



COUNCIL AGENDA & REPORTS

for the meeting

Tuesday, 28 November 2023

at 5.30 pm

in the Council Chamber, Adelaide Town Hall

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

Agenda

Item	Pages
1. Acknowledgement of Country The Lord Mayor will state: ‘Council acknowledges that we are meeting on traditional Country of the Kaurna 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 Kaurna people living today. And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.’	
2. Acknowledgement of Colonel William Light The Lord Mayor will state: ‘The Council acknowledges the vision of Colonel William Light in determining the site for Adelaide and the design of the City with its six squares and surrounding belt of continuous Park Lands which is recognised on the National Heritage List as one of the greatest examples of Australia’s planning heritage.’	
3. Prayer The Lord Mayor will state: ‘We pray for wisdom, courage, empathy, understanding and guidance in the decisions that we make, whilst seeking and respecting the opinions of others.’	
4. Pledge The Lord Mayor will state: ‘May we in this meeting speak honestly, listen attentively, think clearly and decide wisely for the good governance of the City of Adelaide and the wellbeing of those we serve.’	
5. Memorial Silence The Lord Mayor will ask all present to stand in silence in memory of those who gave their lives in defence of their Country, at sea, on land and in the air.	
6. Apologies and Leave of Absence Nil	
7. Confirmation of Minutes - 14/11/2023 & 16/11/2023 That the Minutes of the meeting of the Council held on 14 November 2023 and the Minutes of the Special meeting of the Council held on 16 November 2023, be taken as read and be confirmed as an accurate record of proceedings. View public 14 November 2023 Minutes here and public 16 November 2023 here .	

Memorial Silence

The Lord Mayor will ask all present to stand for a minute's silence for all Israeli and Palestinian civilians killed in the current conflict, in accordance with the resolution of Council on 14 November 2023.

8. Declaration of Conflict of Interest

9. Deputations

Granted at time of Agenda Publication – 23 November 2023

Nil

10. Petitions

- | | | |
|-------------|--|-------|
| 10.1 | Petition - Supporting our South Australian Community Impacted by the Israeli- Palestinian Conflict | 5 - 8 |
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Recommendation/Advice from Committee/s and Kadaltilla / Adelaide Park Lands Authority

- | | | |
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| 11. | Audit and Risk Committee Report - 10 November 2023 | 9 - 13 |
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| 12. | Recommendations of the City Finance and Governance Committee - 21 November 2023 | 14 - 143 |
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| 13. | Recommendations of the Infrastructure and Public Works Committee - 21 November 2023 | 144 - 196 |
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14. Reports for Council (Chief Executive Officer's Reports)

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| 14.1 | Appointment of Deputy Lord Mayor | 197 - 200 |
| 14.2 | Determination of Time and Place of Ordinary Meetings of Council for 2024 | 201 - 204 |
| 14.3 | Extension of Committee Chairs | 205 - 208 |
| 14.4 | Australia Day Citizenship Ceremony | 209 - 211 |
| 14.5 | 2023 Confidential Orders Review | 212 - 219 |

15. Lord Mayor's Reports

16. Councillors' Reports

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| 16.1 | Reports from Council Members | 220 - 222 |
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17. Motions on Notice

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| 17.1 | Councillor Noon - MoN - Minute silence for lives lost on roads this year and a review / audit of the CoA's Road Safety Strategy | 223 - 224 |
| 17.2 | Councillor Couros - MoN - Update from Mainstreet Roundtable Discussions | 225 - 227 |
| 17.3 | Councillor Elliott - MoN - Amendment to Code of Practice for Meeting Procedures | 228 - 229 |

18. Motions without Notice

19. Questions on Notice

Nil

20. Questions without Notice

- | | | |
|------------|--------------------------------|-----------|
| 21. | Exclusion of the Public | 230 - 233 |
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In accordance with sections 90(2),(3) and (7) of the *Local Government Act 1999 (SA)* Council will consider whether to discuss in confidence the reports contained within sections 22 and 23 of this Agenda.

