



# CITY FINANCE AND GOVERNANCE COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday, 21 November 2023  
at 5.30 pm

in the Colonel Light Room, Adelaide Town Hall

© 2023 CITY OF ADELAIDE. ALL RIGHTS RESERVED.



Members – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith  
Councillor Dr Siebentritt (Chair)  
Councillor Li (Deputy Chair)  
Councillors Abrahamzadeh, Couros, Davis, Elliott, Giles, Hou, Martin, Noon and Snape

**1. Acknowledgement of Country**

At the opening of the City Finance and Governance Committee meeting, the Chair 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 recognize 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. Apologies and Leave of Absence**

Nil

**3. Confirmation of Minutes - 17/10/2023**

That the Minutes of the meeting of the City Finance and Governance Committee held on 17 October 2023, be taken as read and be confirmed as an accurate record of proceedings.

View public 17 October 2023 Minutes [here](#).

**4. Declaration of Conflict of Interest**

**5. Deputations**

**6. Workshops**

Nil

**7. Reports for Recommendation to Council**

7.1	2023/24 Business Plan and Budget - Quarter One report	4 - 94
7.2	AEDA Charter Amendments	95 - 121
7.3	Prudential Management Policy	122 - 127
7.4	Public Transparency Policy	128 - 138
7.5	Draft Code of Practice for Access to Council and Committee Meetings and Documents	139 - 156

**8. Reports for Noting**

Nil

8.1	Update on progress of Integrated Community Engagement Framework	157 - 169
8.2	Procurement forums	170 - 175
<b>9.</b>	<b>Exclusion of the Public</b>	176 - 178
	In accordance with sections 90(2), (3) and (7) of the <i>Local Government Act 1999</i> (SA) the City Finance and Governance Committee will consider whether to discuss in confidence the reports contained within section 10 of this Agenda.	
<b>10.</b>	<b>Confidential Reports for Recommendation to Council</b>	
10.1	Delegation to Award Contract [s 90(3) ((b), (d))]	179 - 183
<b>11.</b>	<b>Closure</b>	

## 2023/24 BP&B Quarter One Progress Report

Strategic Alignment - Enabling Priorities

Public

Tuesday, 21 November 2023

City Finance and Governance  
Committee

**Program Contact:**

Bree Goodchild, Manager  
Strategy, Insights and  
Performance

**Approving Officer:**

Michael Sedgman, Chief  
Operating Officer

## EXECUTIVE SUMMARY

The first Business Plan and Budget 2023/2024 (BP&B) of the newly elected Council focuses on delivering of services and projects in a post-COVID-19 budget repair environment. Council has planned over \$100m of capital expenditure on renewal, new and upgrade or major projects to support the continued development and maintenance of our City. The BP&B 2023/2024 articulates how we will work with partners to support city growth, investment, affordable housing, climate resilience and city-wide improvements, while remaining committed to protecting our Park Lands and greening our city.

This report presents the performance and delivery status of Council's commitments against the BP&B for the first quarter (July to September 2023) and was provided to the Audit and Risk Committee on the 10 November 2023. Included with these updates are recommendations for any business plan and budget changes and a summary of the quarterly performance of Council subsidiaries.

Quarterly reporting is an important part of monitoring the organisation's performance and effectiveness against Council's planned activities, and is required under Section 122 (1) of the *Local Government Act (SA) 1999*. It enables Council to make informed and timely decisions to maintain or change its services, assets and budgets to meet community expectations and needs, maintaining or improving Council's financial position and enabling Council to be responsive to risks and opportunities.

Quarterly reports are provided to support Council in monitoring the integrity of Council's financial statements and reporting, as well as its reviewing and overseeing progress on the Business Plan and Budget. This process supports Council's commitment to transparency and accountability.

## RECOMMENDATION

### THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

#### THAT COUNCIL

1. Receives the quarterly update for the 2023/24 Business Plan and Budget as provided in Attachment A to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023, and notes the highlights of deliverables, status updates and risks and opportunities provided for Projects, Portfolios and Subsidiaries
2. Approves adjustments for the 2023/24 Business Plan and Budget as identified in this report and reflected in Attachment A to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023.
3. Approves the budgeted year end Operating Position, which includes:
  - 3.1. Total operating income of \$229.394m
  - 3.2. Total operating expenses (including depreciation) of \$227.442m
  - 3.3. An operating surplus of \$1.952m
4. Approves total capital expenditure of \$110.280m for the 2023/24 year
5. Approved total borrowings of \$40.553m projected to 30 June 2024

6. Notes the year to date Operating Position (Financial Performance) for the quarter as presented in Attachment A to Item 7.1, on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023, which includes:
    - 6.1. Total operating income of \$56.554m
    - 6.2. Total operating expenses (including depreciation) of \$50.397m
    - 6.3. An operating surplus of \$6.156m
    - 6.4. Total Capital Expenditure of \$24.134m
    - 6.5. Cash positive position of \$3.191m
  7. Notes the detailed quarterly updates of Council Subsidiaries as provided as Attachments B, C & D to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Not because of this report
Consultation	Not because of this report
Resource	Not because of this report
Risk / Legal / Legislative	The regular monitoring and reporting of Council's performance is a key step in mitigating risks events that could impact the delivery of the Strategic Plan and Business Plan and Budget. This includes monitoring the performance of services, business activities, project delivery and the performance of subsidiaries.
Opportunities	The provision of quarterly reporting assists Council to fulfill its obligations of Section 122(1) of the <i>Local Government Act 1999 (SA)</i> with regard to the development, management and monitoring of Council's Strategic Management Plans
22/23 Budget Allocation	Not because of this report
Proposed 23/24 Budget Allocation	Not because of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not because of this report
22/23 Budget Reconsideration (if applicable)	Not because of this report
Ongoing Costs (eg maintenance cost)	Not because of this report
Other Funding Sources	Not because of this report

# DISCUSSION

## New format

1. A refreshed format of the quarterly progress report has been provided to reflect Council's Business Plan and Budget (BP&B) 2023/2024. Feedback from Council and the Audit and Risk Committee was for succinct and integrated reporting that easily identifies the key deliverables, financial context, service, program and project environment and risks and opportunities for Council and its Subsidiaries. The quarterly update within **Attachment A** now presents:
  - 1.1. Headline deliverables from **page 5**, which are the relevant quarter update for those projects identified due to their complexity, risk, budget and/or impact on our City and Community
  - 1.2. Financial Summary from **page 8**, providing Operating Position, Operating and Capital adjustments, financial indicators and treasury reporting
  - 1.3. Capital Works summaries from **page 13**, in line with new monthly infrastructure reporting
  - 1.4. Portfolio and Program summaries from **page 18**, of what was delivered, budgets, projects and any adjustments
  - 1.5. Subsidiary and Office summaries from **page 26**, of what was delivered, budgets, projects and any adjustments
  - 1.6. Appendix information from **page 33** of Risk and Opportunities identified during the quarter and detailed listing of Capital Works with timeframe and budget status and variations.

## Financial Summary

### Year to Date Financial Summary

2. The year-to-date operating position as at 30 September 2023 is an operating surplus of \$6.156 m, which is \$2.639m better when compared to the adopted budget of \$3.516m for this period.
  - 2.1. Total operating income of \$56.554m.
  - 2.2. Total operating expenditure of \$50.397m.
3. This positive increase in operating surplus is predominantly driven by the timing of Materials, Contracts and other expenses including professional services \$1.2m, computer software maintenance \$0.5m, and waste services \$0.3m. Income is \$0.4m favourable due to higher fees and charges offsetting unfavourable grants (\$0.665m) mainly due to receiving the 2023/24 Financial Assistance Grant early in 2022/23.
4. The year-to-date Capital Expenditure as at 30 September 2023 is \$24.134m, which is \$6.1m higher when compared to the adopted budget of \$18.034m for this period. This is largely due to the purchase of 218-232 Flinders Street, and the fast-tracked renewal program.
5. As of 30 September 2023, Council had no borrowings and was in a cash positive position of \$3.191m.

### Projected Annual Financial Summary

6. The proposed quarter review continues to deliver an end of year operating surplus of \$1.952m (\$0.032m higher than the adopted budget of \$1.920m):
  - 6.1. Total estimated operating income of \$229.394m.
  - 6.2. Total estimated operating expenditure (including depreciation) of \$227.442m.
7. Total proposed Capital Expenditure for the year is \$110.280m.
8. Grant funding to support capital expenditure on new/upgraded assets of \$2.171m (\$3.124m reduction to adopted budget of \$5.295m largely due to the retiming of projects into 2024/25).
9. The above changes result in an increase to Council's forecasted borrowings as of 30 June 2024 to \$40.553m from \$30.184m in the adopted BP&B.
10. Updated financial statements are provided from page 8 in **Attachment A**.

## Adjustments to the Business Plan and Budget

11. Operating Program, which includes Program deliverables and budgets, inclusive of Strategic Projects:
  - 11.1. No recommended changes have been identified to the services and activities Council delivers as part of this Quarterly Review.

- 11.2. Adjustments to Strategic Projects total \$0.266m increase in net expenditure:
- 11.2.1. In line with Council's support of the State Government redevelopment, a new Strategic Project: Aquatic Centre Investigations, \$0.075m expenditure.
  - 11.2.2. In line with Council procurement decisions, a new Strategic Project: Transactional Banking \$0.150m expenditure.
  - 11.2.3. In recognition of State Government Grant funding received, a new Strategic Project: Adaptive Re-use housing initiative, \$Nil net expenditure.
  - 11.2.4. In recognition of previous decisions of Council to continue this project over multiple years, the re-introduction of: City Wide Waste and Recycling Program, \$0.788m expenditure, and Resilient Flood Mapping \$2.325m (\$3.000m revenue recognised).
  - 11.2.5. In line with Council's record keeping improvements, a new Strategic Project: Records Digitisation \$0.080m expenditure.
  - 11.2.6. In recognition of ongoing City Deal funding and decision of Council to continue this project over multiple years, the re-introduction of: Deliver next generation Adelaide Free Wi-Fi, \$0.098m expenditure (\$0.400m revenue recognised).
  - 11.2.7. To ensure updated property valuations are available for the 2024/25 budget process, a new Strategic Project: External Property Valuations \$0.240m.
  - 11.2.8. Funding no longer required for: Frome Road Masterplan, \$0.075m.
- 11.3. Additional funding (a variance increase) is required for 2 projects, for a total \$0.239m, as provided in the Portfolio Updates from page 17 of **Attachment A**.
- 11.4. Decreased funding (a variance decrease) is required for 1 project, for a total \$0.164m, as provided in the Portfolio Updates from page 17 of **Attachment A**.
12. Capital Program, which includes Major Projects, New and Significant Upgrades and Renewals:
- 12.1. Capital expenditure is proposed to increase to \$110.280m for the year, which is \$9.546m higher than the budget of \$100.734m.
    - 12.1.1. Major Projects show a revised expenditure of \$41.716m
    - 12.1.2. New and Upgrade projects show revised expenditure of \$14.411m
    - 12.1.3. Renewals show a revised expenditure of \$54.153m
  - 12.2. 22 New Projects (not including stand alone renewals) requiring funding, for a total \$10.853.
  - 12.3. Additional funding (a variance increase) is required for 24 projects (not including stand alone renewals), for a total \$6.043m, as provided in the Appendix from page 34 of **Attachment A**.
  - 12.4. Decreased funding (a variance decrease) is required for 21 projects (not including stand alone renewals), for a total \$7.431m, as provided in the Appendix from page 34 of **Attachment A**.
    - 12.4.1. \$6.622m for 8 projects has had budget retimed and moved to 2024/25
  - 12.5. Additional funding of \$0.081m associated with renewals and developer works.

### **Strategic Project Summary**

13. Including adjustments Council has a commitment of \$9.487m (\$6.067m net of grant funding) to deliver 32 Strategic Projects for the rest of 2023/24. As provided in the Portfolio Updates from page 17 of **Attachment A**, at the end of Quarter 1:
- 13.1. 28 Projects are on track to deliver on time and to budget.
  - 13.2. Four projects risk missing delivery deadlines and/or being over budget, but are being managed to minimise this risk.
    - 13.2.1. Conservation Management Plans for Heritage Assets (Infrastructure Program).
    - 13.2.2. North Terrace West Masterplan (Infrastructure Program).
    - 13.2.3. SA Power Networks (SAPN) Luminaire Upgrades (Infrastructure Program).
    - 13.2.4. Transport Strategy (Infrastructure Program).



## Capital Program summary

14. Including adjustments Council has a commitment of \$110.280m to deliver 346 Projects for the rest of 2023/24 as part of its Capital Works Program. As summarised in **Attachment A** (from page 13 and in **Attachment A - Appendix** from page 34), at the end of Quarter 1:
  - 14.1. Four New and Significant Upgrade Projects and 25 Renewal Projects, were completed.
  - 14.2. One project risks missing delivery deadlines and/or being over budget and is being managed to minimise this risk:
    - 14.2.1. Electric Vehicle Charging Infrastructure in Uparks .
  - 14.3. Fourteen projects risk missing delivery deadlines and are being reviewed and managed to minimise this risk:
    - 14.3.1. Carriageway Park / Tuthangga (Park 17) Improvements (Detailed Design).
    - 14.3.2. Flinders Street Improvements (Detailed Design).
    - 14.3.3. Hutt Street Entry Statement (Construction).
    - 14.3.4. Rymill Park /Murlawirrapurka (Park 14) Lake Upgrade (Construction).
    - 14.3.5. Implementation of Resource Recovery (Organics, Recycling, Waste) Strategy & Action Plan 2020-2028.
    - 14.3.6. Minor Traffic Signal Safety Upgrades (Construction).
    - 14.3.7. City Dirt BMX Facility Master Plan - Blue Gum Park/Kurangga (Park 20).
    - 14.3.8. Mini Golf in North Adelaide Golf Course Development (Future Fund).
    - 14.3.9. Place of Courage / Spirit of Woman (Park 27).
    - 14.3.10. Royal Avenue Improvements (Detailed Design).
    - 14.3.11. Stephens Street and Sanders Place Improvements (Detailed Design).
    - 14.3.12. Strangways Terrace Golf Course Carpark and Access Improvements (Detailed Design).
    - 14.3.13. Ward Street Improvements (Concept Design).
    - 14.3.14. Frome Street Footpath Upgrades (In conjunction with N-S Bikeway Project).
  - 14.4. One project delivery timeframe is off track and risks going over budget, but is being managed to minimise this risk:
    - 14.4.1. City of Adelaide Bikeways (North-South).
  - 14.5. One Project risks going over budget, but is being managed to minimise this risk:
    - 14.5.1. Replacement of UPark Car Park Management System (CPMS).

## Assessment of KPIs

15. *KPI 1: 70% of Projects capitalised within 10 Weeks* - is considered to be on track as 96% of completed projects were capitalised within 10 weeks of practical completion at the end of this Quarter.
16. *KPI 2: < 10% Variance between Preliminary Year End and Annual Financial Statement* – no update this quarter, as this is an annual measure which is determined at the end of the financial year.

---

## ATTACHMENTS

**Attachment A** – City of Adelaide 2023/24 Business Plan and Budget: Quarter 1 Progress Report

**Attachment B** – Adelaide Central Market Authority Quarter 1 update

**Attachment C** – Adelaide Economic Development Agency Quarter 1 update

**Attachment D** – Kadaltilla / Park Lands Authority Quarter 1 update

**Attachment E** – Brown Hill Keswick Creek Quarter 1 update

---

# 2023/24 Business Plan & Budget

Investing in streets, parks and the community

---

## July – September 2023 Quarter One Progress Report



CITY OF  
ADELAIDE

---

# Kurna Acknowledgement

City of Adelaide tampendi, ngadlu Kurna yertangga banbabanbalyarnendi (inbarendi). Kurna meyunna yaitya mattanya Womma Tarndanyako. Parnako yailtya, parnuko tappa purruna, parnuko yerta ngadlu tampendi. Yellaka Kurna meyunna itto yailtya, tappa purruna, yerta kuma burro martendi, burro warriappendi, burro tangka martulyaiendi. Kumarta yaitya miyurna iyangka yalaka ngadlu tampinhi.

City of Adelaide acknowledges the 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.










---

## Legend




Throughout this document, these icons represent:

---

### Status:

-    that the project timeline, delivery and budget are on track (based on latest adopted schedule and budget)
-    that the project has risks that are being managed and may exceed estimated time and adopted budget
-    that the project is no longer on track or within adopted budget / delivered outside of schedule and budget

### Budget:

-  that there is no change from the most recent adopted budget to the proposed budget
-  that there is a decrease from the most recent adopted budget to the proposed budget
-  that there is an increase from the most recent adopted budget to the proposed budget

---

# Contents

---

CEO Message	4
Headline deliverables	5
<b>Budget</b>	
Summary	8
Operating Position	9
Operating and Capital Budgets adjustments	10
Financial Indicators	11
Treasury reporting	12
<b>Capital Works</b>	
Summary	13
Major Projects	14
New and Significant upgrades	15
Renewals	16
<b>Portfolio Plans</b>	
City Shaping	18
City Services	21
Corporate Services	24
<b>Subsidiaries and Offices</b>	30
<b>Glossary</b>	36
Appendix: risk and opportunities	37
Appendix: detailed Capital Works	38

---

# CEO message

---



## **Delivering the 2023/24 Business Plan and Budget**

It is my pleasure to provide the first quarter progress report against the 2023/24 Business Plan and Budget to the Council and our Community.

This report highlights our progress in delivering the vision of our Strategic Plan over the first quarter of 2023/24 through our delivery of programs, projects and services implementing the Council's endorsed priorities and strategies.

The delivery of the 2023/24 Capital Program has seen good progress with works advancing on Market Square, Rymill Park Lake, Pitt Street, and the annual Renewal Program. Capital expenditure to the end of September 2023 totalled \$24.134m. In addition to expenditure, a further \$38.135m was contracted, totalling \$62.27m in the first quarter. This is a strong position for quarter one and is a significant contribution towards Council delivering its Capital Program for 2023/24.

There has been strong delivery on the 2023/24 Strategic Projects including the City Plan, cultural mapping of the Park Lands, cyber security, free Wi-Fi upgrades, City activations and Strategic Events Fund. Strategic Project expenditure the end of September 2023 totalled \$1.203m.

I hope you will find this Business Plan and Budget quarterly update a comprehensive, yet easy to read summary of activities, projects and expenditure over the last quarter.

Our ongoing financial planning and management has seen delivery of an operating result favourable to the budget, with a forecast operating surplus forecast of \$1.952m, ensuring that we remain in a strong position to deliver on our commitment to financial sustainability.

Clare Mockler

# Headline deliverables

---

Relevant Quarter update for our headline deliverables / projects, which have been identified due to their complexity, risk, budget and / or impact on our City and Community.

---

## Strategic Projects

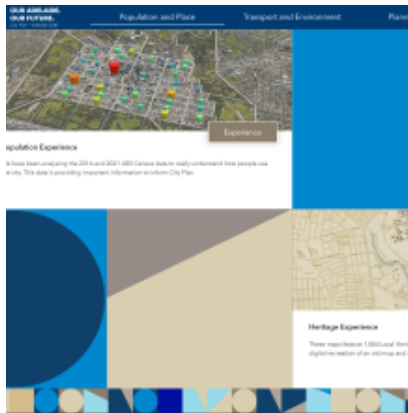


### ● Strategic Events Fund

Delivered through the Adelaide Economic Development Agency, this fund provides financial support to additional events that are not funded by existing arrangements.

An operating guideline to support decision making and application process has been approved and this grant was opened to the public this quarter for submissions to be made to.

Decisions / successful awarding of the grant to be made in Q2.

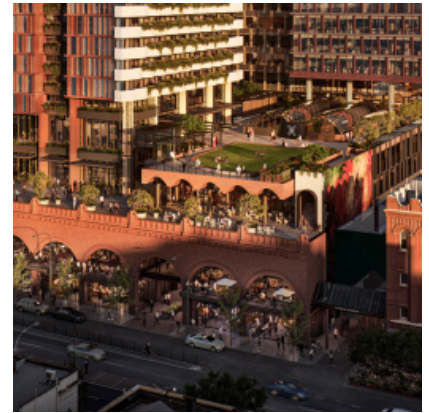


### ● City Plan

Delivered through the Park Lands, Policy and Sustainability Program, the consultants to assist in delivering Phase 1 of the City Plan project have been engaged. Stages 1 and 2 focused on targeted engagement that included urban design scenarios.

Stages 3 and 4 are currently underway with procurement process taking place in end of September 2023.

Further engagement with the community will occur in future project phases.



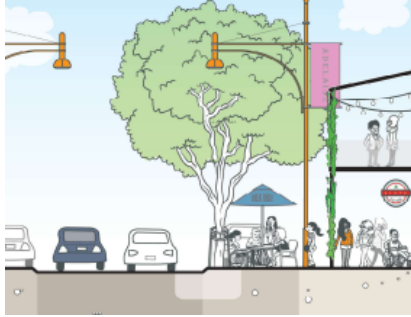
### ● Central Market Arcade Redevelopment

Main demolition is 98% complete and site remediation is well advanced.

To further connectivity with the wider precinct, installation of refreshed site hoarding has occurred and includes project branding and images, partner branding, and directional signage to the Central Market.

ICD Property has announced the signing of SH Hotels and Resorts as the hotel operator at Market Square. This will be Treehouse Hotels' first destination in Australia.

## Major / New and Upgrade Projects



### ● Hindley Street Revitalisation

Adopted Budget: \$2.4m

Stage: Design only

Stakeholder discussions have commenced to finalise the concept design and progress detailed design. Procurement is underway for design, stakeholder and cost management services.



### ● Mary Lee Park Sports Building

Adopted Budget: \$1.9m

Stage: Plan/ Design

A sports lighting design consultant has been engaged. A feasibility assessment of the proposed building footprint has been completed.



### ▲ Hutt Street Entry Statement Project

Adopted Budget: \$2.9m

Stage: Plan/ Design

Design works are underway and expected to be completed in Q2 with construction commencing in 2024.



### ▲ Market to Riverbank Laneways Upgrade

Adopted Budget: \$1.9m

Stage: Build/ Construct

Engagement continued in Q1 and the community have been informed of the final outcome and subsequent upcoming works. Contract awarded for Pitt Street works which are due to commence in Q2.



### ● Melbourne Street improvements

Adopted Budget: \$0.85m

Stage: Build/ Construct

Temporary parklets have been installed along Melbourne Street. Improvement works to continue in Q2. Community engagement activities are being developed for activities on street.



### ▲ Murlawirrapurka / Rymill Park upgrade

Adopted Budget: \$4.1m

Stage: Build/ Construct

Design has been completed for these works and construction has commenced. Engagement with local and event stakeholders is ongoing. *(Budget includes renewal funding)*

## Renewals



### ● **Town Hall Facade Conservation**

Adopted Budget: \$3.6m

Stage: Build/ Construct

Conservation works commenced on the Pirie Street Facade in Q1 and are expected to be completed in February 2024.



### ● **Plant and Fleet Replacement**

Adopted Budget: \$2.7m

Stage: Build/ Construct

Two additional Zero Emissions Vehicles were purchased in Q1. There are no light passenger vehicles scheduled for replacement in 2023/24



### ● **Jeffcott Street South Renewal Project**

Adopted Budget: \$2.18m

Stage: Build/ Construct

The contractor has engaged with local residents ahead of initiated works. Progress is on track and expected to be completed in Q2.

### ● **Parking Meter Solution Renewal**

Adopted Budget: \$1.93m

Stage: Plan/ Design

Procurement process has commenced and is progressing to contracting stage.

### ▲ **CCTV / Security and BMS Network Renewal and Compliance Program**

Adopted Budget: \$1.0m

Stage: Plan/ Design

The security access control server design has been finalised, including a site-by-site audit of security and access needs. Final design work is underway.

### ● **Public Lighting and Electrical Conduit Renewal**

Adopted Budget: \$0.86m

Stage: Plan/ Design

Lighting and Conduit renewal along Glen Osmond Rd is currently being designed. Construction is estimated to commence in Q2.



---

# Budget update

---

## Summary

### September Year To Date (YTD):

- The operating position as at the end of Quarter 1 is a surplus of \$6.156m, which is \$2.639m favourable to the Year to Date (YTD) budget of \$3.516m. This is largely driven by timing of Materials, Contracts and other expenses including professional services \$1.202m, computer software maintenance \$0.514m, and waste services \$0.264m.
- Income is \$0.368m favourable due to higher fees and charges offsetting unfavourable grants (\$0.582m) mainly due to the Financial Assistance Grant received in 2022/23.
- The capital projects spend of \$24.134m is \$6.100m higher than the YTD budget of \$18.034m. This is largely due to the purchase of 218-232 Flinders Street, and the fast-tracked renewal program.
- Council was in a cash positive position as at 30 September of \$3.191m.

### Quarter 1 Operating Position

The proposed Quarter 1 adjustments increase the operating surplus from \$1.920m to \$1.952m, an increase of \$0.032m driven by:

- Recognition of additional Grant Income of \$4.113m, largely due to the recognition of projects continuing into 2023/24 including Resilient Flood Mapping \$3.000m, City Deal funding of \$1.800m, offset by the early payment of the 2023/24 Financial Assistance Grant (\$0.883m). Other movements include new grant funding for Re-Adaptive housing of \$0.128m.
- Employee Costs have increased by \$0.849m due to an increase across Customer and Marketing as a result of increased administration through the Council decision during the budget process to increase 8 Parking and Information Officers and Information Management conversion of contract labour. Council decision to fund a Bilingual FTE, as well as external funding received for the re-adaptive housing project.
- Materials, Contracts and Other Expenses have increased by \$2.633m due to a continuation of strategic projects into 2023/24 of \$2.423m (Resilient Flood Mapping), as well as additional strategic projects of \$0.950m (Citywide Waste, Aquatic Centre, Records Digitisation, Transactional Banking, External Property Valuations). This has been offset by the conversion of contract labour \$0.562m to employee costs.
- Sponsorships, Contribution and Donations have increased by \$0.398m due to Citywide Waste, & Adelaide Free Wi-Fi, and New Years Eve initiatives.

Within the operating position movement above, **Strategic Projects** have increased by \$0.341m from \$5.538m to \$5.879m.

The **Capital Program** is proposed to increase by \$9.546m from \$100.734m to \$110.280m as a result of Council decisions.

**Borrowings** are forecast to increase by \$10.369m from \$30.184m to \$40.553m.

## **Operating Position (Financial Performance)**

<b>\$000's</b>	<b>YTD Actuals</b>	<b>YTD Budget</b>	<b>Variance</b>	<b>Full Year Budget</b>	<b>Q1 Review</b>	<b>Variance</b>
<b>Income</b>						
Rates Revenues	33,868	33,823	45	135,395	135,281	(114)
Fees and Charges	21,823	21,158	665	84,685	84,598	(87)
Grants, Subsidies and Contributions	388	970	(582)	4,449	8,562	4,113
Other Income	475	235	240	953	953	-
<b>Total Income</b>	<b>56,554</b>	<b>56,186</b>	<b>368</b>	<b>225,482</b>	<b>229,394</b>	<b>3,912</b>
<b>Expenses</b>						
Employee Costs	19,564	19,306	(258)	81,586	82,435	(849)
Materials, Contracts and Other Expenses	16,189	18,229	2,040	78,973	81,606	(2,633)
Sponsorships, Contributions and Donations	909	1,410	501	6,128	6,526	(398)
Depreciation, Amortisation and Impairment	13,505	13,496	(9)	56,040	56,040	-
Finance Costs	230	228	(2)	835	835	-
<b>Total Expenses</b>	<b>50,397</b>	<b>52,669</b>	<b>2,272</b>	<b>223,562</b>	<b>227,442</b>	<b>(3,880)</b>
<b>Operating Surplus</b>	<b>6,156</b>	<b>3,516</b>	<b>2,639</b>	<b>1,920</b>	<b>1,952</b>	<b>32</b>

## **Capital Program**

<b>Capital Program</b>						
Major Projects	12,127	9,236	(2,891)	36,386	41,716	(5,330)
New and Upgraded projects	1,324	968	(356)	13,932	14,411	(479)
Renewal / Replacement of Assets	10,683	7,830	(2,853)	50,416	54,153	(3,737)
<b>Total Capital Expenditure</b>	<b>24,134</b>	<b>18,034</b>	<b>(6,100)</b>	<b>100,734</b>	<b>110,280</b>	<b>(9,546)</b>

## Operating program – adjustments

\$000's	budget	proposed	variance
2023/24 Budgeted Operating Position			1,920
<b>Financial Assistance Grants</b> 2023/24 funding received in 2022/23, creating a shortfall in 2023/24	979	96	(883)
<b>Resilient Flood Mapping</b> Grant-related expenditure carried forward of \$2,325k, offset by the recognition of the associated grant-funded revenue \$3,000k	-	675	675
<b>Adelaide Free Wi-fi</b> Completion of the Wi-fi network \$98k and recognition of the associated grant-funded revenue \$400k	-	302	302
<b>City Safe CCTV Network</b> Recognition of revenue upon reaching key milestone	-	1400	1,400
<b>External Property Valuations</b> External property valuations for the 2024/25 financial year	-	(240)	(240)
<b>Citywide Waste Program</b> Council decision from previous chamber to fund waste of \$3m. Budget includes a reallocation to Strategic Projects from Business as Usual of \$383k for 3.0 FTE within the consolidated budget	-	(788)	(788)
<b>Employee Costs</b> - Customer & Marketing as a result of the additional administration work following the increase to Parking and Information Officers during the budget process - Information Management conversion of contract labour to positions within the Information Management Roadmap - Bilingual position following Council decision	(81,586)	(82,307)	(721)
<b>Re-Adaptive Housing</b> Grant funding received from Capital City Committee to fund a position over 2 Financial Years, 2023/24 cost of \$128k	-	-	-
<b>New Years Eve</b> Council decision to increase funding for New Years Eve \$77k, as well as a reallocation from Business Activation and Support \$100k	(473)	(650)	(177)
<b>New Years Eve – AEDA</b> Council decision for events incentive framework for businesses	-	(100)	(100)
<b>Park Lands Event Fees</b> Council decision to reduce the Park Lands Event Fees from \$68.50 to \$60.00	700	613	(87)
<b>Aquatic Centre</b> Legal and prudential costs incurred in relation to reaching a Project Agreement with the State Government	-	(75)	(75)
<b>Records Digitisation</b> Oral history project \$35k, archiving site update \$45k	-	(80)	(80)
<b>Rates Rebates</b> Additional Rates Rebates provided following education assessment outcome	(5,883)	(5,997)	(114)
<b>Other Minor Adjustments</b> Other adjustments that are individually minor in value	-	-	199
Proposed Quarter 1 Budget Review Operating Position			1,952
Total Proposed Adjustment			32

## **Capital program – adjustments**

<b>\$000's</b>	<b>budget</b>	<b>proposed</b>	<b>Variance</b>
<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	36,386	41,716	(5,330)
<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	13,932	14,411	(479)
<b>Renewals</b> Works of a capital nature that are replacing an existing asset like for like or like for modern equivalent	50,416	54,153	(3,737)
<b>Total Adjustment</b>	<b>100,734</b>	<b>110,280</b>	<b>(9,546)</b>

## Financial indicators

		Target	Annual	
			Adopted	Q1
Operating Surplus Ratio	Operating surplus as a percentage of operating revenue	0%-20%	0.9%	0.9% <sup>1</sup>
Net Financial Liabilities	Financial liabilities as a percentage of operating income	Less than 80%	-1%	0.7%
Asset Renewal Funding Ratio	Expenditure on asset renewals as a percentage of forecast required expenditure in the asset management plans	90%-110%	90%	97%
Asset Test Ratio	Borrowings as a percentage of total saleable property assets	Maximum 50%	10%	13%
Interest Expense Ratio	Number of times General Rates Revenue (less Landscape Levy) can service the annual interest expense	Maximum 10%	0.4%	0.6%
Leverage Test Ratio	Total borrowings relative to General Rates Revenue (Less Landscape Levy)	Maximum 1.5 years	0.2	0.3
Cash Flow from Operations Ratio	Operating income as a percentage of Operating Expenditure plus expenditure on renewal/replacement of assets	Greater than 100%	101%	99% <sup>2</sup>
Borrowings	Borrowings as a percentage of the Prudential Borrowing Limit	Within Prudential Limits	30.184m	40.553m
			20%	27%

<sup>1</sup> 0.9% represents the year end projection of a \$1.92 million operating surplus, which is less than the preferred 2.0% target.

<sup>2</sup> Reflects the carry forward of renewal projects into the 2023-24 financial year, increasing the projected renewal spend. The project prioritisation process will seek to identify projects that can be deferred to the 2024-25 year to re-balance the Cash Flow indicator.

## Treasury Reporting

The tables below present the debt and cash investment information as required by Council's Treasury Policy.

Table 1 shows the borrowing facilities taken out by Council. Council has zero borrowings as at 30 September 2023 (\$3.191m cash at bank):

- Total borrowings without the Future Fund offset (\$28.2 million) would otherwise be \$25.0 million

Borrowings Facility *	Available	Interest Type	Interest Rate	Current Borrowings	Change since previous report \$'000s	Maturity Date
LGFA CAD 554	\$30m	Variable	5.35%	Nil	7.519m	16/12/2023
LGFA CAD 555	\$70m	Variable	5.35%	Nil	-	15/06/2033

\* 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.

Table 2 shows cash invested by Council. Council has \$3.191m million in cash investments at 30/09/23:

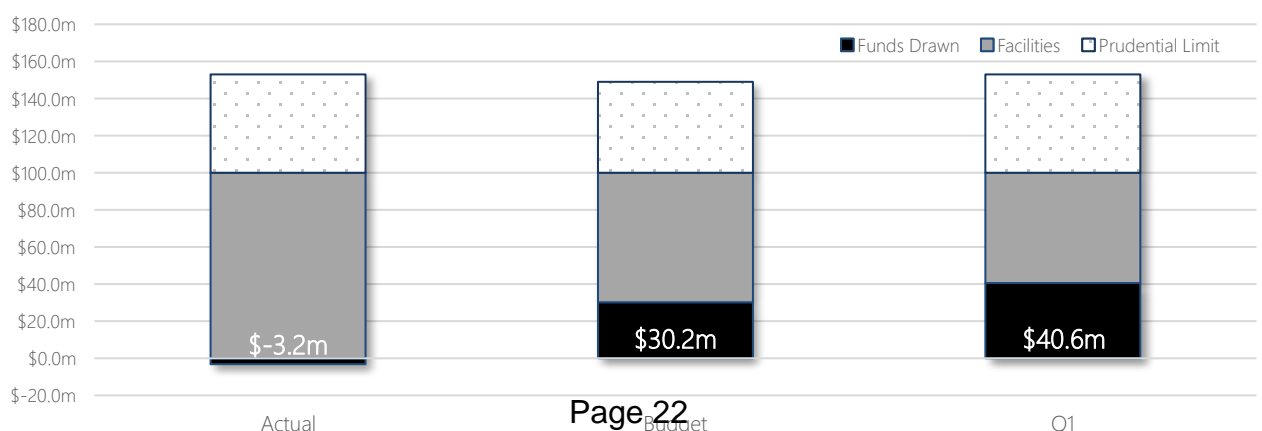
Cash & Cash Equivalents	Available	Interest Type	Interest Rate	Current Investments	Change since previous report \$'000s	Maturity Date
LGFA FT 61355	\$-m	Variable	4.45%	Nil	(10,633)	15/09/2023
LGFA General	\$1.5m	Variable	4.30%	\$1.527m	\$1.527m	-
NAB	\$2.1m	Variable	4.30%	\$1.664m	\$1.286M	-

Table 3 provides the Prudential Limit Ratios as outlined in Council's Treasury Policy:

Prudential Limit Ratio **	Comments	Limits	September 2023 YTD Actual
Interest Expense Ratio	Annual interest expense relative to General Rates Revenue (less Landscape Levy)	Maximum 10%	0.1%
Leverage Test	Total borrowings relative to annual General Rates Revenue (Less Landscape Levy)	Max 1.5 years	0 years
Asset Test	The percentage of total borrowings to Council's saleable property assets.	Max 50%	0%

\*\* Prudential borrowing limit as at 30 September 2023 is \$152.927 million (an increase from \$149 million as per adopted budget)

Borrowings, showing our current facilities against our prudential limit and forecasted position



# Capital Works update

## Summary

- \$12.127m has been spent to date and \$15.568m has been contracted across Major projects, resulting in 76% of the 2023/24 program currently committed.
- \$1.324m has been spent to date and \$0.941m has been contracted across New and Upgrade projects, resulting in 16% of the 2023/24 program currently committed.
- \$10.683m has been spent to date and \$21.626m has been contracted across Renewal projects, resulting in 64% of the 2023/24 program currently committed.
- Proposed new budgets (subject to Council endorsement this quarter): Major Projects \$41.716m; New and Significant upgrades \$14.411m; and Asset Renewals \$54.153m.

	projects	budget	expenditure	commitments	Remaining *
Major Projects	27	\$36,386,443	\$12,127,448	\$15,567,725	\$8,691,271
New and Significant upgrades	94	\$13,931,852	\$1,323,652	\$941,483	\$11,666,717
Renewals	309	\$50,416,000	\$10,682,876	\$21,626,361	\$18,106,763
Major Projects (with renewal)	11	\$2,279,007	\$840,576	\$3,414,502	(\$1,976,071)
New/Upgrade (with renewal)	19	\$1,544,000	\$55,111	\$111,117	\$1,377,772
Corporate Overhead	n/a	\$5,500,000	\$1,435,398	\$0	\$4,064,602
Bridges	4	\$250,000	\$117,762	\$5,000	\$127,238
Buildings	56	\$10,422,500	\$583,660	\$5,743,451	\$4,095,390
ICT	7	\$1,792,500	\$159,473	\$1,076,526	\$556,501
Lighting and Electrical	25	\$2,380,423	\$120,331	\$348,619	\$1,911,473
Park Lands assets	16	\$605,000	\$241,163	\$750,819	(\$386,981)
Plant and Fleet	4	\$2,834,000	\$578,038	\$2,518,604	(\$262,642)
Traffic Signals	12	\$2,382,106	\$527,324	\$1,412,970	\$441,812
Transport	98	\$15,065,001	\$5,307,117	\$4,691,984	\$5,065,899
Urban Elements	50	\$4,124,000	\$264,171	\$679,149	\$3,180,680
Water infrastructure	7	\$1,237,463	\$452,752	\$873,620	(\$88,909)
<b>Total</b>	<b>403</b>	<b>\$100,734,295</b>	<b>\$24,133,975</b>	<b>\$38,135,568</b>	<b>\$38,464,752</b>

\* Remaining variance is based on the Adopted budget.

