and fleet assets to ensure safe and sustainable services by optimising the use of our plant and fleet assets including Plant &amp; Fleet 21/22 , Commercial Asset Renewals, Car Park hardware replacement, Golf Links renewals and Golf Course Fuel tank renewals</p>
On Track	Total Projects	Projects In Progress	Projects Reached PC										
Y	8	8	0										
<p>Water Infrastructure</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>21</td> <td>21</td> <td>0</td> </tr> </tbody> </table>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	21	21	0				<p>Program of works dedicated to renewal of various water infrastructure asset components including Brownhill Keswick Creek, Stormwater Management Upgrades and Torrens Lake Submerged Earth Retaining Structures. Including Francis Street renewal, ANZAC Highway Stormwater Pipe Re-lining, Adelaide Weir Structural Investigation and Preliminary Design (Stage 1) , and Stormwater Renewal Program</p>
On Track	Total Projects	Projects In Progress	Projects Reached PC										
Y	21	21	0										
<p>Bridges</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>7</td> <td>6</td> <td>1</td> </tr> </tbody> </table>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	7	6	1				<p>Investment in the Council's bridge infrastructure to ensure accessible and safe movement throughout the City for residents, visitors and the public including Bridge Renewal Program - Urgent Works, Adelaide Bridge - Minor Works and Footbridge Renewal</p>
On Track	Total Projects	Projects In Progress	Projects Reached PC										
Y	7	6	1										
<p>Works Delivered in the last Quarter: Adelaide Bridge - Minor Works</p>													

## Renewals – Status Update

<p>Buildings</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>28</td> <td>26</td> <td>2</td> </tr> </tbody> </table> <p>General building renewals of ACC Corporation facilities including Wyatt Street Lift, ACMA 2201 - Stall Structural Renewal Works, ACMA -2104 - Escalator Replacement , Town Hall Boiler Renewal and ACMA -2101 - Main Switch Board (MSB) Replacement</p> <p>Works Delivered in the last Quarter: Colonel Light Centre Renewals CLC Ceiling Tiles Rectification</p>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	28	26	2
On Track	Total Projects	Projects In Progress	Projects Reached PC						
Y	28	26	2						
<p>Urban Elements</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>44</td> <td>43</td> <td>1</td> </tr> </tbody> </table> <p>Program of renewal works to ensure the provision of safe, accessible, clean and well-maintained Urban Elements suite of assets for delivering the quality services to the community including Urban Elements Renewal Program, Public Art Refurbishments, Boat Landing/Ramp - Park 12 South Bank and Recreational Asset Renewals</p> <p>Works Delivered in the last Quarter: Flagpole Renewal - Aquatic Centre, Park 2 - Pardipardinilla - Denise Norton Park</p>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	44	43	1
On Track	Total Projects	Projects In Progress	Projects Reached PC						
Y	44	43	1						
<p>Transport</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>91</td> <td>81</td> <td>10</td> </tr> </tbody> </table> <p>Essential roadworks to ensure we continue to provide a safe, efficient and accessible road and pathway network including Footpath Renewal Program, Local Government Infrastructure Partnership Program Funding, Jeffcott St South, Road Renewal Program and Kerb and Water table Renewal Program</p> <p>Works Delivered in the last Quarter: King William Road North-bound Heavy Patching (Pennington Tce to Kermode St) King William Road South Bound Carriageway Pavement Rehabilitation (Brougham Place to Kermode Street) Mansfield St Road Resurfacing (Gover to Tynte St) Tynte St Road Resurfacing (Wellington Sq to Mansfield St) Dukes Ln Road Resurfacing (Allen to Gladstone St ) Gladstone St Road Resurfacing (Carrington St to Dead End)</p>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	91	81	10
On Track	Total Projects	Projects In Progress	Projects Reached PC						
Y	91	81	10						
<p>Lighting &amp; Electrical</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>26</td> <td>21</td> <td>5</td> </tr> </tbody> </table> <p>Lighting and Electrical renewals to support a safe, secure and continuous service including CCTV Network Renewal and Compliance Program, Street Lighting LED Renewals, Street Lighting City Safety Renewals, Lighting and Electrical Renewals and Underground Electrical Conduit and Switchboard Renewals</p> <p>Works Delivered in the last Quarter: Lighting and Electrical Renewals Design in 7 Locations LED Master Plan</p>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	26	21	5
On Track	Total Projects	Projects In Progress	Projects Reached PC						
Y	26	21	5						
<p>Traffic Signal</p> 	<table border="1"> <thead> <tr> <th>On Track</th> <th>Total Projects</th> <th>Projects In Progress</th> <th>Projects Reached PC</th> </tr> </thead> <tbody> <tr> <td>Y</td> <td>12</td> <td>11</td> <td>1</td> </tr> </tbody> </table> <p>Investment in Traffic Signal infrastructure to ensure accessible and safe movement throughout the City including Traffic Signal Renewal Program, Underground Electrical Conduit and Switchboard and Renewal of Traffic Lanterns &amp; Signal Controllers</p> <p>Works Delivered in the last Quarter: Renewal of Traffic Lanterns &amp; Signal Controllers in 10 intersections</p>	On Track	Total Projects	Projects In Progress	Projects Reached PC	Y	12	11	1
On Track	Total Projects	Projects In Progress	Projects Reached PC						
Y	12	11	1						

# 2021 Review of Confidentiality Orders

ITEM 10.13 09/11/2021  
Council

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2021/00830  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

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## EXECUTIVE SUMMARY

This report presents the outcome of the 2021 review of confidentiality orders in accordance with Section 91 (9) of the *Local Government Act 1999 (SA)* (the Act), which requires a document or part of a document which is under a confidentiality order for a period exceeding 12 months to be reviewed at least once every year.

As part of the 2021 annual review, 666 confidential orders were reviewed, and 8 orders will be released in part or in full during December 2021. There are 53 orders which are recommended for extensions, as the grounds and basis for confidentiality are still relevant.

To provide better transparency, the City of Adelaide conducts an additional mid-year confidentiality order review, thereby going over and beyond the annual review required under the Act. During 2021, 25 orders have been released through this mid-year process. We continue to work on ways to improve transparency of Council's decision making and to minimise the number of matters discussed and held in confidence where appropriate.

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## RECOMMENDATION

### THAT COUNCIL

1. Notes the active confidentiality orders (July 2003 to October 2021) have been reviewed in accordance with Section 91 (9) of the *Local Government Act 1999 (SA)*.
  2. Approves to extend the operation of 53 confidentiality orders as identified in Attachment A to Item 10.13 on the Agenda for the meeting of the Council held on 9 November 2021.
  3. Notes that 8 active confidentiality orders will be released in part or full and published on the City of Adelaide website during December 2021.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> The role of the City of Adelaide is to uphold the values of integrity and accountability. To ensure that the Council delivers services to the community as a leader, advocate, and facilitator by maintaining a transparent decision-making process.
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	Section 91 (9) of the <i>Local Government Act 1999 (SA)</i> requires a document or part of a document which is under a confidentiality order for a period exceeding 12 months to be reviewed at least once every year.
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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. Section 90(2) of the Act enables a meeting of the Council or a Committee to determine an order that the public be excluded from attendance to receive, discuss or consider in confidence any information or matter as prescribed in Section 90(3) of the Act.
2. On every occasion that the provision to exclude within Section 90(2) of the Act was exercised, details of the order proceedings must be made in the minutes, specifying the grounds on which the order was made.
3. Section 91(9) of the Act specifies requirements [duration of order, review date and delegation to review/revoke all or part/report] to be included within the order.
4. Section 91(9) of the Act also instructs that a Council or a Committee order to keep a document or part of a document confidential for a period exceeding 12 months must be reviewed at least once every year.
5. The 2021 review of confidentiality orders examined all 666 active orders from July 2003 to October 2021. These orders were reviewed in consultation with the relevant Associate Director or Manager and final review by Executive. Currently of the 666 active confidentiality orders:
  - 5.1. 53 orders will expire in December or prior to the 2022 annual review, and require an extension to retain in confidence (Attachment A)
  - 5.2. 8 orders will be released by the Chief Executive Officer in part or full, during December.
6. The 53 orders that will expire in December or prior to the 2022 annual review, and are recommended for extension relate to the following grounds (note: some orders apply multiple grounds):

Section 90 of the <i>Local Government Act 1999</i> (SA)	Times applied for order
(a) personal affairs	5
(b) commercial advantage / position	26
(d) commercial information	31
(e) security	1
(g) breach of law	2
(h) legal advice	3
(i) litigation	4
(j) information provided in confidence	10
(k) tenders	1
(m) development plan	1

7. To provide better transparency, the City of Adelaide conducts an additional mid-year confidentiality order review, thereby going over and beyond the annual review required under the Act. During 2021, 25 orders have been released through this process. This process was implemented during the 2018 calendar year and a consistent approach has been applied since. The table below demonstrates the past three (3) years review:

	2021 review	2020 review	2019 review
Number of orders reviewed	666	661	729
Number of orders extended	53	102	33
Number of orders released in part or in full as part of current annual review	8	85	68
Number of orders released in part or in full during the calendar year as part of the rolling review	25	106	176
Total number of orders released in part or in full	33	191	244



# ATTACHMENTS

## Attachment A – Confidentiality Orders Extension

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- END OF REPORT -

**Expiring Confidentiality Orders [July 2006 to October 2021]  
Confidentiality Order [CO] Extension Sought**

CO	Subject Matter	Section 90(3) & Extension
<b>2006/2007 Financial Year</b>		
CO147	Mobile Phone Tower Lease	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
<b>2012/2013 Financial Year</b>		
CO888	Adelaide Aquatic Centre Works	90(3) (d) commercial information Extend to December 2022
CO890	Adelaide Aquatic Centre Works	90(3) (d) commercial information Extend to December 2022
CO892	Leasing Matter - Victoria Park / Pakapakanthi (Park 16)	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2023
CO899	Leasing Matters - Victoria Park - Expression of Interest - Leasing of Buildings and Adelaide Bowling Club Lease Negotiations	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
<b>2013/2014 Financial Year</b>		
CO917	Presentation - Tennis SA Master Plan	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2023
CO924	Determination of the Issues for Resolution - 17-19 Gawler Place, Adelaide City Council	90(3) (d) commercial information 90(3) (h) legal advice 90(3) (i) litigation Extend to December 2024
CO925	Determination of the Issues for Resolution - 17-19 Gawler Place, Adelaide City Council	90(3) (d) commercial information 90(3) (h) legal advice 90(3) (i) litigation Extend to December 2024

CO	Subject Matter	Section 90(3) & Extension
CO927	Connector Service Development	90(3) (b) & (d) commercial advantage/position/information of a confidential nature 90(3) (j) information provided in confidence Extend to December 2026
CO929	Connector Service Development	90(3) (b) & (d) commercial advantage/position/information of a confidential nature 90(3) (j) information provided in confidence Extend to December 2026
CO931	Torrens Weir Restaurant Leasing Matter	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO936	Torrens Weir Restaurant Leasing Matter	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO939	Councillor Henningsen - Confidential Motion on Notice - Property Assessment	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO944	Ergo - Update	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO954	Connector Bus Service	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2026
CO959	Connector Bus Service	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2026
CO1014	Capital City Committee	90(3) (j) information provided in confidence Extend to December 2022
CO1018	Capital City Committee Update	90(3) (j) information provided in confidence Extend to December 2022
CO1025	Capital City Committee Update	90(3) (j) information provided in confidence Extend to December 2022

CO	Subject Matter	Section 90(3) & Extension
<b>2014/2015 Financial Year</b>		
CO1053	Capital City Committee Update	90(30 (j) information provided in confidence Extend to December 2022
CO1069	Capital City Committee Update	90(30 (j) information provided in confidence Extend to December 2022
CO1079	Out of Session Information Papers to Note - Attachment 1 - Legal Advice - Clipsal and trade during event	90(3) (h) legal advice Extend to December 2022
CO1101	Status Update - Preparation of North Adelaide Colleges and Institutions DPA	90(3) (m) amendment to Development Plan Extend to December 2024
CO1105	Tabled Presiding Member's Report - Property Purchase Opportunity	90(3) (b) commercial advantage/position Extend to December 2024
CO1107	Out of Session Information Paper to Note - Safer Places and Small Bars Research Report	90(3) (d) commercial information Extend to December 2023
CO1108	Audit Committee Appointment of Independent Members	90(3) (a) personal affairs Extend to December 2026
CO1111	Confidential Workshop - City Safe CCTV - Future Directions	90(3) (e ) security Extend to December 2023
CO1128	Confidential Report of the ACEO Section Plan - Process for the Selection and Appointment of ACEO	90(3) (a) personal affairs Extend to December 2027
CO1129	Out of Session Information Paper to Note - DAP - Appointment of Independent Members for the Next Term	90(3) (a) personal affairs Extend to December 2022
CO1131	Commercial Property Investigation	90(3) (d) commercial information Extend to December 2024
CO1132	Property Matter	90(3) (d) commercial information Extend to December 2024
CO1133	Commercial Property Investigation	90(3) (d) commercial information Extend to December 2024
CO1135	Contract Matters - Part 1	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2023

CO	Subject Matter	Section 90(3) & Extension
CO1138	Contract Matters - Part 2	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO1155	Strategic Property Matter	90(3) (d) commercial information Extend to December 2024
CO1159	Strategic Property Matter	90(3) (b) commercial advantage/position 90(3) (k) tenders 90(3) (g) breach of law Extend to December 2024
<b>2015/2016 Financial Year</b>		
CO1162	Creative Partnership Opportunity	90(3) (b) commercial advantage/position Extend to December 2022
CO1165	Creative Partnership Opportunity	90(3) (b) commercial advantage/position 90(3) (j) information provided in confidence Extend to December 2022
CO1167	Amendment to Adshel Advertising Contract	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO1169	Amendment to Adshel Advertising Contract	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO1172	Lounders Boathouse - Lease Agreements	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024
CO1175	Public Art Round Table - Interim Composition	90(3) (a) personal affairs Extend to December 2023
CO1176	Public Art Round Table - Interim Composition	90(3) (a) personal affairs Extend to December 2023
CO1182	Capital City Committee Update	90(3) (j) information provided in confidence Extend to December 2022
CO1183	Tabled Presiding Member's Report - Wingfield Update	90(3) (i) litigation Extend to December 2024

<b>CO</b>	<b>Subject Matter</b>	<b>Section 90(3) &amp; Extension</b>
CO1184	Capital City Committee Update	90(3) (j) information provided in confidence Extend to December 2022
CO1190	EOI - Central Bus Station Rooftop Carpark	90(3) (j) information provided in confidence Extend to December 2024
CO1197	Telstra Lease Agreement	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2023
CO1199	Telstra Lease Agreement	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2023
CO1233	APLA - Tennis SA - Park Lands Lease	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2023
CO1235	Capital City Committee Update	90(3) (g) breach in law Extend to December 2022
CO1256	APLA - The Pavillion - Park Lands Lease - Walyu Yarta (Park 21)	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2023
<b>2018/2019 Financial Year</b>		
CO1552	Upark Refurbishment and Façade Remediation Gawler Place - Prudential and Award of Contract Report	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2022

# CEO Performance Review Committee

**ITEM 10.14** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

2021/01294  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

In accordance with Section 102A of the *Local Government Act 1999* (SA), as identified in the *Statutes Amendment (Local Government Review) Act 2021* (yet to come into effect) a Council must review the performance of its Chief Executive Officer at least once a year. It is proposed that council establish a CEO Performance Review Committee pursuant to section 41 of the *Local Government Act 1999* (SA).