Confidential Recommendation/Advice from Committee/s and Kadaltilla / Adelaide Park Lands Authority

- | | | |
|------------|---|-----------|
| 22. | Confidential Audit and Risk Committee Report - 10 November 2023 [s 90(3) (g), (i)] | 234 - 236 |
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- 23. Confidential Recommendation of the City Finance and Governance Committee - 21 November 2023 [s 90(3) (b), (d)] 237 - 238
- 24. **Closure**

Petition - Supporting our South Australian Community Impacted by the Israeli-Palestinian Conflict

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Public

Program Contact:
Alana Martin, Manager
Governance

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

This report presents a petition for Council to receive. The petition asks Council to support and vote in favour of the Motion on Notice presented by Councillor Abrahamzadeh at the Council meeting on 14 November 2023.

There are 1979 signatories to the petition.

RECOMMENDATION

THAT COUNCIL

1. Receives the petition containing 1979 signatories, distributed as a separate document to Item 10.1 on the Agenda for the meeting of the Council held on 28 November 2023.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities The presentation of the petition aligns with the Strategic Plan objective that community consultation underpins everything we do.
Policy	Not as a result of this report
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	The petition is presented for receipt in accordance with the Code of Practice for Meeting Procedures and the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i> .
Opportunities	Not as a result of this report
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 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
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. A petition containing 1979 signatories was received on 14 November 2023 that asks Council to support and vote in favour of the Motion on Notice presented by Councillor Abrahamzadeh at the Council meeting on 14 November 2023.
 2. The Chief Executive Officer must ensure the petition is placed on the agenda for the next ordinary meeting of the Council.
 3. Council Members were verbally advised at the Council Meeting on 14 November 2023, that this petition was received and would be placed on the agenda at the next ordinary Council meeting.
 4. The original petition was distributed to all Council Members separately on 14 November 2023.
 5. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.
 6. The petition has been considered pursuant to Regulation 10 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* and with the requirements of the Code of Practice for Meeting Procedures.
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ATTACHMENTS

Petition distributed separately to Lord Mayor and Councillors.

- END OF REPORT -

Audit and Risk Committee Report - 10 November 2023

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

The Audit and Risk Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Terms of Reference in order to facilitate informed decision making in relation to discharging its legislative responsibilities and duties.

The Audit and Risk Committee is required to report to Council after every meeting. This report presents the outcomes of the Audit and Risk Committee following their meeting on 10 November 2023 (view the public component of the meeting documents at [Agenda for Audit and Risk Committee on Friday, 10th November, 2023, 1.00 pm - City of Adelaide](#))

The Audit and Risk Committee resolved to present a recommendation on the following matter to Council for Council determination:

Item 5.1 - 2023/24 BP&B Quarter One Progress Report

RECOMMENDATION

THAT COUNCIL

1. Notes that the Audit and Risk Committee met on the 10 November 2023 and discussed the following items:
 - Item 5.1 - 2023/24 BP&B Quarter One Progress Report
 - Item 5.2 - Grants Management Internal Audit
 - Item 5.3 - Review of Confidentiality Orders
 - Item 5.4 - Climate Change Risk Adaptation Action Plan
 - Item 5.5 - Record Keeping Internal Audit
 - Item 5.6 - Cab Charges, Ride Shares & Pool Cars Internal Audit
 - Item 5.7 - Internal Audit Progress Report
 - Item 5.8 - Audit and Risk Committee Workplan
 - Item 5.9 - Draft Strategic Plan 2024-2028
 - Item 10.1 – Voters Roll Review, considered in confidence pursuant to Section 90(3)(h) of the *Local Government Act 1999* (SA)
 - Item 10.2 - Strategic Risk and Internal Audit Update, considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999* (SA)