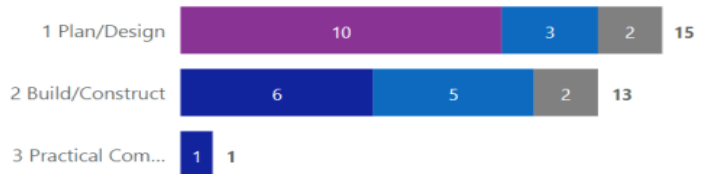
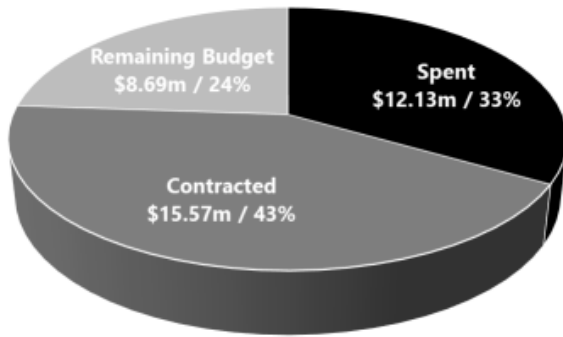
### Note

- Transport is made up of Roads, Pathways and Kerb and Water Table
- Plant and Fleet includes Commercial Plan and Fleet
- Total Project count: mixed-funded projects are only counted once in the total project count

# Major Projects

Major Projects are significant works of a capital nature that are over the prudential limit, multi-year or have significant grant funding.

## Approved Budget



**Project Type** ● Construct ● Design ● Design and Construct ● Other  
*some projects have been broken down into sub-projects, so total appears different*

## Planning updates:

The first quarter has seen good progress in the delivery of our Major projects. Progress highlights are:

- The Central Market Arcade Redevelopment has commenced with the demolition works, those are expected to be completed and construction commencing next quarter.
- Pitt St project (final section of the Market to Riverbank program) and Rymill Park Lake Upgrade project have completed their procurement activity with the construction contract signed and work commencing next quarter.
- Hindley St Main Street Revitalisation project (design) and North-South Bikeway remaining sections (construction) have gone to market with scoped works aimed to commence next quarter.
- New projects have been approved by Council during the quarter, namely 218-232 Flinders St and Charles St streetscape upgrade.

## Budget updates:

The annual forecast expenditure this quarter has increased by \$5.330m from an adopted budget of \$36.386m to a revised budget of \$41.716m. This is largely due to:

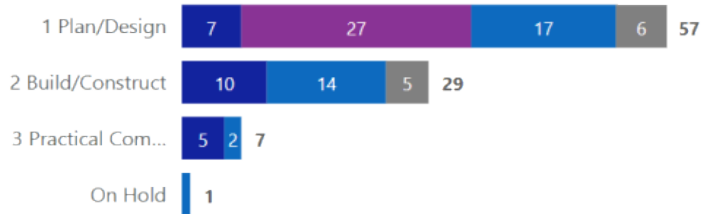
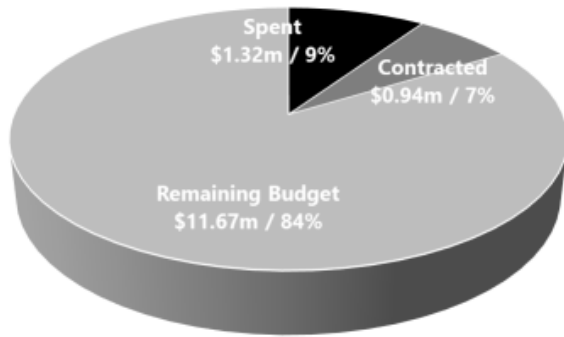
- additional re-timing of works from 2022/23 of \$3.041m for continuing projects.
- 2 new projects (218-232 Flinders St and Charles St streetscape upgrade) adopted by Council of \$9.100m.
- new grant interest of \$0.046m.
- savings from projects transferred to New and Significant Upgrade projects \$0.548m.
- reduction due to the reclassification of Business Plan and Budget funding of \$2.187m from Major Projects to Renewals.
- reduction due to the re-timing of approved works into future years \$4.422m.



# New and Significant Upgrades

New and Significant Upgrade projects are 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.

## Approved Budget



**Project Type** ● Construct ● Design ● Design and Construct ● Other  
*some projects have been broken down into sub-projects, so total appears different*

## Planning updates:

The first quarter has seen some progress in the delivery of our New and Upgrade program. Progress highlights are:

- 4 projects have reached practical completion this quarter, namely Dogs on Leash signage, On-Street Parking compliance resourcing, Jeffcott St/Ward St Traffic Signal Upgrade project and Place of Reflection.
- Signal Upgrade works at the intersections of Currie St/Morphett St and Morphett St/South Terrace will commence next quarter.
- Field St and the Greener City Streets program have gone to market with contract award and construction commencement expected next quarter.
- Design works have commenced for various upgrade projects for the Adelaide Central Market and for Hutt Road / Park Lands Trail Signalised Crossing.
- Several new projects have been created from available savings during the quarter, for example 62-70 Gilbert St new public lighting and additional laptop purchases.

## Budget updates:

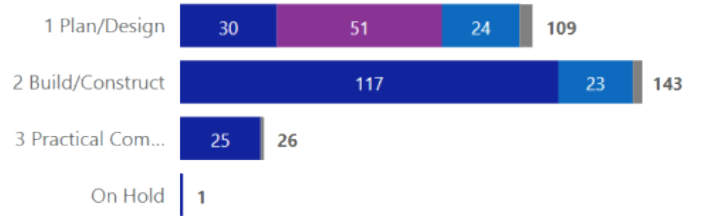
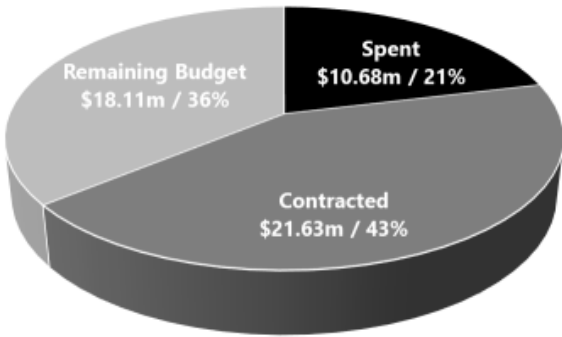
The annual forecast expenditure this quarter has increased by \$0.479m from an adopted budget of \$13.932m to a revised budget of \$14.411m. This is largely due to:

- additional re-timing of works from 2022/23 of \$1.838m for continuing projects.
- savings from Major projects transferred to New/Upgrade projects \$0.548m.
- reduction due to the re-timing of approved works into future years \$1.907m.

# Renewals

Renewals are works of a capital nature that are replacing an existing asset like for like, or like for modern equivalent.

## Approved Budget



**Project Type** ● Construct ● Design ● Design and Construct ● Other  
*some projects have been broken down into sub-projects, so total appears different*

## Planning updates

Progress has been made across all asset classes for Renewals in the first quarter. Progress highlights are:

- 26 projects have achieved practical completion this quarter, including Wyatt St UPark lift renewals, Town Hall chiller renewal and several road and footpaths resurfacing projects.
- Several projects have commenced construction, including Adelaide Town Hall Façade Conservation works, Public Lighting LED Renewals, Three Rivers Fountain lighting and the Traffic Signal controller and lantern renewal program.
- Several projects completed their procurement activity this quarter with delivery commencing in future quarters, including Golf Course Horticulture Hub, PC & laptops as well as Network & Security renewals and Irrigation renewal Victoria Square.
- A number of projects are forecasting completion in the next quarter, for example Gawler UPark Façade panel replacement, Francis St stormwater renewals, Bud lighting and switchboard renewals and various road and footpaths renewal projects.

## Budget updates:

The annual forecast expenditure this quarter has increased by \$3.737m from an adopted budget of \$50.416m to a revised budget of \$54.153m. This is due to

- the reclassification of Business Plan and Budget funding of \$2.187m from Major Projects to Renewals.
- re-timing of the renewal component of some Major projects of \$1.744m.
- a new project's renewal component adopted by Council to the value of \$0.1m.
- reduction due to re-timing of the renewal component of Major and New/Upgrade projects into future years \$0.294m.

---

# Portfolio updates

---

## City Shaping

The City Shaping Portfolio leverages and celebrates our role as a Capital City Council and delivers the services that lead, shape and enable a creative, dynamic, resilient and diverse city both now and into the future.

### **Programs:**

- City Culture
- Park Lands, Policy and Sustainability
- Regulatory Services

### **Key Focus areas:**

- City activation, initiatives, grants and sponsorship
- Park Lands greening, management and improvements
- Develop the City Plan
- Partnerships that support creative and resilient communities
- Kaurua heritage and voice and cultural mapping of the Park Lands
- Heritage promotion and protection

## City Services

The City Services Portfolio delivers essential local government services for our community, making it easier to conduct business in our City, and providing a safe and attractive urban environment.

### **Programs:**

- City Operations
- Infrastructure
- Strategic Property and Commercial

### **Key Focus areas:**

- Capital Works Program, including Major Projects, New and Significant Upgrades and renewals
- Main street revitalisation and improvements
- Maintenance of public realm and city presentation

## Corporate Services

The Corporate Services Portfolio provides effective and efficient services and insights to strengthen and grow our organisational capability, and support a culture of accountability, transparency, and innovation.

### **Programs:**

- Customer and Marketing
- Finance and Procurement
- Governance
- Information Management
- People
- Strategy, Insights and Performance

### **Key Focus areas:**

- Revised Strategic Management Framework and new Strategic Plan
- New and different ways to engage our community
- Adelaide free Wi-Fi expansion and improvements
- City of Adelaide Graduate Program

# City Shaping

## Planning updates / changes

- Movement of 'Private Laneways Fee-for-Service Trial' from Regulatory Services Program to City Services (City Operations Program).
- New Strategic Projects:
  - Aquatic Centre Investigations.
  - Adaptive Re-use Housing Initiative (recognition of grant funding received).
  - City Wide Waste and Recycling Program (decision of previous Council).
- Council decisions relating to:
  - Bilingual staff member.
  - Changes to New Years Eve event.
- Administrative changes relating to:
  - n/a.

## Budget updates / changes

- Operational budget changes resulting in \$0.675m additional funding:
  - \$0.087m reduction in event income due to event fee adjustment.
  - \$0.128m grant funding to support Re-Adaptive Housing project resource.
  - \$0.717m increase in expenditure due to \$0.878m expenditure required, offset by some labour savings (\$0.161m) due to PIO recruitment timing.
- Changes to the operational budget identified above includes funding for New Strategic Projects this quarter of \$0.788m.

## Select Portfolio achievements from this quarter

- City Plan Tool has been developed, including over 400 layers of spatial data. Targeted stakeholder engagement occurred in the City Plan Studio from 1 to 15 September and saw over 500 stakeholders engaging with the City Plan.
- The Place of Reflection, a memorial for the Stolen Generations, featuring a bronze sculpture created by renowned Ngarrindjerri weaver Aunty Yvonne Koolmatrie and South Australian designer Karl Meyer, was unveiled in a community event on 14 September.
- Additional Parking & Information Officers recruited and undergoing training and induction.

# City Shaping | Budget

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	proposed	variance	budget	proposed	variance
Office of the Director, City Shaping	-	-	-	(652)	(652)	-
City Culture	12,091	12,004	(87)	(27,361)	(27,438)	(77)
Park Lands, Policy and Sustainability	296	296	-	(8,200)	(7,817)	383
Regulatory Services	15,054	15,054	-	(9,871)	(9,902)	(31)
<b>Total</b>	<b>27,441</b>	<b>27,354</b>	<b>(87)</b>	<b>(46,084)</b>	<b>(45,809)</b>	<b>275</b>

## City Culture

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	proposed	variance	budget	proposed	variance
Office of the A/D City Culture	-	-	-	(385)	(385)	-
Adelaide Town Hall	2,863	2,863	-	(2,921)	(2,921)	-
Aquatic Centre	6,593	6,593	-	(7,443)	(7,443)	-
City Experience	782	695	(87)	(4,003)	(4,080)	(77)
City Lifestyle	1,245	1,245	-	(4,661)	(4,661)	-
Creative City	82	82	-	(2,902)	(2,902)	-
Libraries	526	526	-	(5,046)	(5,046)	-
<b>Total</b>	<b>12,091</b>	<b>12,004</b>	<b>(87)</b>	<b>(27,361)</b>	<b>(27,438)</b>	<b>(77)</b>

## Park Lands, Policy and Sustainability

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	proposed	variance	budget	proposed	variance
A/D, Park Lands Planning & Policy	-	-	-	(356)	(356)	-
City Planning and Heritage	43	43	-	(3,660)	(3,660)	-
Low Carbon & Circular Economy	-	-	-	(2,292)	(1,909)	383
Park Lands, Policy & Sustainability	-	-	-	(1,639)	(1,639)	-
Kadaltilla / Park Lands Authority	253	253	-	(253)	(253)	-
<b>Total</b>	<b>296</b>	<b>296</b>	<b>-</b>	<b>(8,200)</b>	<b>(7,817)</b>	<b>383</b>

## Regulatory Services

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	proposed	variance	budget	proposed	variance
A/D, Regulatory Services	-	-	-	(843)	(843)	-
City Development	3,340	3,340	-	(2,588)	(2,588)	(104)
City Safety	458	458	-	(1,641)	(1,641)	-
On-Street Parking Compliance	11,256	11,256	-	(4,799)	(4,725)	73
<b>Total</b>	<b>15,054</b>	<b>15,054</b>	<b>-</b>	<b>(9,871)</b>	<b>(9,902)</b>	<b>(31)</b>

# City Shaping | Strategic Projects

	Plan	Expenditure (\$'000)					
	delivered by	budget	proposed	variance			
<b>Office of the Director, City Shaping</b>							
Adaptive Re-use Housing Initiative			-	(128)	(128)*		
<b>City Culture</b>							
Aquatic Centre Investigations			-	(75)	(75)		
City Activation		June 2024		(400)	(400)	0	
Cultural Mapping of the Adelaide Park Lands		June 2024		(75)	(75)	0	
<b>Park Lands, Policy and Sustainability</b>							
City Wide Waste and Recycling Program				-	(788)	(788)	
Delivering the City Plan		tbc		(390)	(390)	0	
Local Heritage Assessments - 20th Century Buildings		tbc		(70)	(70)	0	
Master Plan of Light Square		June 2024		(75)	(75)	0	
Park Lands Biodiversity Survey		tbc		(150)	(150)	0	
Park Lands Greening		tbc		(30)	(30)	0	
Social Planning Homelessness and Adelaide Zero Project Resourcing		tbc		(200)	(200)	0	
<b>Regulatory Services</b>							
On-Street Parking Compliance Technology and Customer Analytics Reform		tbc		(100)	(100)	0	

\* fully funded by State Government Grant

# City Services

## Planning updates / changes

- Movement of SPOC resource from Infrastructure Program to Regulatory Services.
- New Strategic Projects:
  - Resilient Flood Planning.
- Council decisions relating to:
  - n/a.
- Administrative changes relating to:
  - Frome Road Masterplan is no longer occurring this financial year.
  - Traffic Signal Condition Audit is no longer occurring this financial year.
  - Additional funding for undergrounding powerlines.
  - Additional funding for speed limit review.

## Budget updates / changes

- Operational budget changes resulting in \$0.406m additional funding:
  - Employee costs in City Operations to reflect changes to position levels \$0.048m increase – offset by salary savings.
  - Grant income plus interest from LGFA \$0.257m.
  - Movement of SPOC role \$0.104m reduction.
  - Movement of Smart Parking costs \$0.297m increase.
- Changes to the operational budget identified above includes funding for New Strategic Projects this quarter of \$2.310m offset by grant income of \$3.000m.

## Select Portfolio achievements from this quarter

- Acquisition of 218-232 Flinders St for future development.
- Commencement of Rymill Park Lake – Lake Renewal.
- Commencement of demolition works as part of the Central Market Redevelopment (One Market).

# City Services | Budget

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	proposed	variance	budget	proposed	variance
Office of the Director, City Services	-	-	-	(677)	(677)	-
City Operations	2,483	2,483	-	(43,113)	(43,161)	(48)
Infrastructure	-	187	187	(44,624)	(44,520)	104
Strategic Property and Commercial	52,321	52,321	-	(31,941)	(32,238)	(297)
<b>Total</b>	<b>54,804</b>	<b>54,991</b>	<b>187</b>	<b>(120,355)</b>	<b>(120,596)</b>	<b>(241)</b>

## City Operations

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
A/D City Operations	-	-	-	(2,365)	(2,922)	(557)
Manager, City Maintenance	-	-	-	(184)	(184)	-
Manager, City Presentation	-	-	-	(199)	(199)	-
Cleansing	7	7	-	(7,053)	(7,053)	-
Facilities	-	-	-	(4,614)	(4,614)	-
Horticulture	2,334	2,334	-	(13,663)	(13,668)	(5)
Infrastructure Maintenance	-	-	-	(5,546)	(5,820)	(274)
Trades	107	107	-	(5,164)	(4,884)	280
Waste	29	29	-	(3,603)	(3,603)	-
Workshops	6	6	-	(734)	(214)	520
<b>Total</b>	<b>2,483</b>	<b>2,483</b>	<b>-</b>	<b>(43,113)</b>	<b>(43,161)</b>	<b>(48)</b>

## Infrastructure

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
A/D Infrastructure	-	-	-	(632)	(632)	-
Infrastructure Planning and Delivery	-	257	257	(43,378)	(43,378)	-
Technical Services	-	-	-	(614)	(510)	104
<b>Total</b>	<b>-</b>	<b>257</b>	<b>257</b>	<b>(44,624)</b>	<b>(44,520)</b>	<b>104</b>

## Strategic Property and Commercial

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
A/D Strategic Property & Commercial	-	-	-	(473)	(473)	-
Commercial	221	221	-	(915)	(915)	-
Parking	42,377	42,377	-	(13,388)	(13,685)	(297)
North Adelaide Golf Course	3,443	3,443	-	(3,579)	(3,579)	-
Strategic Property Development	-	-	-	(765)	(765)	-
Strategic Property Management	6,280	6,280	-	(12,821)	(12,821)	-
<b>Total</b>	<b>52,321</b>	<b>52,321</b>	<b>-</b>	<b>(31,941)</b>	<b>(32,238)</b>	<b>(297)</b>



# City Services | Strategic Projects

	Plan		Expenditure (\$'000)				
	delivered by		budget	proposed	variance		
<b>City Operations</b>							
Private Laneways Fee-for-Service Trial		<i>tbc</i>		(50)	(50)	0	
<b>Infrastructure</b>							
Asset Condition Audit				(358)	(179)	179	
Climate Change Risk Adaptation Actions Year 2				(200)	(200)	0	
Conservation Management Plans for Heritage Assets				(200)	(200)	0	
Frome Road Masterplan				(75)	-	75	
Lighting and Electrical Data Collection				(300)	(300)	0	
Moonta Street Roof Installation Feasibility Study				(50)	(50)	0	
North Terrace West Masterplan				(100)	(100)	0	
Resilient Flood Planning		May 2025		n/a	(2,325)	(2,325)*	
SA Power Networks (SAPN) Luminaire Upgrades				(100)	(100)	0	
Smart Lighting Platform Technical Specification				(40)	(40)	0	
Stormwater Network Cleaning				(500)	(500)	0	
Transport Strategy				(200)	(350)	(150)	
Underground of powerlines				(150)	(239)	(89)	
<b>Strategic Property and Commercial</b>							
88 O'Connell Project Delivery				(30)	(30)	0	
Central Market Arcade Redevelopment		January 2026		(280)	(280)	0	
Future Fund Governance Framework Establishment				(30)	(30)	0	
Strategic Property Action Plan Implementation				(150)	(150)	0	

\* fully funded by Federal Government Grant

# Corporate Services

## Planning updates / changes

- Movement of Smart Parking expenditure budget from Corporate Services (Information Management) to Strategic Property and Commercial Program.
- New Strategic Projects:
  - Continuation of the delivery of 'next generation Adelaide Free Wi-Fi network' as part of the Adelaide City Deal.
  - Transactional banking service provider transition.
  - Manage Council records digitisation project .
  - External Property Valuations.
- Council decisions relating to:
  - n/a.
- Administrative changes relating to:
  - Additional Customer and Marketing staff .

## Budget updates / changes

- Operational budget changes resulting in \$2.455m additional funding:
  - Recognition of additional Grant Income of \$1.800m due to the recognition of City Deal projects continuing into 2023/24.
  - Movement of Smart Parking costs \$0.297m to City Services.
  - Increase across Customer and Marketing of \$0.334m as a result of increased administration through the Council decision during the budget process to increase 8 Parking and Information Officers.
  - Additional funding for the Records Digitisation project of \$0.080m, External Property Valuations \$0.240m and Adelaide Free Wi-Fi \$0.098m (City Deal).
  - Information Management conversion of contract labour of \$0.562m to Employee Costs.
  - Funding of the transactional banking transition through of \$0.15m through vacancy savings.
- Changes to the operational budget identified above includes funding for New Strategic Projects this quarter of \$0.568m.

## Select Portfolio achievements from this quarter

- finalising critical strategic financial reporting documents.
- enhancing our engagement with customers through better listening to customer needs, and telling our stories to the community in various media.
- completing IT projects to improve community technology access, safety, and operational effectiveness across the organisation.
- implementing data-driven workforce management mechanisms to maximise effectiveness, and recruit and retain staff.
- creating frameworks and strategies to drive better community engagement, strategic planning for the City, and project management excellence.

# Corporate Services | Budget

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Office of the Chief Operating Officer	-	-	-	(1,148)	(1,148)	-
Customer and Marketing	1	1	-	(5,916)	(6,249)	(334)
Finance and Procurement	134	134	-	(4,373)	(4,238)	135
Governance	-	-	-	(3,735)	(3,735)	-
Information Management	30	1,430	1,400	(13,609)	(13,312)	297
People	-	-	-	(3,945)	(3,945)	-
Strategy, Insights & Performance	-	-	-	(1,474)	(1,474)	-
<b>Total</b>	<b>165</b>	<b>1,565</b>	<b>1,400</b>	<b>(34,198)</b>	<b>(34,025)</b>	<b>53</b>

## Customer and Marketing

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Manager, Customer & Marketing	-	-	-	(213)	(213)	-
Customer Experience	1	1	-	(3,465)	(3,769)	(304)
Marketing & Communications	-	-	-	(2,238)	(2,269)	(29)
<b>Total</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>(5,916)</b>	<b>(6,249)</b>	<b>(333)</b>

## Finance and Procurement

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Manager, Finance & Procurement	-	-	-	(265)	(265)	-
Financial Planning & Reporting	-	-	-	(1,916)	(1,811)	105
Procurement & Contract Management	-	-	-	(975)	(990)	(15)
Rates & Receivables	134	134	-	(1,217)	(1,217)	-
<b>Total</b>	<b>134</b>	<b>134</b>	<b>-</b>	<b>(4,373)</b>	<b>(4,238)</b>	<b>135</b>

## Governance

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Manager, Governance & Risk	-	-	-	(209)	(209)	-
Corporate Governance	-	-	-	(1,965)	(1,965)	-
Council Governance	-	-	-	(573)	(573)	-
Legal Governance	-	-	-	(987)	(987)	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(3,735)</b>	<b>(3,735)</b>	<b>-</b>

# Corporate Services | Budget

## Information Management

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Manager, Information Management	7	7	-	(1,379)	(1,379)	-
Project Delivery	-	1,400	1,400	(2,553)	(2,553)	-
Service Desk	-	-	-	(1,111)	(1,111)	-
Technology, Infrastructure & Platforms	23	23	-	(8,565)	(8,268)	297
<b>Total</b>	<b>30</b>	<b>1,430</b>	<b>1,400</b>	<b>(13,609)</b>	<b>(13,312)</b>	<b>297</b>

## People

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Manager People	-	-	-	(773)	(698)	76
People Experience	-	-	-	(1,279)	(1,355)	(76)
People Safety and Wellbeing	-	-	-	(700)	(751)	(51)
People Services	-	-	-	(1,192)	(1,141)	51
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(3,945)</b>	<b>(3,945)</b>	<b>-</b>

## Strategy, Insights and Performance

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Manager, Strategy, Insights & Performance	-	-	-	(187)	(187)	-
Project Management Office	-	-	-	-	(155)	(155)
Strategy and Insights	-	-	-	(1,287)	(1,132)	155
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(1,474)</b>	<b>(1,474)</b>	<b>-</b>

# Corporate Services | Strategic Projects

	Plan	Expenditure (\$'000)				
	delivered by	budget	proposed	variance		
<b>Finance and Procurement</b>						
Transactional Banking	●●●	●●●	-	(150)	(150)	📌
External Property Valuations	●●●	●●●	-	(240)	(240)	📌
<b>Infrastructure</b>						
Records Digitisation	●●●	●●●	-	(80)	(80)	📌
Cyber Security Enhancement	●●●	●●●	(160)	(160)	0	🔄
Deliver next generation Adelaide Free Wi-Fi	●●●	●●●	-	(98)	(98)*	📌

\* fully funded by Federal Government Grant

---

# Subsidiaries and Offices

---

## **Adelaide Central Market Authority**

With over 70 traders under one roof, the Adelaide Central Market is one of the largest undercover fresh produce markets in the Southern Hemisphere, buzzing with life and colour all year round. The Adelaide Central Market remains Adelaide's premier food destination for multicultural cuisine and fresh produce.

## **Adelaide Economic Development Agency**

Working closely with businesses, industry groups, state government agencies and other relevant organisations, AEDA delivers a range of programs designed to stimulate the city's economic growth with a focus on business growth, investment attraction, growing our visitor economy, residential growth, marketing the city as a whole and promoting Rundle Mall as Adelaide's premier shopping destination.

## **Kadaltilla / Park Lands Authority**

The City of Adelaide has long recognised the value of the Adelaide Park Lands to the city, state and its inhabitants. Since 2005 the Park Lands have received protection when the State Government passed the Adelaide Park Lands Act 2005 (SA). The Kadaltilla / Adelaide Park Lands Authority is principally an advisory body on Park Lands matters which also prepares the Adelaide Park Lands Management Strategy.

Further to these subsidiaries, the City of Adelaide is also a member of:

## **Brown Hill and Keswick Creek Stormwater Board**

The Regional Subsidiary, known as the Brown Hill and Keswick Creeks Stormwater Board, was established in February 2018. The Board coordinates the delivery of the Brown Hill Keswick Creek Stormwater Project, which is a collaborative undertaking between the Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens. The Board is governed by a Charter prepared by these five constituent Councils and subsequently approved by the Minister for Local Government.

*Reporting for this Board is done separately and is not embedded in the City of Adelaide quarterly reporting, however where available, the boards own reports and plans will be provided as attachments as well as the Board's website.*

## **Office of the Chief Executive Officer**

Supports the CEO to lead a sustainable, successful organisation, to make well informed decisions to deliver on Council's priorities, and to foster productive partnerships both with industry, and local government and other government bodies through the delivery of effective intergovernmental relations.

### **Key Focus areas:**

- Capital City oversight
- Communication and Public Relations
- Executive Support and Administration
- Grants and Advocacy
- Partnerships and Intergovernmental Relations

## **Office of the Lord Mayor**

Supports the Lord Mayor and Council Members to foster productive relationships with peak bodies, other government bodies and the community, to deliver our strategic priorities, plan, and fulfill our Capital City leadership responsibilities.

### **Key Focus areas:**

- Civic Protocols and Events
- Communication and Public Relations
- Lord Mayor and Council Administration
- Partnerships and Intergovernmental Relations

# Adelaide Central Market Authority

<b>Operating Budget</b> (excludes Strategic Projects)	<b>Income (\$'000)</b>			<b>Expenditure (\$'000)</b>		
	<b>budget</b>	<b>Proposed</b>	<b>Variance</b>	<b>budget</b>	<b>proposed</b>	<b>variance</b>
ACMA Operations	4,820	4,820	-	(5,073)	(5,073)	-
Marketing and Events	501	501	-	(501)	(501)	-
Online Market Platform	94	94	-	(236)	(236)	-
<b>Total</b>	<b>5,415</b>	<b>5,415</b>	<b>-</b>	<b>(5,810)</b>	<b>(5,810)</b>	<b>-</b>

## Plan and Budget updates / changes identified:

- First quarter budget is on track: Favourable rental income, and underspent due to timing of consultancy fees/

## Select Portfolio achievements from this quarter

- Activation programs including Bastille Day, School holiday program (with record participation), participation to Frida & Diego City trail, live Radio Broadcasts, Little Picassos Exhibition, NAIDOC week, Sustainable September campaign and self-guided Market tour podcast launch.
- Achieved \$172k total value in Media buy.
- Marketing campaigns including Tram wrap for 4 weeks throughout July school holidays/Illuminate, external hoarding on Gouger and Grote St, and roll out of "Only at the Market" brand refresh with digital advertising and out-of-home advertising including other retail precincts and Adelaide Airport.
- Achieved 100% leasing occupancy, with last vacancy leased to new Seafood retailer (expected opening in December).



# Adelaide Economic Development Agency

<b>Operating Budget</b> (excludes Strategic Projects)	<b>Income (\$'000)</b>			<b>Expenditure (\$'000)</b>		
	<b>budget</b>	<b>Proposed</b>	<b>Variance</b>	<b>budget</b>	<b>proposed</b>	<b>variance</b>
Manager Director AEDA	-	-	-	(748)	(748)	-
Business and Investment	-	-	-	(2,329)	(2,429)	(100)
Marketing	-	-	-	(1,847)	(1,847)	-
Rundle Mall Management	4,250	4,250	-	(4,250)	(4,250)	-
Visitor Economy	19	19	-	(3,191)	(3,191)	-
<b>Total</b>	<b>4,269</b>	<b>4,269</b>	<b>-</b>	<b>(12,365)</b>	<b>(12,465)</b>	<b>(100)</b>

<i>AEDA Strategic Projects</i>	<b>Plan</b>	<b>Expenditure (\$'000)</b>			
	<b>delivered by</b>	<b>budget</b>	<b>proposed</b>	<b>variance</b>	
Destination Adelaide Promotion		(300)	(300)	0	↻
Promoting the City during Adelaide 500		(75)	(75)	0	↻
Strategic Events Fund		(600)	(600)	0	↻
Welcome to Adelaide		(120)	(120)	0	↻

## Plan and Budget updates / changes identified:

- Following a resolution of Council at the City Community Services and Culture Committee on 6 June 2023, AEDA developed a grant funding program including framework and assessment criteria to support organisations to provide additional activities on New Years Eve. Following endorsement of Council on 8 August 2023, this has resulted in a budget change request this quarter of \$100,000.

## Select Portfolio achievements from this quarter

- Marketing Campaigns: Invest Adelaide, ADL IS ON, TripAdvisor, Frida & Diego City Trail, WellFest Adelaide and ADL Fashion Week.
- ADL Fashion Week: launch of the dedicated website, associated events programs, AFW AT KING'S LANE Runways. A total of 25 ticketed events were launched in Q1.
- Visitor Economy: Meeting Incentive Conferences & Events (MICE) Project for the development of 10 new tourism products and experiences.
- Business and Investment supported: discussions re new purpose-built student accommodation investments, supported indie game developer Paper Cactus Games to attend GameCom.
- Sponsorships/Funding Programs: Games Plus Support Program (16 applications selected), Strategic Partnership Program Funding Round (23 submissions), NYE Grants (9 submissions), Commercial Events Fund (19 Submissions) and Mainstreet Development program guidelines released.
- Rundle Mall Activations and Events: NAIDOC in the Mall, FIFA Women's World Cup Trophy Tour, Illuminate Adelaide Trumpet Flowers, Frida & Diego City Trail: La Casa Azul, rebel 'Home of Football' pop up, Gathered Market in the Mall, Adelaide Youth Orchestra – The Big Busk 2023, SANFL Grand Final Eve Presentation.

# Kadaltilla / Park Lands Authority

Income (\$'000)			Expenditure (\$'000)		
budget	proposed	variance	budget	proposed	variance

*The Budget for this subsidiary is embedded for Q1 in Park Lands, Policy and Sustainability.*

## **Plan and Budget updates / changes identified:**

- No changes identified this quarter.

## **Select Portfolio achievements from this quarter**

- Delivered two Community Forum events, with the final two scheduled to occur in October 2023.
- Undertook a Kadaltilla Strategic Plan Workshop.
- Embarked on a site tour of Bonython Park / Tulya Worldli (Park 27) with Minister Nick Champion and Brendan Hewitt.
- Delivered the Kadaltilla 2022/23 Annual Report.
- Delivered the Kadaltilla 2022/23 Strategic Plan Annual Review of Progress.
- Appointed a new Deputy Presiding Member and two Kaurna representatives (Member and Deputy Member).
- Continued the comprehensive review of Adelaide Park Lands Management Strategy 2015-2025 (APLMS).

# Office of the Chief Executive Officer and Office of the Lord Mayor

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
Office of the CEO	-	-	-	(1,470)	(1,470)	-
Civic Events, Partnerships, & Other Events	-	-	-	(587)	(587)	-
Councillor Support	-	-	-	(471)	(471)	-
Lord Mayor's Office Administration	-	-	-	(997)	(997)	-
<b>Total</b>				<b>(3,525)</b>	<b>(3,525)</b>	<b>-</b>

## Plan and Budget updates / changes identified:

- Budgets for both the Office of the Lord Mayor and Office of the CEO are on track with expenditure.
- *There are no Strategic or Capital Projects within this program and as a result there are no changes identified to planning timeframes.*

## Select Portfolio achievements from this quarter

- Planning has continued for the celebration of the 50th anniversary of the sister city relationship with George Town, Penang to be held from 4 to 9 December 2023.
- Commenced planning celebration for 10th anniversary of the sister city relationship with Qingdao.
- A Citizenship Ceremony and 12 Civic Events were delivered during the quarter.
- Capital City Committee met in August 2023.

---

# Glossary

---

## Budget:

*Financial Indicators:* Measures used to assess Council's financial performance, to guide decision making on major projects, and ensure its continued financial sustainability.

*Reallocation:* Reallocation of funds from one source to another.

*Reclassification:* A change of a project categorisation to reflect the scope, size or funding source of a projects (e.g. Renewal to Major Project).

*Retimed:* Deliberate change of timing of a project into a future year based on an agreed decision.

*Subsidiaries:* Established by Council under Section 42 of the Local Government Act 1999 that operate under independent boards or organisations that City of Adelaide either operates or supports.

## Capital Works:

*Major project:*

Significant works of a capital nature that are over the prudential limit, multi-year or have significant grant funding.

*New and upgrade:*

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.

*Renewal:*

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

## Project Management Phases:

*Commit/Concept:* A project plan is being finalised with scope, and greater understanding of budget timing and stakeholder management.

*Design:* Projects for which only the design phase will be undertaken in the current year, with construction occurring in another financial year.

*Design / Detail Planning:* The planning and design phase of a project, which includes activities such as project planning and technical design.

*Build/Construct (also Deliver):* The build and construction phase of a project, which includes activities such as tendering, and construction/creating an asset.

*Practical Completion:* The practical completion phase of a project, where works are completed to a point where an area/asset is open and created in our asset system. Depreciation commences at this point.

*On Hold:* Project status indicating a decision of Executive or Council is required and cannot proceed until a decision is reached.

## Types of projects:

*Capital project:* A long term project to establish, develop, improve or renew a capital asset.

*Strategic project:* Delivers the Strategic Plan and are generally 'once off' that have been prioritised to be delivered in a specific timeframe. Strategic Project budgets are operational in nature (not capital) and are aligned to a relevant service.

---

# Appendix: Risk and opportunities

---

## **Summary of key risks being managed:**

- Supply chain issues still pose some risk to the delivery of IM capital renewal projects.
- Challenges with procurement and availability of materials and contractors for capital delivery is impacted with competing large scale development and the closure of several significant construction companies.
- Retention, attraction and recruitment of staff is a national challenge
- The increasing construction costs and potential associated impact on feasibility of capital projects.
- Continued rising interest rates and cost of living pressures create a subsequent impact on potential spend in city businesses.
- Lack of residential accommodation for key workers and students all pose a continuing risk.
- The completion of the AEDA reviews and their consideration by Council provides opportunity to increase impact and efficiency, improve governance and develop a longer term approach to economic development in the city.