The CEO Performance Review Committee will be responsible, on behalf of Council, for determining the appropriate performance review process against which the Chief Executive Officer's (CEO) performance will be assessed.

The composition and terms of reference of the CEO Performance Review Committee are determined by Council and will include two independent members, to be appointed by the CEO Performance Review Committee.

## RECOMMENDATION

### THAT COUNCIL

1. Establishes pursuant to Section 41 of the *Local Government Act 1999* (SA) a five member CEO Performance Review Committee, comprising the Lord Mayor, Deputy Lord Mayor, one Councillor and two external independent members, for the remainder of the 2018-2022 municipal term of office for the purpose of the following functions which include:
  - 1.1. To establish Key Performance Indicators for the CEO.
  - 1.2. To determine the performance review process for the CEO.
  - 1.3. To undertake the performance review of the CEO.
  - 1.4. To provide advice and support regarding the CEO's performance development.
  - 1.5. Prepare and provide advice to Council to inform the CEO's Total Employment Cost Package review, for decision by Council.
2. Adopts the Terms of Reference for the CEO Performance Review Committee established in part 1 herein as set out in Attachment A to Item 10.14 on the Agenda for the meeting of the Council held on 9 November 2021, and delegates authority to the Chief Operating Officer to alter content to reflect matters determined by the Council at its meeting on 9 November 2021.
3. Delegates to the CEO Performance Review Committee:
  - 3.1 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 and determining matters as set out in the CEO performance Review Committee's Terms of Reference, namely:
    - 3.1.1 To appoint the independent members to the Review Committee.
    - 3.1.2 To establish Key Performance Indicators for the CEO.
    - 3.1.3 To determine the performance review process for the CEO.

- 3.1.4 To undertake the performance review of the CEO.
  - 3.1.5 To provide advice and support regarding the CEO's performance development.
  - 3.1.6 Prepare and provide advice to Council to inform the CEO's Total Employment Cost Package review, for decision by Council.
  - 3.2 Authority to determine a schedule of meetings to be held in the Colonel Light Room, Town Hall, Adelaide.
  - 4. Authorises the Chief Operating Officer to vary the meeting schedule (including the commencement time, meeting place, date or cancellation of a committee meeting) after liaison with the Presiding Member and Chief Executive Officer.
  - 5. Appoints the Lord Mayor and Deputy Lord Mayor to the positions of a Presiding Member (to be known as Chair) and Deputy Chair respectively, to preside for the remainder of the 2018-2022 Term of Office.
  - 6. Contingent upon the adoption of part 1 herein, calls for nominations for the appointment of one Councillor for the remainder of the remainder of the 2018-2022 Term of Office
  - 7. Applies the provisions of Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013* (SA) to all meetings of the CEO Performance Review Committee.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Administrative/secretariat support for the Committee will be required
Risk / Legal / Legislative	This will meet the requirements of Section 102A of the <i>Local Government Act 1999 (SA)</i> as identified in the <i>Statutes Amendment (Local Government Review) Act 2021</i> and the requirements of the Employment Contract between City of Adelaide and Ms Clare Mockler.
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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. A recent review of the *Local Government Act 1999 (SA)* identified the addition of Section 102A, as outlined in the *Statutes Amendment (Local Government Review) Act 2021*. Section 102A requires that the CEO will participate in an annual performance review.
2. The performance review process is to be conducted by the CEO Performance Review Committee (the Review Committee), established as a section 41 subcommittee pursuant to the *Local Government Act 1999 (SA)*. The composition of the Review Committee is determined by Council and will include two independent members, one of whom will have substantial local government experience.
3. The primary purpose of the Review Committee is to develop, monitor and assess key performance indicators and establish a process by which CEO performance is measured.
4. The Review Committee is formed under Section 41 of the *Local Government Act 1999 (SA)* (the Act) to provide advice to Council and determine matters relating to CEO performance review as authorised within these Terms of Reference.
5. The Council is requested to delegate authority to the Review Committee to:
  - 5.1. Appoint the independent members to the Review Committee.
  - 5.2. Establish Key Performance Indicators for the CEO.
  - 5.3. Determine the performance review process for the CEO.
  - 5.4. Undertake the performance review of the CEO.
  - 5.5. Provide advice and support regarding the CEO's performance development.
  - 5.6. Provide advice to inform the CEO's Total Employment Cost Package review.
6. Committee membership will comprise five members:
  - 6.1. The Lord Mayor
  - 6.2. The Deputy Lord Mayor
  - 6.3. One councillor
  - 6.4. Two independent members
7. In line with the Employment Contract between the City of Adelaide and Clare Mockler, the Committee will convene to establish performance measures within three months of Ms Mockler's commencement as CEO on 1 September 2021.

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## ATTACHMENTS

**Attachment A** - CEO Review Committee Terms of Reference

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- END OF REPORT -

**City of Adelaide**  
**Chief Executive Officer Performance Review Committee**  
**Terms of Reference**  
**2018 – 2022 Council Term**

**1. Establishment and Purpose**

- 1.1 The Chief Executive Officer Performance Review Committee (“the Committee”) is established as a formal committee of Council to conduct the performance review for the Chief Executive Officer (CEO).
- 1.2 The Committee may be wound up at any time by resolution of the Council.
- 1.3 The Terms of Reference are as adopted by Council on 9 November 2021 and may be varied through resolution of the Council at any time.
- 1.4 The primary purpose of the Committee is to develop, monitor and assess key performance indicators and a process by which CEO performance is measured.

**2. Status of the Committee**

- 2.1 The Committee is formed under Section 41 of the *Local Government Act 1999 (SA)* (the Act) to provide advice to Council and determine matters relating to CEO performance as delegated by Council and contained within these Terms of Reference.
- 2.2 The Committee has delegated authority to:
  - 2.2.1 Appoint the independent members to the Committee.
  - 2.2.2 Establish Key Performance Indicators for the CEO.
  - 2.2.3 Determine the performance review process for the CEO.
  - 2.2.4 Undertake the performance review of the CEO.
  - 2.2.5 Provide advice and support regarding the CEO’s performance development.
  - 2.2.6 Prepare and provide advice to Council to inform the CEO’s Total Employment Cost Package review, for decision by Council.
- 2.3 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 and Attendance**

- 3.1 The membership of the Committee is to comprise five members:
  - 3.1.1 The Lord Mayor
  - 3.1.2 The Deputy Lord Mayor
  - 3.1.3 One Councillor
  - 3.1.4 Two independent members, one of whom will have substantial local government experience.

- 3.2 The independent members will be appointed by the Committee, in agreement with the CEO at least six months prior to the end of each financial year of the Council term of Office.
- 3.3 The Council can make changes to the Committee by Council resolution at any time.
- 3.4 All Committee members must attend the meeting and where unable to do so, provide an apology prior to the meeting.

#### 4. Role of the Presiding Member

- 4.1 The Presiding Member will be the Lord Mayor and the Deputy Presiding Member will be the Deputy Lord Mayor (to be known as the Chair and Deputy Chair).
- 4.2 If the Chair is absent from a meeting the Deputy Chair will preside at that meeting. If both the Chair and the Deputy Chair 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 Act, the Local Government (Procedures at Meetings) Regulations 2013 (SA) (the Regulations), The Review 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 for procedural matters (ie confirm Minutes, order the exclusion of the public from attendance, create a confidentiality order).
  - 4.3.4 Where a matter has been significantly discussed and no new information is being introduced to call the meeting to order and ask for the discussion to be finalised and put to the vote or proceed to the next discussion item.
  - 4.3.5 Regularly engage with the Council, other Committee members and senior officers outside of meetings to facilitate the timely progression of the Committee's work.
  - 4.3.6 Working with the Chief Operating Officer to build knowledge relative to the Committee's priorities and activities.

#### 5. Operational Matters

To ensure that clear expectations of the CEO's performance are established, that the CEO's performance is assessed in line with a clear and consistent process, and that professional development is made available as required, the Committee will undertake the following:

##### 5.1 Performance Review

- 5.1.1 Establish, in collaboration with the CEO, a set of Key Performance Indicators to be monitored for the performance period.
- 5.1.2 Annually, and/or periodically, review the Key Performance Indicators to ensure relevance and, if required, alter such indicators following reasonable consultation with the CEO.

- 5.1.3 Determine the appropriate performance review process against which the CEO's performance will be assessed, noting that this must be in accordance with any provisions specified in the CEO's Employment Contract.
- 5.1.4 Review performance at least annually within three (3) months of the end of each financial year of the Term.

## 5.2 Performance Development and Support

- 5.2.1 To meet with the CEO, at least annually, to discuss progress on Key Performance Indicators and to understand the context in which the CEO's performance is being achieved, including organisational issues that are impacting on the CEO's performance and/or how the performance of Council is impacting on organisational performance.
- 5.2.2 To recommend counselling, advice, assistance and/or professional development activities to support the CEO in achievement of Key Performance Indicators, including the provision of any resources required to access these.

## 5.3 Total Employment Cost Package Review

- 5.3.1 Review of the CEO's Total Employment Cost (TEC) Package will be undertaken annually in conjunction with the performance review process.
- 5.3.2 The Committee will provide to Council the results of the performance review and any other information relevant to inform the TEC Package review for Council decision.

## 6. Notice of Meetings

- 6.1 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 Committee at least three clear days before the date of the meeting.
- 6.2 The agenda with supporting papers (excluding matters requested to be considered in confidence) for the meeting will be made publicly available on Council's website - <http://www.cityofadelaide.com.au>, and placed on display at the Customer Centre, 25 Pirie Street, Adelaide.

## 7. Public Access to Meetings

- 7.1 The Committee shall meet in the Colonel Light Room, Town Hall, King William Street, Adelaide.
- 7.2 Members of the public can attend all meetings of the Committee.
- 7.3 The public may be excluded from the meeting by resolution of the Committee in accordance with the confidentiality provisions of section 90 of the Act.

## 8. Conduct of Meetings

- 8.1 Meetings of the Committee will be conducted in accordance with Parts 1, 3 and 4 the Local Government (Procedures at Meetings) Regulations 2013, and any Code of Practice for Meetings determined by Council.

- 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. If the meeting is held electronically members must be seen and heard to be present at the meeting.

**9. Reporting and Accountability**

- 9.1 The Committee shall report to the Council after every meeting to inform Council of its decisions (under delegation) and identify and present any advice and/or recommendations appropriate for Council decision.
- 9.2 The Presiding Member will make representations to Council on matters considered by the Committee, as and when required.

**10. Other Matters**

- 10.1 The Chief Operating Officer will provide administrative resources as required to support the Committee to carry out its functions, including the provision of professional expertise as and when required.

**Revision History – 2018-2022 Term of Office**

In Response to:	Revision to ## Committee Terms of Reference

# Local Government Reform – Feedback on Round 2 Regulations

**ITEM 10.15** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2019/01903  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

The *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act) contains significant changes to local government legislation. Commencement of the sections is being staggered with the first tranche of amendments taking effect from 20 September 2021, the second tranche due to commence on 10 November 2021, and the remaining amendments suspended until a day to be set by further proclamation.

The Office of Local Government (OLG) is seeking feedback on the second round of draft regulations which will support the implementation of the Review Act. The Round 2 Regulations are:

- Local Government (Financial Management) (Review) Variation Regulations 2021
- Local Government (General) (Annual Report) Variation Regulations 2021
- Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021

This round of changes is focused on financial reporting.

This report seeks Council's endorsement of the submission to be made to the LGA.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the report.
2. Endorses the feedback contained in Attachment A to Item 10.15 on the Agenda for the meeting of the Council held on the 9 November 2021, and requests the Administration to submit the attachment to the Local Government Association SA.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
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	Not as a result of this report
Opportunities	Participation in the sector consultation provides the opportunity to influence the final content on draft regulations as required by the Local Government Reform project.
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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 *Statutes Amendment (Local Government Review) Act 2021* (the Amendment Act) contains significant changes to local government legislation. Commencement of the sections is being staggered with the first tranche of amendments taking effect from 20 September 2021, the second tranche due to commence on 10 November 2021, and the remaining amendments suspended until a day to be set by further proclamation.
2. The Office of Local Government (OLG) is seeking feedback on the second round of draft regulations which will support the implementation of the Review Act. The Round 2 Regulations are:
  - 2.1. *Local Government (Financial Management) (Review) Variation Regulations 2021*
  - 2.2. *Local Government (General) (Annual Report) Variation Regulations 2021*
  - 2.3. *Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021*
3. This round of changes is focused on financial reporting. The LGA is working closely with the Local Government Financial Management Group (FMG) on the wording of these Regulations.
4. The Local Government Association (LGA) has prepared a discussion paper to assist councils to understand the purpose of the Regulations and CoA have provided a comment next to each item. Some of the main points the discussion paper asks for feedback on are:
  - 4.1. Changes to section 122(1a) of the Local Government Act now provide that a council long- term financial plan (LTFP) must relate to a period of at least 10 years and must include a funding plan
  - 4.2. Changes to Audit Committees, now referred to Audit and Risk Committees
  - 4.3. Schedule 4 of the Local Government Act sets out all of the material that a council must include in its Annual Report. As a consequence of changes from the Review Act some of these annual reporting requirements will be deleted and replaced by different requirements
  - 4.4. Changes to the Local Government Act will ensure the Principal Member of the council will be elected from the whole council area. It will no longer be possible for a Principal Member to be elected by the other council members.
  - 4.5. Changes to section 128(6) of the Local Government Act will require councils to change their external auditor every five years and not re-appoint any auditor for a five-year period after their previous period as auditor has expired
5. Feedback from Councils on draft round 2 regulations intended to support the commencement of local government reforms is requested by 24 November 2021 and to be submitted to the Local Government Association.