DISCUSSION

1. The Audit and Risk Committee met on 10 November 2023 and considered the following items:
 - 1.1. Item 5.1 - 2023/24 BP&B Quarter One Progress Report
 - 1.2. Item 5.2 - Grants Management Internal Audit
 - 1.3. Item 5.3 - Review of Confidentiality Orders
 - 1.4. Item 5.4 - Climate Change Risk Adaptation Action Plan
 - 1.5. Item 5.5 - Record Keeping Internal Audit
 - 1.6. Item 5.6 - Cab Charges, Ride Shares & Pool Cars Internal Audit
 - 1.7. Item 5.7 - Internal Audit Progress Report
 - 1.8. Item 5.8 - Audit and Risk Committee Workplan
 - 1.9. Item 5.9 - Draft Strategic Plan 2024-2028
 - 1.10. Item 10.1 – Voters Roll Review, considered in confidence pursuant to Section 90(3)(h) of the *Local Government Act 1999* (SA)
 - 1.11. Item 10.2 - Strategic Risk and Internal Audit Update, considered in confidence pursuant to Section 90(3)(i) of the *Local Government Act 1999* (SA)
2. Item 5.1 - 2023/24 BP&B Quarter One Progress Report –Presented to Council via at the City Finance and Governance Committee on the 21 November 2023.

THAT THE AUDIT AND RISK 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 5.1 on the Agenda for the meeting of the Audit and Risk Committee held on 10 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 5.1 on the Agenda for the meeting of the Audit and Risk Committee held on 10 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 5.1 on the Agenda for the meeting of the Audit and Risk Committee held on 10 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 5.1 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.

3. Item 5.2 - Grants Management Internal Audit

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the internal audit report provided as Attachment A to Item 5.2 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
2. Endorses the responses of the Administration to the Grants Management Internal Audit Report as outlined in Attachment A to Item 5.2 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.

4. Item 5.3 - Review of Confidentiality Orders

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the internal audit report provided as Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
2. Endorses the responses of the Administration to the Review of Confidentiality Orders as outlined in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.

5. Item 5.4 - Climate Change Risk Adaptation Action Plan

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the progress in the review of the Climate Change Risk Adaptation Action Plan 2021-2026.

6. Item 5.5 - Record Keeping Internal Audit

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the internal audit report provided as Attachment A to Item 5.5 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
2. Endorses the responses of the Administration to the Record Keeping Internal Audit Report as outlined in Attachment A to Item 5.5 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.

7. Item 5.6 - Cab Charges, Ride Shares & Pool Cars Internal Audit

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the internal audit report provided as Attachment A to Item 5.6 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
2. Endorses the responses of the Administration to the Cab Charges, Ride Shares and Pool Cars Internal Audit Report as outlined in Attachment A to Item 5.6 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.

8. Item 5.7 - Internal Audit Progress Report

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the progress of Internal Audit Plan as outlined in Item 5.7 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
2. Notes the progress of the completion of Internal Audit Actions as outlined in Item 5.7 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.

9. Item 5.8 - Audit and Risk Committee Workplan

THAT THE AUDIT AND RISK COMMITTEE

1. Approves the Audit and Risk Committee workplan proposed for 2024 (Attachment A to Item 5.8 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023) to assist Administration in bringing forward reports as required.
2. Notes that precise scheduling of Audit and Risk Committee meetings will be finalised following discussion of a Report to the City Finance and Governance Committee on 21 November 2023.

10. Item 5.9 - Draft Strategic Plan 2024-2028

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the draft Strategic Plan 2024-2028, provided as Attachment A to Item 5.9 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.

11. Item 10.1 – Voters Roll Review

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the internal audit report provided as Attachment A to Item 10.1 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
2. Endorses the responses of the Administration to the Voters Roll Review as outlined in Attachment A to Item 10.1 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
3. In accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 10.1 listed on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023 was received, discussed and considered in confidence pursuant to Section 90 (3) (h) of the *Local Government Act 1999 (SA)* this meeting of the Audit and Risk Committee, do order that:
 - 3.1. The resolution and report become public information and included in the Minutes of the meeting.
 - 3.2. The discussion and attachment submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2030.
 - 3.3. The confidentiality of the matter be reviewed in December 2024.
 - 3.4. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked.