# Appendix: Detailed Capital Works

## Major Projects

Title	Plan		2023/24 Budget (\$'000)				
	delivered by		budget	proposed	variance		
<b>Initiate / Commit / Concept</b>							
218-232 Flinders Street	●●●		●●●	n/a	8,700	(8,700)	🛑
Experience Adelaide Visitor Centre	●●●	February 2025	●●●	3,959	614	3,345**	🛑
Gouger Street Revitalisation (Concept Design)	●●●	September 2026	●●●	500	500	0	➡
Hutt Street and South Terrace Stormwater Improvements (Detailed Design)	●●●	June 2025	●●●	106	66	40	🛑
Jeffcott Street Pavement Rehab. and Catchment 13 Stormwater Improvements (Concept Design)*	●●●		●●●	103	20	83	🛑
Victoria Park / Pakapakanthi (Park 16) Master Plan implementation	●●●		●●●	50	50	0	➡
<b>Design / Detailed Planning</b>							
Carriageway Park / Tuthangga (Park 17) Improvements (Detailed Design)*	●▲●		●●●	260	210	50	🛑
Charles Street Streetscape Upgrade*	●●●	December 2024	●●●	n/a	800	(800)	🛑
Flinders Street Improvements (Detailed Design)*	●▲●	July 2026	●●●	274	3	271**	🛑
Hindley Street Revitalisation (Detailed Design)	●●●	December 2026	●●●	2,430	1,680	750**	🛑
Hutt Street Entry Statement (Construction)	●▲●	October 2024	●●●	2,934	2,942	(8)	🛑
Mary Lee Park (Park 27B) Community Sports Building Redevelopment (Construction)	●●●	April 2024	●●●	1,900	2,062	(162)	🛑
Wakefield Street Improvements (Detailed Design)	●●●	February 2026	●●●	168	1	166**	🛑
<b>Deliver</b>							
Central Market Arcade Redevelopment	●●●	February 2026	●●●	15,000	15,000	0	➡
City of Adelaide Bikeways (North-South)	●●◆	July 2024	●▲●	1,629	3,091	(1,462)	🛑
City Safe CCTV Network Upgrade*	●▲●	June 2024	●●●	1,981	2,890	(909)	🛑
Market to Riverbank Laneways Upgrade	●▲●	June 2024	●●●	1,918	2,160	(242)	🛑
Melbourne Street Improvements (Construction)	●●●	February 2024	●●●	850	845	5	🛑
Rymill Park /Murlawirrapurka (Park 14) Lake Upgrade (Construction)*	●▲●	May 2024	●●●	4,093	5,152	(1,059)	🛑
Moonta Street+	●●●		●●●	43	44	(1)	🛑
Paxton's Walk Revitalisation+	●●●		●●●	n/a	495	(495)	🛑
Sturt Street (West) Greening#	●●◆		●●◆	468	0	468	🛑

\* The budget for these projects includes renewal funding  
+ project has reached practical competition

\*\* budget has been moved into 2024/25  
# project has been cancelled

# New and Significant Upgrades

Title	Plan		2023/24 Budget (\$'000)				
	delivered by		budget	proposed	variance		
<b>Initiate / Commit / Concept</b>							
Adelaide Central Market Authority (ACMA) - New Parents Room				15	15	0	
Adelaide Central Market Authority (ACMA) - New Security Gates				75	75	0	
Adelaide Central Market Authority (ACMA) - New Trolley Bays and Trolleys				130	130	0	
City Operations Android Tablet Procurement		May 2024		132	132	0	
Climate Change Action Initiative Fund (CCAIF)				300	332	(32)	
Electric Vehicle Charging Infrastructure in UParks		June 2024		83	68	15	
Flinders Street Pedestrian Crossing Improvements (Adjacent Pilgrim Lane)				n/a	10	(10)	
Glen Osmond Rd & Hutt Rd Intersection Upgrade				n/a	50	(50)	
Hutt Road Earthen Levee Embankment				n/a	50	(50)	
Implementation of Resource Recovery (Organics, Recycling, Waste) Strategy & Action Plan 2020-2028		December 2023		110	170	(60)	
Kingston Terrace Bus Stop Upgrades (Construction)		March 2024		150	150	0	
Kingston Terrace Streetscape and Stormwater Improvements (Detailed Design)*				70	74	(4)	
Laptops for Additional Resources		November 2023		n/a	184	(184)	
Light Square Electrical Infrastructure Upgrade		August 2024		400	400	0	
Minor Traffic Signal Safety Upgrades (Construction)				50	50	0	
New Access Ramps for Accessible Car Parks (Construction)				50	50	0	
New Street and Parklands Bicycle Racks (Construction)		June 2024		25	25	0	
Public Art				500	500	0	
Rundle Mall Sound System		July 2024		960	960	0	
Rymill Park / Murlawirrapurka (Park 14) Public Lighting Upgrade (Construction)		July 2024		300	300	0	
Southwest Community Centre		May 2024		1,500	1,500	0	
Town Hall Complex Improvements				n/a	8	(8)	
Upark Equipment Test Bed Network Switch				n/a	19	(19)	
Vincent Street and Vincent Place Improvements (Concept & Detailed Design)*				125	112	13	
Whitmore Square Stage 2 Masterplan Implementation Upgrades (Concept Design)*				60	60	0	

\* The budget for these projects includes renewal funding

\*\* budget has been moved into 2024/25

# New and Significant Upgrades

Title	Plan		2023/24 Budget (\$'000)				
	delivered by		budget	proposed	variance		
<b>Design / Detailed Planning</b>							
ACMA -2112 - Cool room		May 2024		200	89	111	
Bonython Park / Tulya Wardli Shared Path Lighting, Retaining wall & Footpath Upgrade (Construction)*		August 2024		245	41	204**	
Botanic Catchment Water Course Rehabilitation (Detailed Design)*				120	191	(71)	
Bullrush Park / Warnpangga (Park 10) Public Lighting Upgrade (Construction)*		April 2024		672	672	0	
City Activation (Festoon Lighting)		June 2024		57	105	(48)	
City Dirt BMX Facility Master Plan - Blue Gum Park/Kurangga (Park 20)		October 2024		30	57	(27)	
Gunson Street Improvements (Detailed Design)*				90	90	0	
Hutt Road / Park Lands Trail Signalised Crossing (Construction)		October 2024		300	332	(32)	
Kerbing - Hutt St/South Tce Stormwater		June 2024		n/a	2	(2)	
Mini Golf in North Adelaide Golf Course Development (Future Fund)				n/a	11	(11)	
Newlands Lane - Public Lighting Renewal		June 2024		n/a	10	(10)	
Place of Courage / Spirit of Woman (Park 27)		June 2024		95	95	0	
Public Art Action Plan - Capital Projects		December 2023		n/a	12	(12)	
Royal Avenue Improvements (Detailed Design)*		April 2024		81	80	0	
Stafford Street Public Lighting Upgrade (Construction)		March 2024		200	225	(25)	
Stephens Street and Sanders Place Improvements (Detailed Design)				157	1	156**	
Strangways Terrace Golf Course Carpark and Access Improvements (Detailed Design)				n/a	33	(33)	
Torrens Retaining Structure (Construction)		August 2024		1,750	280	1,470**	
Town Clerks Walk and Red Gum Park / Karrawirra (Park 12) Improvements (Detailed Design)*				50	50	0	
Ward Street Improvements (Concept Design)*				70	70	0	
West Pallant Project Steet Lighting Design				n/a	35	(35)	
West Pallant Street Improvements (PLEC)				35	0	35	

\* The budget for these projects includes renewal funding

\*\* budget has been moved into 2024/25



# New and Significant Upgrades

Title	Plan		2023/24 Budget (\$'000)				
	delivered by		budget	proposed	variance		
<b>Deliver</b>							
Adelaide Free Wi-Fi Electrical Works	●●●	September 2023	●●●	n/a	12	(12)	🛑
Brougham Place Footpath Improvements & Greening	●●●	February 2024	●●●	n/a	159	(159)	🛑
Brown Hill Keswick Creek - Stormwater Project (Financial Contribution)	●●●		●●●	320	320	0	➡
Central Market Arcade Redevelopment	●●●	February 2026	●▲●	n/a	200	(200)	🛑
Christmas 2024	●●●		●●●	200	200	0	➡
Christmas Festival Capital Budget	●●●	October 2023	●●●	178	200	(22)	🛑
Currie Street and Morphett Street Intersection Traffic Signal Safety Upgrade (Construction)	●●●	December 2023	●●●	43	48	(5)	🛑
Field Street Improvements (Construction)*	●●●	September 2024	●●●	2,200	2,203	(3)	🛑
Frome Street Footpath Upgrades (In conjunction with N-S Bikeway Project)	●▲●	July 2024	●●●	550	550	0	➡
Greener City Streets Program	●●●	February 2024	●●●	490	879	(389)	🛑
Morphett Street and South Intersection Traffic Signal Safety Upgrade (Construction)	●●●	February 2024	●●●	150	150	0	➡
New Street and Park Lands Furniture (Construction)	●●●	June 2024	●●●	50	50	0	➡
North Terrace / Station Road Footpath Improvements (Construction)	●●●	November 2023	●●●	300	353	(53)	🛑
Public Art 21-22	●●●	January 2024	●●●	46	85	(39)	🛑
Reignite Adelaide - East End Festival and Event Place Retractable Bollards	●▲●	September 2023	●●●	n/a	6	(6)	🛑
Replacement of UPark Car Park Management System (CPMS)	●●●	June 2024	●▲●	232	229	3	🛑
Rymill Park /Murlawirrapurka (Park 14) Sustainable Water Supply (Construction)	●●●	March 2024	●●●	1,000	1,000	0	➡
Skate Park CCTV and Greening	●●●	September 2023	●●●	40	34	6	🛑
Support for CBD Greening	●●●	February 2024	●●●	n/a	35	(35)	🛑
Torrens Lake Earth Retaining Structure adjacent University Footbridge	●●●	October 2023	●●●	65	715	(650)	🛑
<b>Close</b>							
Dogs On Leash Signage	●●●	August 2023	●●●	n/a	17	(17)	🛑
Jeffcott Street and Ward Street Intersection Traffic Signal Safety Upgrade (Construction)	●●●	September 2023	●●●	105	105	0	➡
On-Street Parking Compliance Resourcing	●●●	August 2023	●▲●	80	119	(39)	🛑
Place of Reflection	●●●	July 2023	●●●	n/a	4	(4)	🛑
<b>Cancelled</b>							
Hamilton Place Improvements (Concept & Detailed Design)	●●●		●●●	30	0	30	🛑

\* The budget for these projects includes renewal funding

# Renewals

Category	Total	Design only	Plan / Design	Build / Construct	On Hold	Complete
Bridges	4	3		1		
Buildings	56	10	21	19	1	5
ICT Renewals	7		4	3		
Lighting & Electrical	25	9	3	12		1
Park Lands Assets	16	3	5	8		
Plant and Fleet	4		1	3		
Traffic Signal	12	3		9		
Transport	98	13	13	52		20
Urban Elements	50	6	11	33		
Water Infrastructure	7	4		3		

## Projects COMPLETED this quarter

	Category
Angas Street Lighting	Lighting & Electrical
Aquatic Centre Octapool - Renewal of Polysoft material	Buildings
Wyatt Street UPark Lift Renewals	Buildings
Accelerated Works Town Hall Chiller	Buildings
London Road Depot - Replacement of fuel bowser	Buildings
Gawler UPark Sealing	Buildings
Footpath Renewal - Sir Edwin Smith/Kermode Intersection	Transport
Footpath Resealing - Park 12 South Bank	Transport
Road Resurfacing - Arrow Place - Eden Street to Regent Street North	Transport
Road Resurfacing - Cannon Street - Waymouth Street to Franklin Street	Transport
Road Resurfacing - Cavan Place - Little Sturt Street to Dead End	Transport
Road Resurfacing - Curtin Lane - Gover Street to Dead End	Transport
Road Resurfacing - East Terrace - Bartels Road to Flinders Street East	Transport
Road Resurfacing - Eliza Street - Waymouth Street to Franklin Street	Transport
Road Resurfacing - First Street & Second Street - Percy Court to Dead End	Transport
Road Resurfacing - Grace Place - Collins Street to Dead End	Transport
Road Resurfacing - Hindley Street - Liverpool Street to West Terrace	Transport
Road Resurfacing - Hudson Street - Mackinnon Parade to Dead End	Transport
Road Resurfacing - Ling Place West - Weil Street to Dead End	Transport
Road Resurfacing - Linnington Place - Little Sturt Street to Dead End	Transport
Road Resurfacing - Red Lane - Willcox Street to Dead End	Transport
Road Resurfacing - Shannon Place - Waymouth Street to Franklin Street	Transport
Road Resurfacing - Stamford Court - Wright Street to Dead End	Transport
Road Resurfacing - Tatham Street - Waymouth Street to Franklin Street	Transport
Road Resurfacing - Tennant Court - Morphett Street to Dead End	Transport

**City of Adelaide**  
**25 Pirie Street Adelaide**

[cityofadelaide.com.au](http://cityofadelaide.com.au)  
[strategicplan@cityofadelaide.com.au](mailto:strategicplan@cityofadelaide.com.au)

# Adelaide Central Market Authority

Page 52

QUARTERLY UPDATE  
October 2023



Attachment B

# Financial Reporting — October 2023

## ACMA Operations Summary

\$'000	2022-23 Full Year Actuals	2023-24 YTD Actuals	2023-24 YTD Budget	Variance	Full Year 2023-24 Budget
<b>Income</b>					
User Charges	4,647	1,286	1,215	71	4,861
Other Revenue	128	10	13	(3)	53
<b>Total Income</b>	<b>4,775</b>	<b>1,296</b>	<b>1,229</b>	<b>68</b>	<b>4,914</b>
<b>Expenditure</b>					
Employee Costs	1,130	281	300	19	1,288
Materials, Contracts & Other Expenses	3,521	941	989	48	3,982
Depreciation, Amortisation & Impairment	39	10	10	(0)	39
Finance Costs	2	0	0	-	1
<b>Total Expenditure</b>	<b>4,692</b>	<b>1,232</b>	<b>1,298</b>	<b>67</b>	<b>5,310</b>
<b>Operating Surplus / (Deficit)</b>	<b>83</b>	<b>64</b>	<b>(70)</b>	<b>134</b>	<b>(395)</b>

Financial Reporting Commentary:

- Favourable for rental income \$51k and electricity recovery \$22k
- Underspent on Materials and Contracts due to timing of professional fees



Adelaide Central  
Market Authority

## Debtors Summary

Financial Year	Total Arrears	Current	%	30 Days	%	60 Days	%	90+ Days	%
2023/24	\$ 24,695	\$ 23,566	95%	\$ 1,129	5%	\$ -	0%	\$ 0	0%
2022/23	\$ 50,910	\$ 49,629	97%	\$ 1,893	4%	\$ 8	0%	-\$ 620	-1%

## Leasing

Q1 - Total number of Market stalls is 74  
Occupancy as at 30 September 2023 is 100%

Renewals	5
New (stall 12)	1
Assignments	0
Holdovers	2
Vacancies	0

## Strategic Actions

Strategic actions	On track	Needs attention	Off track
OUR CUSTOMERS	10	0	0
OUR TRADERS	4	0	0
OUR BUSINESS	16	1	0
OUR COMMUNITY	5	0	0
OUR MARKET	7	1	0
<b>TOTAL</b>	<b>42</b>	<b>2</b>	<b>0</b>

# ACMA Highlights Quarter 1

July 2023	Strategic Pillar (ACMA/CoA)
Reached 100% leasing occupancy	Business / Strong Economies
Delivered Bastille Day event activation and campaign with increased visitation of 10% and FiveAA outside broadcast, plus TV Weather with Channel 9 and 7	Customers / Thriving Community
Delivered school holidays program with 750 kids participating in the Market Trail and 139 in Little Market Chefs and hundreds more in free drop-in Lego workshop.	Customers / Thriving Community
2 Producer In Residence delivered + Eastern roadway activation with Adelaide's Famous Poffertjes Parlour pop up	Business / Strong Economies
Secured opportunity through DTI for a 3-carriage tram campaign for 4 weeks during school holidays and illuminate	Traders / Strong Economies
August 2023	Strategic Pillar (ACMA/CoA)
Winter Weekends event every Friday night in August. Free live music and pop-up fire pits and performers.	Customers / Thriving Community
Frida & Diego Art Exhibition activation throughout August including free kid's activities, ticketed Paint & Sip classes and in-market decorations.	Community / Dynamic City Culture
Live outside broadcast with Triple M on 19 August 2023.	Customers / Thriving Community
Home delivery free delivery promotion resulted in increase of 59% in orders compared to same period in July.	Traders / Strong Economies
Continuation of 3 Hours Free on Saturday at UPark Grote & UPark Andrew	Customers / Thriving Community

● Customers
 ● Community
 ● Traders
 ● Business



Adelaide Central  
Market Authority



# ACMA Highlights Quarter 1

September 2023	Strategic Pillar (ACMA/CoA)
<i>The Adelaide Central Market Audio Tour</i> launched, featuring Katie Spain and Adam Liaw it offers tourists a free guided tour of the Market	Customers / Dynamic City Culture
“Only At The Market” brand refresh launched in-Market with digital and out-of-home including retail precincts and Adelaide Airport.	Traders / Strong Economies
All traders survey undertaken followed by TAG (trader group) meeting held to decide on Christmas 2023 trading hours	Traders / Strong Economies
Little Picassos art exhibition on display along Eastern Roadway with 250 pieces.	Community / Dynamic City Culture
Sustainable September campaign throughout the month to highlight traders, products, food rescue and ways customers can eat, shop and live more sustainably.	Customers / Environmental Leadership
Pop up offers: OMG Donuts in PIR and Adelaide Famous Poffertjes for Eastern Roadway activation	Customers / Dynamic City Culture
People counter system expanded to capture external street facing tenancies	Business / Strong Economies
Stall 12 fit out commenced	Traders / Strong Economies
Saturday Market Day program continued, with free family activities running every week. The free program includes live music every Friday and Saturday, kids activities and face painting every Saturday morning.	Traders / Strong Economies
Over Q1, achieved over \$172K in Media buy.	Business / Strong Economies

● Customers  
 ● Community  
 ● Traders  
 ● Business



Adelaide Central  
Market Authority



# ACMA Highlights Q1

July — 4 Week Tram Wrap



August – Frida & Diego Activation and Paint n Sip Class



Page 56



July — Bastille Day



September — Brand Refresh & Out of Home Advertising



Adelaide Central Market Authority



# Upcoming Quarter

- New stall 'Fair Seafood' stall 12 scheduled to open December 2023
- Deliver Seafood + Sounds event activation in October
- Launch and deliver Christmas marketing and operational program
- Market Expansion – establishing retail leasing resources
- Establish new trader group format
- Cleaning contractor: Selection tender with CoA to be finalised
- Fire system and procedures review (with CoA)

## Objectives and Purpose

### ACMA Charter – Gazetted 12/10 October

#### 2.4 Objects and Purposes

The Authority is established as a management and marketing entity to:

2.4.1 ensure the management and operation of the Market in accordance with the:

2.4.1.1 Charter;

2.4.1.2 Council's Strategic Plan; and

2.4.1.3 Headlease;

and, to the extent of any inconsistency, the order of precedence for interpretation for the purposes of such management and operation must be first this Charter, second the Council's Strategic Plan, and third the Headlease;

2.4.2 be responsible for maintaining and enhancing the iconic standing of the Market for the benefit of all stakeholders;

2.4.3 be responsible for encouraging the use of the Market by South Australian residents, visitors and the community in general and for the Market being recognised locally and internationally as a leading, vibrant, diverse and unique fresh produce market community that is commercially sustainable for Market sub-lessees and/or licensees and the Corporation of the City of Adelaide;

2.4.4 contribute to the development of the wider market district; and

2.4.5 be financially self-sufficient in terms of its operations.



# Thank you



# Adelaide Economic Development Agency – Quarterly Update

Greg Ratsch, Acting Managing Director AEDA

November 2023



# Financial Reporting – September 2023

Page 69

Operating Position	September YTD			Annual		
	2023/24 Actuals (000's)	2023/24 Adopted Budget (000's)	Variance (000's)	2023/24 Forecast (000's)	2023/24 Adopted Budget (000's)	Variance (000's)
<b>Income</b>						
Rundle Mall Levy	980	962	18	3,890	3,890	0
Rundle Mall User charges	125	90	35	360	360	0
CoA Contribution	0	0	0	9,423	9,191	232
Other Income	3	5	-2	19	19	0
<b>Total Income</b>	<b>1,107</b>	<b>1,057</b>	<b>51</b>	<b>13,692</b>	<b>13,460</b>	<b>232</b>
<b>Expenses</b>						
Employee Costs	895	1,041	146	4,579	4,579	0
Materials, Contracts and Other Expenses	881	1,225	344	5,970	5,794	-176
Sponsorships, Contributions and Donations	622	752	130	3,319	3,087	-232
Depreciation, Amortisation and Impairment	10	0	-10	42	0	-42
<b>Total Expenses</b>	<b>2,408</b>	<b>3,018</b>	<b>611</b>	<b>13,910</b>	<b>13,460</b>	<b>-450</b>
<b>Operating Surplus / (Deficit)</b>	<b>-1,300</b>	<b>-1,962</b>	<b>661</b>	<b>-218</b>	<b>0</b>	<b>-218</b>

## Income

- Rundle Mall income has been spread evenly across the year. The financial table now recognises Year to Date (YTD) income
- The levy income is currently slightly favourable to the YTD budget as there have been no objections received and the annual budget for objections is \$30k
- Other income includes retail sales from the Visitor Information Centre.

## Expenditure

- A favourable expense variance is currently the result of timing.

## Variations and Budget Requests

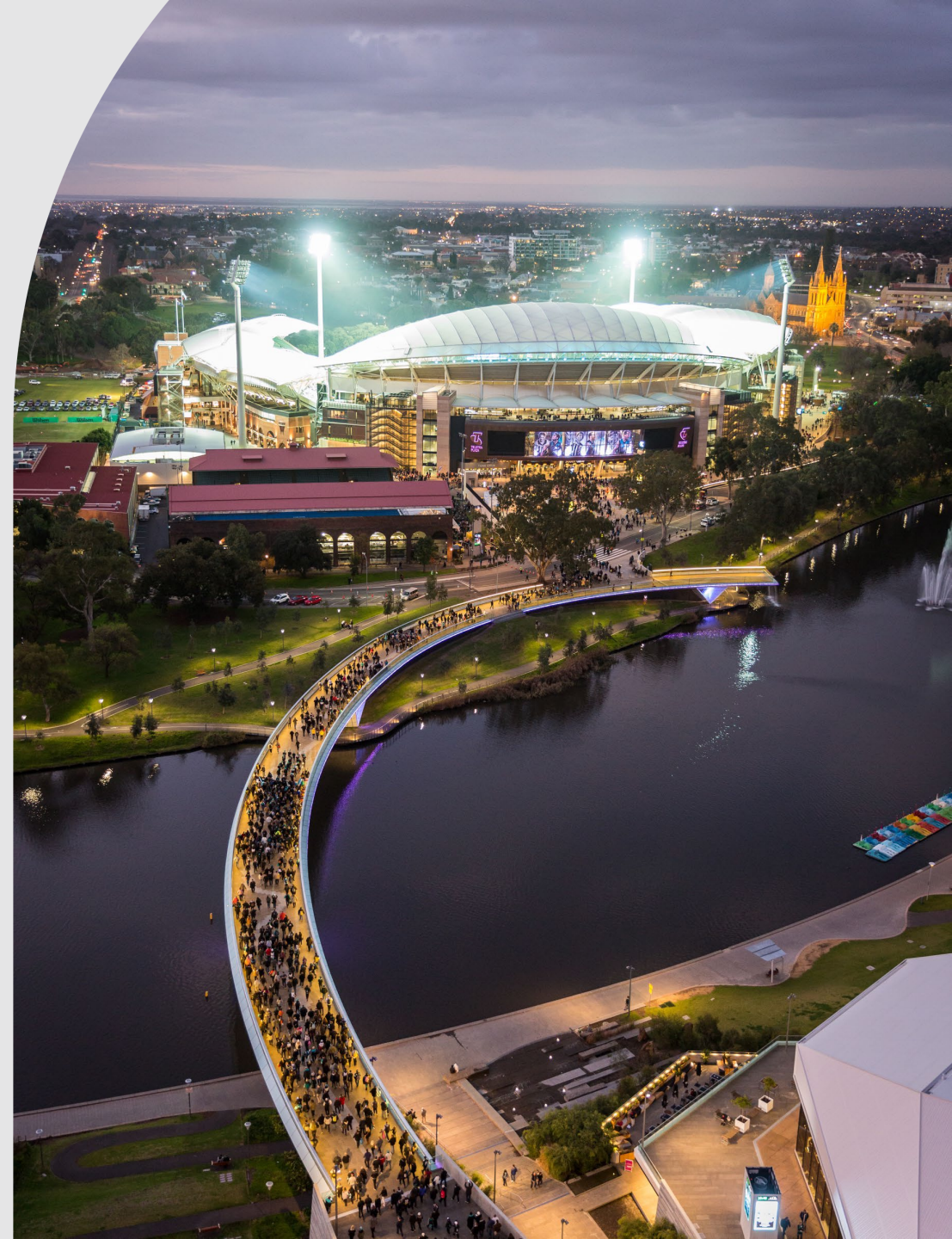
- Current variances recognised include:
  - \$232k of unallocated Strategic Partnership Funding from prior years that has been recognised in this budget and will increase the end of year contribution from CoA
  - \$176k and \$42k representing prior year surplus from Rundle Mall Levy.
- Following endorsement by Council on 8 August 2023, the New Years Eve Activities and Event Fund for businesses has resulted in a BR1 budget request of \$100k.

# Risks & Opportunities

- The increasing construction costs and potential associated impact on feasibility of capital projects, continued rising interest rates and cost of living pressures subsequent impact on potential spend in city businesses and lack of residential accommodation for key workers and students all pose a continuing risk

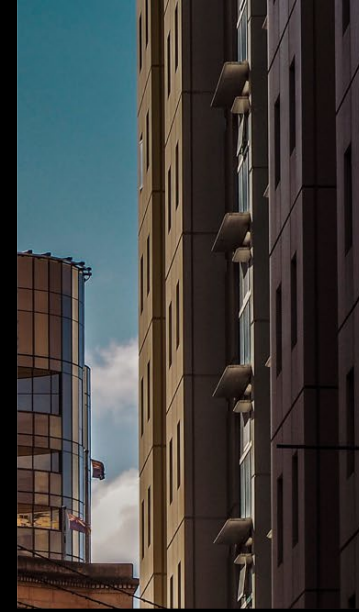
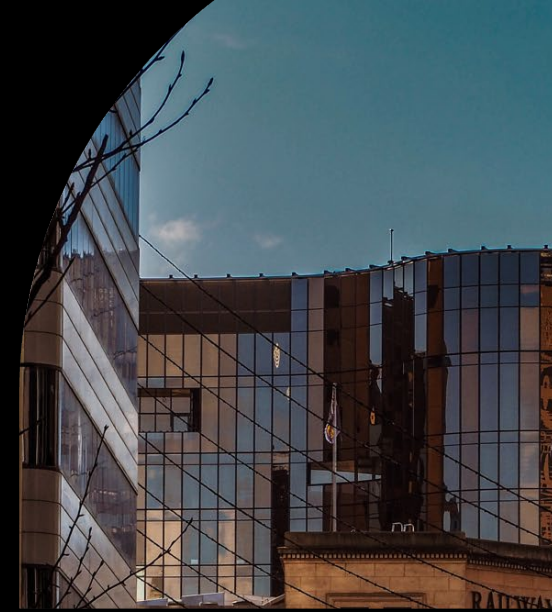
The completion of the AEDA reviews and their consideration by Council provides opportunity to increase impact and efficiency, improve governance and develop a longer term approach to economic development in the city

- The overall reduction in retail spend in Australia due to economic conditions poses a continuing risk.



# AEDA Business Plan & Budget Measurements

Q1 2023/24



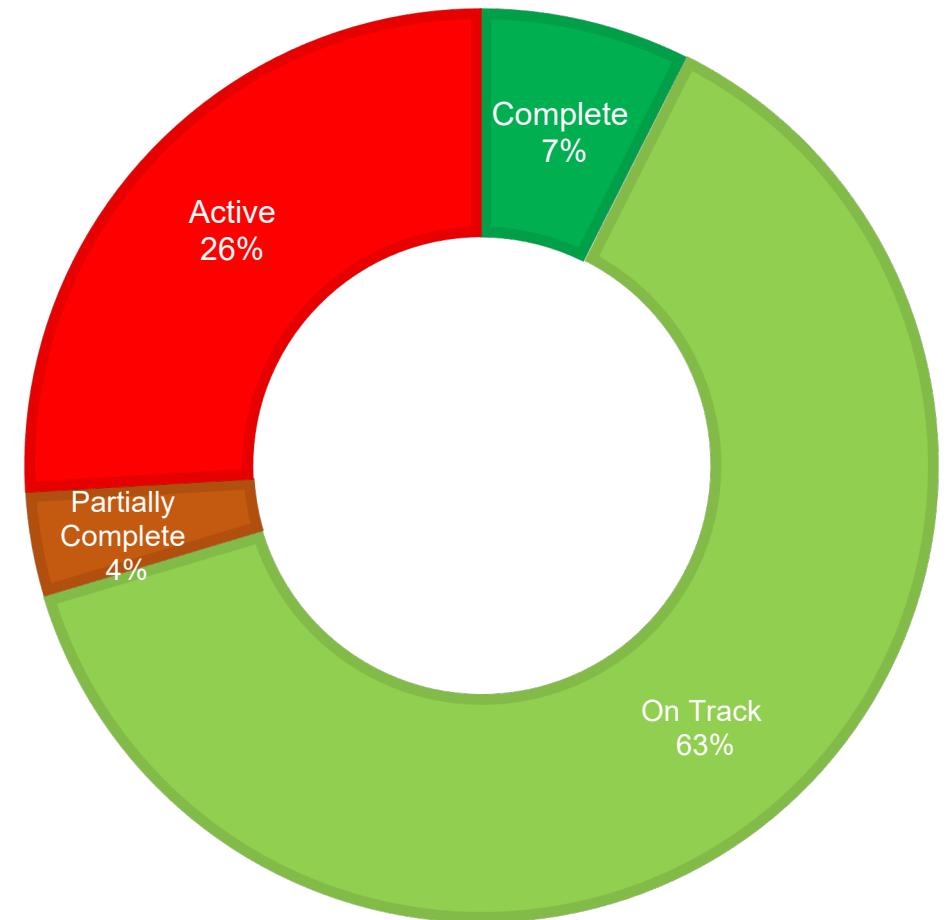
# Summary

The 2023/24 AEDA Business Plan & Budget includes **27 measures across four Key Result Areas:**

**Business, Investment & Residential Growth; Visitor Economy; Rundle Mall, and; Brand & Marketing.**

As at the end of quarter 1 the current progress against the measures is:

- 2 measures have been 'Complete';
- 17 measures are On Track, meaning the pro-rata measure is tracking ahead or in-line with the target;
- 1 measures is 'Partially complete', as some progress has been made towards the target but we are not tracking ahead of the pro-rata benchmark and;
- 7 measures are 'Active' which means work is being done towards the target but no numerical figure towards the target has been recorded.



## Key Terminology:

- ✓ **Complete:** the measure has been achieved or surpassed
- 🚀 **On track:** pro-rata the measure is tracking ahead or in-line with the target
- 📌 **Partially complete:** some progress has been made towards the target
- 👤 **Active:** actions are being undertaken to work towards the goal

# Visitor Economy

Key Performance Indicator	Status	Measure	Q1 Pro-rata Benchmark	Actual	Difference	Comment
Delivery of the new Experience Adelaide Visitor Centre	Active	1	-	0	-	Project planning in progress.
Maintain accreditation of the Visitor Information Centre	Complete	1	-	1	-	Accreditation finalised September 2023. Renewal will be due August 2024.
8 training sessions with VIC volunteers and staff	On Track	8	2	4	2	<ul style="list-style-type: none"> <li>National Wine Centre Famil - 26 July</li> <li>Flamboyance Tour - Jimmy C Street Art Tour - 29 August</li> <li>Hotel famil (HotelMOTEL, Hotel Alba and The Terrace Hotel) – September</li> <li>OzAsia &amp; Sealink, Good Governance training - September</li> </ul>
2 destination marketing campaigns or initiatives with the state government to increase the number of people visiting the city	On Track	2	0.5	1	0.5	SATC launched a major campaign 'Travel Our Way' on 29 Sept. AEDA is investing in amplifying the city's share of voice, and driving leads to operators, as part of the SATC digital and advertising strategy
20 new bookable city tourism products/experiences	On Track	20	5	10	5	Product development in progress with 10 established to date, with support from supplier partner 'Tourism Accelerator'.
City hotel occupancy above 70%	On Track	70%	-	68%	-2%	There has been an extra 500 rooms added to Adelaide's hotel supply since the same time last year, Hotel Alba opened in September

# Business, Investment & Residential Growth

Key Performance Indicator	Status	Measure	Q1 Pro-rata Benchmark	Actual	Difference	Comment
50 inward investment proposals/local expansions supported, with at least 10,000sqm of office space committed to	On Track	50	12.5	19	6.5	
1,000 Welcome to Adelaide employee introduction packs distributed	On Track	1,000	250	272	22	
30+ vacant shopfronts/premises activated	Partially Complete	30	7.5	3	-4.5	3 new ventures launched by Renew Adelaide
Deliver AEDA Business Summit	On Track	1	-	0	-	Planned for May 2024
Deliver 3 industry briefing events	On Track	3	0.75	1	0.25	DataAfterDark hosted 24/7/23 and Data4Lunch to be hosted on 8/11/2023
Enrolled international student numbers 5+% above 2019 levels (44,318 students across all segments)	On Track	44,318	40,341	48,019	7,678	This is a record level for South Australia.
2+% increase in the number of city workers above 2020/21 levels (148,369)	Active	2%				Data not yet available, Economy.id will release in Nov
2+% increase in the number of city businesses above 2020/21 levels (12,018)	Active	2%				Data not yet available, Economy.id will release in Nov
2 campaigns/projects/market interventions to support emerging industries in the city	On Track	2	0.5	1	0.5	Extended our support for Games Plus Support Program- offering 20 supported co-working spaces to support early career development



# Rundle Mall

Key Performance Indicator	Status	Measure	Q1 Pro-rata benchmark	Actual	Difference	Comment
3 recommendations from Rundle Mall place vision workshop implemented	On Track	3	0.75	1	0	<ul style="list-style-type: none"> <li>"Bring Local Brand heroes and fill fashion gaps ": RM Williams Flagship store launched on mall.</li> <li>"Optimise the mix: Brands, Dining and Entertainment": Entertainment Place at Rundle Place scheduled to open in November.</li> <li>"Laneway curation/activation": Charles Street Plaza project commenced; James Place laneway project commenced.</li> <li>"Improved event infrastructure": Upgraded Rundle Mall Sound system project commenced.</li> <li>"FB-driven activations/nostalgic events / new rituals": New Rundle Mall and city-wide Christmas trail developed that aligns with these principles</li> </ul>
5 major brands committed to Rundle Mall	On Track	5	1.25	1	4	Decjuba launched in Q1. 5 others scheduled to open Q2&Q3
Stakeholders agree that the volume and quality of communication and data/insights to stakeholders has improved over the previous 12 months	On Track	1	-	-		Agreement statement will be developed to measure this
Rundle Mall average strip vacancy rates below 8%	Active	8%				Data not yet available
Average vacancy rates below 20% for arcades, centres and laneways in the Rundle Mall precinct	Active	20%				Data not yet available
3 significant campaigns that are aligned with exclusive city events and festivals	On Track	3	0.75	1	2	Illuminate Adelaide
Uplift in foot traffic across 3 major events/festivals	On Track	3	0.75	1	2	Illuminate Adelaide(passer-by traffic up 28% on 2022)
Uplift in market share across 3 major events/festivals	Active	3				Data not yet available
MAT market share remains above 5%	Complete	5%		5.5%		Current annual market share is 5.5%

# Brand & Marketing

Key Performance Indicator	Status	Measure	Q1 Discount	Q1 Pro-rata Benchmark	Actual	Difference	Comment
Generate \$2 million in advertising space rate with reference to City of Adelaide/AEDA	On Track	\$2m	25%	\$500,000	\$1,174,012		Events such as ADL Fashion Week and WellFest have been a significant contribution for media mentions, along with announcements such as business openings and the release of city trends such as spend and visitor economy data.
Support 200 city businesses to establish or extend their e-commerce capability on byADL.com.au	Active	200	25%	50	88		
Total city expenditure above \$4.45b	On Track	\$4.450b	25%	\$1.113b	\$1.126b	\$13.6M	

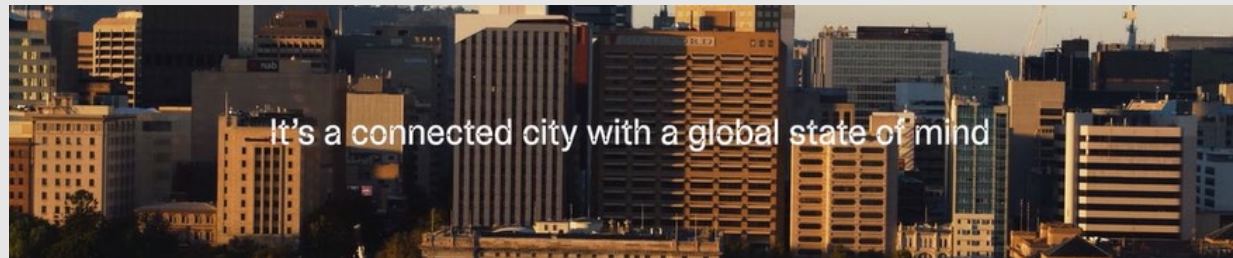
# Key Activities – July – September 2023

- Invest Adelaide Campaign
- ADL IS ON Campaign – Phase 2
- New Year’s Event Business Activations Grants
- ADL Fashion Week
- ‘Travel Our Way’ Co-campaign
- Black Friday Campaign Development
- TripAdvisor & SATC Partnership Campaign
- The Games Plus Support Program
- Strategic Partnership Program
- Commercial Events Fund
- Welcome to Adelaide
- Business Support
- Rundle Mall Activations including Illuminate, Frida & Diego, Gathered Market, NAIDOC in the Mall & FIFA Women’s World Cup
- Rundle Mall Welcome Packs
- Christmas 2023 Campaign Development



# Invest Adelaide Campaign

- Invest Adelaide was the first large-scale investment attraction campaign developed by AEDA and City of Adelaide since Covid. The purpose was to position the city as a location of choice for investment, and to highlight its competitive advantage. The campaign was run in South Australia, Sydney, Melbourne, Brisbane, and overseas (Singapore and Kuala Lumpur). The campaign was displayed 5.7 million times to the target audience and led to over 26,000 page views of the dedicated investment campaign page, where the investment prospectus was downloaded 270 times.