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## ATTACHMENTS

**Attachment A** – LGA discussion paper and City of Adelaide feedback

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- END OF REPORT -

### **Local Government (Financial Management) (Review) Variation Regulations 2021**

(these Regulations vary the *Local Government (Financial Management) Regulations 2011* (the Financial Management Regulations))

<b>Regulation No.</b>	<b>What is the change to the Local Government Act?</b>	<b>What does the Regulation do?</b>	<b>LGA Comment</b>	<b>CoA Comment</b>
1-3	N/A	These are technical sections setting out the title, the date of commencement and to explain how the change will work.	These regulations are procedural and uncontroversial.	Support
4(1)	<p>Changes to section 122(1a) of the Local Government Act now provide that a council long-term financial plan (LTFP) must relate to a period of at least 10 years and must include a funding plan that:</p> <ul style="list-style-type: none"> <li>(i) outlines the council's approach to funding services and infrastructure;</li> <li>(ii) sets out the council's projected total revenue for the period; and</li> <li>(iii) outlines the intended sources of revenue (such as rates, grants and other fees and charges).</li> </ul>	<p>This Regulation varies Regulation 5 of the Financial Management Regulations, which sets out inclusions required in a council's LTFP. Regulation 5(2)(b) and requires a statement which sets out the basis on which the LTFP has been prepared.</p> <p>This amendment requires this statement to also set out the key assumptions used as the basis for preparation of the LTFP.</p>	<p>Discussions with the OLG have confirmed that the proposed 'funding plan' is not a separate document, rather it is an explanatory statement that should be incorporated into a council's LTFP.</p> <p>It is likely that each council will already have developed a range of assumptions which underpin their LTFPs.</p> <p>These may include some assumptions that apply state-wide (eg average CPI over is expected to be x%) and some assumptions that will need to be determined at a council-level (eg growth in population over ten years is likely to be y% per annum).</p> <p>The LGA makes available on the member services section of its website forecasts (for the next three years) of the Local Government Price Index and Related Indices (prepared by the SA Centre for Economic Studies) to assist in this regard.</p>	<p>Support the change on the basis that this information is already provided in the written LTFP adopted by CoA this year. Agree that the financial model should be supported by explanations regarding assumptions to ensure the users of the information are aware of the basis of preparation.</p>

			<p>The LGA will provide guidance on complying with the required 'funding plan' including a suggested format and will work with FMG to update the Uniform Presentation of Finances within the Model Financial Statements.</p> <p>This regulation is supported.</p>	
4(2)	<p>Section 122 (1c) to (1k) establishes new arrangements for the Essential Services Commission of SA (ESCOSA) to review specified council documents. ESCOSA will conduct its review in accordance with the prescribed period in section 122(1c).</p>	<p>This Regulation defines the prescribed period for the purposes of section 122(1c) as three years.</p>	<p>The 3-year time period set out in these Regulations is expected. Councils will be divided into three tranches and will be reviewed at least once every three years. Rather than have the State Government randomly allocate each council to one of the three tranches, the LGA has indicated that it will liaise with member councils and propose a list of councils for each of the tranches.</p> <p>This regulation is supported.</p>	<p>Support the proposed change on the basis that the LTFP's are unaudited. A review by ESCOSA will promote consistency in preparation of the LTFP between Councils and provide assurance to the community and other users of the information that the plans are relevant and reliable.</p>
5	<p>Section 124(2)(g) of the Local Government Act is unchanged. This requires council annual business plans to include an outline of any matters prescribed by the Regulations.</p>	<p>This Regulation varies Regulation 6—Annual business plans and sets out additional requirements to be included in annual business plans, which in summary are:</p> <ul style="list-style-type: none"> <li>• Total expected revenue from general rates compared to the total revenue from general rates for the previous financial year (excluding mandatory rebates and remissions).</li> <li>• The percentage change in the total expected revenue from general rates compared to the</li> </ul>	<p>This proposal was the negotiated alternative to 'ratecapping'.</p> <p>The LGA understands that the State Government is looking for Annual Business Plans to present financial information in an identical manner, to facilitate the comparison of this information between councils.</p> <p>In particular, the LGA understands the State Government is concerned that when councils report 'growth', growth components are referred to differently across councils.</p> <p>This makes inter-council comparisons difficult and less meaningful.</p> <p>It is entirely possible that this information, once reported by councils and made</p>	<p>Agree with The LGA commentary regarding this change. Consistency of reporting and definitions in this area are important.</p> <p>The other element to consider is the exemption category. As a CBD council there is considerable movement in this from year to year as occupants changeover where they may qualify for exemptions as well. This impacts ability to generate revenue.</p> <p>The exclusion of growth due to increased property level is one-sided and doesn't consider that growth can work in reverse</p>

		<p>total revenue from general rates for the previous financial year (excluding mandatory rebates and remissions).</p> <p><b>Note:</b> this must not include growth relating to increased property value, but may include an increase in the number of rateable properties.</p> <ul style="list-style-type: none"> <li>The average change in the expected rates for the financial year for each land use category compared to the rates for each category for the previous financial year (if relevant).</li> </ul>	<p>publicly available within Annual Business Plan's, will be collated by the media and used to 'compare' councils. Consequently, the LGA is mindful of ensuring the Regulations are clear and interpreted consistently by the sector.</p> <p>The LGA is liaising closely with FMG on these clauses. Ideally, the mandatory information to be reported:</p> <ul style="list-style-type: none"> <li>should be readily available to a council and should not require unnecessary administrative work to meet the reporting requirements.</li> <li>should not prevent councils from reporting other relevant information about rates and growth in an alternate manner in its Annual Business Plan and in other council publications.</li> </ul> <p>Discussions with the OLG have indicated that the intention is that forecast figures will be used as the basis for comparisons, i.e. the comparisons will be between an amount adopted in the Annual Business Plan for the current financial year and an amount proposed to be adopted in the Annual Business Plan for the subsequent financial year.</p> <p>The LGA has discussed this regulation at length with the OLG and sought changes to clarify language and purpose with no success. As currently drafted, it is open to various interpretations as to what councils should report. The LGA will continue to submit that clarification is required in this</p>	<p>(contraction) i.e. drops in valuation levels due to market conditions etc. When considering the impacts of the VG revaluation initiative this would provide an unfair comparison.</p> <p>The definition of growth should be clear in stating that it should not include increases relating to increased property value where driven by market conditions, however can include increase in property value driven by additions/alterations.</p> <p>Overall would support the changes but would require some clear direction with regards to disclosure in order to ensure the results are fairly interpreted.</p>
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			<p>Regulation.</p> <p>The LGA has also provided feedback that the phrase '<i>rebates and remissions on rates that are <b>not discretionary rebates or remissions</b></i>' is unnecessarily complex and that '<i>mandatory rebates and remissions on rates</i>' should be used for simplicity and clarity.</p> <p>Clarification was sought as to whether the intent was to capture anything other than mandatory rebates and remissions and the advice received was no, however, no changes have been made to the drafting at this time.</p> <p>In providing feedback on these Regulations councils are asked to advise if there are other components that should be excluded (in addition to mandatory rebates/remissions)? Alternatively, councils are also asked to advise if there are elements that should be included to enable better comparison?</p> <p>The LGA will seek further information as to what obligations will apply to councils that rate on a locality basis, noting this is not captured in the proposed Regulations.</p> <p>The LGA supports the intent of this regulation (increased transparency) and acknowledges that reporting against the three components is not an overly onerous obligation for councils, however the LGA has concerns that the information reported will not necessarily achieve the intent. The LGA will continue</p>	
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			<p>to work with councils to clarify obligations and reporting requirements.</p> <p>Subject to feedback from councils in this consultation process, the LGA is likely to support this regulation, whilst still seeking to achieve further clarity in the drafting.</p>	
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Item 10.15 - Attachment A

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment	CoA Comment
6	<p>Section 125(1) of the Local Government Act already requires councils to ensure “<i>appropriate policies, practices and procedures of internal control are implemented and maintained</i>”.</p> <p>New section 125(2) of the Local Government Act requires these to be made in accordance with a standard or document (such as a model relating to financial controls) adopted by the Regulations.</p>	<p>Proposed Regulation 10A identifies the document that council policies, practices and procedures of internal financial control must be in accordance with as the ‘Better Practice Model—Internal Financial Control’ (BPM)</p>	<p>The BPM has been developed by council financial managers. The BPM:</p> <ul style="list-style-type: none"> <li>• Has been specifically prepared by and for the SA local government sector.</li> <li>• Is scalable, ensuring its applicability for councils of different sizes and type.</li> <li>• Recognises the financial and legislative constraints within which the SA local government sector operates.</li> </ul> <p>The BPM will continue to be a sector-produced document, although future changes must be approved by the Minister.</p> <p>This regulation is supported.</p>	<p>Support the changes</p>
7	<p>In section 126 of the Local Government Act, reference to council ‘Audit Committees’ is changed to ‘Audit and Risk Committees’.</p> <p>New section 126A of the Local Government Act enables two or more councils to establish a regional audit and risk committee.</p>	<p>The Regulation changes the heading above section 17 from ‘Audit committees’ to ‘Council and regional audit and risk committees.’</p>	<p>This change merely updates the heading and does not make a substantive change.</p>	<p>Support the changes (already implemented)</p>

Regulation No.	What is the change to the Local Government Act?	What does the Regulation do?	LGA Comment	CoA Comment
8	New sections 126 and 126A of the Local Government Act provide that a majority of members of a council and regional audit and risk committee must not be members or employees of the council.	<p>Reference to the audit committee in Regulation 17(1) is updated to audit and risk committee.</p> <p>Current regulation 17(1)(b) is deleted. This Regulation previously required council audit committees to have at least one member who is not a member of the council.</p> <p>Section 126(2) of the Local Government Act (rather than the Regulations) now sets out the obligation that the majority of the members of the council or regional audit and risk committee must be persons who are not council members and may not include employees of the council.</p>	<p>These changes update the Regulations, to take into account changes made to the Local Government Act.</p> <p>This regulation is supported.</p>	Support the changes



<p>9</p>	<p>New section 126A of the Local Government Act enables two or more councils to establish a regional audit and risk committee.</p>	<p>This regulation inserts new regulations 17A and 17B. Regulation 17A provides that regional audit and risk committees:</p> <ul style="list-style-type: none"> <li>• must have between 3 and 5 members; and</li> <li>• must not include, as a member, the council's auditor.</li> </ul> <p>Regulation 17B sets out the requirements to liaise with a council auditor as per section 126(4)(e) (council audit and risk committee) and section 126A(4)(e) (regional audit and risk committee).</p> <p>The prescribed requirements are that a meeting with the auditor occur on at least 1 occasion per year on a confidential basis, with a majority of the members of the committee present and no members or employees of the council present (other than members of the committee).</p>	<p>Similar propositions apply where an audit and risk committee is established in relation to a single council.</p> <p>The LGA is unaware of any groups of councils who are contemplating establishing a regional audit and risk committee.</p> <p>A general obligation for the council audit committee to liaise with the council auditor previously existed in section 126(4)(c) of the Local Government Act.</p> <p>However, the changes made by sections 84(6) and 85 of the Review Act provide that liaison with the council auditor must occur in accordance with requirements prescribed by regulations.</p> <p>This regulation is supported.</p>	<p>Support the changes (for regional councils)</p>
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### **Local Government (General) Annual Reports) Variation Regulations 2021**

(these Regulations vary the *Local Government (General) Regulations 2013* (the General Regulations))

<b>Regulation No.</b>	<b>What is the change to the Act?</b>	<b>What does the Regulation do?</b>	<b>LGA Comment</b>	<b>CoA Comment</b>
1-3	N/A	These are technical sections setting out the title, the date of commencement and to explain how the change will work.	These regulations are procedural and uncontroversial.	Support
4	<p>Schedule 4 of the Local Government Act sets out all of the material that a council must include in its Annual Report.</p> <p>As a consequence of changes from the Review Act some of these annual reporting requirements will be deleted and replaced by different requirements.</p>	<p>The proposed variation to Regulation 35(2) provides that Annual Reports must include the following new information:</p> <ol style="list-style-type: none"> <li>the report that a council must already produce annually on reviews of council decisions (pursuant to section 270(8));</li> <li>a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by members of the council during the relevant financial year funded in whole or in part by the council;</li> <li>a summary of the details (including the cost) of any interstate and international travel (excluding prescribed interstate travel) undertaken by employees of the council during the relevant financial year funded in whole or in part by the council;</li> </ol>	<p>The LGA welcomes the deletion of many current unnecessary reporting requirements in Schedule 4. Unfortunately, the new provisions will, on balance, increase councils' requirements to report material in their Annual Reports.</p> <p>The LGA recognises, however, that there are a number of community voices who would prefer an even greater increase to council reporting requirements.</p> <p>In the current term of Parliament, several Bills were tabled calling for greater reporting on the issues contemplated by this Regulation.</p> <p>The Review Act only passed Parliament in its current form after Treasurer Rob Lucas gave the Legislative Council an undertaking that these matters would be addressed in Regulations.</p> <p>The LGA is liaising closely with the FMG on these clauses to seek clarity on reporting templates and guidelines in order to meet the requirements and to</p>	Support the comments of the LGA

		<p>d. a summary of the details (including the cost) of any gifts above the value of \$50 provided to members of the council during the relevant financial year funded in whole or in part by the council;</p> <p>e. a summary of the details (including the cost) of any gifts above the value of \$50 provided to employees of the council during the relevant financial year funded in whole or in part by the council; and</p> <p>f. a statement of the total amount of expenditure incurred using credit cards provided by the council for use by members or employees of the council during the relevant financial year.</p>	<p>facilitate appropriate levels of consistency with reporting across the sector.</p> <p>Ideally, the mandatory information to be reported:</p> <ul style="list-style-type: none"> <li>• will already be collected by councils and will not impose a substantial additional regulatory burden.</li> <li>• Is already contained in council IT systems, enabling the information to be 'cut and pasted' into council Annual Reports.</li> <li>• Should not prevent councils from reporting information about rates and growth in an alternate manner in its Annual Business Plan and in other council publications.</li> </ul> <p>In relation to the requirement to report details of interstate travel, the LGA is of the view that the drafting of the regulation is complex and could be difficult to interpret. The following seeks to provide a simple explanation of the reporting requirements for interstate travel:</p> <ul style="list-style-type: none"> <li>• All councils will need to provide a summary of details of interstate and international travel for members and employees.</li> <li>• This excludes 'prescribed interstate travel' – defined in regulation 35(3) which applies only to councils that share a border with another State or Territory ('border councils') and relates to travel within the other</li> </ul>	
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			<p>State or Territory undertaken in the course of ordinary business of the council.</p> <ul style="list-style-type: none"> <li>• However, regulation 35(4) clarifies that 'ordinary business' <u>does not</u> include travel to a conference, training or development in another State. Any travel of this nature by members and/or employees of a 'border council' must be included in the summary.</li> </ul> <p>In relation to the credit card expenditure reporting requirement, many councils are already publishing credit card details to their websites, which sets out greater detail in relation to credit card usage than required by this new annual report obligation.</p> <ul style="list-style-type: none"> <li>• Subject to feedback from FMG and councils the LGA is likely to support this regulation.</li> </ul>	
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Item 10.15 - Attachment A