12. Item 10.2 - Strategic Risk and Internal Audit Update

THAT THE AUDIT AND RISK COMMITTEE

1. Notes the report, which will be provided to the next meeting of the council as part of the confidential report of the Audit and Risk Committee.
2. In accordance with Section 91 (7) & (9) of the *Local Government Act 1999 (SA)* and on the grounds that Item 10.2 listed on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023 was received, discussed and considered in confidence pursuant to Section 90 (3)(i) of the *Local Government Act 1999 (SA)* this meeting of the audit and Risk Committee, do order that:
 - 2.1. The resolution become public information and included in the Minutes of this meeting.
 - 2.2. The report, the discussion and any other associated information submitted to this meeting and the Minutes of this meeting in relation to the matter remain confidential and not available for public inspection until 31 December 2030.
 - 2.3. The confidentiality of this matter be reviewed in December 2024.
 - 2.4. The Chief Executive Officer be delegated authority to review and revoke all or part of the order herein and directed to present a report containing the Item for which the confidentiality order has been revoked

DATA AND SUPPORTING INFORMATION

Link 1 – Public component of the Audit and Risk Committee Agenda – 10 November 2023

ATTACHMENTS

Nil

- END OF REPORT -

Recommendations of the City Finance and Governance Committee – 21 November 2023

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Michael Sedgman, Chief
Operating Officer

EXECUTIVE SUMMARY

The City Finance and Governance Committee considered the following Items at its meeting held on 21 November 2023 and resolved to present to Council the following recommendations for Council determination:

- Item 7.1 – 2023/24 Business Plan and Budget - Quarter One Progress Report
- Item 7.2 – AEDA Charter Amendments
- Item 7.3 - Prudential Management Policy
- Item 7.4 – Public Transparency Policy
- Item 7.5 - Draft Code of Practice for Access to Council and Committee Meetings and Documents
- Item 8.1 – Update on progress of Integrated Community Engagement Framework
- Item 8.2 - Procurement Forums

RECOMMENDATION

1. **Recommendation 1** – Item 7.1 - 2023/24 Business Plan and Budget - Quarter One Progress Report

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.

2. **Recommendation 2** – Item 7.2 - AEDA Charter Amendments

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.

3. **Recommendation 3** – Item 7.3 – Prudential Management Policy

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.

4. **Recommendation 4** – Item 7.4 – Public Transparency Policy

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.

5. **Recommendation 5** – Item 7.5 – Draft Code of Practice for Access to Council and Committee Meetings and Documents

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.

6. **Recommendation 6** – Item 8.1 – Update on progress of Integrated Community Engagement Framework

THAT COUNCIL:

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

7. **Recommendation 7** – Item 8.2 – Procurement Forums

THAT COUNCIL:

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

DISCUSSION

1. The City Finance and Governance Committee met at a meeting of the Committee on Tuesday 21 November 2023. The Agenda with public reports for the meeting can be viewed [here](#).
2. Where the resolution of the Committee differs from the recommendation published in the Committee agenda, the Committee's recommendation to the Council is listed first, with the original recommendation provided in grey and italics.
3. The following matters were the subject of deliberation:

3.1. Item 7.1 – 2023/24 Business Plan and Budget - Quarter One report

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.

For ease, Attachments A, B, C & D relating to Recommendation 1, Item 7.1, have been included at the end of this recommendation report.

3.2. Item 7.2 – AEDA Charter Amendments

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.

For ease, Attachments A, B & C relating to Recommendation 2, Item 7.2, have been included at the end of this recommendation report.

3.3. Item 7.3 – Prudential Management Policy

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.

For ease, Attachment A relating to Recommendation 3, Item 7.3, has been included at the end of this recommendation report.

3.4. Item 7.4 – Public Transparency Policy

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.

For ease, Attachment A relating to Recommendation 4, Item 7.4, has been included at the end of this recommendation report.

3.5. Item 7.5 – Draft Code of Practice for Access to Council and Committee Meetings and Documents

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.

For ease, Attachment A relating to Recommendation 5, Item 7.5, has been included at the end of this recommendation report.

3.6. Item 8.1 – Update on progress of Integrated Community Engagement Framework

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
- 3.7. Item 8.2 – Procurement Forums

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.