## Destination Adelaide Campaign – Phase 2

- Phase 2 of the ADL IS ON campaign that aimed to attract visitors to the city by promoting event and festivals in Adelaide concluded in quarter 1. Website traffic increased by 54% during the second phase. The campaign generated a total of 9,879 leads to city operators, a 61% increase compared to the average for July and August.



# ADL Fashion Week

- Throughout the quarter project management for ADL Fashion Week, including AFW feature event planning, advertising campaign management, retailer and event operator communications and monitoring ticket sales has been undertaken. An advertising campaign launched week commencing 11 September.



## Black Friday Campaign Development

- Council at its 29 November 2022 meeting resolved to *'request AEDA explore the option to implement a dedicated marketing campaign to draw more people in the City during the event (Adelaide 5000 / Black Friday) next year'*. Funding of this was endorsed through the Business Plan and Budget process. Throughout quarter one the Black Friday campaign has been in development stages, in partnership with an advertising agency to source and review data to inform and finalise the creative brief for the campaign.

# Co-operative Marketing Campaign with SATC

- Project management for co-operative marketing campaign with South Australian Tourism Commission, was undertaken throughout quarter 1 for preparation of the campaign launch in October. The purpose of the campaign is to leverage the state campaign 'Travel Our Way' with a strong focus on city tourism experiences and deliver leads to operators, measurable through ATDW. AEDA has been working closely with SATC to ensure city and state promotion is complimentary and investment is used effectively, and to ensure duplication is avoided.

# Meeting Incentive Conferences & Events (MICE)

- Page 70
- Meeting Incentive Conferences & Events (MICE) Project commenced with the development of 10 new tourism products and experiences suitable for large groups. This initiative was established to support Business Events Adelaide, who identified a gap of city-centric product available for incentive groups coming to South Australia.

# Tourism Partnership Campaign

- The results for the TripAdvisor and SATC Partnership campaign promoting travel to Adelaide to interstate and intrastate audiences in May and June 2023 have been finalised. The campaign achieved 1.7M impressions across all media with 10,000 clicks. Total revenue generated was AUD\$385,351 (\$60,302 hotels, \$325,049 experiences) with a total of 2,565 people booking either a hotel or experience.

# Business Support & Investment Attraction

- Discussions regarding new purpose-built student accommodation investments and support provided to indie game developer Paper Cactus Games to attend GamesCom
- The Mainstreet Development program grant guidelines were released
- AEDA were a finalist for Economic Development Australia's "Economic Development Strategic Thinking" for the Economic Dashboard project
- 272 Welcome to Adelaide bags that were distributed to: URPS, Big Ant Studios and RAA.

Page 72

## Sponsorship & Funding Programs

- Following a request of Council at the City Community Services and Culture Committee on 6 June 2023, AEDA developed a grant funding program including framework and assessment criteria to support organisations to provide additional activities on New Years Eve. Following endorsement by Council on 8 August 2023, the New Years Eve Activities and Event Fund for businesses opened for submissions late August. Eight applications were received, and applicants will be advised of the outcome in early quarter 2.
- The Games Plus Support Program accepted 16 successful applications
- The Strategic Partnership Program funding round aimed at Business Support opened and received 23 applications
- The Commercial Events Fund opened and received 19 applications

# Rundle Mall



## Welcome to Rundle Mall Packs

- Two new documents were created to provide a go-to guide with everything businesses need to know about Rundle Mall. Welcome to Rundle Mall is designed to help businesses new and existing uncover and rediscover the benefits of operating within the Rundle Mall Precinct, and what opportunities are available to them. The pack includes the Rundle Mall Security Guide which is a reference of who to call when incidents occur.
- 400 hard copies were distributed across the precinct with digital copies made available to over 1400 Rundle Mall business eDM subscribers.

Page 73

## Rundle Mall Foot Traffic & Expenditure

### July

#### Foot Traffic for July

Total Traffic\* | +23% July YoY

Passer-by Traffic\*\* | +23% July YoY

#### Retail Spend

\$118M

-1.9% on July 2022

#### Overall Spend

\$384M

+4.87% on July 2022

### August

#### Foot Traffic for August

Total Traffic\* | +10% August YoY

Passer-by Traffic\*\* | +4% August YoY

#### Retail Spend

\$114M

-0.3% on August 2022

#### Overall Spend

\$739M

+5% on August 2022

### September

#### Foot Traffic for September

Total Traffic\* | +7 September YoY

Passer-by Traffic\*\* | +1% September YoY

#### Retail Spend

\$120.15M

-0.9% on September 2022

#### Overall Spend

\$369.16M

+2.7% on September 2022



\* Total traffic describes the number of visitors to the main pedestrianised strip of Rundle Mall, each day. Total traffic is a relativistic score, to enable relative comparison. It is not an absolute measure of pedestrian traffic.

\*\* Passer-by describes the total number of sensors triggered by the visitors passing through the Mall. It is influenced by the amount of time visitors spend in the Mall and how much they move around. Passer-by traffic is a score, to enable relative comparison, and is not an absolute measure of traffic.



# Rundle Mall Activations

A range of Activations and Events took place in Rundle Mall designed to enhance brand positioning and drive economic outcomes for the Rundle Mall precinct:

- Illuminate Adelaide Trumpet Flowers - From Friday 7 to Sunday 23 July, visitors could wander amongst the towering flowers of the glowing garden when Illuminate Adelaide's Trumpet Flowers decorated the Gawler Place Canopy as part of their famous City Lights Trail
- Frida & Diego City Trail: La Casa Azul - Throughout Winter Frida Kahlo's home, La Casa Azul, a tribute to Frida's home, now a dedicated museum to the artist in Mexico came to life in Rundle Mall
- rebel 'Home of Football' pop up - rebel's 'Home of Football' activation which ran until Sunday 20 August, located in the Gawler Place intersection
- Gathered Market in the Mall - To support the new shop trading legislation for 9 am trade on Sundays, and to encourage visitation to Rundle Mall, AEDA has programmed artisan markets otherwise known as the Gathered Markets to activate the Mall on select Sundays
- Adelaide Youth Orchestra "The Big Busk 2023" - 23<sup>rd</sup> September 2023
- NAIDOC in the Mall – 4<sup>th</sup> July 2023
- FIFA Women's World Cup Trophy Tour – 3<sup>rd</sup> July 2023
- SANFL Grand Final Eve Presentation - 23<sup>rd</sup> September 2023



# Coming Up

What is happening from 1 October 2023 – 30 December 2023?

- ADL Fashion Week
- WellFest Adelaide
- Promoting the city during ADL500 (Black Friday campaign)
- Christmas in the Mall
- Black Friday in the Mall
- Pending announcements from Sponsorships/Funding Programs
- Data4Lunch

Page 78



[aedasa.com.au](http://aedasa.com.au)



# Kadaltilla

Adelaide Park Lands Authority

Quarterly Update  
July to September 2023

**Kadaltilla**  
Adelaide Park Lands Authority



# Core Responsibilities

## PURPOSE FOR WHICH THE AUTHORITY IS ESTABLISHED

The Council and the State Government of South Australia are committed to protecting and enhancing the Adelaide Park Lands for the benefit of all South Australians.

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

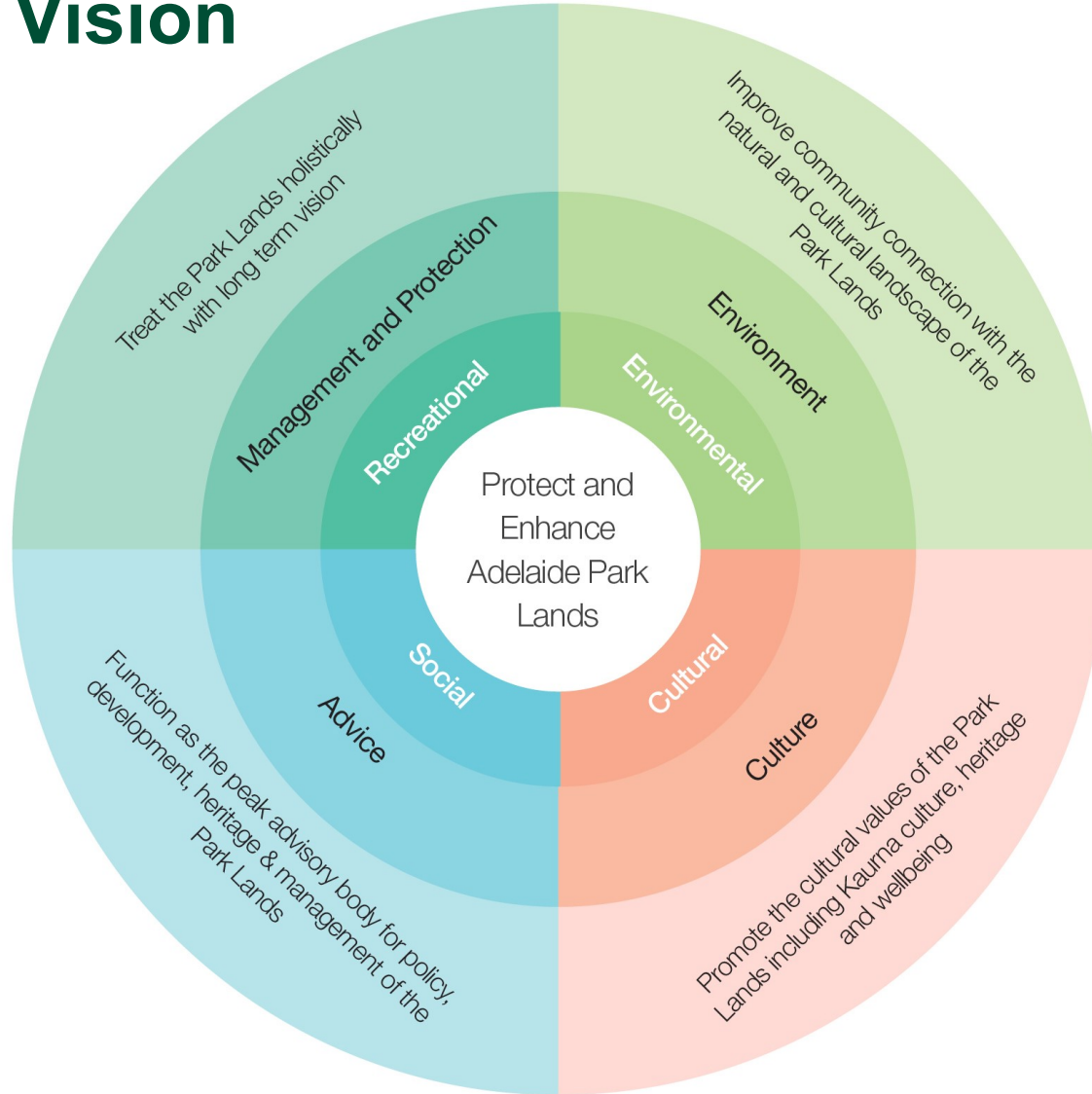
The Council, on behalf of the communities of the City of Adelaide and the State, is committed to ensuring that Kadaltilla delivers maximum benefit for the future of Adelaide's Park Lands as the City of Adelaide's defining feature.

In this context, Kadaltilla is established by Statute to undertake in accordance with the powers conferred by the APLA Charter, the Functions of Kadaltilla as set out in section 9 of the *Adelaide Park Lands Act 2005*.





# Vision



# Key Activities

## July to September 2023

- Delivered two Community Forum events, with the final two scheduled to occur in October 2023
- Undertook a Strategic Plan Workshop
- Embarked on a site tour of Bonython Park / Tulya Warldli (Park 27) with Minister Nick Champion and Brendan Hewitt
- Consult with the Minister for Planning to amend the Kadaltilla membership as per KYAC's request
  - Appointment of Tim Agius (as Member) and Allan Sumner (as Deputy Member)



# Key Activities

## July to September 2023

- Appointment of Elinor Walker as Member of the Board and Deputy Presiding Member following the resignation of Kirsteen Mackay
- Delivered the Kadaltila 2022/2023 Annual Report
- Delivered the Kadaltila 2022/2023 Strategic Plan Annual Review of Progress
- Continued the comprehensive review of Adelaide Park Lands Management Strategy 2015-2025 (APLMS), including:
  - Delivery of stage 2 working draft document
  - Delivery of stage 2 digital version working draft



# Strategic Plan 2020-2025

## Key Actions July to September 2023

### Culture

1.1 Make Kaurna culture intrinsic to everything we do

- Amended the Kadaltilla membership as per KYAC's request

1.4 Host an annual community forum

- Two annual community forums hosted in September 2023

1.5 Support the development of World Heritage listing nomination

- Included in the Kadaltilla Board Meeting agenda as a standing item
- Held A World Heritage Bid Strategic Session with the Board

### Environment

2.1 Define, protect, and enhance landscape values and design qualities

- An annual review of the business of the Board in achieving the key actions of the Kadaltilla Strategic Plan in the 2022/2023 FY summarised in the Kadaltilla Strategic Plan Annual Review of Progress

2.2 Provide advice in relation to tree canopy cover, biodiversity and environmental sustainability and improvements

- Advice of the Board in the 2022/2023 FY summarised in the Kadaltilla 2022/2023 Annual Report





# Strategic Plan 2020-2025

## Key Actions July to September 2023

### Management and Protection

3.1 Review and improve the Adelaide Park Lands Management Strategy 2015-2025 (APLMS) which includes prioritisation of projects

- Comprehensive review is ongoing

3.3 Review the City of Adelaide Community Land Management Plans and State Government Management Plans

- Reviewed the City of Adelaide Community Land Management Plans

### Advice

4.1 Provide advice on plans, projects, and policies for the Adelaide Park Lands

- Advice of Kadaltilla is endorsed and adopted

4.4 Strengthen Kadaltilla's engagement with City of Adelaide, State Government and adjoining Councils

- Appointment of a new State Government nominated Deputy Presiding Member



# Kadaltilla Advice to Council

## July to September 2023

- Noting of the Mini Golf proposal within Possum Park / Pirltawardli (Park 1) and expressing its concerns regarding material selection
- Endorsement of the consolidated Community Land Management Plan (CLMP) for the Adelaide Park Lands under the care, control and management of the City of Adelaide
- Authorisation for the Presiding Member to write to the Chief Executive Officer of the South Australian Motor Sport Board on behalf of Kadaltilla noting the consultation on the changes to the Declared Area and the Declared Period for the 2023 VAILO Adelaide 500 event, noting that no reasonable justification has been provided to the Board for the declaration change and 16,000sqm increase to the Declared Area, and strongly objecting to the removal of public access to the Quentin Kenihan Inclusive Playspace



# Kadaltilla Advice to Council July to September 2023

- Endorsement of the assessment of the Adelaide Aquatic Centre Redevelopment community consultation findings
- Adoption of the Annual Report for the 2022/2023 financial year
- Requested that the CPH Group provide the Kadaltilla Board with a higher level of design detail for the Rymill Park / Murlawirrapurka Kiosk addressing the Adelaide Park Lands Park Building Design Guidelines prior to the Board supporting the draft 21-year commercial Park Lands lease agreement
- Noting of the progress updates provided for financial year 2022/2023 of the Kadaltilla 2020-2025 Strategic Plan



# 2022-2023 Business Plan & Budget

## July to September 2023

### Performance Measures Addressed:

- Support for the development of a World Heritage listing nomination
- Kaurua culture is made intrinsic to everything we do
- A review of the Adelaide Park Lands Management Strategy is conducted which will include prioritisation of projects
- Hosted an annual community forum
- Kadaltilla is insured according to the requirements of the Local Government Mutual Liability Scheme
- Provided advice on plans, projects and policies for the Adelaide Park Lands
- A high level of knowledge and understanding of the Park Lands is developed amongst Members through regular site visits and briefings
- Utilisation of skills is maximised through effective meetings that foster dialogue and the development of shared thinking



# 2022-2023 Business Plan & Budget

## April to June 2023

### Performance Measures Addressed:

- Kadaltilla's Annual Report is prepared detailing achievement of the aims and objectives of the APLMS, Strategic Plan, and Business Plan and Budget
- The Adelaide Park Lands Fund is operational and monies are received and expended according to the provisions of Kadaltilla's Charter
- Received a State presentation on Park Lands planning and management related matters
- Advice of Kadaltilla is endorsed and adopted
- Kadaltilla makes appropriate use of available finances provided by Council
- Reviewed the City of Adelaide Community Land Management Plans
- Strengthen Kadaltilla's engagement with the State Government



# Budget Position

## July to September 2023

\$	Annual Budget	YTD Actual	YTD Budget
Income	\$253,360	\$23,365	\$63,340
Expenditure	\$253,360	\$23,365	\$63,340

- For 2023/2024, Kadaltilla's budget of \$253,360 includes:
  - Sitting Fees and Salary (Kadaltilla Advisor) of \$199,880
  - Operations (e.g. Marketing; community forum) of \$16,878
  - Insurance, Audit and Legal of \$21,602
  - Grants (Adelaide Park Lands Art Prize Sponsorship) of \$15,000
- Note that some planned activities (e.g. community forum) have been included in the YTD Budget even though they are scheduled to occur in Q2-4



# Upcoming Quarter

## Key Actions:

- Host two annual community forums in October 2023
- Embark on a Park Lands site tour with Board Members
- Finalise the updated Adelaide Park Lands Management Strategy (APLMS)
- Delivery of the Kadaltilla 2023-2028 Strategic Plan



# Upcoming Quarter

## Forward Report Schedule:

- Adelaide Park Lands Management Strategy (APLMS)
- Kadaltilla Strategic Plan 2023-2028
- National Heritage Management Plan for the Adelaide Park Lands and City Layout
- Blackfriars Priory School - Lease Agreement
- X5500 - Glen Osmond Road, Hutt Road and Park 17 Improvements
- Draft Victoria Park Master Plan Engagement Summary
- Ellis Park / Tampawardli (Park 24) Sports Facilities
- Adelaide Aquatic Centre Redevelopment
- Update on the World Heritage Listing for the Adelaide Park Lands and Rural Settlement Landscapes





# Thank You.



This report provides an update to our owner Councils and interested parties on the current financial performance of the Brown Hill and Keswick Creeks Stormwater Board, an overview of capital works projects, and recent activities of interest.

*Prepared by Peta Mantzarapis, Project Director*

### Financial Summary

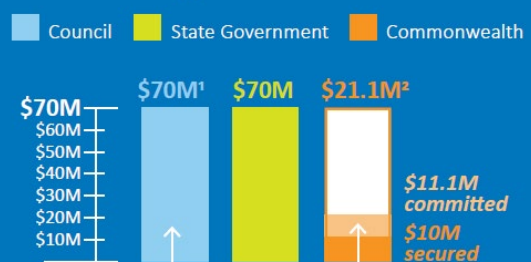
as at 31 August 2023

A funding shortfall exists as a result of the lack of Commonwealth Government contribution to the project. The Board is seeking to fill this shortfall through pursuit of opportunities to secure smaller grant funding injections and 'whole-of-project' funding from the Commonwealth Government.

Subsequent to preparation of the Project's Business Case in 2021/22, \$21.1m in funding has been committed by the Commonwealth Government across 3 grant programs:

- \$10m committed under the Preparing Australian Communities Program
- \$6.1m committed under the Disaster Ready Fund
- \$5m committed under the Urban Rivers and Catchments Program.

#### Current Funding Commitments



<sup>1</sup> City of West Torrens ongoing contribution to be reviewed in 2027/28.

<sup>2</sup> Commonwealth funding commitment includes \$6.1m under the Disaster Ready Fund and \$5m under the Urban Rivers and Catchments Program. Funding agreements have not yet been executed for these programs.

#### FY24 YTD Operating Summary

	Actual YTD	Budget YTD	Variance \$
Income	\$421,994	\$411,018	\$10,976
Expenses	(\$170,512)	(\$151,466)	(\$19,046)
<b>Net Surplus</b>	<b>\$251,482</b>	<b>\$259,552</b>	<b>(\$8,070)</b>
Depreciation	(\$28,087)	(\$28,088)	\$1

#### FY24 YTD Capital Income Summary

	Actual YTD	Budget YTD	Variance \$
Constituent Councils	\$2,000,000	\$2,000,000	\$0
SMA Funding	\$0	\$0	\$0
Federal Funding	\$0 <sup>1</sup>	\$0	\$0

<sup>1</sup>The Statement of Comprehensive Income shows Federal Funding of \$3,534,178 for July 2023. This is a reallocation of funds previously received but not yet spent in the 2022/23 financial year.

## Project Delivery

The Stormwater Management Plan outlines a whole of catchment flood mitigation strategy that comprises 4 stages:

### Stage 1 – Flood detention **(Complete)**

Detention storages in the upper catchment that will reduce the downstream flow rates.

### Stage 2 – Lower Brown Hill Creek **(In Progress)**

Upgrading the flow capacity of Lower Brown Hill Creek so that it can receive the diverted flows from Keswick Creek.

### Stage 3 – Flow Diversions **(On Hold)**

Diversion of flows from Keswick Creek to Brown Hill Creek before they can 'break-out' of the channel.

### Stage 4 – Upper Brown Hill Creek **(In Progress)**

Upgrading the flow capacity of Upper Brown Hill Creek and Glen Osmond Creek to prevent 'break-outs' and flooding of private property.

The Project has a funding shortfall which impacts on the ability for all remaining works to be delivered under the current funding model. Additional funding contributions are therefore required to ensure project completion.

While priority remains on securing additional project funding to 'fill the gap', the Board's current delivery schedule prioritises completion of Lower Brown Hill Creek upgrades and targeted priority areas within Upper Brown Hill Creek. The Keswick Creek Flow Diversions remain unfunded under the current funding model and delivery will be reliant upon an injection of project funding.

The Board continues to pursue new funding opportunities.

## Funding Applications

The Australian Government's **Disaster Ready Fund** will provide up to \$1 billion in funding over the next 5 years, with up to \$200m in funding available annually. The fund aims to build natural disaster resilience and risk reduction, with a focus on delivery of infrastructure projects and systemic risk reduction projects.

Two applications were submitted for funding under round 1 and both of these applications were successful:

1. \$3.7m in funding awarded to upgrade a 320 metre section of Upper Brown Hill Creek in Forestville. Delivery of this section will mark completion of the Area 1 upgrades of Upper Brown Hill Creek. Total project cost \$7.4m.
2. \$2.387m in funding awarded to upgrade a 230 metre section of Upper Brown Hill Creek in Hawthorn. The channel runs through private properties that were inundated in 2016 and remain vulnerable to flooding. Total project cost \$4.774m.

The Australian Government's **Urban Rivers and Catchments Program** is aimed at restoring the health of urban waterways for native plants and animals, and local communities. A commitment of \$4.93m has been made for delivery of works within key areas of public open space including Forestville Reserve, Orphanage Park and Betty Long Gardens.

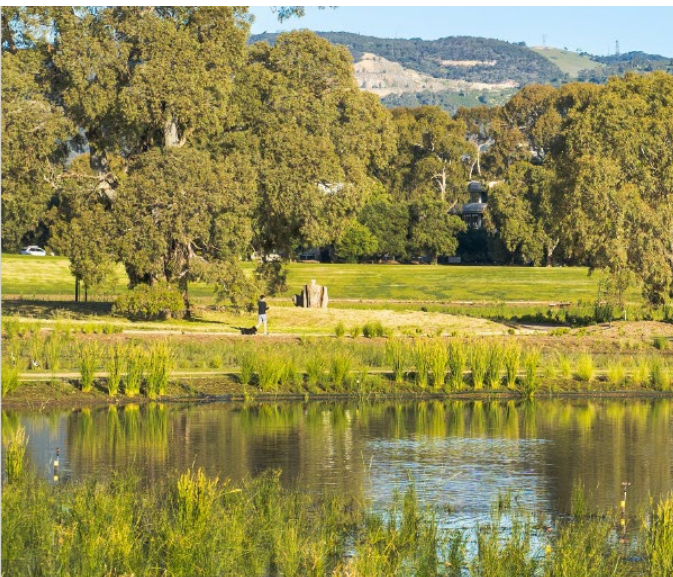
## 2022/23 Audit

Audit of the Board's 2022/23 financial statements have recently been completed with Dean Newbery appointed to conduct the audit. The Independent Auditor's Report confirms "In our opinion, the accompanying financial report presents fairly, in all material aspects, the financial position of the Authority as at 30 June 2023, and its financial performance and its cash flows for the year then ended in accordance with the Local Government Act 1999, Local Government (Financial Management) Regulations 2011 and the Australian Accounting Standards." The Board's audit and risk committee endorsed the audit process on 28 August 2023 and recommended adoption by the Board. The Board subsequently considered and adopted the audited financial statements on 12 September 2023.

# 2022/23 Annual Report

**Brown Hill and Keswick Creeks Stormwater Board**

*For the cities of Adelaide, Burnside, Mitcham, Unley and West Torrens*



## 2022/23 Annual Report

The Board's 2022/23 annual report has been prepared and was adopted by the Board on 12 September 2023.

The Annual Report provides a summary of the progress that has been made to date and is a good indication of the collaborative approach being taken to the delivery of flood mitigation works in a way that achieves significantly enhanced outcomes for the community.

## Completed Projects

The completion of works in the South Park Lands marks the finalisation of stage 1 of the project. Efforts are now focussed on delivering capacity upgrades in Lower Brown Hill Creek and targeted priority areas within Upper Brown Hill Creek. Projects that are now in the operational phase include:

### Stage 1 – Flood Detention

- Ridge Park Flood Control Dam (City of Unley responsibility)
- Glenside Detention Basin
- Victoria Park/ Pakapakanthi (Park 16) Wetland
- Blue Gum Park/ Kurangga (Park 20) Creek Works

### Stage 2 – Lower Brown Hill Creek Upgrades

- Lower Brown Hill Creek – Daly Street Bridge

### Stage 4 – Upper Brown Hill Creek Upgrades

- Upper Brown Hill Creek Diversion (Department for Infrastructure and Transport responsibility)
- Upper Brown Hill Creek Hawthorn Reserve
- Upper Brown Hill Creek, Area 1 Everard Park

## Lower Brown Hill Creek, Packages 1-3

Packages 1 to 3 of the Lower Brown Hill Creek Upgrade will involve doubling the flow capacity of a 1.7-kilometre-long section of channel beginning at the south-eastern corner of Adelaide Airport and ending at Birdwood Terrace. The channel is primarily situated within a 12-metre-wide reserve owned by City of West Torrens.

### Key Messages

Construction is set to resume on Package 1A - Keswick Creek to Watson Avenue channel upgrade and Package 1C – Watson Avenue Crossing Upgrade. An open tender is underway for Package 1B - Watson Avenue to Harvey Avenue channel upgrade and Package 1D – Harvey Avenue Crossing Upgrade, and the pre-construction planning and property access arrangements are advanced for those packages. Detailed design is underway for the remaining work packages. In partnership with the City of West Torrens, a stakeholder engagement strategy is being implemented which includes continued one-on-one engagement with property owners that are directly affected by the works, the distribution of print and online resources about the project and upcoming works, and a Community Information Session to be held on 26 October 2023 for all West Torrens residents in suburbs affected by flooding from the BHKC catchment.

### Recent Works and Focus Areas

June to August activities included:

- Watson Avenue / Beare Avenue intersection re-opened (Package 1C). Remaining construction activities for Package 1A and Package 1C placed on hold due to early onset of winter baseflows.
- Open tender for Packages 1B and 1D and industry briefing.
- One-on-one engagement with property owners that are directly affected by Packages 1B and 1D and establishment of Licence Agreements for property access.
- Detailed design of remaining work packages.

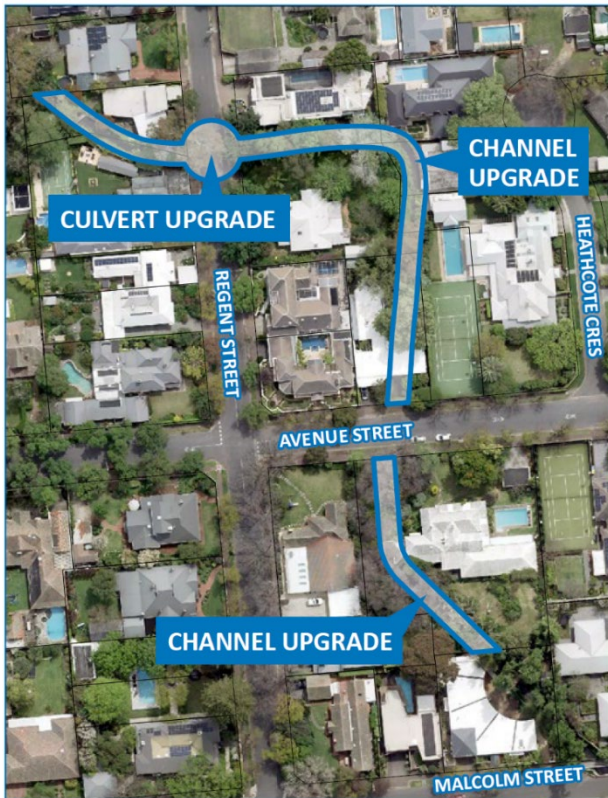
September and October activities will include:

- Resumption of construction activities for Package 1A and Package 1C. Tender evaluation and contract award for Packages 1B and 1D and industry briefing.
- Service relocations and commencement of culvert manufacture for Package 1D.
- Community Information Session.



## Upper Brown Hill Creek, Area 3 Millswood

This sub-project involves increasing the size and capacity of the section of Brown Hill Creek from just downstream of Regent Street to just upstream of Avenue Street Millswood, including upgrade of the Regent Street culvert. The creek passes through several privately owned properties and the project team have been engaging closely with owners over the course of the design development.



### Key Messages

Construction has recently resumed after works were placed on hold in July due to winter baseflows. The channel and culvert upgrades are expected to be completed by mid-December 2023, with some landscaping and private property reinstatement works to be completed in 2024 (timing to be agreed with the property owners).

### Recent Works and Focus Areas

June to August activities included:

- Near completion for construction of 15 Avenue Street – Channel Upgrades.
- Progression of construction for Avenue Street to Regent Street – Channel Upgrades until works were placed on hold due to baseflows in July.
- Execution of Licence Agreements with further owners which allows works to continue through these sites.
- Manufacturing of precast culverts.
- Regular liaison with the affected property owners regarding construction scheduling and site matters.

September and October activities will include:

- Complete the construction of 15 Avenue Street – Channel Upgrades.
- Continue construction of Avenue Street to Regent Street – Channel Upgrades.
- Road closure for Regent Street – Culvert Upgrades commencing late October (subject to weather).
- Continued liaison with the affected property owners regarding construction scheduling and site matters.

## AEDA Charter Amendments

Strategic Alignment - Enabling Priorities

Public

Tuesday, 21 November 2023  
City Finance and Governance  
Committee

**Program Contact:**  
Alana Martin, Manager  
Governance

**Approving Officer:**  
Michael Sedgman - Chief  
Operating Officer

## EXECUTIVE SUMMARY

Council at its 26 April 2023 meeting resolved that the Charters for both the Adelaide Economic Development Agency (AEDA) and the Adelaide Central Market Authority (ACMA) be internally reviewed for consistency where applicable.

A report on the findings of the internal review was presented to Council at its 26 September 2023 meeting at which Council resolved to defer consideration of the proposed changes to the AEDA Charter until the matter was discussed by the AEDA Board.

At its 27 October 2023 meeting the AEDA Board considered the findings of the internal governance review and approved the proposed amendments to the Charter.

If Council approves the proposed amendments to the AEDA Charter, in accordance with Schedule 2 of *the Local Government Act 1999* a copy of the amended Charter will be provided to the Minister for Local Government and the amended Charter will become effective from the date the notice of amendment is published in the Government Gazette.

Amendments are also sought to the AEDA Advisory Committee Terms of Reference for Council's approval. The AEDA Board endorsed the proposed amendments to the Terms of Reference at its 26 July 2023 meeting. Once approved the amended Terms of Reference will be provided to the AEDA Advisory Committee members and published on the AEDA website.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 28 November 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Notes the table of proposed amendments to the Charters of the Adelaide Central Market Authority and Adelaide Economic Development Agency as set out in Attachment A to Item 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023.
2. Notes that at its 26 September 2023 meeting Council endorsed the proposed changes to the Adelaide Central Market Authority Charter.
3. Approves the amendments to the Charter of the Adelaide Economic Development Agency as set out in Attachment B to 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023.
4. Authorises the Chief Executive Officer to make any necessary or desirable typographical or syntactical revisions to the amended Adelaide Economic Development Agency Charter as set out in Attachment B to Item 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023 before any notification of amendment is made in the Government Gazette. If any such revisions are made,

then it is the version as revised which will become the Charter upon publication in the Government Gazette.

5. Notes the amended Adelaide Economic Development Agency Charter will be provided to the Minister for Local Government.
  6. Notes the amended Adelaide Economic Development Agency Charter will be effective from the date the Charter is published in the Government Gazette.
  7. Approves the amended Terms of Reference for the Adelaide Economic Development Agency Advisory Committee as set out in Attachment C to Item 7.2 on the Agenda for the City Finance and Governance Committee held on 21 November 2023.
-



## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Amendments are proposed as arising from the internal governance review to standardise, where applicable, the Adelaide Economic Development Agency (AEDA) Charter [Link 1 view <a href="#">here</a> ] and the Adelaide Central Market Authority (ACMA) Charter [Link 2 view <a href="#">here</a> ]. Amendments are also proposed to the AEDA Advisory Committee Terms of Reference [Link 4 view <a href="#">here</a> ]
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Pursuant to Schedule 2, Part 1, Section 3 of the <i>Local Government Act 1999 (SA)</i> (the Act), a Council proposing to amend a charter of a subsidiary of Council must furnish a copy of the charter, as amended, to the Minister, ensure that a copy of the charter, as amended, is published on a website determined by the Chief Executive Officer and ensure that notice of the fact of the amendment and a website address at which the charter is available for inspection is published in the Government Gazette.
Opportunities	Not as a result of this report
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	AEDA operates under Section 42 of the Act until such time as Council resolves for a subsidiary to be wound up. Pursuant to Section 3(4) of Schedule 2 of the Act, a subsidiary charter may be reviewed by Council at any time. In accordance with clause 3.5.6.2 of the AEDA Charter, the Terms of Reference of the Advisory Committee will be approved by the Council.
23/24 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. Council at its meeting on 8 February 2022 approved amendments to the Charter of the Adelaide Economic Development Agency (AEDA) to:
  - 1.1. Simplify the long list of legacy Powers, Functions and Duties without detracting from the objects and purposes of the Agency
  - 1.2. Simplify the provisions relating to the prescription of the Membership of the Board to ensure flexibility to deal with a need for particular skill sets from time to time
  - 1.3. Provide greater clarity around the employment relationship for all staff.
2. The amended AEDA Charter [Link 1 view [here](#)] came into operation when it was published in the Government Gazette on 24 February 2022.
3. It is noted that BRM Advisory was engaged to review the ACMA Charter in 2021 and drafted the revised Charter for consideration by the ACMA Board and Council. Subsequently, BRM Advisory was engaged to review the AEDA Charter to ensure the AEDA Charter was consistent with the ACMA Charter.
4. Differences between the two Charters in clauses including the number of Council members on Board Member selection panels, limits to a number of terms served by Board Members, and who can appoint Board Members in the event of a vacancy during a term are as a result of Council decisions.
5. Council at its meeting on 26 April 2023 resolved: “That the Charters for both the Adelaide Economic Development Agency (AEDA) and Adelaide Central Market Authority (ACMA) be internally reviewed for consistency where applicable.”
6. Council at its 26 September 2023 meeting approved the proposed amendments to the ACMA Charter and in relation to the AEDA Charter’s proposed amendments, resolved “that the proposed changes to the Adelaide Economic Development Agency charter will be deferred until the matter is discussed by the Board of AEDA and Council”.

## Discussion

7. The internal governance review recognised there are a number of differences between the Charters that are specific to the relevant subsidiary. These differences include:
  - 7.1. Objects and Purposes
  - 7.2. Powers, Functions and Duties
  - 7.3. ACMA to establish a Traders Representation Committee and AEDA to establish an Advisory Committee and the relevant membership of each
  - 7.4. Funding of ACMA.
8. The review has also identified a number of differences between the ACMA and AEDA Charters including clarity of wording in different clauses, the different titles - General Manager and Managing Director - for the person appointed by the City of Adelaide to the role to manage the business of the subsidiary, governance matters relating to appointment of Board Members, delegations to the General Manager / Managing Director and Reporting.
9. Attachment A is a table outlining the differences in the current ACMA and AEDA Charters and proposed amendments to either the ACMA or AEDA Charters to ensure consistency. Key amendments include:
  - 9.1. Amending the AEDA Charter to have two Council Members on the Board Selection Panel to be consistent with ACMA
  - 9.2. Amending the ACMA Charter to set a limit of three consecutive terms for reappointment
  - 9.3. Amending the ACMA Charter to have casual vacancies appointed by Council not the Council’s CEO
  - 9.4. Amending the ACMA Charter to clarify that all employees of the Authority are employees of the City of Adelaide
  - 9.5. A new clause in each of the ACMA and AEDA Charters advising each Board will determine annually if Council Members can attend Board meetings as an observer
  - 9.6. Amending the title of the AEDA Managing Director to AEDA General Manager to be consistent with the ACMA General Manager.