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment	CoA Comment
5	<p>Schedule 4 of the Local Government Act sets out all of the material that a council must include in its Annual Report.</p> <p>As a consequence of changes from the Review Act some of these annual reporting requirements will be deleted and replaced by different requirements.</p>	<p>This regulation varies Schedule 4 to include the following additional matter in a council Annual Report:</p> <ul style="list-style-type: none"> <li>If the council is divided into wards, the council's ward quota.</li> </ul> <p>A ward quota for a council is an amount ascertained by dividing the number of electors for the area of the council (as at the last closing date under the <i>Local Government (Elections) Act 1999</i>) by the number of members for the area of the council who represent wards (ignoring any fractions resulting from the division and expressed as a quota).</p>	<p>The LGA believes that new regulations should only be introduced if there is a 'problem' that requires regulatory intervention. The LGA is not aware of any evidence to suggest that councils are unaware of the applicable ward quotas or that communities seek this information from council via their annual reports.</p> <p>Anecdotal commentary from the OLG has suggested that a small number of councils have disregarded ward quotas during the conduct of representation reviews and proposed the inclusion of an additional reporting obligation to ensure councils actively monitor ward quotas.</p> <p>The LGA believes that any new regulatory burden should be proportionate to the 'problem' it seeks to overcome. The LGA does not see value in all 68 councils calculating and reporting their ward quotas annually in their annual reports and is unconvinced that this new regulatory obligation would achieve any policy objective.</p> <p>Despite vigorous objections from the LGA on the basis that this issue has not been previously raised as an area of concern, nor has the matter been raised by the Electoral Commission of SA (ECSA), the OLG is of the view that inclusion of this information along with the currently reported representation quota is not unreasonable without permission</p>	<p>Support disclosure</p>

			<p>The OLG has given the LGA an undertaking that if the ECSA cannot include details of council ward quotas in the representation data already provided to the LGA to satisfy the requirement at Schedule 4(1)(h), the regulation will be removed.</p> <p>This regulation is not supported.</p>	
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### **Local Government (Transitional Provisions) (Stage 2) Variation Regulations 2021**

Transitional Provisions are only intended to apply for a window of time. They are designed to assist councils transition from the current to the amended version of the Local Government Act.

<b>Regulation No.</b>	<b>What is the change to the Act?</b>	<b>What does the Regulation do?</b>	<b>LGA Comment</b>	<b>CoA Comment</b>
1-3	N/A	These are technical sections setting out the title, the date of commencement and to explain how the change will work.	These regulations are procedural and uncontroversial.	Support
4	Pursuant to section 16 of the Review Act substantial changes will be made to sections 50 and 50A of the Local Government Act relating to public consultation. This will include a new (state-wide) Community Engagement Charter (CEC). Each council must also adopt a Community Engagement Policy (CEP).	<p>Councils are required to undertake public consultation in relation to:</p> <ul style="list-style-type: none"> <li>• A 'Representation Report' produced as part of a process to alter the representation of a council or to change its ward structure (section 12 of the Local Government Act).</li> <li>• Any changes to a code of practice adopted pursuant to section 92 of the Local Government Act – Access to meetings and documents.</li> </ul> <p>The Transitional Regulations provide that until the new CEC and CEP commence, a council may satisfy its public consultation obligations by complying with their existing public consultation policy.</p>	<p>This change gives council certainty about which public consultation/community engagement rules apply in relation to sections 12 and 92 of the Local Government Act and on that basis is supported.</p> <p>However, there are many other sections of the Local Government Act where public consultation is required. The LGA questions whether the scope of this Transitional Regulation should be broader, to clarify that councils may use their existing public consultation policies in relation to any public consultation required by the Local Government Act, until such time as sections 50 and 50A commence.</p> <p>The LGA supports this regulation and will continue discussions to ensure effective implementation of reforms relating to community engagement.</p>	Support LGA comments

Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment	CoA Comment
5	<p>Changes to the Local Government Act will ensure the Principal Member of the council will be elected from the whole council area. It will no longer be possible for a Principal Member to be elected by the other council members.</p>	<p>The Transitional Regulation supplements the existing transitional provisions in section 147 of the Review Act.</p> <p>If a council commences a representation review after the changes to section 12 of the Local Government Act commence (ie after November 2021) and completes this review before 1 January 2022, then the changes will commence at the next periodic elections (ie in November 2022).</p> <p>In any other case, the changes resulting from a council's representation review will apply from the subsequent council periodic elections (most likely in November 2026).</p> <p>If a council is intending to change their representation arrangements to facilitate this change (ie the basis of electing the Principal Member), then a council does not need to comply with sections 12(3) to 12(11e) of the Local Government Act in relation to that change (however these sections do apply in relation to other changes that a council proposes to make pursuant to section 12).</p>	<p>These Transitional Provisions will only apply to councils that are required to change the way their Principal Member is elected.</p> <p>The proposed provisions are well-meaning but complicated.</p> <p>Section 12(5) of the Local Government Act requires a representation report to be prepared by a suitably qualified person. If these Transitional Provisions apply, the LGA recommends that councils engage this qualified person or a lawyer to give advice on how to comply with the transitional requirements.</p> <p>The LGA supports this regulation.</p>	<p>Support noting that this does not impact CoA</p>



Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment	CoA Comment
6.1	<p>Amendments to section 122 of the Local Government Act will require a council long-term financial plan to include a funding plan that:</p> <ul style="list-style-type: none"> <li>(i) outlines the council's approach to funding services and infrastructure of the council; and</li> <li>(ii) sets out the council's projected total revenue for the period to which the long-term financial plan relates; and</li> <li>(iii) outlines the intended sources of that total revenue (such as revenue from rates, grants and other fees and charges).</li> </ul> <p>Pursuant to new section 122(1e) of the Local Government Act, councils will have an obligation to provide the ESCOSA with "all relevant information (in accordance with ESCOSA</p>	<p>Until commencement of the changes to section 122 of the Local Government Act, a council will be taken to have satisfied its obligations pursuant to section 122(1e) if it provides ESCOSA with "all relevant information on the intended sources of the council's projected total revenue for the period to which its long-term financial plan relates (such as revenue from rates, grants and other fees and charges)".</p>	<p>The proposed Transitional Provisions sets out a way for councils to comply with their new obligations to report information to ESCOSA, before the commencement of the obligation for the council to have that information in place.</p> <p>The LGA is concerned that the expression "all relevant information" is too broad. Information can be 'relevant' whilst also being superfluous, repeated, or unhelpful, etc. A council's entire rating database is probably relevant information, and the proposed obligation would require a council to provide "all" of it.</p> <p>The LGA has raised these concerns with the OLG who have advised that the intent of the transitional regulation is to ensure a consistent legislative requirement for councils in the first year of the operation of the scheme with councils in later years.</p> <p>The LGA is concerned that for transitional purposes, the regulations as drafted do not provide sufficient clarity as to what information councils must report.</p> <p>The LGA recommends alternative wording so that a council can satisfy its</p>	<p>Agree with LGA Comments.</p> <p>The wording is broad and technically current reporting would satisfy requirements. If ESCOSA is seeking particular information then this should be addressed with clarified wording and/or templates for reporting to ensure all information is relevant and comparable.</p>

	<p>guidelines)" on the following:</p> <ul style="list-style-type: none"> <li>(i) material amendments made or proposed to be made to the council's long-term financial plan and infrastructure and asset management plan and the council's reasons for those amendments;</li> <li>(ii) revenue sources outlined in the funding plan referred to in subsection 122(1a)(a) of the Local Government Act; and</li> <li>(iii) any other matter prescribed by the regulations.</li> </ul>		<p>obligations pursuant to section 122(1e) provided it has prepared the information provided to ESCOSA in a manner consistent with the Uniform Presentation of Finances from the Model Financial Statements.</p>	
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Regulation No.	What is the change to the Act?	What does the Regulation do?	LGA Comment	CoA Comment
6.2	<p>Changes to section 126(2) of the Local Government Act will amend the composition of council audit and risk committees.</p> <p>A majority of the members of these committees must not be members of the council. They also must not be employees of the council. Collectively, the committee must have the skills specified in section 126(2)(b) of the Local Government Act.</p>	<p>The Transitional Provisions will authorise existing members of council audit committees to remain on the new audit and risk committee until the expiration of their current term of office, despite the new requirements of section 126(2).</p>	<p>Many regional councils have difficulty in recruiting independent members for their audit committees.</p> <p>The Transitional Provisions will give councils additional time to transition to the new requirements, including time to recruit suitable new audit and risk committee members.</p> <p>This regulation is supported.</p>	<p>Support noting CoA has implemented these provisions</p>
6.3	<p>Changes to section 128(6) of the Local Government Act will require councils to change their external auditor every five years and not re-appoint any auditor for a five-year period after their previous period as auditor has expired.</p>	<p>The Transitional Provision provides that, if an audit firm comprises at least one registered company auditor, then the changes to section 128(6) do not commence until the end of the term of the current contract with that audit firm.</p>	<p>This is a sensible transitional provision which will enable councils to honour their existing commercial contracts with auditors. The new requirements will commence at the end of the current contractual term.</p> <p>This regulation is supported.</p>	<p>Support this change</p>

# Position of Deputy Lord Mayor

**ITEM 10.16** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2018/04057  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

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## EXECUTIVE SUMMARY

At its meeting held on 27 November 2018, Council approved the appointment of a Deputy Lord Mayor for the 2018-2022 term of office.

Councillor Couros is currently appointed to the position of Deputy Lord Mayor until 30 November 2021.

This report seeks Council to appoint a Council Member to the position of Deputy Lord Mayor for the period 1 December 2021 until the end of the 2018-2022 term of office.

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## RECOMMENDATION

### THAT COUNCIL

1. Appoints a Council Member to the position of Deputy Lord Mayor for the period commencing 1 December 2021 until the end of the 2018-2022 Council term.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> The selection of a Councillor to the position of Deputy Lord Mayor will support the Office of the Lord Mayor and the Council.
Policy	The role of the Deputy Lord Mayor is provided for under section 20 of the <i>City of Adelaide Act 1998 (SA)</i> and the role is detailed in Section 13 of the Standing Orders.
Consultation	Not as a result of this report
Resource	Provision of administrative support by the Council Liaison Officer.
Risk / Legal / Legislative	If a Council Member is nominated for the position, and upon subsequent acceptance of the nomination by this Member, this particular Council Member will have to declare a material conflict of interest and vacate the Chamber before the matter is discussed and voted on. This is because the nominated Member would receive an additional allowance depending on the outcome of the consideration of the matter.
Opportunities	Not as a result of this report
21/22 Budget Allocation	The annual allowance for the position of Deputy Lord Mayor results in an increase of the Council Member allowance from \$27,175 to \$40,763 per annum. The annual allowance amount will be adjusted in November 2021 to reflect changes in the Consumer Price Index.
Proposed 22/23 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The appointment is for the period 1 December 2021 until the end of the 2018-2022 Council term.
21/22 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 civic activities of a Council are an important part of community leadership and the development of community identity. The selection of a Councillor to the position of Deputy Lord Mayor will support the Office of the Lord Mayor and the Council.
2. At its meeting held on 27 November 2018 Council approved the appointment of a Deputy Lord Mayor for the 2018-2022 term of office.
3. Former Councillor Abiad was appointed to the position of Deputy Lord Mayor for the period 27 November 2018 until 30 November 2020.
4. Councillor Hyde was appointed to the position of Deputy Lord Mayor for the period 1 December 2019 to 30 November 2020.
5. Councillor Couros was appointed to the position of Deputy Lord Mayor for the period 1 December 2020 to 30 November 2021.
6. The position of the Deputy Lord Mayor is provided for in section 20(4) of the *City of Adelaide Act 1998 (SA)* and Council's Standing Order 13 states the role of the Deputy Lord Mayor is to:
  - 6.1. Represent the Lord Mayor if the Lord Mayor is unavailable to attend official duties from time to time, where appropriate, and subject to the availability of the Deputy Lord Mayor.
  - 6.2. Act in the role of Lord Mayor as Acting Lord Mayor when the Lord Mayor:
    - 6.2.1. Has taken an official leave of absence from Council
    - 6.2.2. Formally delegates in writing his or her responsibilities to the Deputy Lord Mayor
    - 6.2.3. Is overseas or interstate for an extended period of time with Lord Mayor approval
    - 6.2.4. Is unable to discharge his or her duties due to illness or for any other reason, subject to Council approval.
  - 6.3. Be the spokesperson of Council in the absence or unavailability of the Lord Mayor.
  - 6.4. Discuss the progress of Council decisions with the Chief Executive Officer to support the implementation of these decisions, in the absence or unavailability of the Lord Mayor.
  - 6.5. Preside at ordinary and special meetings of Council in the absence of the Lord Mayor and exercise any other functions as Council may determine from time to time.
7. Standing Orders 14-16 also state the following:
  - 7.1. The Council Member who holds the office of Deputy Lord Mayor shall be known and addressed as Deputy Lord Mayor at all times.
  - 7.2. To support an effective working relationship with the Lord Mayor, the Deputy Lord Mayor will be the Chair of all core committees (committees of the whole) for the term of the appointment as Deputy Lord Mayor.
  - 7.3. Council may appoint an Acting Deputy Lord Mayor with respect to any extended period of absence of the Lord Mayor, when the Deputy Lord Mayor is Acting Lord Mayor.
8. In August 2018, the Remuneration Tribunal of South Australia determined the allowances payable for members of the City of Adelaide effective at the commencement of the 2018-2022 term of office as follows:
  - 8.1. Councillors - \$25,930 per annum
  - 8.2. Deputy Lord Mayor - \$34,413 per annum (1.5 times the annual allowances for Councillors of the City of Adelaide)
9. Allowances are adjusted to reflect changes in the Consumer Price Index. Currently the Deputy Lord Mayor allowance for is \$40,763. This amount will be adjusted in November 2021.
10. The level of allowances for the Deputy Lord Mayor recognises the additional role and function the Deputy Lord Mayor will play in supporting the Lord Mayor and acting in the position when the Lord Mayor is on leave. It is subject to adjustment under the *Local Government (Members Allowances and Benefits) Regulations 2010 (SA)*.
11. In accordance with the Standing Orders 167-173:
  - 11.1. If one Council Member is nominated for the position, a resolution of the Council will be required to confirm the outcome of the election process.