DATA AND SUPPORTING INFORMATION

Link 1 – City Finance and Governance Committee Agenda

ATTACHMENTS

- END OF REPORT -

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

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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

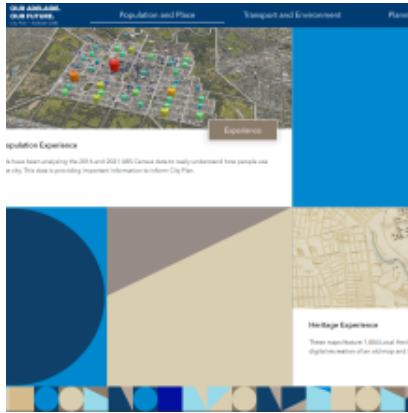


● Strategic Events Fund

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.

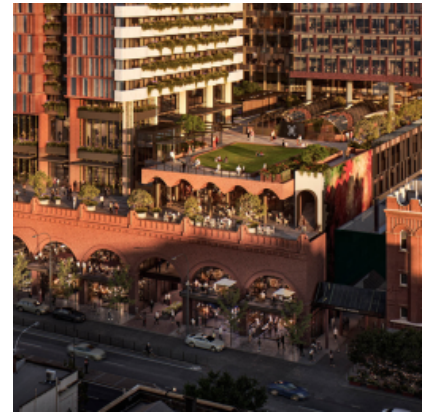


● City Plan

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.



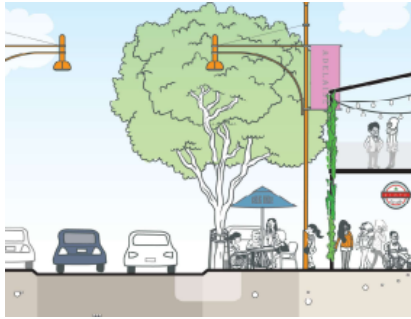
● Central Market Arcade Redevelopment

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.



▲ 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.



● 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.



● 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.



▲ 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.



▲ 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)

\$000's	YTD Actuals	YTD Budget	Variance	Full Year Budget	Q1 Review	Variance
Income						
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	-
Total Income	56,554	56,186	368	225,482	229,394	3,912
Expenses						
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	-
Total Expenses	50,397	52,669	2,272	223,562	227,442	(3,880)
Operating Surplus	6,156	3,516	2,639	1,920	1,952	32

Capital Program

Capital Program						
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)
Total Capital Expenditure	24,134	18,034	(6,100)	100,734	110,280	(9,546)

Operating program – adjustments

\$000's	budget	proposed	variance
2023/24 Budgeted Operating Position			1,920
Financial Assistance Grants 2023/24 funding received in 2022/23, creating a shortfall in 2023/24	979	96	(883)
Resilient Flood Mapping Grant-related expenditure carried forward of \$2,325k, offset by the recognition of the associated grant-funded revenue \$3,000k	-	675	675
Adelaide Free Wi-fi Completion of the Wi-fi network \$98k and recognition of the associated grant-funded revenue \$400k	-	302	302
City Safe CCTV Network Recognition of revenue upon reaching key milestone	-	1400	1,400
External Property Valuations External property valuations for the 2024/25 financial year	-	(240)	(240)
Citywide Waste Program 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)
Employee Costs - 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)
Re-Adaptive Housing Grant funding received from Capital City Committee to fund a position over 2 Financial Years, 2023/24 cost of \$128k	-	-	-
New Years Eve Council decision to increase funding for New Years Eve \$77k, as well as a reallocation from Business Activation and Support \$100k	(473)	(650)	(177)
New Years Eve – AEDA Council decision for events incentive framework for businesses	-	(100)	(100)
Park Lands Event Fees Council decision to reduce the Park Lands Event Fees from \$68.50 to \$60.00	700	613	(87)
Aquatic Centre Legal and prudential costs incurred in relation to reaching a Project Agreement with the State Government	-	(75)	(75)
Records Digitisation Oral history project \$35k, archiving site update \$45k	-	(80)	(80)
Rates Rebates Additional Rates Rebates provided following education assessment outcome	(5,883)	(5,997)	(114)
Other Minor Adjustments 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

\$000's	budget	proposed	Variance
Major Projects Significant works of a capital nature that are over the prudential limit, multi year or have significant grant funding being administered via a contractual deed	36,386	41,716	(5,330)
New and Upgrades 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)
Renewals 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)
Total Adjustment	100,734	110,280	(9,546)