10. The only governance clauses that are different between the ACMA and AEDA Charters if the proposed amendments are approved are:
  - 10.1. Clause 4.4.1 relating to the maximum number of Board Members which for ACMA is seven and for AEDA is nine.
  - 10.2. Clause 4.11.14.1 relating to quorum for meetings of each subsidiary. The ACMA Charter states the quorum is four Board Members. The AEDA Charter states the quorum is half the total number of Board Members plus one.

#### **Proposed changes specific to the AEDA Charter**

11. The internal review of the AEDA and ACMA Charters to ensure consistency where applicable between the two charters was undertaken at the same time that the external reviews of AEDA by Deloitte and KPMG were conducted.
12. The external reviews did not recommend any amendments to the AEDA Charter.
13. The proposed amendments to the current AEDA Charter are shown as tracked changes in [[Link 3 view here](#)].
14. The proposed amended AEDA Charter is shown as **Attachment B**. If approved by Council a copy of the amended Charter will be provided to the Minister for Local Government and notice of the amended Charter will be placed in the Government Gazette. A copy of the amended Charter will be made available on the AEDA website.
15. At the 27 October 2023 Board meeting the AEDA Board noted the findings of the internal governance review on the ACMA and AEDA Charters and approved the amendments of the AEDA Charter as set out in **Attachment B**.

#### **AEDA Board Consultation**

16. At its 27 October 2023 Board meeting, the AEDA Board considered the proposed amendments to the AEDA Charter as recommended by the internal governance review and confirmed they were supportive of the Charter amendments.
17. Given Residential Growth is a priority of the current Council and at various times has been discussed, including in the City Finance and Governance Committee meeting relating to the AEDA Reviews, the AEDA Board considered its role in Residential Growth and how it is referenced in the AEDA Charter.
  - 17.1. The AEDA Charter directly refers to residential growth in clause 2.4.1 that states *'the objects and purposes of the Agency are: 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'*. It is also mentioned within the *Powers, Functions and Duties* section of the Charter as per clause 3.1.2 that indicates a duty of the Agency is *'to position the City of Adelaide as an attractive investment opportunity for commercial and residential property development'*.
  - 17.2. The Board discussed residential growth and the role of AEDA in this area and noted that driving economic growth through residential growth was important given the work from home environment and the importance of positioning the city as a business and residential area to attract investment.
  - 17.3. The Board concluded that the City of Adelaide is the lead for residential growth in the city and AEDA should support residential growth by promoting the city via investment attraction and marketing, and subsequently agreed that no changes to the Charter were required in relation to Residential Growth.

#### **Proposed amendments to the AEDA Advisory Committee Terms of Reference**

18. The current Terms of Reference for the AEDA Advisory Committee [[Link 4 view here](#)] were last reviewed and approved by the AEDA Board and Council in February 2022.

19. Clause 4 of the Terms of Reference outlines the membership of the Advisory Committee, namely:  
 “A representative from the collective of the Precinct Groups within the City of Adelaide.  
 A small business representative.  
 Representatives from across the following sectors – education, retail, culture / arts, health / wellbeing, entrepreneur / space / cyber technology and youth.”
20. When the Terms of Reference were prepared in 2021, the identified sectors were an outcome of stakeholder consultation to be complimentary to the skills and knowledge of existing AEDA Board members at that time.
21. With the recent expiry in terms of office of three Board Members and appointment of new Board Members, the skills and knowledge mix of the AEDA Board has changed.
22. It is proposed that the AEDA Advisory Committee Terms of Reference state that the Committee members would be representatives from a broad range of sectors within the City of Adelaide and complimentary to the skills and knowledge on the AEDA Board.
23. It is also proposed that the membership of the Advisory Committee be amended from ‘consisting of eight members’ to consisting ‘of up to eight members’ to accommodate for situations such as a member resigning and the time needed to recruit.
24. In addition to the proposed amendment within the Membership clause, the following syntactical and typographical amendments are proposed:
  - 24.1. Clause 7.2 Advisory Committee Representative on the Advisory Committee should read Advisory Committee Representative on the AEDA Board.
  - 24.2. Clause 7.4 Quorum – Amending the quorum to five Committee Members to meet the requirement that ‘The quorum for any meeting is half the appointed Advisory Committee members plus one, rounded to the nearest whole number’.
  - 24.3. Update the Table of Contents.
25. The proposed amendments to the Terms of Reference were endorsed by the AEDA Board at its meeting on 25 July 2023.

**Next Steps**

26. Subject to Council’s approval of the proposed amendments to the AEDA Charter, a copy will be provided to the Minister for Local Government and notice of the amended Charter will be published in the Government Gazette and on the AEDA website.
27. Subject to Council’s approval of the proposed amendments to the AEDA Advisory Committee Terms of Reference, a copy will be provided to the AEDA Board and Advisory Committee members and published on the AEDA website.

## DATA AND SUPPORTING INFORMATION

**Link 1** – Charter of the Adelaide Economic Development Agency 2022

**Link 2** – Charter of the Adelaide Central Market Authority 2023

**Link 3** – Adelaide Economic Development Agency Charter with tracked changes amendments

**Link 4** – AEDA Advisory Committee Terms of Reference with tracked changes amendments

## ATTACHMENTS

**Attachment A** – Table of proposed amendments to the ACMA and AEDA Charters

**Attachment B** – Proposed amended Adelaide Economic Development Agency Charter

**Attachment C** – Proposed amended AEDA Advisory Committee Terms of Reference

- END OF REPORT -

**Comparison of ACMA Charter 4 August 2022 to AEDA Charter 24 February 2022**

Description	Charter Clause	ACMA	AEDA	Suggested Action	Explanation
Table of Contents	-	No	Yes	ACMA add Table of Contents	Quick reference to find specific clauses
Job title	Throughout Charter	General Manager	Managing Director	AEDA to replace job title with ACMA title of General Manager	Change will ensure consistency between ACMA and AEDA Charters
Name	Throughout Charter	Authority	Agency	No change	
Introduction	1.1	Authority	Subsidiary	ACMA to replace with Subsidiary	To reflect that ACMA is a subsidiary
About this Charter	2.3.3.2	<i>if the Act requires or permits a thing to be done, Board approval is given for that thing to be done;</i>	<i>if the Act requires a thing to be done, that thing must be done;</i>	AEDA to replace clause with ACMA wording	The amendment will provide clarity within the AEDA Charter
The Authority/Agency	2.3.8	<i>Nothing in this Charter shall be construed as limiting or altering the existence of any right or entitlement of the Council under the Act including under Schedule 2 of the Act.</i>	<i>Nothing in this Charter shall be construed as limiting or altering the existence of any right or entitlement of the Council under the Act.</i>	AEDA to replace clause with ACMA wording	This change will reflect the specific relevance of Schedule 2 of the Act
Objectives & Purposes	2.4	Market specific	AEDA specific	No change	
Powers, Functions & Duties	3.1	Market specific	AEDA specific	No change	
Delegations	3.4.4.1	Market specific - can't delegate power to impose charges	AEDA specific - can't delegate power to borrow money	No change	
Delegations	3.4.2	<i>The Authority may, in accordance with the Act and this Charter, delegate such of its powers, functions and duties under this Charter as it determines to:</i>	<i>The Authority may, in accordance with the Act and this Charter, delegate such of its powers, functions and duties vested or conferred under the Act or another Act, or the Charter to:</i>	AEDA to replace clause with ACMA wording	Change will provide consistency between ACMA and AEDA Charters
Delegations	3.4.4.3	<i>the power to approve the reimbursement of expenses or payment of remuneration fees to Board Members;</i>	<i>The power to approve the reimbursement of expenses or payment of remuneration fees or allowances to Board Members;</i>	ACMA to replace clause with AEDA wording	Change will provide consistency between ACMA and AEDA Charters
Committees	ACMA 3.5.5 / AEDA 3.5.6	Traders Representation Committee	Advisory Committee	No change	Clause is specific for each subsidiary
Appointment of Board Members	4.4.1	<i>The Board shall consist of a maximum of seven Board Members to be appointed by the Council following an expression of interest process as follows:</i>	<i>The Board shall consist of a maximum of nine Board Members to be appointed as follows:</i>	No change	Clause specific for each subsidiary
Appointment of Board Members	4.4.1.1	One Board Member must be a Council Member	One Board Member must be the Lord Mayor or an elected member nominated by the Lord Mayor	No change	Clause is specific for each subsidiary
Appointment of Board Members	ACMA 4.4.1.2 / AEDA 4.4.1.3	Board selection panel includes "two Council Members"	Board selection panel includes "three Council Members appointed by resolution of council"	AEDA to replace clause with ACMA wording	Decision of Council in February 2022 to retain 3 Council Members on the Selection Panel within the AEDA Charter and not change to 2 Members to be consistent with ACMA. Amending AEDA Charter to be consistent with ACMA Charter. Two Council Members on the Board selection panel will streamline the Selection Panel Activities
Appointment of Board Members	4.4.2	<i>The Board Members (non-members of the Council) shall be appointed for a maximum three year term as determined by the Council, provided that the Council shall endeavour that no more than half of the Board Members' terms of office expire in the same year.</i>	<i>The Board Members, other than the Advisory Committee representative who is appointed for a 12 month term, shall be appointed for a maximum three year term as determined by the Council, provided that the Council shall endeavour that no more than half of the Board Members' terms of office expire in the same year.</i>	AEDA to amend with inclusion of the words <i>or the Lord Mayor or elected member nominated by the Lord Mayor</i> after ... 12 month term,	Whilst wording of this clause is tailored to each subsidiary, the term of appointment of Board Members, outside of the listed exclusions, is consistent at the maximum of three years.
Appointment of Board Members	4.4.3	<i>Board members who are members of the Council shall be appointed for a maximum two-year term as determined by the Council.</i>	-	No change	

Appointment of Board Members	ACMA 4.4.4 / AEDA 4.4.3	<i>A Board Member is eligible for re-appointment at the expiration of their term of office</i>	<i>A Board Member is eligible to apply, through the expression of interest process, for re-appointment at the expiration of their term of office, for a maximum of three consecutive terms.</i>	ACMA to replace with AEDA wording which provides better explanation. Additional sentence requested by ACMA Board: <i>"The Board will make a recommendation to the Board Member selection panel on the extension of current Board Members based on the Board's existing skills and requirements."</i> to be included within both ACMA and AEDA clauses	When the ACMA Charter was amended in 2021, the limit on the number of terms that could be served was removed to allow the retention of talented and committed Board Members as required The ACMA Board at its meeting on 24 August 2023 requested additional sentence to be included at the end of this clause. This sentence to be included in the corresponding AEDA clause for consistency
Appointment of Board Members	ACMA 4.4.11 / AEDA 4.4.10	<i>If any vacancy occurs in the membership of the Board during a term, the Council's CEO can appoint a Board Member for the remainder of the term at their discretion</i>	<i>If any vacancy occurs in the membership of the Board during a term, the Council can appoint a Board Member for the remainder of the term at their discretion</i>	ACMA to replace clause with AEDA wording	Decision of Council in February 2022 to change AEDA Charter from CEO to appoint to Council can appoint. ACMA Charter to be updated with AEDA Charter wording for consistency.
Governance Issues for Members of the Board	4.10.3	The Authority must, in consultation with the Council's CEO or delegate, maintain relevant policies necessary for the effective management of the Authority and to meet the Authority's legislative obligations.	-	Delete	ACMA and AEDA currently utilises COA policies and procedures. Clause is not necessary.
Quorum and Voting	4.11.13	Quorum is four Board Members	Quorum is half of the total number of Board Members plus one	No change	
Minutes	4.13.2.2	<i>presented to the next ordinary meeting of the Board for confirmation.</i>	<i>presented to the next ordinary meeting of the Board for confirmation and adoption. The minutes must be provided to Council within two business days following the meeting at which they are confirmed and adopted.</i>	ACMA to replace clause with AEDA wording	
General Manager/Managing Director	AEDA 5.1.1	-	<i>All employees of the Agency are employees of the Adelaide City Council.</i>	ACMA to add AEDA wording	ACMA to replace with AEDA wording - which provides clarity of employment arrangements
General Manager/Managing Director	AEDA 5.2.2.5	-	<i>appointing, managing, suspending and dismissing employees engaged to perform work for the Agency;</i>	ACMA to add AEDA wording	ACMA to replace with AEDA wording - which provides clarity of employment arrangements
General Manager/Managing Director	AEDA 5.2.2.6	-	<i>determining the conditions of employment of employees engaged to perform work for the Agency within the Budget;</i>	ACMA to add AEDA wording	ACMA to replace with AEDA wording - which provides clarity of employment arrangements
Delegation by the GM/MD	AEDA 5.3.3	-	<i>Where a power or function is delegated to an employee, the employee is responsible to the Managing Director for the efficient and effective exercise or performance of that power or function.</i>	ACMA to add AEDA wording as new clause 5.3.3	
Delegation by the GM/MD	ACMA 5.3.3 / AEDA 5.3.4	<i>Where a power or function is delegated to an employee seconded to the Authority or an employee for the time being occupying a particular office or position, that person is then responsible to the ACMA General Manager for the efficient and effective exercise of performance of that power or function.</i>	<i>Where a power or function is delegated to an employee seconded to the Agency or an employee for the time being occupying a particular office or position, that person is then responsible for the Managing Director for the efficient and effective exercise or performance of that power or function.</i>	These clauses to be deleted from both ACMA and AEDA Charters	Clause 5.1.1 in the AEDA Charter provides clarity around the employees of the Agency and has been added to the ACMA Charter. In addition, clause 5.3.3 / 5.3.4 is a duplication of clause 5.3.2 / 5.3.3
Delegation by the GM/MD	AEDA 5.3.6	-	<i>The Managing Director shall provide a report on his/her activities to the Agency at every Board meeting.</i>	ACMA to add AEDA wording	
Annual Business Plan and Budget	ACMA 6.2.1	Market specific	-	No change	

Reporting	6.3.1	<i>The Authority must submit to the Council by 30 September in each year a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Strategic Plan and Annual Business Plan and Budget and incorporating the audited financial statements of the Authority and any other information or reports required by the Council or the Council's CEO.</i>	<i>The Agency must submit to the Council by 30 September in each year a report, in respect of the immediately preceding Financial Year, on the work and operations of the Agency detailing achievement of the aims and objectives of its Strategic Plan and Annual Business Plan and Budget and incorporating the audited financial statements of the Agency and any other information or reports required by the Council or the Council's CEO.</i>	ACMA to add AEDA wording	The amendment for the ACMA Charter will explicitly state the period for which the reporting relates
Borrowings and Expenditure	ACMA 6.6 / AEDA 6.6.2	Market does not have the power to borrow	AEDA has the power to borrow money	No change - specific power for AEDA	
Winding Up	ACMA 7.2.2.2	Market specific Headlease	-	No change	
Common Seal	7.3.3	Common Seal can be witnessed by the Chairperson or the Deputy Chairperson	Common Seal can be witnessed by the Chairperson or Deputy Chairperson and Managing Director	ACMA charter updated to reflect AEDA wording	Common practice is to have Chair and Executive witness common seal
Principal Office	7.4	Market specific	AEDA specific	No change	
Performance and Accountability of Authority	9.2	<i>If the Council or Council's CEO is of the view that the Authority and/or Board is not performing its duties the Council's CEO shall be entitled to provide a notice in writing to the Board</i>	<i>If the Council or Council's CEO is of the view that either the Agency and/or Board is not performing its duties the Council's CEO shall be entitled to provide a notice in writing to the Agency</i>	ACMA and AEDA Charters updated to allow the notice to be delivered in writing to the Agency or the Board.	
Appointment of Board Members	ACMA 4.4.4 / AEDA 4.4.3	<i>A Board Member is eligible to apply through the expression of interest process, for re-appointment at the expiration of their term of office, for a maximum of three consecutive terms.</i>	<i>A Board Member is eligible to apply, through the expression of interest process, for re-appointment at the expiration of their term of office, for a maximum of three consecutive terms.</i>	Include a further sentence at the end of this clause in both the ACMA and AEDA Charters that reads: <i>The Board will make a recommendation to the Board Member selection panel on the extension of current Board Members based on the Board's existing skills and requirements.</i>	The additional sentence at the end of this clause has been recommended by the ACMA Board. The inclusion of the sentence within the AEDA Charter will ensure consistency between both Charters
Appointment of Board Members	ACMA 4.4.1.2 (a) (b) / AEDA 4.4.1.3 (a) (b)	... Board Member selection panel comprising the Council's CEO, Council's senior manager in charge of human resources, ...	... Board Member selection panel comprising the Council's CEO, Council's senior manager in charge of human resources, ...	After the words Council's CEO, include in the words 'or delegate'	This will allow the opportunity for the Council's CEO to delegate their responsibility to another member of the Council's Executive Team
Casual Vacancies	New Clause	New Clause 1.2.9 A Casual Vacancy means when a Board Member vacates their office	New Clause 1.2.8 A Casual Vacancy means when a Board Member vacates their office	Inclusion of Casual Vacancy definition	A new definition of casual vacancy has been determined and included in both Charters to assist ease of understanding and consistency.
Casual Vacancies	New Clause	New Clause 4.4.12 The appointment to fill a casual vacancy is not taken to be a period served in accordance with clause 4.4.4	New Clause 4.4.11 The appointment to fill a casual vacancy is not taken to be a period served in accordance with clause 4.4.3.	Inclusion of explanation of Casual Vacancy	The inclusion of this clause to both Charters clarifies that any appointment to fill a vacancy is not taken to fill a period served.
Meetings of the Board	New Clause	New Clause 4.11.13 At the first meeting of the Board held after the Annual General Meeting each year, the Board will determine if Council Members, excluding the Council Member appointed by Council as per clause 4.4.1.1, can attend ACMA Board meetings as an observer.	New Clause 4.11.13 At the first meeting of the Board held after the Annual General Meeting each year, the Board will determine if Council Members, excluding the Lord Mayor or an elected member nominated by the Lord Mayor as per clause 4.4.1.1, can attend AEDA Board meetings as an observer.	This new clause would formally address the request Council Members may make to observe subsidiary Board meetings	This will enable each Board to determine if Council Members, in addition to the nominated representative of Council, can attend board meetings in an observer capacity

## THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

CITY OF ADELAIDE  
LOCAL GOVERNMENT ACT 1999  
*Adelaide Economic Development Agency Charter 2023*

The City of Adelaide has resolved to amend the Charter for the Adelaide Economic Development Agency subsidiary, established pursuant to Section 42 of the *Local Government Act 1999*.

Pursuant to Clause 3(5)(c) of Schedule 2 of the *Local Government Act 1999*, the Charter of the Adelaide Economic Development Agency, as amended is set out below.

Dated: (date published in Government Gazette)

CLARE MOCKLER  
Chief Executive Officer

ADELAIDE ECONOMIC DEVELOPMENT AGENCY  
*Charter—2023*

**Table of Contents**

**1. INTRODUCTION**

- 1.1 Name of Subsidiary
- 1.2 Dictionary
- 1.3 Interpretation

**2. THE AGENCY**

- 2.1 Establishment
- 2.2 Corporate Status
- 2.3 About this Charter
- 2.4 Objects and Purposes
- 2.5 Property
- 2.6 National Competition Policy

**3. POWERS, FUNCTIONS AND DUTIES**

- 3.4 Delegations
- 3.5 Committees

**4. BOARD OF MANAGEMENT**

- 4.1 Role of Board
- 4.2 Functions of the Board
- 4.3 Membership of the Board
- 4.4 Appointment of Board Members
- 4.5 Removal of Board Members
- 4.6 Vacation of the Office of Board Member
- 4.7 Remuneration and Expenses of Board Members
- 4.8 Register of Interests
- 4.9 Saving Provision
- 4.10 Governance Issues for Members of the Board
- 4.11 Meetings of the Board
- 4.12 Special Meeting
- 4.13 Minutes
- 4.14 Annual General Meeting
- 4.15 Board Annual Performance Review

**5. AEDA GENERAL MANAGER**

- 5.1 Appointment of General Manager
- 5.2 Duties and Powers of the General Manager
- 5.3 Delegation by the General Manager

**6. MANAGEMENT**

- 6.1 Strategic Management Plans
- 6.2 Annual Business Plan and Budget
- 6.3 Reporting
- 6.4 Financial Management
- 6.5 Audit
- 6.6 Borrowings and Expenditure

**7. MISCELLANEOUS**

- 7.1 Insurance
- 7.2 Winding Up
- 7.3 Common Seal
- 7.4 Principal Office
- 7.5 Service of Documents



7.6 Access to Information/Records

**8. CIRCUMSTANCES NOT PROVIDED FOR**

**9. PERFORMANCE AND ACCOUNTABILITY OF SUBSIDIARY**

## 1. INTRODUCTION

### 1.1 *Name of Subsidiary*

The name of the subsidiary is the Adelaide Economic Development Agency.

### 1.2 *Dictionary*

In this Charter:

- 1.2.1 **Act** means the *Local Government Act 1999* and all relevant Regulations made thereunder;
- 1.2.2 **Adelaide City Council** means the Corporation of the City of Adelaide;
- 1.2.3 **Agency** means the Adelaide Economic Development Agency established as a single Council Subsidiary pursuant to Section 42 of the Act;
- 1.2.4 **Board** means the Board of Management of the Agency established under this Charter;
- 1.2.5 **Board Member** means a member of the Board;
- 1.2.6 **Budget** means the annual budget adopted by the Agency and approved by Council;
- 1.2.7 **Annual Business Plan** means the annual business plan adopted by the Agency and approved by Council;
- 1.2.8 **Casual Vacancy** means when a Board Member vacates their office;
- 1.2.9 **Chairperson** means the then current appointed Chairperson of the Board;
- 1.2.10 **Charter** means this Charter of the Agency prepared and adopted by the Council;
- 1.2.11 **City of Adelaide** means the area of the Adelaide City Council;
- 1.2.12 **Council** means the body corporate consisting of members appointed or elected to the council in accordance with the Local Government Act or the Local Government (Elections) Act 1999 (the elected body of the Corporation of the City of Adelaide);
- 1.2.13 **Council's CEO** means the person occupying the office of Chief Executive Officer of the Corporation of the City of Adelaide, or their delegate;
- 1.2.14 **Deliberative Vote** means a vote cast by each Board Member (including the Chairperson) for the purpose of deciding a matter under deliberation;
- 1.2.15 **Financial Year** means 1 July in each year to 30 June in the subsequent year;
- 1.2.16 **Gazette** means the South Australian Government Gazette;
- 1.2.17 **General Manager** means the Adelaide Economic Development Agency General Manager, the person appointed by the Corporation of the City of Adelaide to that role to manage the business of the Agency and the Board;
- 1.2.18 **Rundle Mall** means the precinct bordered by the North Side of Grenfell Street, West side of Pulteney Street, South Side of North Terrace and East Side of King William Street and the land in between, as shown in Annexure 1;
- 1.2.19 **Simple Majority** means a majority of those present and entitled to vote.

### 1.3 Interpretation

In this Charter:

- 1.3.1 the singular includes the plural and vice versa and words importing a gender include other genders;
- 1.3.2 words importing natural persons include corporations;
- 1.3.3 reference to a Section(s) is to a section of the Act and includes any section that substantially replaces that Section and deals with the same matter; and
- 1.3.4 headings are for ease of reference only and do not affect the construction of this Charter.

## 2. THE AGENCY

### 2.1 *Establishment*

- 2.1.1 The Agency is established as a single council subsidiary pursuant to Section 42 of the Act.
- 2.1.2 The establishment of the Agency does not derogate from the power of Council to act independently in relation to a matter within the jurisdiction of the Agency.

### 2.2 *Corporate Status*

The Agency is a body corporate under the Act and in all things acts through the Board which has the responsibility to manage the business and other affairs of the Agency ensuring that the Agency acts in accordance with the Act and this Charter.

### 2.3 *About this Charter*

- 2.3.1 This Charter is the charter of the Agency.
- 2.3.2 The Charter binds the Agency and the Council.
- 2.3.3 Despite any other provision in the Charter:
  - 2.3.3.1 if the Act prohibits a thing being done, the thing may not be done;
  - 2.3.3.2 if the Act requires or permits a thing to be done, Board approval is given for that thing to be done;
  - 2.3.3.3 if a provision of the Charter is, or becomes, inconsistent with the Act, that provision must be read down, or failing that severed from this Charter to the extent of the inconsistency.
- 2.3.4 The Charter may not be amended except by the Council passing a resolution in the same terms. An amendment is not effective unless and until a copy of the Charter, as amended, is published in the South Australian Government Gazette.

- 2.3.5 This Charter may be reviewed by the Council at any time and must in any event be reviewed at least once in every four years or whenever it is relevant to do so.
- 2.3.6 The Council's CEO has determined that a copy of the Charter must be published on the website of the Corporation of the City of Adelaide and the Agency.
- 2.3.7 This Charter must be read in conjunction with Schedule 2 to the Act. The Agency must conduct its affairs in accordance with Schedule 2 of the Act except as modified by this Charter as permitted by Schedule 2 of the Act.
- 2.3.8 Nothing in this Charter shall be construed as limiting or altering the existence of any right or entitlement of the Council under the Act including under Schedule 2 of the Act.

#### 2.4 *Objects and Purposes*

The objects and purposes of the Agency are:

- 2.4.1 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;
- 2.4.2 To promote the City of Adelaide as a destination and 'magnet city' and increase its visitation and use by residents, workers, visitors and the community in general;
- 2.4.3 To position the Rundle Mall as the State's premier retail and commercial shopping precinct in order to sustain retail, business and economic viability; and
- 2.4.4 To ensure that the Agency operates within the terms of this Charter and the Council's Strategic Plan.

#### 2.5 *Property*

- 2.5.1 All property held by the Agency is held by it on behalf of the Corporation of the City of Adelaide.
- 2.5.2 The Agency may acquire or dispose of or otherwise deal with chattels, plant and equipment provided that such dealing is consistent with and permitted in the Council approved Annual Business Plan and Budget, or is otherwise expressly approved in writing by the Council's CEO.

#### 2.6 *National Competition Policy*

The Agency must undertake any commercial activities which constitute a significant business activity in accordance with the principles of competitive neutrality.

### **3. POWERS, FUNCTIONS AND DUTIES**

- 3.1 Subject to the Charter the powers, functions and duties of the Agency are to be exercised in the performance of the Agency's objects and purposes. In addition to those specified in the Act, the Agency shall have the following powers, functions and duties:
  - 3.1.1 To work collaboratively with the State Government, strategic partners, peak bodies and key stakeholders and avoid duplication of effort in the delivery of its functions and duties;
  - 3.1.2 To position the City of Adelaide as an attractive investment opportunity for commercial and residential property development;
  - 3.1.3 To support the growth and development of existing businesses and attract new businesses, industries and entrepreneurs to establish in the City of Adelaide;
  - 3.1.4 To promote and market the City of Adelaide to local, interstate and international visitors and investors;
  - 3.1.5 To position and promote the City of Adelaide as Australia's premier festival and event destination with the aim of increasing visitation and investment;
  - 3.1.6 To attract and support growth of the visitor economy, including international students, festivals, events, conferences, conventions and exhibitions;
  - 3.1.7 To activate, promote and market the Rundle Mall;
  - 3.1.8 To promote and develop mainstreet precincts as commercial hubs of economic, cultural and social significance;
  - 3.1.9 To manage risks associated with the Objects and Purposes and to ensure that the Agency complies with all relevant legislative and compliance requirements including those expressed by the Council's CEO;
  - 3.1.10 To expend funds raised through the separate rate declared by the Council on rateable land in the Rundle Mall and provided to the Agency to directly support Rundle Mall;
  - 3.1.11 To, in the performance of its functions and in all of its plans, policies and activities, give due weight to economic, social and environmental considerations;
  - 3.1.12 To compromise, compound, abandon or settle a debt or claim owed to the Agency;
  - 3.1.13 To make submissions for and accept grants, subsidies and contributions to further the Agency's objects and purposes;
  - 3.1.14 With the prior approval of the Council, invest funds in accordance with the Act;
  - 3.1.15 Raise and retain funds to further the Agency's objects and purposes through sponsorship, grants, advertising, fees and charges;
  - 3.1.16 The power to accumulate surplus funds;
  - 3.1.17 To enter into any kind of contract, purchase, sell, lease, hire, rent or otherwise acquire or dispose of any chattel, plant or equipment for the Agency;
  - 3.1.18 To institute, initiate and carry on legal proceedings;
  - 3.1.19 To make recommendations to Council in relation to the maintenance and upgrade of the Rundle Mall's existing infrastructure and physical appearance to ensure it is maintained to a high standard;
  - 3.1.20 To do all things reasonably necessary or convenient for or incidental to the exercise performance or discharge of the Agency's powers, functions or duties;

- 3.1.21 To assess the contestability of contracts for Council services provided to the Agency; and
- 3.1.22 Exercise such other powers and functions as are expressly delegated to the Agency in writing by the Council and Council's CEO from time to time.
- 3.2 The Agency is not authorised to act outside the area of the City of Adelaide unless the prior express written approval of the Council is obtained.
- 3.3 To the extent that a matter arises concerning the Agency for which the Agency does not have an adopted policy (which policies must be consistent with those of the Corporation of the City of Adelaide) the Agency must comply with this Charter and with any and all adopted policies of the Council that exist in relation to that matter, except where the Council has resolved otherwise or where the Council policy provides otherwise.
- 3.4 *Delegations*
- 3.4.1 In accordance with and subject to the Act, the Council may delegate to the Agency a power or function vested or conferred on the Council under the Act or another Act.
- 3.4.2 The Agency may, in accordance with the Act and this Charter, delegate such of its powers, functions and duties under this Charter as it determines to:
- 3.4.2.1 A committee;
- 3.4.2.2 An employee of the Corporation of the City of Adelaide;
- 3.4.2.3 A person for the time being occupying a particular office or position within the Agency.
- 3.4.3 The Agency must adopt and regularly review a formal written policy which sets out those powers, functions and duties which are to be the subject of delegation including the terms and conditions of such delegation and the limits and restrictions on the exercise of the relevant powers, functions and duties delegated.
- 3.4.4 The Agency may not delegate:
- 3.4.4.1 The power to borrow money or obtain any other form of financial accommodation not being a drawdown of an approved overdraft facility;
- 3.4.4.2 The power to approve expenditure of money on the works, services or operations of the Agency not set out or included in a Budget;
- 3.4.4.3 The power to approve the reimbursement of expenses or payment of remuneration fees or allowances to Board Members;
- 3.4.4.4 The power to adopt the Budget;
- 3.4.4.5 The power to adopt or revise financial estimates and reports; and
- 3.4.4.6 The power to make any application or recommendation to a Minister.
- 3.4.5 A delegation by the Agency is:
- 3.4.5.1 subject to conditions and limitations determined by the Agency or specified by the regulations;
- 3.4.5.2 revocable at will and does not prevent the Agency from acting in a matter which has been delegated.
- 3.5 *Committees*
- 3.5.1 The Board may establish a committee of the Board for the purpose of:
- 3.5.1.1 enquiring into and reporting to the Board on any matter within the Agency's functions and powers and as detailed in the terms of reference given by the Board to the committee or;
- 3.5.1.2 exercising, performing or discharging delegated powers, functions or duties.
- 3.5.2 The Board may authorise the formation, terms of reference and membership for any committee (and any changes to the terms of reference or membership of any existing committee) in each case as it sees fit.
- 3.5.3 The Board may establish advisory committees consisting of or including persons who are not Board Members for enquiring into and reporting to the Board on any matter within the Agency's functions and powers and as detailed in the terms of reference which must be given by the Board to the advisory committee.
- 3.5.4 Any committee formed by the Board must conform to any resolution, regulations or policies that may be imposed by the Board in the exercise of the powers and functions delegated and entrusted to the committee.
- 3.5.5 The meetings and proceedings of any committee or advisory committee are governed by the provisions in this Charter for regulating meetings and proceedings of the Board so far as those provisions are applicable and not affected by any resolution, regulations or policies made by the Board under clauses 3.5.2 and 3.5.3.
- 3.5.6 Without limiting the powers of the Board with respect to the formation of committees the Agency will establish an Advisory Committee for enquiring into and reporting to the Agency on any matter within the Agency's functions and powers, including to provide a formal mechanism for city businesses, mainstreets, precincts and other stakeholders to provide advice to the Board and;
- 3.5.6.1 The membership of the Advisory Committee will be established by the Committee's Terms of Reference.
- 3.5.6.2 The Terms of Reference of the Advisory Committee will be approved by the Council.
- 3.5.6.3 The Advisory Committee representative Board Member will be appointed by the Board once every twelve months to reflect the skills and experience required on the Board from time to time.
- 3.5.7 The Chairperson is an ex-officio member of any committee or advisory committee established by the Board.

3.5.8 A member of a committee established by the Board holds office at the pleasure of the Board.

#### 4. BOARD OF MANAGEMENT

##### 4.1 *Role of Board*

The Agency is a body corporate and is governed by a Board of Management which has the responsibility to manage the business and other affairs of the Agency in accordance with this Charter, all relevant legislation and any delegations made to it. A decision of the Board is a decision of the Agency.

##### 4.2 *Functions of the Board*

In addition to the functions of the Board set out in the Act, the Board has the following functions, duties and powers:

- 4.2.1 formulating and observing strategic plans and strategies to achieve the objects and purposes of the Agency;
- 4.2.2 providing professional input and policy direction to the Agency;
- 4.2.3 provide input and support to the Council's CEO regarding monitoring, measuring and overseeing the performance of the General Manager;
- 4.2.4 ensuring that a code of conduct dealing with ethical behaviour and integrity is established and implemented in all business dealings of the Agency and Board Members;
- 4.2.5 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons;
- 4.2.6 ensuring that the Council's CEO is advised, as soon as practicable, of any material risk or situation that affects the financial or operating capacity of the Agency;
- 4.2.7 ensuring that all information furnished to the Council and the Council's CEO is accurate;
- 4.2.8 ensure that the Agency acts in a professional and ethical manner, ensuring integrity, transparency and accountability in its decision making, and preventing actual or perceived corruption, maladministration and misconduct; and
- 4.2.9 ensure that the activities of the Agency are conducted efficiently and effectively and that the assets of the Agency are properly managed and maintained.

##### 4.3 Membership of the Board

- 4.3.1 A Board Member appointed under clause 4.4 must be a natural person, but need not be an officer, employee or elected member of the Council.
- 4.3.2 It is intended that Board Members collectively have relevant experience and commercial acumen.

##### 4.4 Appointment of Board Members

4.4.1 The Board shall consist of a maximum of nine Board Members to be appointed as follows:

- 4.4.1.1 one Board Member must be the Lord Mayor of the Council or an elected member nominated by the Lord Mayor;
- 4.4.1.2 one Board Member must be a representative of the Advisory Committee established under this Charter; and
- 4.4.1.3 up to another seven Board Members must be appointed by the Council following an expression of interest process as follows:
  - (a) one Board Member with board leadership experience will be nominated by a Board Member selection panel, comprising the Council's CEO or delegate, the Council's senior manager in charge of human resources, and two Council Members appointed by resolution of Council, to be a Board Member and Chairperson; and
  - (b) up to six Board Members with an appropriate range of skills and experience, including at least three Board Members who are business owners within the City of Adelaide, with at least one being a small business owner, will be nominated by a Board Member selection panel comprising the Council's CEO or delegate, the Council's senior manager in charge of human resources, the Chairperson and three Council Members.
  - (c) all nominations pursuant to sub paragraphs (a) and (b) will be recommended to the Council by the Board Member selection panel, for Council endorsement.

4.4.2 The Board Members, other than the Advisory Committee representative who is appointed for a 12 month term, or the Lord Mayor or elected member nominated by the Lord Mayor, shall be appointed for a maximum three year term as determined by the Council, provided that the Council shall endeavour to ensure that no more than half the Board Members' terms of office expire in the same year.

4.4.3 A Board Member is eligible to apply, through the expression of interest process, for re-appointment at the expiration of their term of office, for a maximum of three consecutive terms. The Board will make a recommendation to the Board Member selection panel on the extension of current Board Members based on the Board's existing skills and requirements.

4.4.4 The Council's CEO must give to the Agency a written notice of appointment, termination, or revocation of appointment of a Board Member.

4.4.5 Each Board Member must give to the Council's CEO a signed written acceptance to act as a Board Member.

4.4.6 The Board will appoint a Board Member, other than the Chairperson, to be the Deputy Chairperson and will notify the Council's CEO of this appointment.