- 11.2. Unless determined otherwise by Council, in the event of there being more nominations than required, an election by voting ballot of all Council Members present, will be undertaken to select a nominee.
- 11.3. The nominee with the highest number of votes will be the preferred Council nominee.
- 11.4. In the selection of a Deputy Lord Mayor, if the votes for two or more candidates for the office are equal, lots must be drawn to determine which candidate or candidates will be excluded [s 51 of the *Local Government Act 1999 (SA)*].
- 11.5. In the event lots are drawn, the candidate, or candidates, remaining, will be identified as the preferred Council nominee.
- 11.6. At the conclusion of a voting ballot or drawing of lots, a resolution of the Council will be required to confirm the outcome of the election process.

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## ATTACHMENTS

Nil

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- END OF REPORT -

# Code of Conduct - Outcome

ITEM 10.17 09/11/2021  
Council

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2017/03262  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

On 8 April 2021, the (then Acting) Chief Executive Officer of the City of Adelaide (the Council), received an allegation that Cr Martin had breached the Code of Conduct for Council Members (the Code).

In particular, it was alleged that on Friday 19 March 2021, during an ABC Radio Adelaide interview, Cr Martin made comments pertaining to the health of the former CEO of the Council, Mr Mark Goldstone, along with comments which were said to be disrespectful of the, then Acting CEO and the Lord Mayor (the Complaint).

The (then Acting) CEO, being named as a person about whom disrespectful comments were allegedly made, delegated the management of the complaint process to the former Acting Manager, Governance.

A preliminary enquiry found that there was *prima facie* evidence to suggest that there had been a breach of the Code.

In accordance with Council's Standing Orders the matter proceeded to full investigation.

This report informs Council about the findings of the investigation.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the report.
2. Notes that following an investigation into alleged breaches of the Code of Conduct for Council Members, it has been found the actions of Cr Martin have resulted in a breach of the following clauses of the Code:
  - 2.2 *Act in a way that generates community trust and confidence in the Council.*
  - 2.4 *Show respect for others if making comments publicly.*
  - 2.7 *Deal with information received in their capacity as Council members in a responsible manner.*
3. Requires for this breach, that Cr Martin make a private apology to the former CEO and the Lord Mayor, for any offence or embarrassment caused by his comments, with such apology to be made within two ordinary meetings of the Council's receipt of this Report.



## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Standing Orders and Code of Conduct for Council Members
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	The Code requires that a breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.  In accordance with section 45 of the Standing Orders, all determined and substantiated breaches of the Code of Conduct for Council Members will be listed in a public register, which will be published on the City of Adelaide website, listing the date, the type of the breach and the name of the Council Member found in breach.
Opportunities	Not as a result of this report
21/22 Budget Allocation	Not as a result of this report
Proposed 22/23 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
21/22 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. Following this Preliminary Enquiry process, the former Acting Manager, Governance determined that having regard to the material available, the Complaint warranted further investigation under clause 35 of the Standing Orders.
2. In accordance with subclause 33.4, the Acting Manager, Governance advised the Complainant and Cr Martin that the matter would be referred for further investigation.
3. The Complaint was referred to independent legal counsel to be investigated on an objective basis, and in accordance with the Standing Orders and the principles of procedural fairness.
4. Following the conclusion of the investigation into the Complaint, it was determined that Cr Martin's actions breached the following clause of the Code:
  - 2.2 *Act in a way that generates community trust and confidence in the Council.*
  - 2.4 *Show respect for others if making comments publicly.*
  - 2.7 *Deal with information received in their capacity as Council members in a responsible manner.*
5. The findings and recommendations made for the Council's consideration are set out in the enclosed Final Investigation Report.
6. Where an investigation has determined that a breach of Part 2 of the Code has occurred, clause 2.24 of the Code provides that the breach must be the subject of a report to a public meeting of the Council.
7. It is then a matter for the Council to consider what action, if any, it wishes to take. The available outcomes are set out at clause 2.25 of the Code, and clause 43 of the Standing Orders as follows:
 

*"Council has the power to impose by resolution one or more of the following sanctions where a breach of Part 2 of the Code of Conduct has been established to Council's satisfaction:*

  - *take no action*
  - *pass a censure motion in respect of the Council Member*
  - *request a public apology, whether written or verbal*
  - *request the Council Member to attend training on the specific topic found to have been breached*
  - *resolve to remove or suspend the Council Member from a position within the Council (not including the Council Member's elected position on Council)*
  - *request the Council Member repay monies to the Council".*
8. The recommendation to this report reflects the recommendation suggested by the independent investigators in their report.
9. In accordance with section 45 of the Standing Orders, all determined and substantiated breaches of the Code of Conduct for Council Members will be listed by the CEO in a public register, which will be published on the City of Adelaide website, listing the date, the type of the breach and the name of the Council Member found in breach

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## ATTACHMENTS

### Attachment A – Independent Final Report

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- END OF REPORT -

**CITY OF ADELAIDE**

**COUNCIL MEMBER  
CODE OF CONDUCT COMPLAINT**

**FINAL INVESTIGATION REPORT**

**COUNCILLOR MARTIN**

**ABC RADIO INTERVIEW AND ADVERTISER ARTICLE**

## CITY OF ADELAIDE

### Elected Member Code of Conduct Complaint

#### 1 INTRODUCTION

- 1.1 By email dated 8 April 2021, addressed to the Acting Chief Executive Officer (now the **CEO**) of the City of Adelaide (the **Council**), Councillor Alexander Hyde (the **Complainant**) alleged that Councillor Phillip Martin (**Cr Martin**) breached the *Code of Conduct for Council Members* (the **Code**).
- 1.2 It is alleged that at about 10:08am on Friday 19 March 2021, during an ABC Radio Adelaide Interview, Cr Martin made comments pertaining to the health of the former CEO of the Council, Mr Mark Goldstone (the **former CEO**), as well comments which were said to be disrespectful of the, then Acting CEO and the Lord Mayor.
- 1.3 Whilst the former CEO has since resigned from his position with the Council, the Council has a continuing obligation to ensure that complaints received under the Code are received and progressed in accordance with the same.
- 1.4 It has been submitted by the Complainant that the comments made by Cr Martin, broadcast in a very public forum, were in breach of Part 2 of the Code.
- 1.5 The Complaint is now received and managed in accordance with the Council's procedure, set out under *Chapter 3 General Duties and Code of Conduct for Council Members*, to the Standing Orders.
- 1.6 In accordance with clause 29 of the Standing Orders, a delegate of the Acting CEO (noting certain comments were said to have been made with respect to the Acting CEO) was required to undertake a Preliminary Enquiry into the Complaint, to determine whether it warranted further action in accordance with clause 32 of the Standing Orders.
- 1.7 Such an assessment is, necessarily, a 'threshold' process, to determine whether, if made out, the allegations could give rise to a prima facie breach of the Code. If not, the matter can be disposed of without otherwise incurring unnecessary expenditure of finite public funds.
- 1.8 Following this Preliminary Enquiry process, the delegate of the Acting CEO determined that having regard to the material available, the Complaint warranted further investigation under clause 35 of the Standing Orders.
- 1.9 In accordance with subclause 33.4, the delegate of the Acting CEO advised the Complainant and Cr Martin the matter was to be referred for further investigation.

#### 2. INVESTIGATION PROCESS

- 2.1 In dealing with the Complaint in a transparent and accountable manner, as well as in accordance with clause 35 of the Standing Orders, the Complaint was referred to Kelley Jones Lawyers for investigation.

- 2.2 The investigation has occurred on an objective basis and in accordance with the Standing Orders and the principles of procedural fairness.
- 2.3 Following referral of the Complaint, by letter dated 19 July 2021, the Complainant and Cr Martin were advised that Kelley Jones Lawyers had been engaged to investigate the Complaint, the basis of the allegations were set out in full and an invitation was extended to provide a written response to be taken into account as part of the investigation.
- 2.4 No further submission was received from the Complainant or Cr Martin as part of the initiation of the investigation process.
- 2.5 The investigation process having been completed, a Draft Report was prepared, setting out:
- 2.5.1 the allegations made in the Complaint;
  - 2.5.2 the provisions of the Code which the alleged behaviours are said to have breached;
  - 2.5.3 preliminary findings following investigation of the allegations; and
  - 2.5.4 foreshadowed recommendations for the Council's consideration.
- 2.6 The standard of proof that has been applied in this investigation, and Report, is on the balance of probabilities.
- 2.7 In determining whether that standard has been met, in accordance with the High Court decision in *Briginshaw v Briginshaw (1938) 60 CLR 336*, we have considered the nature of the allegations made and the consequence(s) if they were to be upheld. In that matter, Dixon J explained [361-362]:
- The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences*
- 2.8 In accordance with the principles of procedural fairness, Kelley Jones Lawyers recommended that a copy of the Draft Report be provided to the Complainant and to Cr Martin, with an invitation to provide any further submission they may wish to make on the preliminary findings and foreshadowed recommendations.
- 2.9 No further submission was received from the Complainant on the Draft Report.
- 2.10 Cr Martin provided a submission on the Draft Report by way of email dated 13 September 2021.
- 2.11 Following careful consideration of the submission of Cr Martin, this Final Report has now been prepared.

### 3 THE COMPLAINT

- 3.1 During an ABC Radio Adelaide Interview broadcast at about 10:08am on Friday 19 March 2021, Cr Martin is alleged to have made the following comments regarding the health of the former CEO:

*The CEO we are told is unwell and has been unwell for some time but there are some rumours in the city that say well it might be not as simple as that there may be issues related to his employment and I and some of my colleagues are asking well can we have a briefing, will Lord Mayor explain to us if there is anything for us to worry about, but so far radio silence;*

and

*there is a problem in a city when those who are used to the leadership of someone suddenly faced with nobody there that they are familiar with somebody who gave them a brand of leadership they understood, is not there anymore. It's troubling, and in those circumstances, people start to worry.*

- 3.2 In addition, in an article published by *The Advertiser Online* on 22 March 2021, being three (3) days after the ABC Radio Interview, Cr Martin is attributed as having made the following comments:

*[the wellbeing of the former CEO] is our primary concern and it always has been.*

*Contrary to the assertions of others, we've always been in his corner from fighting to extend his contract when others would not, through to making sure the organisation is looking after him.*

*[the former CEO] is the glue that holds this council together.*

- 3.3 The Complainant is of the view these publicly made comments are in breach of the following provisions under the Code:

2.2 *Act in a way that generates community trust and confidence in the Council*

2.3 *Act in a reasonable, just, respectful and non-discriminatory way when dealing with people*

2.4 *Show respect for others if making comments publicly*

2.7 *Deal with information received in their capacity as Council members in a responsible manner*

- 3.4 Whilst it is further noted in the Complaint that the Complainant is of the view these publicly made comments are in breach of Part 3 of the Code, the *Misconduct* provisions, the Council has no jurisdiction to investigate in that respect.

- 3.5 For the avoidance of doubt, this investigation process **does not**, and does not purport to, make any comment or preliminary finding with respect to the Part 3 allegations. As

a matter of law, they necessarily fall outside of this investigation process.

- 3.6 However, any process undertaken to receive and manage those allegations, does not act to prevent us from considering the comments alleged to have been made by Cr Martin *in toto*.
- 3.7 That is, the allegations regarding comments said to have been made in a radio interview, as well as in an article published online, cannot be considered in a 'vacuum', and the alleged comments, in their entirety, are relevant considerations as part of this investigation.
- 3.8 It follows that reference to *'fighting to extend his contract when others would not'*, can only reasonably and objectively be considered to be a reference to the Council's deliberations, and consideration of, the former CEO's contract. This is a relevant consideration to take into account in determining whether Cr Martin has breached clause 2.7 of the Code, namely, a failure to deal with information received in his capacity as an Elected Member in a responsible manner.

#### **4 EVIDENCE RECEIVED**

- 4.1 As part of the investigation, and in preparing this Final Report, we have read the transcript and listened to the recording of the ABC Radio Adelaide Interview from 10:08am on Friday 19 March 2021.
- 4.2 We have also considered the article published by *The Advertiser Online* on 22 March 2021, in which Cr Martin is attributed as having made the alleged comments, as set out at paragraph 3.2 above.
- 4.3 The Complainant relies on the email of complaint dated 8 April 2021 in the investigation of the allegations.
- 4.4 Cr Martin relies on his submission on the Draft Report with respect to the allegations.
- 4.5 In that submission Cr Martin provides the background to a number of events which it is submitted *'properly contextualise the allegations'*.
- 4.6 Whilst we note the background provided by Cr Martin to the allegations, subject of this investigation, it is to be recalled that this is an administrative, not a judicial process. The standard of proof that has been applied is that of the balance of probabilities, in accordance with the High Court decision in *Briginshaw v Briginshaw (1938) 60 CLR 336*.
- 4.7 In which case, the question to be determined on this investigation is whether the impartial, fair-minded observer would consider the comments made by Cr Martin have breached the Code in the manner alleged.

4.8 For the avoidance of doubt, whilst we have not annexed the evidence received on this investigation to this Report, given the sensitive nature of the same, pertaining to personal, private matters for the former CEO, we retain copies in our investigation file.

4.9 We confirm having carefully considered the same in the preparation of this Final Report.

## 5 FINDINGS

5.1 Having now carefully considered the allegations in the Complaint, against the evidence received, and **we find** that Cr Martin's actions were in breach of Part 2 of the Code in the circumstances of this matter.