Financial indicators

		Target	Annual	
			Adopted	Q1
Operating Surplus Ratio	Operating surplus as a percentage of operating revenue	0%-20%	0.9%	0.9% ¹
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% ²
Borrowings	Borrowings as a percentage of the Prudential Borrowing Limit	Within Prudential Limits	30.184m	40.553m
			20%	27%

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

² 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:

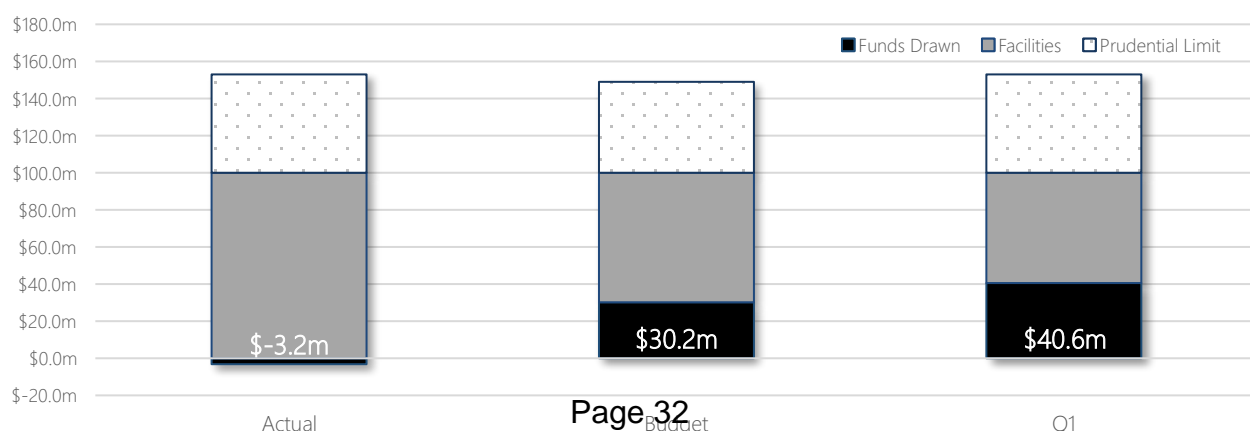
Cash & Cash Equivalents	Available	Interest Type	Interest Rate	Current Investments	Change since previous report \$'000s	Maturity Date
LGFA FT 61355	\$-m	Variable	4.45%	Nil	(10,633)	15/09/2023
LGFA General	\$1.5m	Variable	4.30%	\$1.527m	\$1.527m	-
NAB	\$2.1m	Variable	4.30%	\$1.664m	\$1.286M	-

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)
Total	403	\$100,734,295	\$24,133,975	\$38,135,568	\$38,464,752

* Remaining variance is based on the Adopted budget.

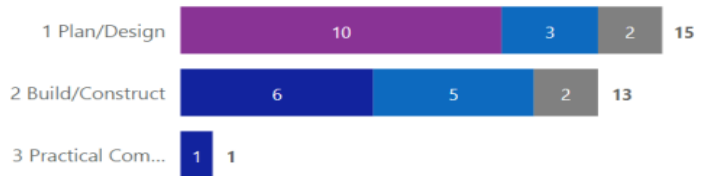
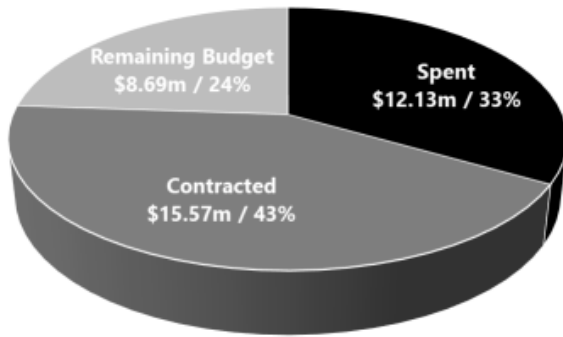
Note

- 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:

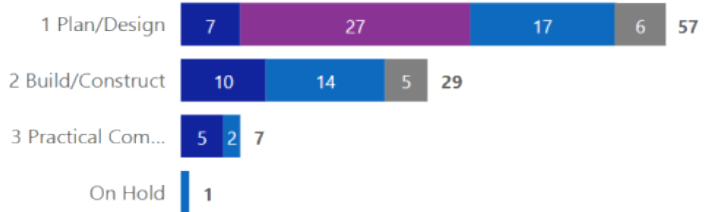
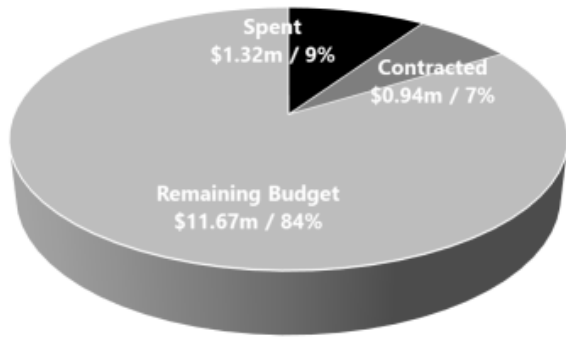
The annual forecast expenditure this quarter has increased by \$5.330m from an adopted budget of \$36.386m to a revised budget of \$41.716m. This is largely due to:

- 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:

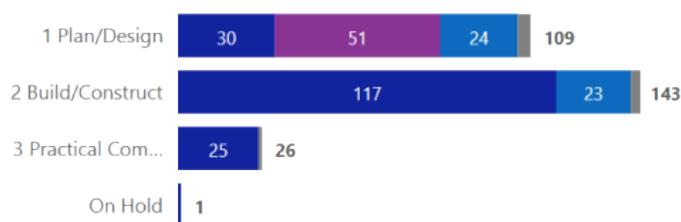
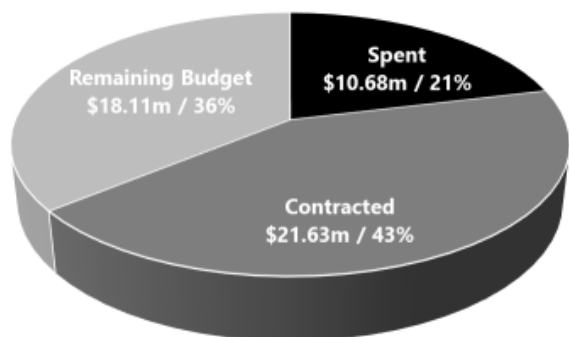
The annual forecast expenditure this quarter has increased by \$0.479m from an adopted budget of \$13.932m to a revised budget of \$14.411m. This is largely due to:

- 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)
Total	27,441	27,354	(87)	(46,084)	(45,809)	275

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)	-
Total	12,091	12,004	(87)	(27,361)	(27,438)	(77)

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)	-
Total	296	296	-	(8,200)	(7,817)	383

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
Total	15,054	15,054	-	(9,871)	(9,902)	(31)

City Shaping | Strategic Projects

	Plan	Expenditure (\$'000)			
	delivered by	budget	proposed	variance	
Office of the Director, City Shaping					
Adaptive Re-use Housing Initiative			-	(128)	(128)*
City Culture					
Aquatic Centre Investigations			-	(75)	(75)
City Activation		June 2024		(400)	(400) 0
Cultural Mapping of the Adelaide Park Lands		June 2024		(75)	(75) 0
Park Lands, Policy and Sustainability					
City Wide Waste and Recycling Program				-	(788) (788)
Delivering the City Plan		<i>tbc</i>		(390)	(390) 0
Local Heritage Assessments - 20th Century Buildings		<i>tbc</i>		(70)	(70) 0
Master Plan of Light Square		June 2024		(75)	(75) 0
Park Lands Biodiversity Survey		<i>tbc</i>		(150)	(150) 0
Park Lands Greening		<i>tbc</i>		(30)	(30) 0
Social Planning Homelessness and Adelaide Zero Project Resourcing		<i>tbc</i>		(200)	(200) 0
Regulatory Services					
On-Street Parking Compliance Technology and Customer Analytics Reform		<i>tbc</i>		(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)
Total	54,804	54,991	187	(120,355)	(120,596)	(241)

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
Total	2,483	2,483	-	(43,113)	(43,161)	(48)