4.4.7 The Chairperson shall preside at all meetings of the Board and in the event of the Chairperson being absent from a meeting the Deputy Chairperson shall preside and in the event of both the Chairperson and the Deputy Chairperson being absent from a meeting the Board Members present shall appoint a

- Board Member from amongst them who shall preside for that meeting or until the Chairperson or the Deputy Chairperson is present.
- 4.4.8 In the event that the Chairperson:
- 4.4.8.1 resigns; or
  - 4.4.8.2 is removed from office by the Council; or
  - 4.4.8.3 is no longer eligible to act as a Board Member,
- then the Deputy Chairperson shall act in that office or, in the event of the Deputy Chairperson refusing or being unable to act as Chairperson, the Board shall appoint from amongst the Board Members a Chairperson who shall hold office as Chairperson until a Chairperson has been appointed by the Council whereupon the person so appointed will hold office for the duration of the original appointment or such other term as determined by the Council and permitted by this Charter.
- 4.4.9 The Chairperson and the Deputy Chairperson are eligible to apply for re-appointment at the expiration of their term of office in accordance with clause 4.4.1.
- 4.4.10 If any vacancy of Council appointed Board Members occurs in the membership of the Board during a term, Council can appoint a Board Member for the remainder of the term at their discretion in accordance with clause 4.4.1.3.
- 4.4.11 The appointment to fill a casual vacancy is not taken to be a period served in accordance with clause 4.4.3.
- 4.5 *Removal of Board Members*
- 4.5.1 Neither the Agency nor the Board may remove a Board Member.
- 4.5.2 The Council may remove a Board Member from office by giving to the Agency and the Board Member a written notice of removal of the Board Member.
- 4.5.3 The Council's CEO may remove a Board Member who is absent, without leave of the Board, from three consecutive ordinary meetings of the Board.
- 4.5.4 The Council may remove a Board Member, either of its own volition or upon recommendation of the Board passed by a two thirds majority vote of the Board Members present (excluding the Board Member subject to this Clause 4.5.4) for:
- 4.5.4.1 any behaviour of the Board Member which, in the opinion of the Board or the Council amounts to impropriety;
  - 4.5.4.2 serious neglect of duty in attending to the responsibilities of a Board Member;
  - 4.5.4.3 breach of fiduciary duty to the Agency or the Corporation of the City of Adelaide;
  - 4.5.4.4 breach of the duty of confidentiality to the Agency or the Adelaide City Council;
  - 4.5.4.5 breach of the propriety requirements of the Board; or
  - 4.5.4.6 any other behaviour which may discredit the Board, the Agency or the Adelaide City Council.
- 4.6 *Vacation of the Office of Board Member*
- 4.6.1 A person vacates office as a Board Member if and when:
- 4.6.1.1 Clause 4.5 requires;
  - 4.6.1.2 Schedule 2, Clause 4(3) of the Act requires or permits; or
  - 4.6.1.3 the person was, when appointed, an elected Member of the Council and ceases to be an elected Member of the Council.
- 4.6.2 A Board Member may retire from office at any time by giving notice to the Council and to the Board.
- 4.7 *Remuneration and Expenses of Board Members*
- 4.7.1 The Agency is entitled to pay appropriate remuneration fees to all Board Members as expressly approved by resolution of the Council.
- 4.7.2 All Board Members will receive from the Agency reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Agency and set out in a policy adopted by the Agency for the purposes of this clause.
- 4.7.3 Attendance of meetings as members of committees established by the Board can be remunerated subject to prior Council approval.
- 4.8 *Register of Interests*
- A Board Member is required to submit returns to the Agency under Chapter 5, Part 4, Division 2 of the Act.
- 4.9 *Saving Provision*
- 4.9.1 In accordance with Schedule 2, Clause 40 of the Act no act or proceeding of the Agency is invalid by reason of:
- 4.9.1.1 a vacancy or vacancies in the membership of the Board; or
  - 4.9.1.2 a defect in the appointment of a Board Member.
- 4.10 *Governance Issues for Members of the Board*
- 4.10.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if the Agency was a council and the Board Member was an elected member of a council.
- 4.10.2 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Chapter 5, Part 4, Division 1 of the Act and Schedule 2, Part 1, Clause 7 to the Act.

4.11 *Meetings of the Board*

- 4.11.1 Subject to Schedule 2, Clause 5 of the Act, the Board may determine its own procedures for meetings, which must be fair and contribute to free and open decision making.
- 4.11.2 An ordinary meeting of the Board must take place at such times and places as may be fixed by the Board from time to time and in any event not less than once per quarter.
- 4.11.3 A Board meeting must be held at a reasonable time and, if the meeting is to be held in person, at a reasonable place.
- 4.11.4 An ordinary meeting of the Board will constitute an ordinary meeting of the Agency. The Board shall administer the business of the ordinary meeting.
- 4.11.5 Telecommunications Meeting
- 4.11.5.1 For the purposes of this Clause 4.11.5 the contemporary linking together by telephone, audio-visual or other instantaneous means (telecommunications meeting) of a number of the Board Members, provided that at least a quorum is present, is deemed to constitute a meeting of the Board and is deemed attendance for those respective Board Members taking part.
- 4.11.5.2 Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the Board Members present.
- 4.11.5.3 At the commencement of the meeting each Board Member must announce their presence to all other Board Members taking part in the meeting.
- 4.11.5.4 A Board Member must not leave a telecommunications meeting by disconnecting their telephone, audio-visual or other communication equipment unless that Board Member has previously notified the Chairperson of the meeting.
- 4.11.6 Written Resolution
- 4.11.6.1 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the General Manager or otherwise giving written notice of their consent and setting out the terms of the resolution to the General Manager.
- 4.11.6.2 The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 4.11.7 Notice of ordinary meetings of the Board must be given by the General Manager to each Board Member not less than three clear business days prior to the holding of the meeting.
- 4.11.8 Notice of any meeting of the Board must:
- 4.11.8.1 be in writing; and
- 4.11.8.2 set out the date, time and place of the meeting; and
- 4.11.8.3 be issued by the General Manager; and
- 4.11.8.4 contain or be accompanied by the agenda for the meeting; and
- 4.11.8.5 be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- 4.11.9 The General Manager must maintain a record of all notices of meetings given to Board Members.
- 4.11.10 The Chairperson may convene urgent general meetings of the Board at the Chairperson's discretion.
- 4.11.11 The Chairperson shall convene other meetings of the Board as a general meeting may direct.
- 4.11.12 A majority of the Board Members present at a meeting of the Board may adjourn the meeting from time to time and from place to place.
- 4.11.13 At the first meeting of the Board held after the Annual General Meeting each year, the Board will determine if Council Members, excluding the Lord Mayor or an elected member nominated by the Lord Mayor as per clause 4.4.1.1, can attend AEDA Board meetings as an observer.
- 4.11.14 Quorum and Voting
- 4.11.14.1 The quorum for any meeting of the Board, including special meetings, is half the total number of Board Members plus one and no business may be transacted at a meeting of the Board unless a quorum is present.
- 4.11.14.2 Each Board Member present at a Board meeting has one vote on a question arising for decision at that meeting and, if the votes are equal, the Chairperson or other person presiding at the meeting may exercise a casting vote.
- 4.11.14.3 Subject to the Act and this Charter each Board Member validly present at a Board meeting must vote on a matter arising for decision at that meeting.
- 4.11.15 Subject to Clause 4.14 and to the absolute discretion of the Board to conduct any meeting or part of any meeting in public, meetings of the Board will not be conducted in a place open to the public and Chapter 6 Part 3 of the Act does not extend to the Agency.

4.12 *Special Meeting*

- 4.12.1 The Council or any Board Member may by e-mail request to the General Manager require a special meeting of the Board to be held.
- 4.12.2 On receipt of the request the General Manager shall issue a notice of the special meeting to all Board Members at least 24 hours prior to the commencement of the special meeting.
- 4.12.3 The request by any Board Member to the General Manager of the Agency requiring a special meeting to be held must be accompanied by the proposed agenda for the meeting and any written reports

intended to be considered at the meeting (and if the proposed agenda is not provided the request is of no effect).

4.13 *Minutes*

- 4.13.1 The General Manager must cause minutes to be kept of the proceedings at every meeting of the Board, including special meetings and the Annual General Meeting.
- 4.13.2 Other than the minutes of an Annual General Meeting which are dealt with in accordance with clause 4.14.6, for every meeting of the Board, including special meetings, the minutes must be:
  - 4.13.2.1 prepared and distributed to Board Members and the Council's CEO within five business days of the meeting to which they relate; and
  - 4.13.2.2 presented to the next ordinary meeting of the Board for confirmation and adoption. The minutes must be provided to Council within two business days following the meeting at which they are confirmed and adopted.
- 4.13.3 Where the General Manager is excluded from attendance at a meeting of the Board the person presiding at the meeting shall cause the minutes to be kept.

4.14 *Annual General Meeting*

- 4.14.1 An Annual General Meeting of the Board shall be held prior to November in each year at a place and time determined by a resolution of the Board.
- 4.14.2 Notice of the Annual General Meeting will be given by:
  - 4.14.2.1 placing a copy of the notice and agenda on public display at the principal office of the Agency and at the Adelaide City Council; and
  - 4.14.2.2 in such other manner as the General Manager considers appropriate.
- 4.14.3 The notice and agenda must be placed on public display for at least 14 clear days before the Annual General Meeting and must be available to the public:
  - 4.14.3.1 for inspection, without charge;
  - 4.14.3.2 by provision of a copy on the Agency's website; and
  - 4.14.3.3 on public display until completion of the Annual General Meeting.
- 4.14.4 A reasonable number of copies of the notice and agenda and any document or report supplied to Board Members for the Annual General Meeting must be available for members of the public at the meeting.
- 4.14.5 The Annual General Meeting will be conducted in a place open to the public and will consider and deal with business of a general nature aimed at reviewing the progress and direction of the Agency over the immediately preceding Financial Year and shall include the following:
  - 4.14.5.1 Chairperson's report;
  - 4.14.5.2 General Manager's report;
  - 4.14.5.3 the audited financial statements of the Agency for the previous Financial Year; and
  - 4.14.5.4 any other general business determined by the Board to be considered at the Annual General Meeting.
- 4.14.6 The minutes of the Annual General Meeting must be available to the public within five days of the Annual General Meeting for inspection or by provision of a copy on the Agency's website and presented to the next Annual General Meeting of the Board for confirmation.

4.15 *Board Annual Performance Review*

- 4.15.1 The Board of the Agency will undertake an annual performance evaluation of the Agency.
- 4.15.2 The Board will provide the Council with a report on the outcome of the annual performance review.

**5. AEDA GENERAL MANAGER**

5.1 *Appointment of General Manager*

- 5.1.1 All employees of the Agency are employees of the Adelaide City Council.
- 5.1.2 The Council's CEO will lead a selection panel to determine and undertake an expression of interest process to appoint a person to be the General Manager of the Agency, on terms and conditions determined by the Council's CEO, to manage the business of the Agency.
- 5.1.3 The selection panel members will be the Chairperson of the Agency, and the Council's CEO.
- 5.1.4 In the absence of the General Manager for any period, the Council CEO may, in consultation with the Chairperson, appoint a suitable person to act in a position of General Manager during the absence of the General Manager.

5.2 *Duties and Powers of the General Manager*

- 5.2.1 The General Manager is responsible for the day to day management of the Agency who will ensure that:
  - 5.2.1.1 sound business management practices are applied in the efficient and effective management of the operations of the Agency; and
  - 5.2.1.2 records are kept of the business and financial affairs of the Agency in accordance with this Charter in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment of the General Manager.
- 5.2.2 The duties, functions, responsibilities and authority of the General Manager will be specified in the terms and conditions of their appointment with the Adelaide City Council and will include:
  - 5.2.2.1 attending at all meetings of the Board unless excluded by resolution of the Board;
  - 5.2.2.2 inviting any person to attend at any meeting to act in an advisory capacity;



- 5.2.2.3 ensuring that the lawful decisions of the Board are implemented in a timely and efficient manner;
- 5.2.2.4 providing information to assist the Board to assess the Agency's performance against its strategic management plans and the Annual Business Plan and Budget;
- 5.2.2.5 appointing, managing, suspending and dismissing employees engaged to perform work for the Agency;
- 5.2.2.6 determining the conditions of employment of employees engaged to perform work for the Agency within the Budget;
- 5.2.2.7 providing advice and reports to the Agency and Board Members on the exercise and performance of its powers and functions under this Charter, the Act or any other legislation;
- 5.2.2.8 ensuring that the Agency is at all times complying with Schedule 2 of the Act;
- 5.2.2.9 ensuring that the Agency's Annual Report is prepared for approval by the Agency and distributed to Council in conformity with this Charter;
- 5.2.2.10 co-ordinating and initiating proposals for consideration of the Agency including, but not limited to, continuing improvement of the operations of the Agency;
- 5.2.2.11 ensuring that the assets and resources of the Agency are properly managed and maintained;
- 5.2.2.12 exercising, performing or discharging other powers, functions or duties conferred on the General Manager by or under the Act or any other Act and performing other functions lawfully directed by the Agency;
- 5.2.2.13 achieving financial outcomes in accordance with adopted plans and budgets of the Agency;
- 5.2.2.14 such other duties, functions, responsibilities and powers contained in this Charter or under the Act.

### 5.3 *Delegation by the General Manager*

- 5.3.1 The General Manager may delegate or sub-delegate to an employee seconded to the Agency (including an employee for the time being occupying a particular office or position), or a committee comprising employees seconded to the Agency, any power or function vested in the General Manager.
- 5.3.2 Any delegation or sub-delegation by the General Manager may be subject to any conditions or limitations as determined by the General Manager.
- 5.3.3 Where a power or function is delegated to an employee, the employee is responsible to the General Manager for the efficient and effective exercise or performance of that power or function.
- 5.3.4 The General Manager must keep a written record of all delegations and sub-delegations at all times.
- 5.3.5 The General Manager shall provide a report on his/her activities to the Agency at every Board meeting.

## 6. MANAGEMENT

### 6.1 *Strategic Management Plans*

- 6.1.1 The Agency must prepare the following strategic management plans:
  - 6.1.1.1 a Strategic Plan with an operational period of four years which sets out the goals, objectives, strategies, priorities and relevant key performance indicators of the Agency for the period; and
  - 6.1.1.2 a Long Term Financial Plan for a period of at least 10 years.
- 6.1.2 The Agency must ensure that the strategic management plans are aligned and consistent with the Council's current strategic management plans.
- 6.1.3 The Agency must review the Strategic Plan annually in consultation with the Council.

### 6.2 *Annual Business Plan and Budget*

- 6.2.1 The Agency must, before the end of June in each Financial Year, prepare an Annual Business Plan and Budget for the ensuing Financial Year in accordance with Act and Regulations.
- 6.2.2 The Annual Business Plan and Budget must be consistent with the Charter and the Strategic Plan and submitted to the Council for approval by a date nominated by the Council's CEO from time to time in accordance with Council's budgetary approval process.
- 6.2.3 Neither the Annual Business Plan nor the Budget shall be amended without reasonable consultation with the Council and the prior express written approval of the Council.
- 6.2.4 Reports summarising the financial position and performance of the Agency against the Annual Budget shall be prepared and presented to the Board no less than once in every three calendar months.

### 6.3 *Reporting*

- 6.3.1 The Agency must submit to the Council by 30 September in each year a report, in respect of the immediately preceding Financial Year, on the work and operations of the Agency detailing achievement of the aims and objectives of its Strategic Plan and Annual Business Plan and Budget and incorporating the audited Financial Statements of the Agency and any other information or reports as required by the Council or the Council's CEO.
- 6.3.2 Within 14 days of the end of each quarter the Agency must submit to the Council's CEO a quarterly report on progress against the strategic milestones and key performance indicators as outlined in the Strategic Plan and the Annual Business Plan and Budget.
- 6.3.3 The Agency shall submit to Council or the Council's CEO any other information or reports required by Council or the Council's CEO in a timeframe determined by Council or the Council's CEO.
- 6.3.4 The Chairperson and or the General Manager shall attend meetings of the Council or any Committee as requested.

6.4 *Financial Management*

- 6.4.1 The Adelaide City Council shall keep proper books of accounts on behalf of the Agency in accordance with the requirements of the Act and the *Local Government (Financial Management) Regulations 2011* (the Finance Regulations).
- 6.4.2 The Agency must review its Budget in accordance with the requirements of the Financial Regulations at least three times in each Financial Year at intervals of not less than three months between 30 September and 31 May (inclusive).
- 6.4.3 The Agency's books of account must be available for inspection by any Board Member or authorised representative of the Adelaide City Council at any reasonable time on request.
- 6.4.4 All payments made on account of the Agency must be authorised by the General Manager in accordance with delegated authority or by resolution of the Board.
- 6.4.5 The General Manager must act prudently in the handling of all financial transactions for the Agency and must provide quarterly financial and corporate reports to the Agency.

6.5 *Audit*

- 6.5.1 The Adelaide City Council's auditor will be the auditor of the Agency.
- 6.5.2 The Auditor will have the same powers and responsibilities as set out in the Act in relation to the Adelaide City Council.
- 6.5.3 The audit of the financial statements of the Agency, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Council.
- 6.5.4 The books of account and financial statements shall be audited at least once per year.
- 6.5.5 The Audit Committee of the Adelaide City Council will act as the Audit Committee of the Agency.

6.6 *Borrowings and Expenditure*

- 6.6.1 The Agency has the power to incur expenditure as follows:
  - 6.6.1.1 in accordance with a Budget of the Agency; or
  - 6.6.1.2 with the prior approval of the Council or the Council's CEO; or
  - 6.6.1.3 in accordance with the Act, and in respect of expenditure not contained in a Budget adopted by the Board for a purpose of genuine emergency or hardship.
- 6.6.2 Subject to Clause 6.6.3 the Agency has the power to borrow money as follows:
  - 6.6.2.1 in accordance with a budget adopted by the Board and approved by the Council; or
  - 6.6.2.2 with the prior approval of the Council.
- 6.6.3 Unless otherwise approved by the Council any and all borrowings taken out by the Agency must be from the Local Government Finance Authority of SA or a registered bank or financial institution within Australia.

**7. MISCELLANEOUS**

7.1 *Insurance*

- 7.1.1 The Agency shall be a member of the Local Government Association's Mutual Liability Scheme and the Agency must comply with the Rules of that Scheme unless expressly directed otherwise in writing by the Council's CEO.
- 7.1.2 The Agency shall advise the Council's CEO of its insurance needs so the Adelaide City Council can take out appropriate insurance cover on behalf of the Agency.

7.2 *Winding Up*

- 7.2.1 The Agency may be wound up by the Minister acting upon a resolution of the Council or by the Minister in accordance with Schedule 2, Part 1, Clause 16 (1) (b) of the Act.
- 7.2.2 In the event of a winding up of the Agency any surplus assets after payment of all expenses shall be returned to the Council prior to the passing of the resolution to wind up.

7.3 *Common Seal*

- 7.3.1 The Agency shall have a common seal upon which its corporate name shall appear in legible characters.
- 7.3.2 The common seal must not be used without the express authorisation of a resolution of the Board and every use of the common seal shall be recorded in the minute book of the Agency.
- 7.3.3 The affixing of the common seal shall be witnessed by the Chairperson or the Deputy Chairperson and the General Manager or such other person as the Agency may appoint for the purpose.
- 7.3.4 The common seal shall be kept in the custody of the General Manager or such other person as the Agency may from time to time decide.

7.4 *Principal Office*

The Agency's principal office is 25 Pirie Street, Adelaide or as the Agency may otherwise determine.

7.5 *Service of Documents*

- 7.5.1 A document to be given by the Agency to the Council or the Council's CEO or by the Council or the Council's CEO to the Agency may be given in a manner that Section 280 of the Act permits.
- 7.5.2 A written notice given by the Agency to the Council or the Council's CEO must be marked 'Attention: Chief Executive Officer'.

7.6 *Access to Information/Records*

- 7.6.1 As a matter of record Schedule 2, Clause 11 of the Act entitles Council or the Council's CEO to be furnished with information or records of the Agency.

7.6.2 The Council or the Council's CEO and a Board Member each have a right to inspect and take copies of the books and records of the Agency.

**8. CIRCUMSTANCES NOT PROVIDED FOR**

- 8.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions the Chairperson may decide the action to be taken to ensure achievement of the objects of the Agency and its effective administration.
- 8.2 The Chairperson shall report any such decision at the next ordinary meeting of the Agency and the Agency shall subsequently report any such decision to the Council at the next ordinary meeting of the Council.

**9. PERFORMANCE AND ACCOUNTABILITY OF SUBSIDIARY**

- 9.1 The Council and the Council's CEO shall be entitled on an ongoing basis to review the performance of the Agency and the Board in the conduct of their respective activities under this Charter.
- 9.2 Without limiting the Council's or the Council's CEO's powers under the Act, if at any time the Council or the Council's CEO is of the view that either the Agency and/or the Board is not performing its duties under this Charter the Council or the Council's CEO shall be entitled to provide a notice in writing to the Agency (Council Notice) identifying those matters in respect of the performance by the Agency and/or the Board of its duties under this Charter which are not satisfactory to the Council or the Council's CEO together with details of any corrective action which the Council or the Council's CEO requires the Agency and/or the Board to take in order to rectify the identified performance issues.
- 9.3 The Board shall within 30 days of receipt of the Council Notice provide a written response to the Council or the Council's CEO as to the matters raised in the Council Notice (Notice in Response) which shall identify any corrective action which the Agency and/or the Board intends to undertake in order to address the issues raised in the Council Notice.
- 9.4 If the Agency or the Board disputes any matters raised in the Council Notice then the Notice of Response must identify any matters in respect of which the Agency and/or the Board do not agree.
- 9.5 The Council's CEO and the Chairperson of the Board shall meet within 14 days of receipt by the Council or the Council's CEO of the Notice in Response to discuss the matters raised in the Council Notice and the Notice in Response.
- 9.6 Either:
  - 9.6.1 following the meeting between the Council's CEO and the Chairperson of the Board and having considered the matters raised in the Council Notice and the Notice of Response and the matters discussed between the Council's CEO and the Chairperson of the Board at their meeting; or
  - 9.6.2 if the Board does not provide a Notice in Response,  
the Council shall be entitled to take such further action (if any) as it determines with respect to the matters raised in the Council Notice which action may include, but shall not be limited to, the removal of the Board and the appointment of a replacement Board in accordance with the provisions of this Charter.

ANNEXURE 1





## **TERMS OF REFERENCE**

Adelaide Economic Development Agency Advisory Committee  
(approved by Council on XX)

## TABLE OF CONTENTS

---

1.	Introduction.....	2
2.	Name.....	2
3.	Purpose .....	2
4.	Membership.....	2
5.	Precinct Group Collective.....	3
6.	Appointment of Advisory Committee Members .....	3
7.	Operating Procedures.....	4
8.	Commencement .....	5

# Adelaide Economic Development Agency Advisory Committee

## Terms of Reference

### 1. Introduction

---

The Adelaide Economic Development Agency (AEDA) has been established as a subsidiary of the City of Adelaide under Section 42 of the *Local Government Act 1999* (SA). The AEDA Charter was first gazetted on 14 January 2021 and AEDA formally commenced on 18 January 2021.

AEDA's objects and purposes are:

- 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;
- To promote the city of Adelaide as a destination and 'magnet city' and increase its visitation and use by residents, workers, visitors and the community and general;
- To position the Rundle Mall as the State's premier retail and commercial shopping precinct in order to sustain retail, business and economic viability.

A requirement within the AEDA Charter is to establish an Advisory Committee, and that a member of the Advisory Committee will be a member of the AEDA Board.

These Terms of Reference set out the name, purpose, membership and operating procedures of the Adelaide Economic Development Agency Advisory Committee.

Council at its meeting on 27 January 2022 formally approved amendments to the Charter. The Terms of Reference have been amended to reflect changes in the AEDA Charter.

### 2. Name

---

The name is the Adelaide Economic Development Agency Advisory Committee (the Advisory Committee).

### 3. Purpose

---

Clause 3.5.6 of the AEDA Charter states that:

*"Without limiting the powers of the Board with respect to the formation of committees the Agency will establish an Advisory Committee for enquiring into and reporting to the Agency on any matter within the Agency's functions and powers, including to provide a formal mechanism for city businesses, mainstreets, precincts and other stakeholders to provide advice to the Board"*

### 4. Membership

---

Clause 3.5.6.1 of the AEDA Charter states:

*"The membership of the Advisory Committee will be established by the Committee's Terms of Reference."*

The Advisory Committee shall consist of eight members with a maximum of seven members to be appointed as follows:

- A representative from the collective of the Precinct Groups within the City of Adelaide.
- A small business representative.
- Representatives from a broad range of sectors within the City of Adelaide and complimentary to the skills and knowledge on the AEDA Board.
- All committee members are to:

- Be city based.
- Have extensive networks within their sector.
- Be strategic and solutions focussed with a collaborative, inclusive and evidence-based approach.
- Have qualifications related to their sector / services and demonstrated competence.

The eighth member of the Advisory Committee is in accordance with Clause 38.3 of the AEDA Charter, *“The Chair of the AEDA Board is an ex-officio member of the Advisory Committee.”*

## **5. Precinct Group Collective**

---

### **5.1 Criteria to define precinct groups**

Must either be:

- (1) Recognised by Council as a group eligible to receive funding through the Mainstreet Development Program; or
- (2) An incorporated body whose primary objective is to improve the business environment with a specific geographic area in the City of Adelaide and where least 75% of members have business interests within the specified geographic area.

Must have a constitutionally elected committee with an Annual General Meeting held in the past 12 months.

Must have a demonstrated track record of delivering activities that benefit their members and enhance the economic performance of their precincts.

If the precinct group has received funding from the City of Adelaide or Adelaide Economic Development Agency within the past two financial years, any acquittals and reports required must be up to date and have been provided to the City of Adelaide.

### **5.2 Choosing Representatives**

Each eligible Precinct Group to advise AEDA administration of their nominee to be considered by all eligible groups to be the representative.

AEDA administration will collate all nominations and provide to the President of each eligible group.

The precinct collective representative will be the nominee who receives the majority of first preferences of the votes received by a nominated date. Second preference votes will be used as a tiebreaker in the event the first preference votes are equal. The length of term of this appointment will be determined by the majority of the votes received.

AEDA administration will act as the returning officer for all votes. AEDA administration will be responsible for collating all votes and advising the Presidents of all eligible precinct groups of the nominee that received the most votes.

## **6. Appointment of Advisory Committee Members**

---

The Precinct Group collective will nominate their representative to the Advisory Committee and advise the Chair of the AEDA Board. The Precinct Group collective are to determine the term of office of this representative.

Expressions of interest will be sought from individuals with appropriate skills and experience in accord with the membership criteria as set out in Part 4 of these Terms of Reference.

The expressions of interest will be assessed by a panel comprising an independent Chair and two members of the AEDA Board, as determined by resolution of the Board.

The independent Chair for the assessment panel is the City of Adelaide’s Chief Executive Officer or nominee.

Candidates will be assessed against the selection criteria to determine a short list of candidates.

The assessment panel will present recommendations to the AEDA Board.

The AEDA Board will determine the membership and appointment of Advisory Committee members for a maximum three year term, having regard to the recommendations of the assessment panel.

The AEDA Board will ensure that no more than half of the Advisory Committee members' terms of office expire in the same year.

An Advisory Committee Member is eligible to apply for reappointment at the expiration of a term of office, for a maximum of three consecutive terms.

## **7. Operating Procedures**

---

### **7.1 Advisory Committee Chair**

The Chair of the Advisory Committee will be determined by the Advisory Committee members for a term of one year. In the event of more than one nomination a ballot will be held to determine the Chair of the Advisory Committee.

The Chair is eligible to re-nominate to be the Advisory Committee Chair at the expiration of the one year term of office for a maximum of three consecutive terms.

If the Chair of the Advisory Committee is absent from a meeting of the Advisory Committee, then the members attending the Advisory Committee meeting will appoint a chair for the purposes of that meeting.

### **7.2 Advisory Committee Representative on the AEDA Board**

Expressions of interest will be sought from the Advisory Committee members to be the Committee's representative on the AEDA Board.

In accordance with Clause 3.5.6.3 of the AEDA Charter, the AEDA Board will consider all expressions of interest taking account of the skills and knowledge of the current AEDA Board, and will appoint the Advisory Committee's representative on the AEDA Board for a period of 12 months.

### **7.3 Meetings**

The Advisory Committee will meet at least quarterly for approximately 1.5 hours. Meetings are to be scheduled at a time and day as agreed by the Advisory Committee members.

### **7.4 Quorum**

A quorum for any meeting of the Advisory Committee does not include the Chair of the AEDA Board who is an ex-officio member of the Advisory Committee.

The quorum for any meeting is half of the appointed Advisory Committee members plus one, rounded to the nearest whole number i.e. five Advisory Committee members.

### **7.5 Conflict of Interest**

All Advisory Committee members will always act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of due care and diligence. Any perceived or actual conflict should be declared and recorded within the minutes of the Advisory Committee meeting.

### **7.6 Remuneration**

Advisory Committee members will receive no remuneration, noting that the Advisory Committee representative on the AEDA Board will receive remuneration fees as a Board Member.

### **7.7 Administration**

Secretariat support will be provided to the Advisory Committee by AEDA.



## **8. Commencement**

---

In accordance with Clause 3.5.6.2 of the AEDA Charter, the Terms of Reference are to be approved by the Council and will be effective from the date when approved by Council.

## Prudential Management Policy

Strategic Alignment - Strong Economies

Public

Tuesday, 21 November 2023  
City Finance and Governance  
Committee

**Program Contact:**  
Anthony Spartalis, Manager  
Finance & Procurement

**Approving Officer:**  
Michael Sedgman - Chief  
Operating Officer

## EXECUTIVE SUMMARY

Section 48 of the *Local Government Act 1999* (SA) (the Act) requires that “a council must develop and maintain prudential management policies, practices and procedures for the assessment of projects”.

Following an internal legislative compliance review conducted in 2017, it was identified that Council did not have established policies, practices, or procedures in relation to its prudential management obligations.

A Prudential Management Policy was established and approved by Council in February 2018.

The policy requires a report be prepared for Council where the expected capital cost of a project over five years is likely to exceed \$4,000,000, the prudential report threshold. Under the recent Local Government Reforms, Council’s Audit Committee is now required to review any such report.

As required by Section 48(6d) of the Act, the \$4,000,000 prudential report threshold is to be indexed on 1 January of each year, starting 1 January 2011, and was last updated and adopted by Council in December 2021 (Link 1 view [here](#)).

The Prudential Management Policy (2023) (**Attachment A**) states the indexed prudential threshold as of 1 January 2024 will be **\$5,769,722.81**.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 28 November 2023 for consideration:

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL  
THAT COUNCIL

1. Adopts the updated Prudential Management Policy (2023) as per Attachment A to Item 7.3 on the Agenda for the City Finance and Governance held on 21 November 2023.
-

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Strong Economies</b> Compliance with the Prudential Management Policy (2023) may lead to further risk identification and opportunities for risk mitigation; and greater value for money outcomes.
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	Compliance with Section 48 of the <i>Local Government Act 1999</i> (SA).
Opportunities	Compliance with the policy may lead to further risk identification and opportunities for risk mitigation; and greater value for money outcomes.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 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
23/24 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 48 of the *Local Government Act 1999* (SA) (the Act) requires that “a council must develop and maintain prudential management policies, practices and procedures for the assessment of projects to ensure that the council:
  - 1.1. acts with due care, diligence, and foresight; and
  - 1.2. identifies and manages risks associated with a project; and
  - 1.3. makes informed decisions; and
  - 1.4. is accountable for the use of council and other public resources.”
2. Council has continued to comply with its prudential reporting requirements pursuant to Section 48 of the Act.
3. The recent Local Government Reforms saw a change to the Act whereby, under Section 126(4)(i), the Audit Committee is required to review any report obtained by the Council under section 48.

4. The purpose of a Prudential Report is to ensure the Council has the necessary information to enable an informed decision to be made on whether or not to proceed with a project.
5. A prudential report is required under the Act where the City of Adelaide (or its subsidiaries):
  - 5.1. engages in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership, or other similar body):
    - 5.1.1. where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
    - 5.1.2. where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed, excluding GST); or
    - 5.1.3. where the Council considers that it is necessary or appropriate.
  - 5.2. a report is not required in relation to:
    - 5.2.1. road construction or maintenance; or
    - 5.2.2. drainage works.
  - 5.3. The \$4,000,000 is set for 1 January each year, based on the preceding September CPI from the previous year.
  - 5.4. The indexed threshold as of 1 January 2024, referred to in paragraph 4.1.2 above, is **\$5,769,722.81**.

---

## DATA AND SUPPORTING INFORMATION

### Link 1 – Prudential Management Policy, endorsed by Council 14 Dec 2021

1. While the Australian Bureau of Statistics (ABS) is responsible for measuring and reporting inflation, the ABS website directs users to the Reserve Bank of Australia (RBA) Inflation Calculator.
2. The ABS website direction to visit the RBA website is at:  
<https://search.abs.gov.au/s/search.html?form=simple&collection=abs-search&query=inflation+calculator>
3. The RBA Inflation Calculator is at: <https://www.rba.gov.au/calculator/quarterDecimal.html>
4. The indexed amount from 1 January 2024 is \$5,769,722.81.

---

## ATTACHMENTS

### Attachment A - Prudential Management Policy (2023)

---

- END OF REPORT -

# PRUDENTIAL MANAGEMENT POLICY

November 2023

Legislative

## PURPOSE

The purpose of this policy is to ensure compliance with the City of Adelaide's legislative requirements and to outline the objectives of the City of Adelaide's prudential management practices and procedures for certain activities.

This policy is intended to apply to activities where the City of Adelaide (or its subsidiaries):

- (a) engage in any project (whether commercial or otherwise and including through a subsidiary or participation in a joint venture, trust, partnership or other similar body):
  - (i) where the expected operating expenses calculated on an accrual basis of the Council over the ensuing five years is likely to exceed 20 per cent of the Council's average annual operating expenses over the previous five financial years (as shown in the Council's financial statements); or
  - (ii) where the expected capital cost of the project over the ensuing five years is likely to exceed \$4,000,000.00 (indexed, excluding GST); or
  - (iii) where the Council considers that it is necessary or appropriate.

This policy is not intended to apply to activities in relation to:

- (a) road construction or maintenance; or
- (b) drainage works.

## Notes

- (a) the fact that a project is to be undertaken in stages does not limit the operation of this policy in relation to the project as a whole.
- (b) \$4,000,000.00 (indexed) means that that amount is to be adjusted for the purposes of this policy on 1 January of each year, starting on 1 January 2011, by multiplying the amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2009.

As of 1 January 2024, this indexed amount is \$5,769,722.81.

## STATEMENT

The City of Adelaide will ensure that it:

- (a) acts with due care, diligence and foresight; and
- (b) identifies and manages risks associated with a project; and
- (c) makes informed decisions; and
- (d) is accountable for the use of Council and other public resources, throughout its prudential management practices and procedures for certain activities.

Where the City of Adelaide is undertaking an activity for which this policy is intended to apply, the Council (elected members) must obtain and consider a report that addresses the prudential issues of the activity, including:

- (a) the relationship between the project and relevant strategic management plans;
- (b) the objectives of the development plan in the area where the project is to occur;
- (c) the expected contribution of the project to the economic development of the local area, the impact that the project may have on businesses carried on in the proximity and, if appropriate, how the project should be established in a way that ensures fair competition in the market place;
- (d) the level of consultation with the local community, including contact with persons who may be affected by the project and the representations that have been made by them, and the means by which the community can influence or contribute to the project or its outcomes;
- (e) if the project is intended to produce revenue, revenue projections and potential financial risks;
- (f) the recurrent and whole-of-life costs associated with the project including any costs arising out of proposed financial arrangements;
- (g) the financial viability of the project, and the short and longer term estimated net effect of the project on the financial position of the Council;
- (h) any risks associated with the project, and the steps that can be taken to manage, reduce or eliminate those risks (including by the provision of periodic reports to the chief executive officer and to the Council);
- (i) the most appropriate mechanisms or arrangements for carrying out the project;
- (j) if the project involves the sale or disposition of land, the valuation of the land by a qualified valuer under the *Land Valuers Act 1994*.

A report required pursuant to this policy must be prepared by a person whom the Council reasonably believes to be qualified to address the prudential issues set out in this policy. Engagement of the person to draft the report and facilitate its presentation to the Council is the responsibility of the project manager for the project the subject of the prudential report.

A report required pursuant to this policy must not be prepared by a person who has an interest in the relevant project (but may be prepared by a person who is an employee of the Council).

**Note:** refer to section 48, subsection 6 of the *Local Government Act 1999* (SA) for the purpose of identifying whether a person has an interest a project.

### **Application of this document**

The Council (elected members) must give reasonable consideration to a report prepared under this policy (and must not delegate the requirement to do so).

A report prepared pursuant to this policy must be available for public inspection at the principal office of the Council, once the Council has made a decision on the relevant project (and may be available at an earlier time unless the Council orders that the report be kept confidential until that time). However, the Council may take steps to

prevent the disclosure of specific information in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than the Council).

## OTHER USEFUL DOCUMENTS

### Related documents

- Nil

### Relevant legislation

- Section 48 of the *Local Government Act 1999* (SA)

## GLOSSARY

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

**Key word:** explanation

**Project:** a new and discrete undertaking or activity that would involve the expenditure of money, deployment of resources, incurring or assuming a liability, or accepting an asset

## ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **12 months** unless legislative or operational change occurs beforehand. The next review is required in **2024**.

### Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2018/13505	Council	27/02/2018	Decision ID#18298
ACC2021/173144			Updated as Policy identified out of date as per audit
ACC2023/153503	Council		Updated to align with current indexation amount and date references.

### Contact:

For further information contact the Finance & Procurement Program.

City of Adelaide  
25 Pirie ST, Adelaide, SA  
GPO Box 2252 ADELAIDE SA 5001  
+61 8 8203 7203  
city@cityofadelaide.com.au

## Public Transparency Policy

Strategic Alignment - Enabling Priorities

Public

Tuesday, 21 November 2023  
City Finance and Governance  
Committee

**Program Contact:**  
Alana Martin, Manager  
Governance

**Approving Officer:**  
Michael Sedgman - Chief  
Operating Officer

---

## EXECUTIVE SUMMARY

The purpose of the Public Transparency Policy is to align the City of Adelaide (CoA) with the objects of the *Local Government Act (SA) 1999* (the Act) to encourage the participation of the local community in the affairs of local government and ensure CoA's accountability to the community.