5.2 Our findings are based on the following:

5.2.1 the comments attributable to Cr Martin are 'self-evident' in the ABC Radio Interview, and the Advertiser article. That is, we confirm the comments Cr Martin is alleged to have said, and those which have been attributed to him, were said, and were written, as alleged;

5.2.2 whilst, undoubtably, the comments made by Cr Martin were his personally held views on these issues, **we find** that public reference to *'there is a problem in a city when those who are used to the leadership of someone suddenly faced with nobody there that they are familiar with somebody who gave them a brand of leadership they understood, is not there anymore'* and *'so far radio silence'* from the Lord Mayor with respect to these issues, as well as speculation on the health of the former CEO, and his ongoing employment with the Council, are not comments that generate community trust and confidence in the Council, both as a governing body, and as an organisation;

5.2.3 in which case, **we find** such comments are in breach of clause 2.2 of the Code;

5.2.4 in so finding, we also note that Cr Martin's role is not, and was not, to act as principal spokesperson for the Council on these issues, being a role that fell to the Lord Mayor;

5.2.5 the former CEO's health issues, as well as his ongoing employment with the Council, were not appropriate matters for discussion in the public realm at that time, particularly noting the work, health and safety obligations the Council, owed to the former CEO, under the *Work, Health and Safety Act 2012*. Indeed, it was both reasonable and appropriate for the Lord Mayor to not speak publicly about these matters;

5.2.6 in which case, **we find** that Cr Martin's public speculation about the former CEO's health, and his ongoing employment with the Council, in a publicly aired interview, are not just or respectful, and the public characterisation of the Lord Mayor as engaging in *'radio silence'* on these issues, being of a private, sensitive nature to the former CEO, is both unreasonable and disrespectful;

5.2.7 the former CEO was, and is, entitled to privacy with respect to personal health issues, and his ongoing employment with the Council, and making these



comments in a public manner served to 'broadcast' such matters, and fuel speculation, on these issues at the time;

- 5.2.8 in which case, **we find** that Cr Martin's public comments have failed to show respect for the former CEO and the Lord Mayor, contrary to clause 2.4 of the Code;
- 5.2.9 further, **we find** reference to '*fighting to extend his contract when others would not*', in the context of speculation regarding the former CEO's health, can only reasonably and objectively be considered to be a reference to the Council's deliberations, and consideration of, the former CEO's contract. This was also a personal, private matter as between the former CEO and the Council, as governing body, at the time;
- 5.2.10 in which case, **we find** that the public comments regarding the private health concerns of the former CEO, in conjunction with contract considerations, as evidenced by the comment '*but there are some rumours in the city that say well it might be not as simple as that there may be issues related to his employment*', are not only disrespectful for the reasons set out above, but also demonstrate a failure to deal with information received as an Elected Member in a responsible manner;
- 5.2.11 however, we **do not find** that Cr Martin's actions have breached clause 2.4 of the Code, there being no '*dealing*' with any person that falls for consideration under this investigation; and
- 5.2.12 taking into account the submission on the Draft Report, we **do not** find Cr Martin's comments during the ABC Radio Interview were disrespectful to the Acting CEO, but rather, were premised on the basis of the broader populace of '*the city*', not being aware of the '*leadership*' at the Council at the relevant time, rather than being a comment attributable to any concerns which may have been held by employees.

## 6 CONCLUSIONS AND RECOMMENDATIONS

- 6.1 Where an investigation has determined that a breach of Part 2 of the Code has occurred, the breach must be the subject of a report to a public meeting of the Council.
- 6.2 It is then a matter for the Council to consider what action, if any, it wishes to take. The available outcomes are set out at clause 2.25 of the Code, and clause 43 of the Standing Orders.
- 6.3 Clause 2.25 of the Code provides, in full, as follows:

### *Findings*

2.25 *If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:*

2.25.1 *Take no action;*

- 2.25.2 *Pass a censure motion in respect of the Council member;*
- 2.25.3 *Request a public apology, whether written or verbal;*
- 2.25.4 *Request the Council member to attend training on the specific topic found to have been breached;*
- 2.25.5 *Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);*
- 2.25.6 *Request the member to repay monies to the Council.*

6.4 Accordingly, taking into account the findings made, we recommend in the circumstances of this matter that the Council:

- 6.4.1 notes this Report at a public meeting;
- 6.4.2 notes that following an investigation into alleged breaches of the *Code of Conduct for Council Members*, it has been found the actions of Cr Martin have resulted in a breach of the following clauses of the Code:

- 2.2 *Act in a way that generates community trust and confidence in the Council*
- 2.4 *Show respect for others if making comments publicly*
- 2.7 *Deal with information received in their capacity as Council members in a responsible manner*

6.4.3 for this breach, that Cr Martin make a private apology to the former CEO and the Lord Mayor, for any offence or embarrassment caused by his comments, with such apology to be made within two (2) ordinary meetings of the Council's receipt of this Report.

6.5 Irrespective of the manner in which the Council resolves to determine this matter, it is acknowledged that the Complainant and Cr Martin have recourse to the Ombudsman if they remain dissatisfied.

6.6 This Report concludes the investigation of the Complaint by Kelley Jones Lawyers.

27 September 2021

KELLEDY JONES LAWYERS



NATASHA JONES  
Direct Line: 08 8113 7102  
Mobile: 0419 864 531



TRACY RIDDLE  
Direct Line: 08 8113 7106  
Mobile: 0431 867 523

## Exclusion of the Public

**ITEM 11.1** 09/11/2021  
**Council**

**Program Contact:**  
Mick Petrovski, Manager  
Governance 8203 7119

2018/04291  
Public

**Approving Officer:**  
Clare Mockler, Chief  
Executive Officer

## EXECUTIVE SUMMARY

Section 90(2) of the *Local Government Act 1999 (SA)* (the Act), states that a Council may order that the public be excluded from attendance at a meeting if the 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 section 90(3) of the Act.

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 Agenda.

For the following Report of the Audit and Risk Committee seeking consideration in confidence

**12.1.1** Audit and Risk Committee Report – 29 October 2021 [section 90(3) (i) of the Act]

For the following Chief Executive Officer Reports seeking consideration in confidence

**12.2.1** Telecommunications SmartHub [section 90(3) (b) & (h) of the Act]

**12.2.2** Appointment of Board Members to Adelaide Central Market Authority [section 90(3) (a) of the Act]

**12.2.3** Residential Housing Strategic Review [section 90(3) (b) & (d) of the Act]

**12.2.4** 2021-22 Quarter 1 Confidential Commercial Operations Report [section 90(3) (b) of the Act]

The Order to Exclude for Items 12.1.1, 12.2.1, 12.2.2 and 12.2.3:

1. Identifies the information and matters (grounds) from section 90(3) of the Act 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.
3. In addition, identifies for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.

## ORDER TO EXCLUDE FOR ITEM 12.1.1

### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 12.1.1 [Audit and Risk Committee Report – 29 October 2021] listed on the Agenda.

#### Grounds and Basis

This Item is confidential nature because the report includes information on Council litigation.

The disclosure of information in this report could reasonably be expected to prejudice the outcome of Council's actual litigation.

The Audit and Risk Committee is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information relates to actual litigation of Council.

- Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 2021 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 12.1.1 [Audit and Risk Committee Report – 29 October 2021] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (i) of the Act.

## ORDER TO EXCLUDE FOR ITEM 12.2.1

### THAT COUNCIL

- Having taken into account the relevant consideration contained in section 90(3) (b) & (h) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.1 [Telecommunications SmartHub] 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 contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the Council and prejudice the commercial position of the person who supplied the information.

Council has also sought legal option on the matter and the advice provided requested that the matter should be considered in confidence due to ongoing or potential litigation.

#### Public Interest

The Council is satisfied that in principle the meeting be conducted in a place open to the public has been outweighed in the circumstances given that information within this update pertains to non-binding commercial negotiations for the Council. The release of such information may severely prejudice the Council's ability to influence a proposal for the benefit of the Council and the community in this matter.

- Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 2021 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 12.2.1 [Telecommunications SmartHub] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (h) of the Act.

## ORDER TO EXCLUDE FOR ITEM 12.2.2

### THAT COUNCIL

- Having taken into account the relevant consideration contained in section 90(3) (a) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public for the consideration of Item 12.2.2 [Appointment of Board Members to Adelaide Central Market Authority] listed on the Agenda.

#### Grounds and Basis

This Item contains information that must be considered in confidence in order to protect the personal affairs of the nominees.

Public discussion and disclosure of information in this report prior to a resolution being determined by Council may potentially implicate the nominee's reputation in the business community.

- Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 2021 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 12.2.2 [Appointment of Board Members to Adelaide Central Market Authority] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (a) of the Act.

## ORDER TO EXCLUDE FOR ITEM 12.2.3

### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) & (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.3 [Residential Housing Strategic Review] 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 contains certain information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business, prejudice the commercial position of the council and prejudice the commercial position of the person who supplied the information and confer a commercial advantage to a third party.

The disclosure of information in this report could reasonably prejudice the commercial position of the Council including its future commercial dealings given that it contains financial information and future direction with regard to Council assets and strategic land holdings.

#### Public Interest

The 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 the disclosure of this information prior to a determination of the Council as it may prejudice Council's further commercial dealing regarding these assets. On this basis, the disclosure of such information may severely prejudice Council's ability to influence the proposal for the benefit of the Council and the community.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 2021 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 12.2.3 [Residential Housing Strategic Review] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) & (d) of the Act.

## ORDER TO EXCLUDE FOR ITEM 12.2.4

### THAT COUNCIL

1. Having taken into account the relevant consideration contained in section 90(3) (b) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 9 November 2021 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 12.2.4 [2021-22 Quarter 1 Confidential Commercial 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 confidential as it includes 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 30 September 2021.

The disclosure of information in this report to competitors in advance may be to Council's commercial detriment.

#### Public Interest

The 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 the disclosure of this information to competitors in advance may be to Council's commercial detriment.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 9 November 2021 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 12.2.4 [2021-22 Quarter 1 Confidential Commercial Operations Report] listed in the Agenda, on the grounds that such item of business, contains information and matters of a kind referred to in section 90(3) (b) of the Act.

## DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, 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 section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
  - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
  - (b) *cause a loss of confidence in the council or council committee; or*
  - (c) *involve discussion of a matter that is controversial within the council area; or*
  - (d) *make the council susceptible to adverse criticism.'*
5. Section 90(7) of the Act requires that an order to exclude the public:
  - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act 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.
  - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act 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 12.1.1 – Audit and Risk Committee in Confidence – 29 October 2021
    - 6.1.1 Is subject to an Existing Confidentiality Order 29/10/2021.
    - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (i) of the Act
      - (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 12.2.1 - Telecommunications SmartHub
    - 6.2.1 Is subject to an Existing Confidentiality Order 17/3/2020, 14/4/2020 & 2/11/2021.
    - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (h) of the Act
      - (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;
      - (h) legal advice.
  - 6.3 Information contained in Item 12.2.2 – Appointment of Board Members to Adelaide Central Market Authority
    - 6.3.1 Is not subject to an Existing Confidentiality Order.
    - 6.3.2 The grounds utilised to request consideration in confidence is section 90(3) (a) of the Act
      - (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
  - 6.4 Information contained in Item 12.2.3 – Residential Housing Strategic Review
    - 6.4.1 Is subject to an Existing Confidentiality Order 2/11/2021.
    - 6.4.2 The grounds utilised to request consideration in confidence is section 90(3) (b) & (d) of the Act

- (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 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.
- 6.5 Information contained in Item 12.2.4 – 2021-22 Quarter 1 Confidential Commercial Operations Report
- 6.5.1 Is subject to an Existing Confidentiality Order 2/11/2021.
- 6.5.2 The grounds utilised to request consideration in confidence is section 90(3) (b) of the Act
- (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;

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## ATTACHMENTS

Nil

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- END OF REPORT -

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Confidential Item 12.1.1

Audit and Risk Committee in Confidence – 29 October 2021

Section 90 (3) (i) of the *Local Government Act 1999 (SA)*

Pages 183 to 184

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Confidential Item 12.2.1

Telecommunications SmartHub

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

Pages 185 to 194

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Confidential Item 12.2.2

Appointment of Board Members to Adelaide Central Market Authority

Section 90 (3) (a) of the *Local Government Act 1999 (SA)*

Pages 195 to 198

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Confidential Item 12.2.3

Residential Housing Strategic Review

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

Pages 199 to 208

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Confidential Item 12.2.4

2021-22 Quarter 1 Confidential Commercial Operations Report

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

Pages 209 to 229

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# Reports from Council Members

**ITEM 14.1** 09/11/2021  
**Council**

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Mick Petrovski, Manager,  
Governance 8203 7119

2018/04064  
Public

**Approving Officer:**  
Amanda McIlroy, Chief Operating  
Officer

## EXECUTIVE SUMMARY

This purpose of this report is to:

1. Advise Council of Council Member activities and the functions that Council Members have attended on behalf of the Lord Mayor.
2. Provide a summary of Council Members' attendance at meetings.

Council Members can table reports on activities undertaken on relevant external Boards and Committees where they are representing Council and these reports will be included in the Minutes of the meeting.

## RECOMMENDATION

### THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 14.1 on the Agenda for the meeting of the Council held on 9 November 2021).
2. Notes the summary of Council Members meeting attendance (Attachment B to Item 14.1 on the Agenda for the meeting of the Council held on 9 November 2021).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 9 November 2021 be included in the Minutes of the meeting.

## ATTACHMENTS

**Attachment A** – Council Member activities and functions attended on behalf of the Lord Mayor

**Attachment B** - Summary of meeting attendance

- END OF REPORT -

<b>FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR: 7 October 2021 - 3 November 2021</b>			
<b>COUNCIL MEMBER</b>	<b>DATE</b>	<b>EVENT TITLE</b>	<b>EVENT DETAILS</b>
Councillor Mary Couros (Deputy Lord Mayor)	8/10/2021	Launch of the Winter Writing Festival at the City Library	3-day Winter Writing Festival
Councillor Arman Abrahamzadeh	14/10/2021	Launch of the Disability Ageing and Lifestyle Expo 2021	My Life Choices networking breakfast
Councillor Mary Couros (Deputy Lord Mayor)	19/10/2021	Opening of Exhibition "We are all Rabbits after All"	Art Installation undertaken by Year 10 Students
Councillor Helen Donovan	21/10/2021	OzAsia Festival	Opening Night
Councillor Mary Couros (Deputy Lord Mayor)	22/10/2021	Welcome to the Governor- Frances Adamson AC	Official welcome by University of Adelaide
Councillor Franz Knoll	22/10/2021	Graduation Showcase Event	Cultural Strategic Partnership
Councillor Mary Couros (Deputy Lord Mayor)	22/10/2021	Nixii & Moral Launch Event	Hand Curated Fashion Boutique
Councillor Franz Knoll	23/10/2021	Milli, Jack and the Dancing Cat	Relaxed Concert
Councillor Arman Abrahamzadeh	23/10/2021	SA Golf Industry Awards Night	Annual Awards Celebration
Councillor Franz Knoll	25/10/2021	National Rose Trial Garden	Annual Awards Presentation
Councillor Franz Knoll	28/10/2021	JLL Client Event 2021	Celebrate the SA Property Market
Councillor Mary Couros (Deputy Lord Mayor)	29/10/2021	'In Conversation' with Restless Dance Theatre	Cultural Strategic Partnership
Councillor Mary Couros (Deputy Lord Mayor)	3/11/2021	2021 Annual General Meeting - Migrant Resource Centre	Celebrating 42 years of service
<b>COUNCIL MEMBER MEETINGS ATTENDED: 7 October 2021 - 3 November 2021</b>			
<b>COUNCIL MEMBER</b>	<b>DATE</b>	<b>EVENT TITLE</b>	<b>EVENT DETAILS</b>
Councillor Alexander Hyde	21/10/2021	StudyAdelaide Board meeting	Attended as Council Representative
Councillor Alexander Hyde	22/10/2021	Adelaide Central Market Authority Board Meeting	Attended as Council Representative
Councillor Helen Donovan	12/10/2021	Stormwater Management Authority Board Meeting	Attended as Council Representative

## Meeting attendance

	Audit Committee 8 September 2021	Council 12 October 2021	Adelaide Park Lands Authority - Special 14 October 2021	Council - Special (5pm) 19 October 2021	The Committee 19 October 2021	Council - Special (6pm) 19 October 2021	Reconciliation Committee - Special 21 October 2021	Council - Special 26 October 2021	Adelaide Park Lands Authority 28 October 2021	Audit and Risk Committee 29 October 2021	The Committee 2 November 2021	Meetings held	Meetings attended
Lord Mayor Sandy Verschoor	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	10	10
Councillor Arman Abrahamzadeh		✓	✓	✓	✓	✓		✓	✓	✓	✓	6	6
Councillor Mary Couros (Deputy Lord Mayor)		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	7	7
Councillor Helen Donovan		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	7	6
Councillor Simon Hou		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	6	4
Councillor Alex Hyde	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	9	8
Councillor Jessy Khera		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	6	6
Councillor Franz Knoll		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	7	7
Councillor Greg Mackie		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	6	6
Councillor Phillip Martin		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	6	6
Councillor Anne Moran		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	6	3
Councillor Keiren Snape		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	6	6
# in Attendance	2	12	2	11	10	10	3	12	2	2	11		

Key:

Apology
Leave
Not a Member
Proxy Member

## Moonta Street Upgrade

**ITEM 15.1** 09/11/2021  
**Council**

**Council Member**  
Councillor Abrahamzadeh

Public

**Contact Officer:**  
Klinton Devenish, Director,  
Services, Infrastructure &  
Operations

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## QUESTION ON NOTICE

**Councillor Abrahamzadeh will ask the following Question on Notice:**

'In relation to the Moonta Street upgrade, can Administration provide an approximate and high-level breakdown of final project costs?'

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

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- END OF REPORT -

## Pedestrian Refuge Funding

**ITEM 15.2** 09/11/2021  
**Council**

**Council Member**  
Councillor Abrahamzadeh

Public

**Contact Officer:**  
Klinton Devenish, Director,  
Services, Infrastructure &  
Operations

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## QUESTION ON NOTICE

**Councillor Abrahamzadeh will ask the following Question on Notice:**

'Noting Council's unanimous support on Tuesday 13/7/21 of a motion relating to funding for a pedestrian refuge on MacKinnon Parade, can administration advise:

- If the funding has been removed, as quoted by an elected member, reported in the Advertiser on 24/9/21?
- When designs or delivery of project are likely to occur?'

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

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- END OF REPORT -

## Park Lands & APLA

**ITEM 15.3** 09/11/2021  
**Council**

**Council Member**  
Councillor Moran

Public

**Contact Officer:**  
Amanda McIlroy, Chief  
Operating Officer

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## QUESTION ON NOTICE

**Councillor Moran will ask the following Question on Notice:**

Will the administration advise:

- As a consequence of the Lord Mayor and Cr Hyde's membership of APLA, whether there are legislated obligations placed upon them for the protection of the Park Lands when they participate in debate and vote on Park Land issues that are before Council?
- If so, do conflict of interest implications arise for the Lord Mayor and Cr Hyde, as a consequence of their membership of APLA, when matters concerning the Park Lands come before Council for consideration?
- Whether the alienated rail yards are built on Park Lands?

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

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- END OF REPORT -

## At Grade Car Parks

**ITEM 15.4** 09/11/2021  
**Council**

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Tom McCready, Acting Director  
City Shaping

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## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

‘Could the Administration advise:

1. What was the Council’s policy when considering developments proposing to incorporate “at Grade” or street level car parks prior to the introduction of the new planning code?
2. What is the Council’s policy currently when asked to consider developments proposing “at Grade” or street level car parks?’

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

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- END OF REPORT -

## Adelaide Gaol Vacant Land

**ITEM 15.5** 09/11/2021  
**Council**

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Tom McCready, Acting Director  
City Shaping

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## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

'Could the Administration advise if Council:

1. Has ever requested the return to Park Lands of the concreted and fenced area of Park Lands formerly used for car parking at the Adelaide Gaol and which Health Department officials told the last meeting of APLA could be part of a land transfer in exchange for building a car park on Park Lands adjacent to the proposed WCH site?
2. If not, why not?
3. What is the number and location of other Park Lands sites requisitioned by the State or Federal Government and no longer serving the intended use that could be returned to Park Lands?'

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

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- END OF REPORT -



# Vogue Fashion Festival

ITEM 15.6 09/11/2021

Council

**Council Member**  
Councillor Martin

**Contact Officer:**  
Clare Mockler, Chief Executive  
Officer

Public

## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

'Noting the Administration's internal reporting that last month's 2021 Vogue Fashion Festival increased foot traffic to Rundle Mall over the event's three days by 12%, could it please advise:

1. What was the total spend in Rundle Mall for the 2021 event and how does that compare to the Council's media commentary that previous events have generated total spending of almost \$40 million dollars?
2. What is included in the calculated total spend and does it include non fashion items purchased from Rundle Mall retailers?
3. Has AEDA received or acted on social media complaints that the advertised 150 special offers from retailers to celebrate the event were either previously available or not available at all?
4. Without divulging confidential details, are the total costs to Council and AEDA of the three-day, 2021 Vogue Fashion Festival (including all staff, infrastructure, advertising and promotional and any licence costs) greater or smaller than Council and AEDA's total expenditure for the November and December Christmas In The City promotion in Rundle Mall?'

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

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- END OF REPORT -

## Council Development Partner Apartment Sales

**ITEM 15.7** 09/11/2021  
**Council**

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Tom McCready, Acting Director  
City Shaping

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## QUESTION ON NOTICE

### **Councillor Martin will ask the following Question on Notice:**

'Noting that the sale of apartments is vital to the success of projects in which the Council has partnered with developers at the Central Market Arcade Redevelopment and at 88 O'Connell Street, could the Administration advise:

1. If the 82% of all apartments in the tower above the Central Market Arcade Redevelopment, as ICD has announced, have been sold, could the Administration advise how many were advertised (and in which publications or websites) as part of Council's mandated 15% affordable housing offering and how many affordable housing apartments remain?
2. What is the percentage of apartments in the three towers at 88 O'Connell Street already sold and how many remain to be sold?
3. How many of the apartments were advertised (and in which publications and websites) and sold at 88 O'Connell Street as part Council's mandated 15% affordable housing offering?'

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

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- END OF REPORT -

## Aquatic Centre Costs

**ITEM 15.8** 09/11/2021

**Council**

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Tom McCready, Acting Director  
City Shaping

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## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

'Noting that Item 10.4 on the Agenda of the Council Meeting of 12 October 2021 was successfully amended to include a recommendation ...." ...an indoor 50m pool and a sizeable leasable area to accommodate allied health professionals providing holistic health and wellbeing services to the community..", could the Administration advise:

1. Any consequent increase to the \$71.6 million cost of the proposed facility detailed in paragraphs 31 to 34 of the Agenda?
2. Whether the Federal and State funding proposed to be sought in paragraph 38 would need to be increased from \$55 million?
3. If it is anticipated the proposed Council contribution of \$15 to \$20 million would be increased?
4. If the Council contribution is currently reflected in the Long Term Financial Plan and, of so, in what year?'

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

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- END OF REPORT -

## Budgeted Asset Expenditure

**ITEM 15.9** 09/11/2021  
**Council**

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Amanda McIlroy, Chief  
Operating Officer

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## QUESTION ON NOTICE

**Councillor Martin will ask the following Question on Notice:**

'Could the Administration advise the Council approved budgets for the financial years 2017/2018, 2018/19, 2019/2020 and 2020/21 for:

1. Proposed Expenditure on Existing Assets (excluding Federal and State Grants)?
2. Proposed Expenditure on New and Upgraded Assets (excluding Federal and State Grants)?
3. The quantum of Federal and State Grants and as a percentage of the categories above for each of the years stipulated?'

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

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- END OF REPORT -

## Local Government Association Membership

**ITEM 17.1** 09/11/2021  
**Council**

**Council Member**  
Councillor Moran

Public

**Contact Officer:**  
Amanda McIlroy, Chief  
Operating Officer

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## MOTION ON NOTICE

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

'That Council:

Cease membership of the Local Government Association.'

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## ADMINISTRATION COMMENT

*To be distributed separately*

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- END OF REPORT -

**Council Member**  
Deputy Lord Mayor, Councillor  
Courous

2018/04053  
Public

**Contact Officer:**  
Klinton Devenish, Director,  
Services, Infrastructure &  
Operations

## MOTION ON NOTICE

**Deputy Lord Mayor, Councillor Courous will move a motion and seek a seconder for the matter shown below to facilitate consideration by the Council:**

'That Council:

1. Notes, as per the Motion by Councillor Knoll on 11 May 2021, the work currently being undertaken to deliver a Cycling Infrastructure Strategic Action Plan.
2. Requests administration to provide a strategic network map which clearly identifies all cycling infrastructure currently within the City of Adelaide and the connections to surrounding suburbs which also distinguishes the different types of cycling infrastructure – ie separated, shared etc
3. Requests Administration to develop terms of reference for a City Cycling Working Group to provide input into Cycling Infrastructure Strategic Action Plan. The working party to include at least one Councillor.
4. Requests the City Cycling Working Group through the Cycling Infrastructure Strategic Action Plan identify and agree to a trial cycleway to be delivered no later than July 2022.
5. That the Administration working with the City Cycling Working Group engages with the local community including, but not limited to, a public forum to socialise the trial cycleway project prior to delivery.'

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## ADMINISTRATION COMMENT

1. At the meeting of 11 May 2021 a Motion on Notice was raised and approved:

*That Council:*

1. *Requests Administration to prepare a Cycling Infrastructure Strategic Action Plan, that will seek to create a network of routes that will make bicycle transport easier and safer and will encourage more people to visit and enjoy the city by bike.*
2. *The Cycling Infrastructure Strategic Action Plan should:*
  - *Be consistent with the Thriving Communities outcome of our Strategic Plan 2020-2024, to create 'A safe, affordable, accessible, well-connected city for people of all ages and abilities, and all transport modes'.*
  - *Be consistent with the draft City Access Strategy that is currently being developed.*
  - *Identify a proposed cycling network within the city and Park Lands that connects to existing and developing bikeways in neighbouring suburbs.*
  - *Specify the appropriate type(s) of infrastructure/treatment on each route/street.*

- *Include a prioritised list of projects to enable better planning for future Council investment and external funding bids.*
  - *Identify any initiatives that could be implemented to support people to ride.*
3. *Engagement with stakeholder groups and the wider community should be undertaken to inform the development of the Cycling Infrastructure Strategic Action Plan.*
2. A workshop is scheduled for Committee on 16 November 2021 which will invite Council Members to provide feedback and comments on the development of the Cycling Infrastructure Strategic Action Plan (Action Plan).
  3. The workshop will cover how we intend to approach the development of the Action Plan which will address the specific items raised in the MoN of the 11 May 2021 and also include but not limited to:
    - 3.1. A proposed Cycling Working Group identifying opportunities to discuss its purpose and a Terms of Reference
    - 3.2. Engagement and consultation options including but not limited to public forums with input from stakeholders, the Community and advice from the Working Group to help shape the Action Plan.
  4. If this Motion is successful, all items listed will be addressed as part of the ongoing development of the Cycling Infrastructure Strategic Action Plan.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not Applicable
External consultant advice	Not Applicable
Legal advice / litigation (eg contract breach)	Not Applicable
Impacts on existing projects	Not Applicable
Budget reallocation	Not Applicable
Capital investment	Not Applicable
Staff time in preparing the workshop / report requested in the motion	Not Applicable
Other	Not Applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

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- END OF REPORT -

# Pedestrian Crossing

**ITEM 17.3** 09/11/2021  
**Council**

**Council Member**  
Councillor Moran

2018/04053  
Public

**Contact Officer:**  
Klinton Devenish, Director,  
Services, Infrastructure &  
Operations

## MOTION ON NOTICE

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

'That Council:

Immediately commence construction of a pedestrian crossing adjacent the Mackinnon Parade childcare centre.'

## ADMINISTRATION COMMENT

1. The MacKinnon Parade Pedestrian refuge is part of the 2021/22 scheduled program of works. It is currently in design phase due for completion February 2022 with construction scheduled to be delivered in Quarter 4 of 2021/22.
2. Funding has been allocated (\$38k) as confirmed in the 2021 -22 Quarter 1 Finance Report Item 10.10 on the Agenda for the meeting of the Council held on 9 November 2021.
3. Any adjustments to move the construction of any project forward would result in a flow-on effect on other work.
4. The project came into the 21/22 program of works late. We have accommodated and have commenced the design process and scheduled in the build appropriately – which is working to the decision of Council of 13 July 2021 which approved the build, allocation of funding and for the project to be finalised as *soon as possible*.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	DIT approval/ signoff
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Retain current program schedule.



Budget reallocation	Not applicable
Capital investment	Allocated Funding \$38,000
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

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- END OF REPORT -

# Halloween

ITEM 17.4 09/11/2021

Council

Council Member

Councillor Abrahamzadeh

2020/01167

Public

Contact Officer:

Tom McCready, Acting Director  
City Shaping

## MOTION ON NOTICE

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

'That Council:

1. Notes the uptake of Halloween celebrations within the City of Adelaide (trick or treating).
2. Requests Administration investigate options to deliver and promote Halloween activities (for calendar year 2022) that could be used to foster a sense of community amongst city residents and traders.
3. Considers the allocation of appropriate funding, if required, to support the promotion of Halloween 2022 to be considered in the 2022/23 Business Plan & Budget.'