A Public Transparency Policy provides a clear public statement about the CoA's commitment to openness and its approach to using the confidentiality provisions in the Act. The policy sets out a clear direction for updating guidelines, procedures and practice.

The policy was developed as a result of an independent review of CoA's policies and procedures related to the use of Confidentiality Orders.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 28 November 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the Public Transparency Policy as contained in Attachment A to Item 7.4 on the Agenda for the meeting of City Finance and Governance Committee held on 21 November 2023.
  2. Authorises the Chief Executive Officer to make any minor editorial and formatting changes as required to finalise the Public Transparency Policy.
-



## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	This Policy is a new policy which has been created as a result of an independent review commissioned by the Administration
Consultation	An independent review was conducted by BRM Advisory and as part of this process, key CoA staff were consulted.
Resource	Not as result of this Policy
Risk / Legal / Legislative	This policy will align CoA with the objectives of the <i>Local Government Act (SA) 1999</i>
Opportunities	The Policy is presented in a format that is accessible to Council Members as well as members of the public
23/24 Budget Allocation	Not as result of this Policy
Proposed 24/25 Budget Allocation	Not as result of this Policy
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as result of this Policy
23/24 Budget Reconsideration (if applicable)	Not as result of this Policy
Ongoing Costs (eg maintenance cost)	Not as result of this Policy
Other Funding Sources	Not as result of this Policy

## DISCUSSION

1. The CoA engaged BRM Advisory to undertake an independent review of its policies and practices related to the use of Confidentiality Orders.
2. The review was completed in August 2023 and the findings presented to the Strategic Risk & Internal Audit (SRIA) Group in October 2023 and the Audit & Risk Committee meeting on 10 November 2023.
3. A recommendation resulting from the independent review was for CoA to adopt a Public Transparency Policy to guide decision making and practice.
4. A Public Transparency Policy will provide a clear public statement about CoA's commitment to openness and approach to using the confidentiality provisions in the Act. The Policy will set a clear direction for updating guidelines, procedures, and practice.
5. A draft Public Transparency Policy, tailored for the CoA, has been prepared and is provided as an attachment to this report. This Policy is not required under the Act in South Australia, but key elements have been drawn from Victoria where councils are required to adopt such a Policy (draft policy).
6. The draft Policy recognises that the responsible use of confidentiality is an important part of good governance and does not seek to unreasonably limit or fetter the appropriate application of the Act. The intent is to provide clear guidance on how CoA will balance the objectives of openness and transparency and restricting public access where necessary and appropriate.
7. In preparing the draft Policy, BRM Advisory had regard to the SA Ombudsman's 2012 'In the Public Eye' report ([Link 1](#)), guidance material provided to SA councils by the Local Government Association of South Australia and best practice in the sector. These documents still stand as the most current guidance.
8. Key elements of the draft policy are:

### **8.1. Public Interest Test**

- 8.1.1. The draft Policy sets out an overriding presumption towards openness, in accordance with the intent of the Act and the CoA direction to adopt a pro-disclose approach. In practice this means that matters where the public interest test is finely balanced, decisions should lean towards disclosure. It also means that the reasons for applying confidentiality should clearly establish that the harm or detriment expected to flow from disclosure would be real and significant, rather than a future theoretical harm or detriment.

### **8.2. Third Party Information**

- 8.2.1. The draft Policy recognises that confidential information provided by or relating to Third Parties can reasonably be expected to be kept in confidence when grounds under the Act can be established. It is important though, that the relevant tests under the Act are applied and that third parties understand CoA's obligations to release decisions and information in circumstances where the grounds for confidentiality under the Act cannot be established. The draft Policy establishes an expectation that CoA will take reasonable steps prior to entering into an agreement or contract to inform a third party of the type of information that will be released and when and how it will be released. Adopting this approach may require consequential amendments to CoA's policies and practices in areas such as procurement and leasing.

### **8.3. Accountability and Reporting**

- 8.3.1. The draft Policy recognises that CoA has obligations to report on the use of confidentiality provisions in its Annual Report. Guidance is provided on the performance metrics that should be adopted, such as reporting on the number of confidential decisions made as a percentage of total decisions. The SA Ombudsman has previously indicated that an appropriate benchmark for use of confidentiality is not more than 3-5% of total items of business.

### **8.4. Proactive Disclosure**

- 8.4.1. The draft Policy provides that CoA may routinely publish information on its website to proactively disclose information that could be or has been subject of a Freedom of Information Request.

## DATA AND SUPPORTING INFORMATION

[Link 1 – SA Ombudsman Report, “In the Public Eye” 2012](#)

---

## ATTACHMENTS

**Attachment A** – DRAFT Public Transparency Policy

---

- END OF REPORT -

# Public Transparency Policy

November 2023

Council

## PURPOSE

The purpose of this policy is to set out the commitment of the City of Adelaide (CoA) to provide public access to Council and Committee meetings and associated documents and establish a Policy that will guide why and how the CoA may use the provisions in the *Local Government Act 1999* (Act) to restrict public access where necessary and appropriate.

## OPERATION

Transparent decision making promotes a positive and productive relationship between the Council and the community. It allows the community to have a greater sense of ownership and connection to decisions made by the Council.

Transparent decision making in local government supports accountability, encourages high performance and also increases public confidence in councils and their processes and decisions. Individuals will not always agree with Council decisions, but transparency allows them to scrutinise and understand the reasoning in the decision-making process.

The following principles will be applied by Council Members and Council Officers in facilitating transparent decision making.

### Council and Committee Meetings

- The CoA will conduct all formal Council and Council Committee meetings in public and will provide public access to all documents considered at these meetings except where the strict circumstances outlined in the Act have been considered and it is determined necessary and appropriate for Council or Committee to order that the public be excluded [refer to Appendix 1 and 2].
- Meetings will only be closed to the public in circumstances where the Council or Committee is clearly satisfied that the need for confidentiality outweighs the principles of transparent decision making.
- The provisions of the Act that enable Council and Council Committees to receive, discuss or consider information in confidence are necessary for the maintenance of good governance. These provisions can and should be relied upon in the special circumstances where it is determined to be necessary and appropriate to order that the public be excluded.

### Public Interest Test

- In circumstances that require the Council or Committee to determine whether receiving, discussing or considering information in an open meeting would be, on balance, contrary to the public interest, the following principles will be applied:

- there is an overriding presumption towards public access to formal Council and Committee meetings and associated documents;
- the public interest considerations against public access are limited only to the grounds for confidentiality set out in Section 90(3) of the Act (Refer to Appendix 1);
- it must be clearly established and explained that the harm or detriment that would reasonably be expected to flow from public access is real and substantial;
- matters that are not relevant, such as potential for Council or the Committee to experience embarrassment, loss of confidence or adverse criticism as a result of public access, will be disregarded; and
- where the factors for and against public access are evenly balanced, public access should be allowed.

### **Council and Committee Reports**

- Where the Chief Executive Officer, in consultation with the Lord Mayor, believes that a matter should be considered in confidence, the nature of the matter and the reasons why it should be considered in confidence will be clearly stated on the agenda for the meeting which is made available to the public.
- Reports, recommendations and resolutions will be presented or framed, wherever possible, so that as much information as possible can be made available to the public.

### **Third Party Information**

- CoA is regularly provided with information from third parties of a commercial or confidential nature. It is reasonable and appropriate to expect that CoA will preserve the confidentiality of this information where permissible in accordance with the provisions of the Act.
- Prior to entering into a contract or agreement with a third party, CoA will take reasonable steps to inform the third party of the type of information that will be released and when and how it will be released.
- Use or disclosure of personal information that is not confidential for the purposes of the Act will be in accordance with the CoA Privacy Policy.

### **Review of Confidentiality Orders**

- All orders made by Council or Committee under Section 91(7) of the Act that all or part of a document be kept confidential will clearly specify either the duration of the order or the specific circumstances in which the order will cease to apply.
- All confidentiality orders that continue to operate will be reviewed no less than once every six (6) months to assess whether the grounds for non-disclosure remain appropriate and necessary.
- Information will be released as soon as practicable following the expiry or revocation of a confidentiality order.

- Where it is determined that it is necessary and appropriate to retain or extend an order made under Section 91(7), the relevant grounds and reasons will be clearly documented.
- Where the grounds for and against retaining or extending the operation of an order are evenly balanced, the order should be revoked.

### **Accountability and Reporting**

- The CoA Annual Report will contain the following information about the use of confidentiality provisions:
  - The number of occasions each of the confidentiality provisions of the Act was used, categorised by the section of the Act relied upon.
  - A summary of and commentary on the reasons for the use of the confidentiality provisions in that year.
  - The total number of agenda items considered in that year and the proportion of items where confidentiality provisions were utilised.
  - The number of items that were released from confidentiality, in part or in full, in that year.
  - The number of items where a confidentiality order remains operative and the reasons why the order remains necessary and appropriate.

### **Proactive Disclosure**

- The CoA may routinely publish regularly requested information on its website to make this information available to all members of the public without requiring a Freedom of Information request.
- The CoA may establish a disclosure log to enable central access to non-personal information that it has released under the *Freedom of Information Act 1991* (the FOI Act). This will help information that may be of interest to the public to be readily identified and accessed by the community at large.

### **Access to Information**

- Access to council documents is facilitated in accordance with the CoA Information Statement prepared under the FOI Act.

---

## **OTHER USEFUL DOCUMENTS**

### **Related documents**

- Acquisition and Disposal of Land and Assets Policy
- Elected Members Standing Orders
- Privacy Policy
- Procurement Policy
- Information Statement

**Relevant legislation**

- Local Government Act 1999
- City of Adelaide Act 1998
- Freedom of Information Act 1991
- Privacy Act 1988

**GLOSSARY**

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

**Key word:** explanation

**Act:** means the Local Government Act 1999

**CoA:** means the Corporation of the City of Adelaide

**Chief Executive Officer:** means the person appointed to the office of Chief Executive Officer of the City of Adelaide

**Council Members:** means the elected members of the CoA.

**Council Officers:** means any employee, contractor, consultant, temporary member of staff working for, or on behalf of, the CoA.

**Meeting(s):** means a meeting formal meeting of Council or a Committee held in accordance with the Local Government Act 1999

**ADMINISTRATIVE**

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **3** years unless legislative or operational change occurs beforehand. The next review is required in **2026**.

**Review history:**

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2023/XXXXX	Council	28/11/2023	New policy

**Contact:**

For further information contact the Governance Program

City of Adelaide  
 25 Pirie St, Adelaide, SA  
 GPO Box 2252 ADELAIDE SA 5001  
 +61 8 8203 7203  
 city@cityofadelaide.com.au

**APPENDIX 1****Related Provisions of the Local Government Act 1999**

Chapter 6 of the Act sets out the arrangements for Council and Council Committee meetings. These meetings are to be held in public except where special circumstances exist as prescribed in the Act and a Council or Committee orders that the public be excluded.

There are very strict circumstances in which a discussion or document considered in a Council or Committee meeting can be kept confidential. These provisions are covered in the following sections of the Act:

- 83(5) Council and 87(10) Committee – the Chief Executive may, after consultation with the principal member of Council, or in the case of a Committee the presiding member, indicate on a document or report provided to the members of the Council or the Committee that the matter may, if the Council or Committee so determines, be considered in confidence. The Chief Executive is required to specify at the same time the basis on which such an order can be made.
- 90(2) and (3) - circumstances where Council may order that the public can be excluded from attendance at a meeting, or part of it, to enable a matter to be considered in confidence. [Refer Appendix 2 for an exhaustive list of the special circumstances)
- 91(7) – circumstances where a document considered in confidence can be ordered to remain confidential.
- 91(8) – circumstances where a Council must not order that a document remain confidential.
- 91(9) – the Council or Committee must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order will be reviewed. The power to revoke an order can also be delegated to an employee of Council.
- 92 – requires the Council to prepare and adopt a Code of Practice relating to access to meetings and documents. Prior to adoption, alteration or substitution the proposed Code (or changes) must be available for inspection and purchase. Council is also required to follow the relevant steps set out in its public consultation policy. Council must, at least once in every financial year, review the Code.
- 94 – provides that the Ombudsman may, on receipt of a complaint, investigate the use of these provisions.



**APPENDIX 2**

Section 90(3) of the Act outlines the grounds on which it may be necessary and appropriate for a meeting of Council or a committee to be closed to the public. These grounds are exhaustive and no other reasons may be considered when determining whether the receive, discuss or consider information in confidence.

<b>Section 90 Reference</b>	<b>Description</b>
90(3)(a)	Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
90(3)(b) (i) and (ii)	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;
90(3)(c)	information the disclosure of which would reveal a trade secret
90(3)(d) (i) and (ii)	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;
90(3)(e)	matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person;
90(3)(f)	information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
90(3)(g)	matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty
90(3)(h)	legal advice
90(3)(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
90(3)(j) (i) and (ii)	information the disclosure of which— (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest;
90(3)(k)	tenders for the supply of goods, the provision of services or the carrying out of works
90(3)(m)	information relating to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the <i>Planning, Development and Infrastructure Act 2016</i> before the draft

	instrument or amendment is released for public consultation under that Act
90(3)(n)	information relevant to the review of a determination of a council under the FOI Act;
90(3)(o)	information relating to a proposed award recipient before the presentation of the award

## Draft Code of Practice for Access to Council and Committee Meetings and Documents

Strategic Alignment - Enabling Priorities

Public

Tuesday, 21 November 2023  
City Finance and Governance Committee

**Program Contact:**

Alana Martin, Manager  
Governance

**Approving Officer:**

Michael Sedgman - Chief  
Operating Officer

---

## EXECUTIVE SUMMARY

This report provides the opportunity for Council Members to consider the draft Code of Practice for Access to Council and Committee Meetings and Documents (the Code) following the conclusion of public consultation, conducted from 3 October to 25 October 2023.

This report will seek the adoption of the Code and if adopted, relevant sections no longer required in the City of Adelaide Standings Orders will be deleted.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 28 November 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the Code of Practice for Access to Council and Committee Meetings and Documents as set out in Attachment A to Item 7.5 on the Agenda for the meeting of the City Finance and Governance Committee held on 21 November 2023.
2. Approves the deletion of the following section of City of Adelaide Standing Orders:
  - 2.1. Chapter 7 – Meeting Procedures and Access to Meetings and Documents
    - 2.1.1 Part 4 – Items Closed to the Public
    - 2.1.2 Part 5 – Meeting Documents
3. Authorises the Chief Executive Officer to make any necessary minor editorial and formatting changes as required to the Code of Practice for Access to Council and Committee Meetings and Documents in order to finalise the document.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	) Strategic Alignment – Enabling Priorities
Policy	This Code replaces sections of the existing City of Adelaide Standing Orders, 2019.
Consultation	<p>A workshop was held with Council Members on 24 January, 21 March and 20 June 2023 to seek their views on the direction of the Standing Orders.</p> <p>In addition to this community consultation was undertaken between 3 October 2023 and concluded on 25 October 2023 during that period we received no submissions.</p> <p>The City of Adelaide Community Consultation Policy outlines that the following eight (8) consultation steps that are required to be taken, this includes legislative provisions:</p> <ul style="list-style-type: none"> <li>• A public notice of the options for consideration will be provided;</li> <li>• Information will be provided on the City of Adelaide corporate website;</li> <li>• Ensure that any documents that are legislatively required to be freely available for inspection are on public display and printed versions available for viewing and/or purchase in the City’s libraries and community centres as required;</li> <li>• Notice published in a local newspaper circulating in the City of Adelaide;</li> <li>• Provide a minimum of 21 days for people to make submissions to Council ;</li> <li>• Receipt of submissions by City of Adelaide;</li> <li>• Submissions to be considered by Council in decision-making; and</li> <li>• Inform the public of the outcome.</li> </ul>
Resource	Not as a result from this Code.
Risk / Legal / Legislative	The Code is required to be reviewed by Council within 12 months of a periodic election. Section 92 of the <i>Local Government Act 1999</i> stipulates that Council is required to have a Code and that community consultation is required.
Opportunities	The Code is presented in a format that is accessible to Council Members as well as members of the public.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 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

23/24 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 Council is required to have a Code of Practice for Access to Council and Committee Meetings and Documents (the Code).
2. The Code should be reviewed within 12 months of each periodic election.
3. The Code provides guidelines as to how the Council will manage public access to its meetings and associated documents. The Code articulates the provisions for when the Council may decide to move into confidence and how this will be achieved. The Code is a statutory requirement and has been drafted on the principles of open and transparent decision-making.
4. The current Code is incorporated into the City of Adelaide's Standing Orders. A workshop was held with Council Members on 24 January, 21 March and 20 June 2023 at which feedback was provided to commence to phase out the Standing Orders and for Administration to develop stand-alone policy documents.
5. Council/Committee agenda papers are currently provided for members of the community to view in the customer service centre. A member of the public can purchase a copy of an agenda if they wish to as per Council's fees and charges (if applicable).

## Draft Code of Practice for Access to Council and Committee Meetings and Documents

6. The City of Adelaide is committed to open and transparent decision-making.
7. From time to time in certain circumstances, it may be necessary, to restrict public access to discussions and documentation. Section 92 of the *Local Government Act 1999* (the Act) requires Council to prepare and adopt a Code to address how the Council will deal with public access to its meetings and associated documents.
8. The objectives of the Code are to:
  - Provide information to the community regarding access to Council Meetings and documentation;
  - Summarise the legal position relating to public access to the Council Meetings and documents; and
  - Outline to the community for what purpose and on what basis the Council may apply the provisions of sections 90 and 91 of the Act.
9. Section 92(5) of the Act states "before a Council adopts, alters or substitutes a Code of Practice relating to access to meetings and documents, it must;  
*Undertake public consultation on the proposed code, alterations or substitute code (as the case may be)*
10. At the Council meeting held on 26 September 2023, it was resolved that Council:
  1. *Endorses the draft Code of Practice – Access to Council and Committee Meetings and Documents as contained in Attachment A to Item 4.9 on the Agenda for the meeting of the City Finance and Governance Committee held on 19 September 2023, for the purposes of public consultation.*
  2. *Notes public consultation commences on 3 October 2023 and concludes on 25 October 2023, in accordance with Council's Community Consultation Policy and the legislative requirement of a minimum 21 days public consultation.*
  3. *Notes a report will be presented to the City Finance and Governance Committee meeting to be held on 21 November 2023 that includes;*
    - 3.1 *details of any submissions received during the public consultation period regarding the Code of Practice – Access to Meetings and Documents; and*
    - 3.2 *a final proposed Code of Practice – Access to Council and Committee Meetings and Documents for Council to consider and adopt.*
11. Consultation commenced on 3 October 2023 and concluded on 25 October 2023. Members of the public were notified of the consultation through a public notice in the Advertiser, social media posts and the Council's Your say page, which included the consultation being prompted through the Your Say Newsletter.
12. The consultation sought feedback in an open format and asked participants to provide any feedback they had in relation to the draft Code.
13. At the close of the consultation period no submissions had been received.

14. During the consultation period, Council's Your Say page received 18 aware visitors, 5 informed visitors and 1 engaged visitors. The one engaged visitor did not provide any feedback in relation to the draft Code.
15. The final draft Code is provided in **Attachment A** for Council's consideration.
16. The Code will be available to the public to assist with their understanding of the procedures associated with access to both Council and Council Committee meetings and documents.
17. In accordance with section 132 (1) of the Act, councils must ensure that the Code is available on the council's website and if requested, provide a person with a printed copy on payment of a fee (if applicable).

---

## ATTACHMENTS

**Attachment A** – Draft Code of Practice for Access to Council and Committee Meetings and Documents.

---

- END OF REPORT -

# CODE OF PRACTICE FOR ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS

28 November 2023

*Legislative*



## ACKNOWLEDGEMENT OF COUNTRY

The City of Adelaide acknowledges that we are located on the traditional Country of the Kaurna people of the Adelaide Plains and pays respect to Elders past, present and emerging.

We recognise and respect their cultural heritage, beliefs and relationship with the land. We also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

## TABLE OF CONTENTS

<b>ACKNOWLEDGEMENT OF COUNTRY</b> .....	<b>1</b>
<b>1. Statement</b> .....	<b>3</b>
<b>2. Scope</b> .....	<b>3</b>
<b>3. Council and Committee Meetings and Documents</b> .....	<b>3</b>
<b>3.1 Notice, Agenda and Reports</b> .....	<b>3</b>
3.1.1 Meetings (including excluding the public) .....	4
3.1.2 Use of confidentiality provisions .....	4
3.1.3 Minutes .....	7
3.1.4 Confidential retention Orders.....	7
3.1.5 Reporting .....	9
<b>3.2 Information and CEO Briefing Sessions</b> .....	<b>9</b>
<b>3.3 Public Access to Documents</b> .....	<b>9</b>
<b>3.4 Greivance Procedure</b> .....	<b>10</b>
<b>4. Definitions</b> .....	<b>10</b>
<b>5. Legislative Framework</b> .....	<b>12</b>
<b>6. Availability of the Code of Practice</b> .....	<b>13</b>

## 1. STATEMENT

Section 92 of the *Local Government Act 1999* (SA) (the Act) requires Council to prepare and adopt a Code of Practice for Access to Meetings and Documents (the Code).

Public access to Council and Committee meetings and documents is one of the primary means by which the community can gain access to information about the business of Council and Council committees. This Code includes information relating to:

- access to the agenda for meetings;
- public access to meetings;
- the process to exclude the public from meetings;
- matters for which the Council, or a Council committee, can order that the public be excluded;
- how the Council will approach the use of the confidentiality provisions in the Local Government Act;
- public access to documents, including minutes;
- review of confidentiality orders;
- accountability and reporting to the community, and the availability of the Code of Practice; and
- grievances about the use of the Code of Practice by Council.

This Code was adopted by the Council on 28 November 2023.

## 2. SCOPE

The purpose of this Code is to clearly outline to the community how they may access Council and Committee meetings, agendas, and reports as well as information or briefing sessions. In addition, it outlines how public access to Council and Committee meetings or documents may be restricted.

The City of Adelaide supports the principle that the procedures to be observed at a meeting of Council or a Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council. Council recognises that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

This Code should be read in conjunction with Council's Code of Practice for Meeting Procedures.

## 3. COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS

### 3.1 Notice, Agenda and Reports

Public access to Council and Committee Agendas provides one of the main opportunities for the community to gain information about the business of Council and Committees. The following procedures apply to encourage public access to the Notice and Agenda:

- a) at least three Clear Days before a Council or Committee meeting (unless it is a special meeting) the Chief Executive Officer (CEO) must give written Notice of the meeting to all Council and Committee Members
- b) it will be placed on Council's website three Clear Days prior to the meeting

Various non-confidential documents from Council or Committee Meetings are to be available for inspection by members of the public on Council's public website as soon as practicable after the document or report is supplied to members of the Council, pursuant to section 84(5) of the Act. The Agenda may include a recommendation from the CEO that a document or report on a particular matter should be considered in confidence with the public to be excluded, in accordance with section 90 of the Act. Where this occurs, the CEO must specify the basis under section 90(3) where such an order could be made. Requests to access documents can be made under the *Freedom of Information Act 1991* (SA). Further information is available on Council's public website.

### 3.1.1 Meetings (including excluding the public)

Council and Committee meetings are open to the public and attendance is encouraged, except where Council or a Committee believes it is lawful and necessary to exclude the public from the meeting i.e., the need for confidentiality outweighs the general principle of open decision making.

The public may consider participation through the public forums or deputations in accordance with Council's Code of Practice for Meeting Procedures.

Council or a Committee will only discuss matters in confidence when it is considered necessary to do so and may order that the public be excluded in specific circumstances. Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of a particular matter at a meeting will require the identification of one or more of the grounds listed within section 90(3) of the Act.

Before a Council or Committee meeting orders that the public be excluded, the Council or Committee must resolve this. If this occurs, the Presiding Member will convey this to the public (and the grounds on which this will occur) and the public must leave the meeting. The Council or Committee can by inclusion within the resolution, permit a particular person or persons to remain in the meeting.

Where a person provides information to Council and requests that it be kept confidential the Council is not able to comply with this request unless the matter is one that falls within the ambit of section 90(3) of the Act. If this is the case, Council will then be in a position to consider the request on its merits.

### 3.1.2 Use of the confidentiality provisions

In accordance with the requirements of section 90(3) of the Act, the Council, or a Council Committee, may order that the public be excluded in order to receive, discuss or consider any of the following information or matters in confidence:

- (a) *information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*
- (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;*
- (c) *information the disclosure of which would reveal a trade secret;*
- (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;*
- (e) *matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;*
- (f) *information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;*
- (g) *matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;*
- (h) *legal advice;*
- (i) *information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;*
- (j) *information the disclosure of which—*
  - (i) *would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and*
  - (ii) *would, on balance, be contrary to the public interest;*
- (k) *tenders for the supply of goods, the provision of services or the carrying out of works;*
- (m) *information relating to a proposed amendment to a proposal to prepare or amend a designated instrument under Part 5 Division 2 of the Planning, Development and Infrastructure Act 2016 before the draft instrument or amendment is released for public consultation under that Act;*
- (n) *information relevant to the review of a determination of a Council under the Freedom of Information Act 1991;*
- (o) *information relating to a proposed award recipient before the presentation of the award.*

The Act provides a definition of "personal affairs" which includes a person's:

- financial affairs
- criminal records
- marital or other personal relationships
- personal qualities, attributes or health status

- employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person,
- but it does not include the personal affairs of a body corporate.

**NOTE:** This is an inclusive (not exhaustive) list of personal affairs matters and other matters may also constitute a person's personal affairs.

With respect to matters on a Council Agenda, where a person provides information to the Council and requests that it be kept confidential, Council is not able to even consider this request unless the matter is one that falls within section 90(3). If this is the case, Council will then be in a position to consider the request on its merits.

In considering whether an order should be made under section 90(2), it is irrelevant that discussion of a matter in public may:

- cause embarrassment to the Council or Committee concerned, or to members or employees of the Council;
- cause a loss of confidence in the Council or Committee;
- involve discussion of a matter that is controversial within the council area; or
- make the council susceptible to adverse criticism.

If a decision to exclude the public is taken, the Council or the Council Committee is required to make a note in the minutes of the making of the order and specify:

- the grounds on which it was made;
- The basis on which the information or matter falls within the ambit of each confidentiality ground; and
- (if relevant,) why receipt, consideration or discussion of the information or matter in public would be contrary to the public interest.

Once discussion of the matter is concluded, the meeting must then consider if it is necessary to make an order identifying the document(s) (or parts of the document(s)) associated with that item (including minutes) that are to remain confidential.

If the meeting determines that it is necessary to keep a document(s) (or parts of document(s)) confidential, then a resolution for an order to this effect is required in accordance with section 91(7).

The Council or the Council committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence at a Council or Committee Meeting pursuant to sections 90(2) and 90(3).

Once discussion of the matter is concluded and the public have returned, the decision in relation to the matter will be communicated unless the Council has resolved to order that the resolution remain confidential. Details relating to any order to keep information or a document confidential in accordance with section 91(7) will also be made known.

In accordance with section 91(8) the Council or the Council committee must not make an order to prevent:

- the disclosure of the remuneration or conditions of service of an employee of the Council after the remuneration or conditions have been set or determined; or

- the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by the Council as to why a successful tenderer has been selected; or
- the disclosure of the amount or amounts payable by the Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, the Council after the contract has been entered into by all parties to the contract; or
- the disclosure of the identity of land that has been acquired or disposed of by the Council, or of any reasons adopted by the Council as to why land has been acquired or disposed of by the Council.

Where keeping a document confidential is considered necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year; and
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council.
- In all cases the objective is that the information be made publicly available at the earliest possible opportunity and that the community is informed of any Council order and the associated implications.

**NOTE:** There is no legal requirement to resolve to “come out of confidence” or to go back into “public session”. The public may and should be invited to re-enter the meeting when consideration of the relevant Agenda Item has concluded. The public are also entitled to be present for the debate and decision on whether any subsequent item should be considered in confidence.

### 3.1.3 Minutes

Minutes of a Council or Committee meeting must be publicly available on Council’s website within five days after the meeting. This excludes any resolutions where a confidential retention order has been made. If a decision to exclude the public is taken, Council or a Committee is required to record in the Minutes the making of the order and the grounds on which the resolution was made in the Minutes. This will also apply to any order to keep an associated document confidential in accordance with section 91(7) of the *Local Government Act*. These minutes must be available for a minimum period of one (1) month.

### 3.1.4 Confidential Retention Orders

Council or a Committee will only make an order that a document associated with a discussion from which the public are excluded will remain confidential if it is considered proper and necessary. A resolution to this effect will be carried by the meeting, immediately after considering the confidential item which will include the grounds for confidentiality and the duration of the order or circumstances in which the order will cease to apply or when the order must be

reviewed. When retaining documents as confidential, the retention period will be kept as short as is necessary.

Each item must be addressed separately and assessed against section 90(3) and section 91(7) of the *Local Government Act*. The Council or Committee can delegate the power to revoke an order made under section 91(7) and this can be included in the retention order, including any conditions associated with this delegation.

Documents will not be made available for public inspection while a confidential order under section 91(7) remains in place.

The CEO will maintain a register of the confidential retention orders and released confidential documents. This register will be published on Council's website. Released documents are available on Council's website.

A review of retention orders and confidential documents will ideally be conducted twice a year (once a year at a minimum) to ensure that items are released to the public in accordance with the resolutions of Council, including detailing where an extension of a confidential retention order is required. The objective is that the information is to be made publicly available at the earliest opportunity.

An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidentiality order to be lifted. Once the order expires or ceases to apply, the minutes and/or documents automatically become public. At this point in time, the Council will make this information publicly available by publishing it on the Council's website.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential. The conduct of the annual review can be delegated to the CEO and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must be addressed separately and assessed against section 90(3) and section 91(7). While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the *Local Government Act*.

A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the *Local Government Act*. Section 90(3) of the *Local Government Act* must be applied separately to each item within the scope of the review and not *en bloc*.

The Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7). Such delegation may be subject to conditions.

### 3.1.5 Reporting

Council will include in its Annual Report, a listing of the use of sections 90(2) and 91(7) of the *Local Government Act* by Council and Council committees as required by schedule 4 of the *Local Government Act*, and the *Local Government (General) Regulations 2013*.

The report should include the following information, separately identified for both Council and Council committees:

- Total number of orders made under sections 90(2) and 90(3) and 91(7) in the relevant financial year;
- The date and subject of each order made under sections 90(2) and 90(3) and 91(7) in the relevant financial year;
- In relation to each ground specified in section 90(3), the number of times in the relevant financial year that an order was made under section 90(2) and 90(3) for each ground;
- The number of orders made under section 91(7) that expired, ceased to apply or were revoked during the relevant financial year and the date and subject of each such order; and
- The number of orders made under section 91(7) since 15 November 2010 that remained operative at the end of the relevant financial year.

### 3.2 Information and CEO Briefing Sessions

Councils or the CEO are permitted to facilitate an 'information or briefing session' where more than one member of the Council or Council Committee is invited.

A matter must not be dealt with at an information or briefing session in such a way so as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee.

An information or briefing session on a matter that will be included on a council agenda must be open to the public. However, the Council or the CEO may order that the information or briefing session be closed to the public if the matter listed for discussion falls within the confidentiality provisions listed in section 90(3) of the Act.

Whether or not an information or briefing session has been open to the public, the following information must be published as soon as practicable after the holding of the session:

- the place, date and time of the session;
- the matter discussed at the session; and
- whether or not the session was open to the public

### 3.3 Public Access to Documents

The Act requires Councils to make available a large number of documents. Many of these are set out in Schedule 5, with other requirements contained in other sections of the Act.

Schedule 5 documents must be published on a website determined by the CEO. Councils must also, upon request, provide a person with a printed copy of any document referred to in



## CODE OF PRACTICE FOR ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND DOCUMENTS

Schedule 5. Provision of printed copies of a document may require payment of a fee (if any) set by Council (see Council's Fees and Charges Register for any relevant fee).

Requests to access Council and Council Committee documents that are not otherwise publicly available, can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council can be located on Council's public website under Freedom of Information.

### 3.4 Grievance Procedure

Should a person be aggrieved about public access to either a meeting or a document then a request, in writing, can be lodged for consideration under Corporate Complaint handling Guidelines.

A member of the public is also entitled to lodge a complaint with the South Australian Ombudsman if he or she has been aggrieved by a decision of Council to exclude the public from a meeting or has otherwise been prevented access to Council documents.

---

## 4. DEFINITIONS

For the purposes of this Code the following definitions apply:

Act	<i>Local Government Act 1999</i> (SA) (the Act)
Agenda	As defined in the Act means a list of items of business to be considered at a meeting.
CEO	Refers to the Chief Executive Officer (including their delegate) of the City of Adelaide
Clear Days	Means the number of calendar days between the giving of the Notice and the meeting. This is determined by excluding the day on which the Notice is given and the day of the meeting e.g., if Notice is given on a Friday for a following Tuesday meeting, then the Clear Days are the intervening Saturday, Sunday and Monday.
Code	Code of Practice - Access to Council Meetings and Documents
Committee	Refers to key (section 41) Council Committees established under the Act

Connect	Means able to hear and/or see the meeting, including via a live stream or recording of the meeting
Disconnect	Means remove the connection so as to be unable to hear and see the meeting
Electronic Means	Includes a telephone, computer or other device used for communication.
Live Stream	Means the transmission of audio and/or video from a meeting at the time that the meeting is occurring
Minutes	A written record of the proceedings at every meeting of the Council or a Council committee
Notice of a Meeting (Notice)	Pursuant to the Act in the case of an ordinary meeting or Council committee meeting, the CEO must give each member of the Council notice of the meeting at least three Clear Days before the date of the meeting. In the case of a special meeting or a special Council committee meeting, the CEO must give each member of Council notice of the meeting at least four hours before the commencement of the meeting. A Notice of a Meeting of the Council must be in writing, set out the date, time and place of the meeting, be signed by the CEO and contain or be accompanied by the Agenda for the meeting. For Council committee meetings, the Notice is not required to be signed by the CEO.
Personal Affairs	As defined in section 90(9) of the Act, being a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the Personal Affairs of a body corporate
Presiding Member	Under the <i>Local Government (Procedure of Meetings) Regulations 2013</i> , this means the person who is the Presiding Member of a council or council committee (as the case may be) and includes any person who is presiding at a particular meeting
SAPOL	South Australia Police

**5. LEGISLATIVE  
FRAMEWORK**

The following legislation applies to this Code:

Freedom of Information Act 1991	Schedule 1, Section 9(1) & (2) of this Act specifies certain documents that are exempt and not exempt from disclosure to the public
<i>Local Government Act 1999 (SA)</i>	<p>Sections 83 and 84 details the public notice requirements for Council meetings</p> <p>Section 90 provides a general duty for Council and Committee meetings to be conducted in a place open to the public.</p> <p>Section 90A sets out the requirements for information or briefing sessions.</p> <p>Section 91 provides for confidential documents and the release of and minutes relating to</p> <p>Section 92 requires a council to prepare and adopt a code of practice relating to the principles, policies and procedures that council will apply for the purposes of the operation of Parts 3 &amp; 4.</p>
Local Government (General) Regulations 2013	Regulation 35 outlines the requirement for reporting in the Annual Report for Confidential Documents

**Other references:**

Council's documents including:

- a. Code of Practice for Meeting Procedures
- b. Community Consultation Policy
- c. Fees and Charges Register
- d. Corporate Complaint Handling Guidelines

This Code is based on a model code developed by the Local Government Association.

---

## 6. AVAILABILITY

### Availability of the Code of Practice

A copy of this Code of Practice will be made available on the Internet at [Strategies, plans & policies directory | City of Adelaide](#) will also, on request, provide a person with a printed copy of the Code of Practice on payment of a fee (if any) fixed by the council<sup>1</sup> (see Council's fees and charges register for any relevant fee).

---

## ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **12 months** unless legislative or operational change occurs beforehand. The next review is required in **October 2024**.

### Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2023/ 154410	Council	26/09/23	

### Contact:

For further information contact the Governance Program

City of Adelaide  
 25 Pirie ST, Adelaide, SA  
 GPO Box 2252 ADELAIDE SA 5001  
 +61 8 8203 7203  
[city@cityofadelaide.com.au](mailto:city@cityofadelaide.com.au)

## Update on progress of Integrated Community Engagement Framework

Strategic Alignment - Enabling Priorities

Public

Tuesday, 21 November 2023  
City Finance and Governance Committee

**Program Contact:**  
Manager Strategy, Insights and Performance

**Approving Officer:**  
Michael Sedgman - Chief Operating Officer

---

## EXECUTIVE SUMMARY

Council is committed to seeking community feedback to ensure decisions made reflect community views. Clear, purposeful community engagement enables the community to inform Council's decision-making processes and contribute to the development of strategies, policies, and projects resulting in better outcomes for the city.

Council and members of the community have suggested ways to improve conduct of community engagement and how feedback can inform decision making. A review of community engagement is being undertaken to reflect the changing needs of the community, meet legislative requirements and focus on best practice. Completion of this review includes the introduction of a legislative Community Engagement Charter, in accordance with the legislated Local Government Reform work being undertaken by the Local Government Association.

An Integrated Community Engagement Framework was endorsed by Council at its 26 September 2023 meeting to frame improvements to seeking, considering and sharing community feedback in a timely and meaningful manner. The framework approach is insights-driven, focused on conducting more face-to-face engagement, undertaking a business/resident precinct engagement approach, and bringing together consultation results to inform key decisions and opportunities to shape the city's future.