## ADMINISTRATION COMMENT

1. Council's Community Development services are founded on the principles of community connection. We provide opportunities for people to connect, learn, grow, and work with others to enhance their local communities.
2. Over past years Council has been active in promoting opportunities for residents and community members to celebrate and safely participate in Halloween activities. In 2021 Adelaide City Libraries and Community Centres shared ideas and resources, including:
  - 2.1 Copies of SAPOL Halloween Trick or Treat posters for residents to display at their homes, showing if they will or will not be welcoming trick or treat visitors.
  - 2.2 Orange ribbon for residents to attach bows to their post box / fence or similar to indicate that they are welcome to trick or treat visitors.
  - 2.3 A suite of themed fun activities that can be undertaken at the libraries or at home, from book displays to a Halloween themed Lego club and online videos featuring science club and pumpkin slime.
  - 2.4 The invitation to the local community to send in photos, stories and pictures of their Halloween activities and events that we will be displayed at the Community Centres and featured in the 'Your Community' e-newsletter.
3. Should this motion be carried, we will undertake an investigation which will look at options, and consequent budgets, that may be considered such as:
  - 3.1. Working with residents to support them to host street parties that bring the community together and promoting this as a coordinated Neighbourhood Connection event across the city.
  - 3.2. Exhibition and an associated public program of activities across the City Libraries.
  - 3.3. Focus event at the Adelaide Aquatic Centre.
  - 3.4. A key element as part of the main street activation program.

4. If this motion is carried, funding for this initiative will be considered as part of the 2022/23 Business Plan & Budget.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Community interest in sharing photos, stories and pictures as part of the Halloween celebrations in 2021 will inform the proposed approach for November 2021.
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Some of the amplifications to be considered may be achieved through the existing programs across the Creative City, City Lifestyle and City Experiences programs. To be confirmed as part of the 2022/23 Business Plan & Budget process.
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	9 hours
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

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- END OF REPORT -

## Advertiser Climate Change Initiative

**ITEM 17.5** 09/11/2021  
**Council**

**Council Member**  
Councillor Snape

2021/01236  
Public

**Contact Officer:**  
Tom McCready, Acting Director  
City Shaping

## MOTION ON NOTICE

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

'That Council:

With the City of Adelaide leading the way to a low carbon future, ask that the Lord Mayor:

1. Writes to The Advertiser congratulating and welcoming their recent policy change towards tackling climate change.
2. Offers to collaborate with The Advertiser on initiatives that reduce carbon emissions in the City of Adelaide area.'

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## ADMINISTRATION COMMENT

1. News Corp Australia announced its "Mission Zero" campaign on 11 October 2021.
  - 1.1. The campaign is led by Joe Hildebrand and supported by Andrew Forrest, Mike Cannon-Brookes, Anthony Pratt, the CFMEU, Australian Conservation Foundation and Greenpeace.
  - 1.2. The focus is on positive stories and highlighting the economic opportunity in a low carbon world, particularly for those most impacted by the transition such as the mining and agriculture industries.
2. News Corp Australia's campaign is in alignment with the City of Adelaide's ambition to be a carbon neutral city and position on the need to transition to a low carbon future.
3. If this motion is carried, we will draft a letter for the Lord Mayor to The Advertiser congratulating and welcoming their recent announcements in relation to tackling climate change and offer to collaborate with them on initiatives that reduce carbon emissions in the City of Adelaide area.
4. In addition, we would seek to understand how the City of Adelaide and The Advertiser could collaborate towards the promotion of the City of Adelaide's carbon neutral ambition and provide additional opportunity to engage the community on climate action.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Supports Carbon Neutral Adelaide initiative
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

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- END OF REPORT -

# Service Cut Report

**ITEM 17.6** 09/11/2021  
**Council**

**Council Member**  
Councillor Martin

Public

**Contact Officer:**  
Amanda McIlroy, Chief  
Operating 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:

Notes the Administration has demonstrably axed the former regular roster of night time parking inspectors Sunday to Thursday, abolished the position of North Adelaide Community Centre Co-ordinator and reduced the frequency cleaning in some public locations and requests it provide to the January meeting of Council for the financial year 20/21:

1. A report detailing any and all other areas of the Council's operations where there has been a withdrawal of a service/s or a reduction in the days or hours devoted to the delivery of such services.
2. The number and nature, if any, of complaints about delays in the provision of Council services, including but not limited to answering telephones to the provision of planning services.
3. The number and nature, if any, of services, whether previously involving staff or not, that have now been contracted to other parties, including services to business.
4. The nature and value of a reduction in purchasing associated with the provision of services including, but not limited not to, London Road activities, libraries and nursery purchases.
5. The full year savings to the Operations Budget any withdrawal of a service/s or a reduction in the days or hours devoted to the delivery of such services.'

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## ADMINISTRATION COMMENT

*To be distributed separately*

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- END OF REPORT -

# Non Discrimination Policy Park Lands and Council Owned Property

**ITEM 17.7** 09/11/2021  
**Council**

**Council Member**  
Councillor Martin

2020/01167  
Public

**Contact Officer:**  
Tom McCready, Acting  
Director City Shaping

## 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:

1. Notes reported claims by the Hong Kong Cultural Association that it was prevented from participating in the recent OzAsia Festival.
2. Requests the Administration to prepare an appropriate clause for inclusion in agreements with third parties using the Park Lands and Council Owned Property prohibiting those third parties from engaging in discriminatory practices as defined by the Australia's Federal anti-discrimination laws and the Human Rights Commission.'

## ADMINISTRATION COMMENT

1. Should the motion be carried, the Administration will review its leasing and licensing agreements to ensure that they reflect the parties' requirements to comply with all relevant State and Federal legislation.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable

Staff time in preparing the workshop / report requested in the motion	Not applicable
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hrs.

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- END OF REPORT -



## Pride Progress Flag

**ITEM 17.8** 09/11/2021  
**Council**

**Council Member**  
Councillor Snape

2021/01668  
Public

**Contact Officer:**  
Clare Mockler, Chief Executive  
Officer

## MOTION ON NOTICE

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

'Having witnessed overwhelming support from the LGBTIQ+ community on the City of Adelaide's initiative to once again raise the rainbow flag for Pridevember (November) I move:

1. We upgrade the flag from the traditional rainbow flag to the 'Pride Progress Flag'
2. We fly the pride progress flag all year round.'

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## ADMINISTRATION COMMENT

1. The Flag & Banner Policy stipulates that as a custodian of central places of symbolic importance for the South Australian community, the City of Adelaide assumes responsibility for the flying of flags and banners in the city to:
  - 1.1. Promote major cultural and community festivals and events.
  - 1.2. Increase community awareness of local or national charity drives or appeals.
  - 1.3. Identify and promote precincts and precinct related events and activities.
  - 1.4. Increase awareness of Local Government initiatives (e.g. Council elections) and / or respond to State and Federal governance responsibilities and protocols.
  - 1.5. Promote events of state, national or international significance, and reinforce the City's image as South Australia's major events and festivals hub.
  - 1.6. Fly flags from the Adelaide Town Hall that symbolises cultural and / or social messages of significance or acceptance, or that mark an event or occasion of significance and that align with the City of Adelaide's strategic outcomes.
2. In accordance with the Flag & Banner Policy, the rainbow flag has been flown on the Adelaide Town Hall for a period of 7 days during the annual Adelaide Feast Festival since 2012.
3. If this motion is endorsed, arrangements can be made to fly the 'Pride Progress Flag' instead of the traditional rainbow flag on the Adelaide Town Hall for a period of 7 days during the month of November, from 2022 onwards, as per current practice.
4. This would be in line with other cities such as the City of Sydney who has adopted the Progress Pride Flag to be flown during the annual Mardi Gras Festival, Pride Week and other significant occasions to better represent the diversity of the LGBTIQ+ community.

5. The Progress Flag was designed by non-binary artist and graphic designer Daniel Quasar in 2018 and incorporates:
  - 5.1. The existing six-coloured Rainbow Flag, widely recognised as the symbol of lesbian, gay, bisexual and transgender (LGBT) communities, designed by Gilbert Baker for the 1978 San Francisco Freedom Day Parade; and
  - 5.2. A chevron (a V shaped element) comprising black and brown for Indigenous people and people of colour and white, pink and blue, the colours of the Trans Pride Flag designed by American trans woman Monica Helms in 1999 - to represent trans, non-binary and gender diverse people.
6. The cost to replace the traditional rainbow flag that is flown on the Adelaide Town Hall with the 'Pride Progress Flag' would be absorbed within the 2021/22 Civics operational budget.
7. In regard to flying the 'Pride Progress Flag' all year round, it is unclear from the motion where it is proposed to fly the flag from.
8. There is currently insufficient infrastructure to enable the flag to be flown on the front of the Adelaide Town Hall at all times. There is currently only provision to fly three flags at any one time on the Adelaide Town Hall which are normally occupied by the Australian flag, the Aboriginal flag and the City of Adelaide Armorial flag as per normal state and city protocols.
9. It would therefore require additional infrastructure to install an additional flag mast on the Adelaide Town Hall and given the Heritage status of the building and the layout of the balcony, it is anticipated that this would be at a significant cost.
10. Other locations to fly the Progress Flag elsewhere in the city could be investigated but this would require time to seek out appropriate locations, infrastructure needs and costs.
11. It is therefore not recommended to endorse point 2 of this motion until alternative locations can be investigated and a report can be brought back to Council to better inform this decision.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not Applicable
External consultant advice	Not Applicable
Legal advice / litigation (eg contract breach)	Not Applicable
Impacts on existing projects	Not Applicable
Budget reallocation	Not Applicable
Capital investment	Not Applicable
Staff time in preparing the workshop / report requested in the motion	Not Applicable
Other	Not Applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4 hrs.

- END OF REPORT -

## Rundle Mall

**ITEM 17.9** 09/11/2021  
**Council**

**Council Member**  
Councillor Abrahamzadeh

2013/01725  
Public

**Contact Officer:**  
Clare Mockler, Chief Executive  
Officer

## MOTION ON NOTICE

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

'That Council:

1. Notes Rundle Mall has been awarded the "Retail Precinct of the Year" at the 2021 National Retail Awards.
2. Notes the activities of Renew Adelaide to link new businesses with property owners within the city, including Rundle Mall.
3. Requests AEDA to investigate, with Renew Adelaide or other entities, opportunities for a pop up personal/retail styling service to be positioned within Rundle Mall.
4. Requests AEDA to provide advice back to Council on the findings of these investigations in early 2022.'

## ADMINISTRATION COMMENT

1. Renew Adelaide is currently supporting three fashion focussed businesses that have recently commenced operating within the Myer Centre and has registrations of interest from other similar ventures also seeking support from Renew Adelaide.
2. Major department stores, and a few independent stores within Rundle Mall currently offer a personal stylist service for their customers.
3. If the Motion is adopted, AEDA will investigate the opportunities for a pop up personal/retail styling service to be positioned within Rundle Mall with Renew Adelaide or other entities and report back to Council by March 2022.
4. A similar service has operated in the past and learnings could be applied as part of assessing any new provider.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Advice will be sought from Renew Adelaide on interest they may have received from businesses seeking to have a presence in Rundle Mall

Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	Approximately one month, including investigation time
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 4.5 hours.

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- END OF REPORT -

# Riverbank Precinct Code Amendment – Draft Submission - Revocation

**ITEM 17.10** 09/11/2021  
**Council**

**Council Member**  
Councillor Khera

**Contact Officer:**  
Tom McCready, Acting Director  
City Shaping

Public

## MOTION ON NOTICE

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

'That **part 6 of the decision of Council on 26/10/2021** in relation to Riverbank Precinct Code Amendment – Draft Submission, namely:

6. Endorses Attachment B (City of Adelaide Submission to State Government Riverbank Precinct Code Amendment) to Item 4.1 on the Agenda for the Special meeting of the Council held on 26 October 2021, except for 9.2 where after the first paragraph all is deleted and a second paragraph added reading the “City of Adelaide does not support the proposed arena or any other built form proposed for that zone”.

**be revoked.'**

Contingent upon **part 6 of the decision of** decision of the Council **26/10/2021** being revoked, I Councillor Khera, having complied with the Regulations will then move:

'That Council:

1. Approves a new paragraph 6 being inserted to replace the rescinded paragraph, as follows:
  6. *Endorses Attachment B (City of Adelaide Submission to State Government Riverbank Precinct Code Amendment) to Item 4.1 on the Agenda for the Special meeting of the Council held on 26 October 2021, as per the original recommendation reflecting the Adelaide Park Lands Authority's advice.*
2. Commends SA Health for their reworking of the plans and designs of the nWCH and confirms its willingness to continue working with the State Government on the ensuring realignment of the current proposed Health Sub Zone.
3. Notes that, per section 4(1)(f) of the *Adelaide Park Lands Act 2005*, the Adelaide City Council “should actively seek to cooperate and collaborate” with the State Government.
4. Reaffirms its opposition the Riverbank Planning Code Amendment, particularly the proposed Entertainment Sub Zone that would allow excessive built form and a range of land uses along the Riverbank and Innovation Sub Zone that would allow built form over a Kaurna burial site.
5. Reaffirms its adherence to the principle of “no net loss” of the Adelaide Park Lands in response to development or built form or other forms of alienation proposed.
6. Requests the Lord Mayor write to the Premier:
  - a) informing of this decision of Council;
  - b) confirming Council's in principle support for a Riverbank Arena; and
  - c) encouraging the State Government to form a working group with the City of Adelaide to inform further design and planning of the Arena, acknowledging the City of Adelaide's custodial role of the Adelaide Park Lands and in particular emphasising the following statutory principles within the *Adelaide Park Lands Act 2005* which highlight that this role includes enhancement:

- The Adelaide Park Lands reflect and support a diverse range of environmental, cultural, recreational and social values and activities that should be protected and enhanced [4(1)(b)];
  - The Adelaide Park Lands provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the City in a manner that should be recognised and enhanced [4(1)(c)];
7. The interests of the South Australian community in ensuring the preservation of the Adelaide Park Lands are to be recognised, and activities that may affect the Park Lands should be consistent with maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands for the benefit of the State [4(1)(g)].

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## ADMINISTRATION COMMENT

*To be distributed separately*

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- END OF REPORT -