Significant strategy and policy decisions requiring community participation are central, including Council's Strategic Plan 2024-2028, Council's City Plan and Council's Integrated Transport Strategy. A program of forecast engagement activities for strategy, policy and projects for 2023/24 was included in the integrated approach.

This report updates on progress of the approach and shares key insights and learnings since the Integrated Community Engagement Framework has been in place.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 28 November 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL

1. Notes the update on the progress of the Integrated Community Engagement Framework.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Council's Community Consultation Policy is relevant to the consideration of information within this report
Consultation	There is no consultation required as a result of the decision of this report, however, the report contains information about consultation activities that are occurring, or will occur as a result of Council considering other decision-making reports
Resource	Activities outlined in this report will be conducted using existing resources or approved budgets. There are no additional resources required as a result of this report
Risk / Legal / Legislative	There are no additional risks identified as a result of this report
Opportunities	There are no additional resources required as a result of this report
23/24 Budget Allocation	There are no additional budget resources required as a result of this report
Proposed 24/25 Budget Allocation	There are no additional budget resources required as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 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. At its 18 April 2023 City Finance and Governance Committee meeting, a workshop on Community Engagement improvements was undertaken.
2. As a result of Council Member and community feedback, an Integrated Community Engagement Framework (the Framework) was proposed at the 19 September 2023 City Finance and Governance Committee and was endorsed by Council at its 26 September 2023 Council meeting.
3. The Framework seeks to ensure that the community is aware of significant decisions of Council in advance, and their ability to provide input into multiple decisions at one time, with a focus on making it easier to participate in decision making. The Framework supports the significant plans and strategies that Council considers and develops to ensure cohesion and clarity for the community.
4. Importantly, the Framework enables the integration of some of the key strategy and policy decisions that Council is currently considering including the Strategic Plan 2024-28, the City Plan and the Integrated Transport Strategy as well as other key policies and projects. To support the Framework, an Integrated Community Engagement Program 2023/24 has been developed to show the planned timing for these strategies, policies and projects and has been provided as **Attachment A** to this report.
5. The Framework supports the following:
  - 5.1. Ensuring that each engagement is conducted in a way that is informative, interactive and inclusive of people in the City of Adelaide and broader South Australia.
  - 5.2. Planning our engagement activities in line with our Strategic Plan, Annual Business Plan and Budgets, project delivery and Policy/Strategy review cycles in advance.
  - 5.3. Communicating in advance the big decisions of Council when the community's participation will be sought.
  - 5.4. Planning a business/resident precinct-based approach (based on the precinct areas supported by Council's Place Coordinators) for engagement activities that relates to each area, occurring on a quarterly basis in their community.
  - 5.5. Bringing known data and insights to these engagements and subsequent decisions to assist the community to provide informed and connected responses.
  - 5.6. Creating a cycle of conversations to ensure the community is asked once and their feedback can be used multiple times - leveraging from conversations and information we have already captured to inform other decisions.
  - 5.7. Sharing with the community what we have heard and how it has impacted decision making (or will impact it in the future).
  - 5.8. The use of technology to support these processes.

## Primary focus of the Framework

6. The Integrated Community Engagement Program 2023/24 will enable the community's feedback from each activity to inform the next planning or engagement activity, and will focus on three primary engagements:
  - 6.1. The Strategic Plan's role in setting Council's vision, aspirations and key actions for outcomes for the city over the next four years. Community engagement on the Draft Strategic Plan 2024-2028 took place between 27 October and 20 November 2023.
  - 6.2. The City Plan's role in articulating the built form of the city and guide decision making for the future needs of the city over the next ten years. Community engagement on the City Plan is planned to occur in early 2024.
  - 6.3. The Transport Strategy's role in articulating the city's transport needs to facilitate movement into and across the city to deliver high quality, accessible and inclusive infrastructure. Community engagement on the Transport Strategy is planned to occur from April 2024.
7. The feedback gathered from each project will be used in the development of the other key projects. This ensures a consistent narrative for community members and ensures that any insights gained is shared across Council to inform other services, projects and decisions.

## Update on the progress of the Framework

### Strategic Plan 2024-2028

8. The Strategic Plan 2024-2028 plays a central role in defining the Council's vision, aspirations, and key actions for the city over the next four years. Consultation on the Draft Strategic Plan 2024-2028 took place from Friday 27 October to Monday 20 November 2023. Feedback, research and insights from previous engagement activities of Council were considered in the development of the Draft Strategic Plan, along with the direction and decisions of Council.
9. Key themes that emerged from the community that could inform other strategies and projects include:
  - 9.1. Urban greening
  - 9.2. Housing affordability
  - 9.3. Health and wellbeing
  - 9.4. Infrastructure and transport (including public transport)
  - 9.5. Climate change
  - 9.6. Economic development
  - 9.7. Community connections
10. In addition to the YourSay online consultation and email submission opportunities, eight in person sessions were held to provide community members with the opportunity to talk to a staff member and provide feedback on the Draft Strategic Plan 2024-2028.
11. The below table summarises the date and times of each session:

Date	Time	Session
Tuesday 31 October	1530 – 1730	Rundle Mall
Wednesday 1 November	1300 – 1500	North Adelaide Library
Thursday 2 November	0900 – 1100	Central Market
Wednesday 8 November	1000 – 1200	Hutt Street Library
Thursday 9 November	1100 – 1300	Melbourne Street, North Adelaide
Tuesday 14 November	1000 – 1200	25 Pirie Street
Wednesday 15 November	1200-1400	25 Pirie Street
Thursday 16 November	1430 - 1630	Minor Works Building

12. The insights gathered from the Draft Strategic Plan 2024-2028 engagement activities will be used to inform the development of City Plan and the Integrated Transport Strategy. Information gathered on the Draft Strategic Plan 2024-2028 will also be complemented by other sources of community feedback such as through media channels, other Your Say engagement activities and from City of Adelaide surveys from residents, businesses and city users.

### City Plan

13. The City Plan is Council's primary development and spatial planning tool. It articulates the current built form of the city and guides decision-making for future needs for the city. Informed by the State Government's 30 Year Plan for Adelaide, the City Plan spatial tool can identify future amendments to the Planning and Design Code.
14. Stages 1 (City Plan Report digital tool) and 2 (Targeted Stakeholder Engagement) have been completed, with additional phases of community engagement scheduled to continue until June 2024.
15. 1302 engagements occurred during City Plan Studio. 536 stakeholders participated in a range of activities including 'opening night' attended, by the Minister for Planning and Lord Mayor, five themed forums and less



formal drop-in sessions. Stakeholders could contribute to the engagement in a variety of ways with 1156 stakeholders engaged online.

- 16. Key themes and priorities that have emerged from the City Plan targeted stakeholder engagement include:
  - 16.1. Magnet City
  - 16.2. New Urban Form
  - 16.3. Urban Forest and Climate
  - 16.4. Park Lands Legacy
  - 16.5. Futures and Connecting People and Places
- 17. The below table summarises the attendance for each session:

Session	Attendees		Totals
	Government	External	
<b>Forum Series</b>			
Magnet City	12	26	38
New Urban Form	11	25	36
Urban Forest & Climate	25	25	50
Park Lands Legacy & Futures	14	18	32
Connecting People & Places	24	24	48
			204
<b>Drop-In Sessions</b>	81	29	110
<b>Group Bookings</b>	167	55	222
<b>Total attendees</b>	<b>334</b>	<b>202</b>	<b>536</b>

- 18. Recognising the importance residents' voices throughout these three projects, a concerted effort has been made that any feedback gathered from residents through the City Plan project builds on what we've already heard from the Draft Strategic Plan 2024-2028 consultation. This will also be taken in consideration with feedback from the community gathered through the annual Resident Survey.

**Transport Strategy**

- 19. The development of an Integrated Transport Strategy is underway as an update to the Smart Move Transport and Movement Strategy 2012-2022. This strategy is designed to align with modern transport principles and evaluation frameworks, with the primary goal of achieving evidence-based and cost-effective transport solutions for the City.
- 20. The Integrated Transport Strategy will serve as a guide, offering clear strategic directions and policies, and will play a pivotal role in facilitating effective decision-making, continuous action, and rigorous evaluation to drive meaningful change in our transportation system.
- 21. The insights gathered from both the City Plan and the Draft Strategic Plan 2024-2028 will serve as valuable foundations for the further development of the Transport Strategy. To build upon these insights, consultation for the Transport Strategy is scheduled for April 2024.
- 22. The draft Integrated Transport Strategy is planned for consultation in May and June 2024 and will build upon what we heard through the City Plan and Draft Strategic Plan consultation processes to ensure that our transportation initiatives are aligned with community needs and expectations.

**How the Framework has been applied**

- 23. Since the adoption of the Framework a hybrid approach of online and in-person engagement methods has been applied to improve inclusivity and accessibility to the process. This enables the City of Adelaide to maximise participation, capture a diverse range of perspectives, and foster a more equitable and informed decision-making process. Ideally the community are, and feel more involved, in the business of Council and that their trust in Council's processes and decisions builds over time.
- 24. An increase in the number of face-to-face or in-person engagement opportunities enables a broader range of engagement methods for people to participate and share their input.

25. Interactive community pop-up discussions in community centres, libraries, key city locations, neighbourhoods and precincts has supported accessibility and enabled more inclusive engagement. This approach has further promoted a sense of community and complemented the existing suite of online engagement tools.
26. Participants have engaged in one-on-one or group conversations with City of Adelaide representatives, utilise interactive feedback displays, or completed in-person surveys.
27. City of Adelaide staff have been invited to attend an increasing number of resident, precinct and neighbourhood group meetings and events as a direct result of City of Adelaide's outreach through this Framework.
28. The Framework and reframing of Council's approach to community has further supported participation as community and neighbourhood sessions now provide details on other current and upcoming projects in the local area. Community feedback on a variety of activities is sought at the same time, providing an integrated perspective on our role in shaping the future of Adelaide. This approach enables the community to have a comprehensive understanding of how all projects contribute to the city's future.
29. Projects that were highlighted through this process included the Urban Greening Strategy, Main Street Revitalization, City Plan, and Transport Strategy.
30. Complementing the face-to-face engagement is a significant improvement to the City of Adelaide YourSay website and community newsletter, which has received positive feedback from the community via social media posts. A unified voice across platforms has been an integral part of the integrated approach and have resulted in a significant and steady uplift in participation due to improvements in functionality, visual elements and messaging.
31. The participation rates on the Your Say engagement platform continues to increase year on year. Coupled with the integrated community engagement insights gathered from surveys and other sources, this will further enhance Council's decision making into the future.

#### **Key Insights and Learnings from the Framework**

32. Through all engagement activities conducted since the beginning of this term of Council (November 2022 – November 2023) the following insights have been captured:
  - 32.1. 268,302 visitors to YourSay
  - 32.2. 2,098 contributions through our YourSay online community
  - 32.3. 51 engagement activities conducted
  - 32.4. 418 questions asked throughout engagement activities
  - 32.5. Over 20 in person community sessions for the draft Business Plan and Budget (28 attendees), Kadaltilla Annual Community Forums (400 attendees over four sessions), City Plan (536 attendees over two weeks) and Strategic Plan (77 attendees over six sessions as of 14 November 2023).
33. Further data and insight into the number of residents and ratepayers that are registered on the Your Say platform have been provided as **Attachment B**.
34. To ensure the continuation of an integrated approach to community engagement by the City of Adelaide, the following learnings have been identified and will inform principles to be applied to any future engagement activities:
  - Considering projects in holistic manner and linking them to the strategic context and outcomes.
  - Sharing data and insights from previous engagement activities prior to commencing a new project or activity to build on what we have already heard.
  - Developing a question repository to track and search for the questions that community have already been asked through City of Adelaide engagement and research activities. The intention is to streamline participation and prevent duplication, whilst gaining insights from previous consultations.
  - Ensure that community engagement processes are inclusive and accessible. This is achieved by delivering hybrid community engagement approaches, which combines both online and offline methods to facilitate effective and inclusive communication that meets the needs of the community. This approach enables a broader representation of voices, captures a rich set of insights, and promotes sustained involvement, ultimately leading to more informed and inclusive decision-making.
35. Additional updates will be provided to Council as the Framework continues to be implemented.

#### **Council's Community Engagement Review and related Legislative Amendments**

36. Alongside the application of the Framework, Council continues to undertake a review of community engagement to best reflect the changing needs of the community, meet legislative requirements and focus on best practice.
37. The Administration is aware that a legislated Community Engagement Charter (the Charter) is being developed by the Local Government Association and the Office of Local Government and is awaiting a participation review or general consultation process (the community at large) prior to proclamation. As this Charter will likely impact community engagement policies and frameworks, the Administration has paused bringing the review back to Council. It is expected this will be available in late 2023 or early 2024.

---

## ATTACHMENTS

**Attachment A** – Program of planned engagement activities for 2023/24

**Attachment B** – Community Engagement Data and Insights

---

- END OF REPORT -

**Integrated Community Engagement Program 2023/24**

The below table is a forecast of the timelines for the development or review of key strategies, plans or policies that include engagement for 23/24:

*Some of these dates are indicative only and the document will continue to be refined.*

The dates within the integrated community engagement framework are a forecast, indicating expected timelines, noting there may be legislative or other reasons why these may need to be modified over the life of the plan							
	<b>Project Planning</b>	<b>Research and Data</b>	<b>Draft</b>	<b>Consult</b>	<b>Analyse and Amend</b>	<b>Adopt and 'close the loop'</b>	<b>Related activities</b>
	May involve Council Member engagement	May involve targeted stakeholder engagement		Will involve broader community engagement			
<b>Strategic Plan 2024-2028</b>	Jan 23	Jan – April 23	Oct 23	Oct 23 – Nov 23	Nov 23	Dec 23	All
<b>City Plan</b>	2022	Jan-Oct 23	Oct – Nov 23	Feb 24	Mar – May 24	June 24	Strategic Plan, Transport Strategy, Asset Management Plan's, Economic development policy, Housing policy
<b>Transport Strategy</b>	Nov 23 – Aug 24	Nov 23 – Mar 24	April 24	April - 24 (on M&P Framework)  May-June 2024 (-on draft Strategy documents)	May 24 – Jul 24	Aug 24	Strategic Plan, City Plan Asset Management Plan's
<b>Economic Development Strategy</b>	Aug 22- Jul 2023	Aug 22- Oct 23	Draft one -Nov 23 Draft two - Feb 24	Feb 24 – Apr 24	Apr/May 24	May/June 24	Strategic Plan, Housing Policy, AEDA Strategic Plan, Strategic Property Action Plan

The dates within the integrated community engagement framework are a forecast, indicating expected timelines, noting there may be legislative or other reasons why these may need to be modified over the life of the plan							
	<b>Project Planning</b>	<b>Research and Data</b>	<b>Draft</b>	<b>Consult</b>	<b>Analyse and Amend</b>	<b>Adopt and 'close the loop'</b>	<b>Related activities</b>
	May involve Council Member engagement	May involve targeted stakeholder engagement		Will involve broader community engagement			
Asset Management Plans							Strategic Plan, City Plan, Other Asset Management Plan's
<i>Transportation</i>	Ongoing	Nov 2021	Nov 2023	Dec 23 – Jan 24	Feb 24	Mar 24	
<i>Urban Elements</i>	Ongoing	Nov 2021	Nov 2023	Dec 23 – Jan 24	Feb 24	Mar 24	
<i>Buildings</i>	Ongoing	June 2022	Feb 2023	Mar 24 – Apr 24	Apr 24	May 24	
<i>Park Lands &amp; Open Space</i>	Ongoing	Nov 2021	Mar 2023	Apr 24 – May 24	May 24	June 24	
<i>Water Infrastructure</i>	Ongoing	Nov 2021	Mar 2023	Apr 24 – May 24	May 24	June 24	
<i>Lighting &amp; Electrical</i>	Ongoing	Nov 2021	Mar 2023	Apr 24 – May 24	May 24	June 24	
Community Engagement Policy	Jan 23 – Mar 23	April 23 - current	April 23 - Current	Jan 24 (pending charter)	Feb – Mar 24	May 24	All
Housing Strategy	Feb-May 23	Apr- Sep 23	Oct 23	Nov 23 – 10 Jan	TBC	TBC	Economic Development Strategy, Strategic Property Action Plan
Homeless Strategy	TBC	TBC	TBC	TBC	TBC	TBC	Economic Development Strategy, Strategic Property Action Plan
Annual Business Plan and Budget 24/25	Oct – Dec 23	Dec 23 – Feb 24	Jan -April 24	April – May 24	June 24	June 24	All
Encroachment Policy update	3 Oct 23	July 23 – Sep 23	Oct 23	Jan 24 (4 week consultation period)	Mar – Oct 23	Late 23 – early 24	N/A
Behavioural Support Policy	May 23	N/A	Aug 23	Sep 23	Oct 23	Oct 23	TBC

The dates within the integrated community engagement framework are a forecast, indicating expected timelines, noting there may be legislative or other reasons why these may need to be modified over the life of the plan							
	<b>Project Planning</b>	<b>Research and Data</b>	<b>Draft</b>	<b>Consult</b>	<b>Analyse and Amend</b>	<b>Adopt and 'close the loop'</b>	<b>Related activities</b>
	May involve Council Member engagement	May involve targeted stakeholder engagement		Will involve broader community engagement			
Draft Code of Practice for Access to Council and Committee Meetings and Documents	Sep 23	N/A	Sep 23	Oct 23	Oct/Nov 23	Nov 23	General Election in November 2022, legislatively need to review within 12 months following election
Urban Greening Strategy	July 22 - Oct 22	Oct 22	Sep 23	Nov 23	June 23	Mar/Apr 24	Transport Strategy, Strategic Plan, City Plan,
By-laws	Nov 23 – Jan 24 May 24	Internal – Sep – Oct 23	Jan – Feb 24	Community – Mar – April 24	April – May 24	May – June 24	Internal Engagement Executive Presentation Elected Member Workshop Draft By-Laws Community Consultation
Cultural Policy/Cultural Strategy	TBC	TBC	TBC	TBC	TBC	TBC	TBC
Disability Access and Inclusion Plan	Feb 23	Feb - Aug 23	Sep - Oct 23	Nov - Dec 23 Nov 23 - Council Draft approval for consultation	Jan – Feb 23	Mar 23	
Dry Area Regulations	Aug-Sep 23	Sep – Oct 23	Sep 23	Sep-Oct 23	Oct-Nov 23	Nov-Dec 23	

## Community Engagement Projects 23/24

The dates within the integrated community engagement framework are a forecast (as of November 14 2023), indicating expected timelines, noting there may be legislative or other reasons why these may need to be modified over the life of the plan.

Closed Projects	Opened	Closed
ACMA Strategic Plan	11/11/2022	30/11/2022
Let's step it up: What's next for a low carbon Adelaide? - Draft Climate Action Plan 2022–2025 and Climate Policy	31/10/2022	11/12/2022
Planning System Implementation Review	19/12/2022	13/01/2023
City Works Permit: Zancott Traffic Group and Built Pty Ltd. - Full road closure of King William Street, Southbound Lanes	1/03/2023	25/01/2023
City Works Permit: Flo Traffic Services and Pelligra	18/01/2023	9/02/2023
Adelaide Motorsport Festival	27/01/2023	17/02/2023
Paxton's Walk	3/01/2022	1/03/2023
National Heritage Management Plan for the Adelaide Park Lands and City Layout	1/03/2023	28/03/2023
Hamilton Place One Way	14/03/2023	14/04/2023
Renewable electricity purchase for businesses and organisations within the City of Adelaide	1/03/2023	1/05/2023
City Works Permit: Arcon Architectural Construction	3/05/2023	25/05/2023
Harvest Rock 2023 - Temporary closure of Bartels Road	5/05/2023	25/05/2023
City Works Permit: Reds Global and Prime Traffic Solutions - Closure of Frome Street	23/05/2023	14/06/2023
Business Plan and Budget	25/05/2023	18/06/2023
Pitt Street (M2R final stage)	1/06/2023	26/06/2023
Street Planting	9/06/2023	29/06/2023
Recycling food and other green waste at home	15/06/2023	30/06/2023
Newlands Lane Upgrade (Stormwater & lighting/resurfacing or closure)	9/06/2023	7/07/2023
Kingston Terrace Concept Design/Kingston Terrace East Stormwater Improvement	20/06/2023	14/07/2023
Wakefield Street Streetscape Improvement	26/06/2023	21/07/2023
City Works Permit: Yellow Berry Construct Pty Ltd and Cucci Investments Pty Ltd, full road closure of John Street	4/07/2023	26/07/2023
Adelaide Park lands - Draft Community Land Management Plan	7/07/2023	31/07/2023
E-Scooter Parking Trial	10/05/2022	1/08/2023
2024 Adelaide Fringe - Temporary closure of Rundle Road	13/07/2023	3/08/2023
Adelaide Aquatic Centre - 42-year park lands lease agreement/construction licence for development	13/07/2023	3/08/2023
City Works Permit: Your Say Adelaide - Flo Traffic Services and Pelligra, full road closure of Pirie Street.	18/07/2023	9/08/2023
Flinders Street Streetscape Improvement	21/07/2023	1/09/2023
City User Profile	19/08/2023	9/09/2023
Draft Victoria Park Masterplan	17/08/2023	11/09/2023
EOI Parklands Facilities	14/08/2023	22/09/2023
Behavioural Support Policy	4/09/2023	5/10/2023

<b>Closed Projects</b>	<b>Opened</b>	<b>Closed</b>
Park lands Dry Area Review	22/09/2023	20/10/2023
Cleansing Service Trial	4/08/2023	22/10/2023
Draft Code of Practice for Access to Council and Committee Meetings and Documents	3/10/2023	25/10/2023
Toilets Park 17	10/10/2023	7/11/2023

<b>Open Projects (as of 14/11/2023)</b>	<b>Opened</b>	<b>Closed</b>
Austral East End Street Party New Year's Eve 2023	14/11/2023	4/12/2023
Adelaide International (Tennis) - 5 January to 15 January 2024	13/11/2023	4/12/2023
Expression of Interest Victoria Park/Pakapakanthi Sports Facilities 2024/2025	15/11/2023	20/12/2023
Melbourne Street - Wombat Crossing	18/10/2023	15/11/2023
Melbourne Street Bus Stop 4	18/10/2023	15/11/2023
Strategic Plan 2024-2028	27/10/2023	20/11/2023
Hutt Street - Main streets Revitalisation	7/03/2022	22/11/2023
Charles Street Road Closure	23/10/2023	24/11/2023
Park Lands Community Buildings Policy	20/10/2023	27/11/2023
Melbourne street - temporary footpath extensions.	1/11/2022	30/06/2024
Creating a 'greener' city	1/07/2022	TBC
Adelaide Town Hall Façade Conservation Works	3/08/2023	TBC
Rymill Lake/Murlawirrapurka (Park 14) Upgrade	24/08/2023	TBC
Veale Gardens	28/06/2023	TBC
Hindley Street - temporary footpath extensions.	15/11/2021	TBC
Hutt Street - Entry Rejuvenation	14/12/2022	TBC
Melbourne street -Main Streets Revitalisation	16/11/2022	TBC
Hindley Street - Main streets Revitalisation	11/03/2022	TBC
Francis Street Renewal	6/03/2023	TBC
Waymouth Street/Topham mall intersection	16/03/2023	TBC
Resilient Flood Planning Project	19/04/2023	TBC

<b>Upcoming Projects</b>	<b>Expected Timing</b>
Urban Greening Strategy	Q4 2023/24
Rymill Kiosk Lease	Q4 2023/24
Business Survey	Q4 2023/24
Resident Survey	Q4 2023/24
Halifax - Community Land	Q1 2024/25



### Community Engagement Data and Insights

The following tables provide insights into the number of residents and ratepayers registered in Your Say, as well as registered Your Say users who live outside of the City of Adelaide.

	<i>Your Say Participants</i>	<i>Resident Population</i>	<i>Residents/ratepayers represented</i>
<i>North Adelaide</i>	1,202	6,823	17.6%
<i>Adelaide</i>	2,480	18,202	13.6%
<i>Total</i>	3,682	25,025	14.7%

\*Based on 2021 ABS Census data.

<b>YOUR SAY ANALYTICS - NOVEMBER 2022 TO NOVEMBER 2023</b>	
<b>Total number of Your Say participants</b>	<b>14,214</b>
City residents	3,682
City ratepayers	3,637
Live in the suburb of Adelaide (postcode 5000)	2,480
Live in the suburb North Adelaide (postcode 5006)	1,202
Live in other suburbs	10,532
<b>Number of visits to the page in the last 12 months</b>	<b>268,302</b>

## Procurement Forums

Tuesday, 21 November 2023  
City Finance and Governance  
Committee

Strategic Alignment - Enabling Priorities

**Program Contact:**  
Anthony Spartalis, Manager  
Finance & Procurement

Public

**Approving Officer:**  
Michael Sedgman - Chief  
Operating Officer

---

## EXECUTIVE SUMMARY

At its meeting on 28 March 2023, Council resolved:

*That Council:*

- 1. Advise on the potential to offer Procurement Forum Presentations, conducted in both English and other languages, to provide information on the procurement process, guidelines, and procedures for the multicultural community and businesses interested in working with City of Adelaide.*
- 2. Ensure transparency and fairness throughout the procurement process, with adequate communication to unsuccessful bidders from diverse cultural backgrounds on the reasons why their bid was not successful.*
- 3. Continue to promote openness, transparency, and fairness in all its dealings with ratepayers and the community, including those from diverse cultural backgrounds.*

This report responds to the decision.

In summary, whilst the intent of the Forums is to be more fair and open, it is possible that such an approach could deliver the opposite, in addition to opening Council to increased costs and risks, both legally and reputationally.

With a view to addressing the requirements of Council's resolution, one possible course of action may be to have the procurement and economic development teams to work together to consider various approaches to ensure potential suppliers, including those from diverse cultural backgrounds, can become more 'tender ready' for procurements undertaken by the City of Adelaide.

---

## RECOMMENDATION

The following recommendation will be presented to Council on 28 November 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL  
THAT COUNCIL

1. Notes the report on the potential to offer multi lingual Procurement Forum Presentations.
-

## 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	Engagement with potential suppliers to assist them in becoming “tender ready”, potentially increasing the number of submissions for procurements which may lead to improved procurement outcomes.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 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
23/24 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. At its Meeting held on 28 March 2023, Council resolved:

*That Council:*

1. *Advise on the potential to offer Procurement Forum Presentations, conducted in both English and other languages, to provide information on the procurement process, guidelines, and procedures for the multicultural community and businesses interested in working with City of Adelaide.*
  2. *Ensure transparency and fairness throughout the procurement process, with adequate communication to unsuccessful bidders from diverse cultural backgrounds on the reasons why their bid was not successful.*
  3. *Continue to promote openness, transparency, and fairness in all its dealings with ratepayers and the community, including those from diverse cultural backgrounds.*
2. It is understood that the Motion endorsed by Council was predicated on a report that the City of Brisbane undertook a procurement forum in languages other than English.
  3. In reaching out to the City of Brisbane, it was found that the City of Brisbane did not hold the forum. Rather, it was conducted by a ward councillor who, as advised by the City of Brisbane, funded the forum from their own resources.
  4. In the first instance, this matter has been considered from the position of what the City of Adelaide currently has in place, from a policy, process and engagement perspective.

## Procurement Policy, Guidelines and Processes

5. The City of Adelaide's (CoA) procurement activities are governed by 4 key policies and guidelines:
  - 5.1 **Procurement Policy:** developed in accordance with principles in section 49(a1) of *Local Government Act 1999 (SA)* (the Act) - to develop and maintain procurement policies, practices and procedures directed towards obtaining value for money in the expenditure of public money, **providing for ethical and fair treatment of suppliers**, and ensuring probity, accountability and **transparency** in procurement operations
  - 5.2 **Procurement and Contract Management Operating Guideline** (Link 2 view [here](#)): supports Council Officers through the procurement activity process by providing easy and clear best practice guidance, establishing the processes, roles, responsibilities, authorities, and accountabilities for stakeholders to manage procurement efficiently and effectively.
  - 5.3 **Procure to Pay Operating Guideline:** details controls used to ensure Council funds are wisely spent and drive value for money, detailing processes to be followed to ensure external expenditure is appropriately controlled and the most effective process is used in each instance.
  - 5.4 **Procurement and Contract Approvals Operating Guideline:** provides information regarding approval processes for procurement and contract activities, covering authorisations to commit funds, award Contracts, execute Contracts, make payment or amend Contracts.
6. In addition to the above four documents, a range of various templates and three work instructions provide more detailed processes. The work instructions are in relation to:
  - 6.1 Evaluation
  - 6.2 Financial Viability Checking, and
  - 6.3 Negotiation
7. A primary principle within Council's Procurement Policy (Link 1 view [here](#)) is...

*'Providing for ethical and fair treatment of suppliers'*,  
...primarily designed to provide a level playing field for all suppliers.
8. This is achieved through a number of methods outlined in the policy and guidelines.

## Engagement with suppliers (by the Procurement Team)

9. To ensure that Council's procurements reach as many prospective suppliers as possible, procurements with an open market approach are advertised on the SA Tenders and Contracts website (<https://www.tenders.sa.gov.au>) and follow a consistent process.
10. CoA's Procurement Team maintain consistent communications with existing and prospective suppliers throughout the procurement cycle and its related functions. This may occur prior to tender development and release, during the tender process and after the tender process.
  - 10.1 Pre-tender communications is not undertaken by the Procurement team however, Project Managers may, without any commitment, engage with suppliers during the Initiate or Design Phase to help define requirements prior to procuring goods and services.
  - 10.2 Communication during the tender process can include clarifications on technical requirements, notifications of additional specification documents or amendments to specifications documents, extensions to the tender closing date or any other requests for information from prospective suppliers.
  - 10.3 Communication post-tender includes notifying unsuccessful suppliers of procurement outcomes by email and if requested by suppliers, Council representatives meet with, and provide feedback to, the supplier regarding reasons why they were unsuccessful. Other communications and activities relate to contract management practices throughout the term of the contract.



## Preliminary Considerations

11. Preliminary considerations on the potential to conduct forums in other languages include:
  - 11.1 Ensuring that fairness and openness is maintained for all members of the community and that no inequity is inadvertently created for some members of the community by offering forums in some, but not all, languages – in effect being closed to some parts of the community when trying to be open.
  - 11.2 Ensuring that the translation of tender documentation and wording (often quite technical) across languages is precise, to maintain fairness and transparency and also to avoid potential misunderstanding.
  - 11.3 Managing expectations and resourcing for the ongoing engagement, or relationship to be facilitated, in other languages.

## Key Matters Considered

12. Whilst the proposal is to provide improved openness, transparency and fairness to a broader audience for procurement activities undertaken by City of Adelaide, the following matters were identified as being potentially problematical.
  - 12.1 **Policy around fairness and transparency**
    - 12.1.1 As alluded to above, whilst the intent of offering procurement forums in languages other than English is to provide improved openness, fairness and transparency, it is probable that in doing so the opposite outcome may result through offering the forums in selected languages only. There is the real likelihood this approach may end up excluding more languages, and therefore potential suppliers, than including them, decreasing access and transparency.
    - 12.1.2 In addition, there is the potential for complaints from suppliers whose preferred language has not been chosen or considered for such forums.
  - 12.2 **Cost to promote and engage in activities in other languages**
    - 12.2.1 To be able to provide forums in languages other than English, the CoA will need to engage translators prior to the forums to develop communications, throughout the forums to engage with prospective suppliers and post-forums to respond to queries that may arise.
    - 12.2.2 In addition, holding such forums in languages other than English may set an expectation that engagement activities will also be conducted in a language other than English, adding further cost should translators be required to engage with proponents throughout the entire Procurement Cycle and related processes.
    - 12.2.3 It is difficult to estimate the effort required, and therefore the cost to engage translators, for the above activities.

### 12.3 Accuracy of messaging through translators

- 12.3.1 Given the technical and legal aspects associated with many procurements, ensuring the accuracy of messaging and documentation is paramount. This poses challenges and may be difficult to achieve through translation.
- 12.3.2 There is also a risk, subject to the accuracy of documentation, of prospective tenderers over or under-quoting if misunderstandings or misinterpretations arise through imprecise translations.
- 12.3.3 Should messaging and documentation be unclear, there is the real likelihood that this could lead to both commercial and/or legal disputes. Should disputes eventuate, where would liability lie? Is it with Council or the proponent? Could this uncertainty end up in a potential costly legal process? For Council and the supplier.
- 12.3.4 Preliminary investigations suggest that translation of agreements and related technical documents could cost on average about \$50 per page (noting translations are generally charged on the number of words in a document and there are a range of different quality translations). When one considers that the average size of agreements and attachments for infrastructure projects is around 100 pages, the cost of translation to be borne by the parties could be about \$5,000 on average per infrastructure procurement. It is important to note that the standard clauses can be translated once however technical specifications are different for each procurement and the length of agreements are subject to complexity. Note that larger and more complex infrastructure procurements can result in up to 500 pages for agreements and related attachments.

### 12.4 English as the Basis for Contract Law in South Australia

- 12.4.1 Given that South Australian law is governed by English and all contracts are necessarily written in English, any such disputes are also dealt with and tried in English.
- 12.4.2 It is therefore likely that any supplier relying on transactions and contract documentation translated into a language other than English, is likely to be at a disadvantage, with the potential to end up being liable.
- 12.4.3 This contravenes the intent of our policy in maintaining fairness, and goes against the intent of holding the forums in a non-English language in the first place and reducing the financial burden for local businesses.
- 12.4.4 In addition to the potential cost of initial translation and ongoing activities (as per above), the cost to ensure accuracy, through translators, is also difficult to determine. And should legal disputes arise, Council is further exposed to extra unforeseen costs and resourcing.

### 12.5 Ongoing activities associated with an Agreement

- 12.5.1 Once an agreement is executed the Contract Management phase kicks in requiring constant and regular communications of various means between the supplier and CoA throughout the lifecycle of the project.
- 12.5.2 This raises another set of questions such as, would there be an expectation to conduct such activities bilingually and will project managers be expected to engage with potential suppliers through interpreters and translators.
- 12.5.3 The level of activity will vary depending on the types of projects undertaken and it is again difficult to ascertain the cost associated with such activities.

## Opportunities

- 13. Given the intent of the Motion, to seek to reach a greater audience and provide a fairer and more open and transparent process with greater access, the following opportunities were considered.
  - 13.1 **Supplier Forums:** Regular forums to assist suppliers to understand the CoA's procurement and tendering requirements and associated policies, procedures, processes and guidelines so that they can be "tender ready" to give them the best chance of being successful in any tenders they choose to participate in. This simply means looking at ways in which we can assist local and other suppliers to learn and understand, and become more proficient in, our procurement processes to give them an improved chance of success.
  - 13.2 **Publish upcoming procurements:** CoA already publishes upcoming tenders > \$150k on its website. We could consider alternative channels or methods to communicate this more effectively, to ensure the widest possible audience receives this information. For example, we may be able to advertise on different community and social media platforms for greater reach.

- 13.3 **Economic development activities:** In association with the above initiatives, we could expand the role of economic development in the city to engage with and provide support for businesses, making it easier not only for suppliers with English as second language, but for other groups referred to in our policy such as local suppliers, indigenous businesses and social enterprises. The types of engagement and support will need to be developed jointly between the procurement and economic development teams.

### Summary

14. Whilst the intent of the Forums is to be more open, transparent and fair, it is possible that such an approach could achieve the opposite, in addition to opening up Council to increased costs and risks, both legally and reputationally.
15. Given that South Australian law is governed by English and our contracts are necessarily written in English, any such disputes are also tried in English. It follows that all prospective suppliers need to be adept at, or have the ability to receive accurate advice, to enable them to operate according to the law of South Australia. In this regard, all prospective suppliers have a level playing field.
16. With a view to addressing the intent of the decision, the procurement and economic development teams could work together to consider approaches to ensure prospective suppliers, including those from diverse cultural backgrounds, can become more 'tender ready' for procurements undertaken by the City of Adelaide.

---

## DATA AND SUPPORTING INFORMATION

**Link 1** – Procurement Policy

**Link 2** – Procurement and Contract Management Operating Guideline

---

## ATTACHMENTS

Nil

---

- END OF REPORT -

## Exclusion of the Public

Tuesday, 21 November 2023

**City Finance and  
Governance Committee**

**Program Contact:**

Alana Martin, Manager  
Governance

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 City Finance and Governance Committee 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 City Finance and Governance Committee meeting for the consideration of information and matters contained in the Agenda.

For the following Chief Executive Officer Reports seeking consideration in confidence

**10.1** Delegation to Award Contract [section 90(3) (b) & (d) of the Act]

The Order to Exclude for Item 10.1:

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 10.1

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE:

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 City Finance and Governance Committee dated 21 November 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Delegation to Award Contract] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

This Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to identify the shortlisted tenderers and to confer a commercial advantage on a person with whom the Council is conducting business and prejudice the commercial position of the Council, with the potential to confer a commercial advantage to a third party competitor of a person with whom the council is conducting business.

Public Interest

The 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 may result in release of information prior to the finalisation of 'commercial in confidence' negotiation with the proponent and because



the disclosure of Council's commercial position may severely prejudice Council's ability to discuss/participate or influence a proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

- 2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 21 November 2023 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 10.1 [Delegation to Award Contract] 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.



## 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 report is submitted seeking consideration in confidence.
  - 6.1 Information contained in Item 10.1 – Delegation to Award Contract
    - 6.1.1 Is not subject to an Existing Confidentiality Order.
    - 6.1.2 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 to prejudice the commercial position of the council; and
        - (ii) would, on balance, be contrary to the public interest
      - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
        - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
        - (ii) would, on balance, be contrary to the public interest

---

## ATTACHMENTS

Nil

---

- END OF REPORT -

Document is Restricted