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
Total	-	257	257	(44,624)	(44,520)	104

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)	-
Total	52,321	52,321	-	(31,941)	(32,238)	(297)

City Services | Strategic Projects

	Plan		Expenditure (\$'000)				
	delivered by		budget	proposed	variance		
City Operations							
Private Laneways Fee-for-Service Trial		<i>tbc</i>		(50)	(50)	0	
Infrastructure							
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)	
Strategic Property and Commercial							
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)	-
Total	165	1,565	1,400	(34,198)	(34,025)	53

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)
Total	1	1	-	(5,916)	(6,249)	(333)

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)	-
Total	134	134	-	(4,373)	(4,238)	135

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)	-
Total	-	-	-	(3,735)	(3,735)	-

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
Total	30	1,430	1,400	(13,609)	(13,312)	297

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
Total	-	-	-	(3,945)	(3,945)	-

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
Total	-	-	-	(1,474)	(1,474)	-

Corporate Services | Strategic Projects

	Plan	Expenditure (\$'000)				
	delivered by	budget	proposed	variance		
Finance and Procurement						
Transactional Banking	●●●	●●●	-	(150)	(150)	📌
External Property Valuations	●●●	●●●	-	(240)	(240)	📌
Infrastructure						
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

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

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

Operating Budget (excludes Strategic Projects)	Income (\$'000)			Expenditure (\$'000)		
	budget	Proposed	Variance	budget	proposed	variance
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)	-
Total	4,269	4,269	-	(12,365)	(12,465)	(100)

<i>AEDA Strategic Projects</i>	Plan	Expenditure (\$'000)			
	delivered by	budget	proposed	variance	
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)	-
Total				(3,525)	(3,525)	-

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	
Initiate / Commit / Concept						
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	
Design / Detailed Planning						
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**	
Deliver						
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		
Initiate / Commit / Concept							
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		
Design / Detailed Planning							
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		
Deliver							
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)	🛑
Close							
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)	🛑
Cancelled							
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

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Adelaide Central Market Authority

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QUARTERLY UPDATE
October 2023



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
Income					
User Charges	4,647	1,286	1,215	71	4,861
Other Revenue	128	10	13	(3)	53
Total Income	4,775	1,296	1,229	68	4,914
Expenditure					
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
Total Expenditure	4,692	1,232	1,298	67	5,310
Operating Surplus / (Deficit)	83	64	(70)	134	(395)

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
TOTAL	42	2	0

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

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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

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July — 4 Week Tram Wrap



August – Frida & Diego Activation and Paint n Sip Class



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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.



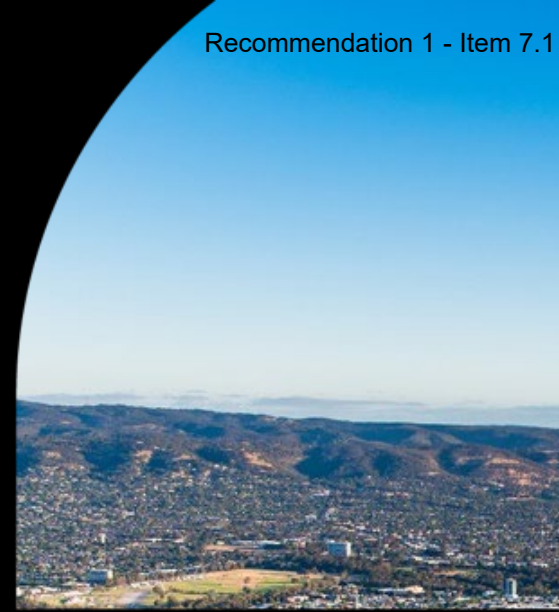
Thank you



Adelaide Economic Development Agency – Quarterly Update

Greg Ratsch, Acting Managing Director AEDA

November 2023



Financial Reporting – September 2023

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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)
\$'000s						
Income						
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
Total Income	1,107	1,057	51	13,692	13,460	232
Expenses						
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
Total Expenses	2,408	3,018	611	13,910	13,460	-450
Operating Surplus / (Deficit)	-1,300	-1,962	661	-218	0	-218

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

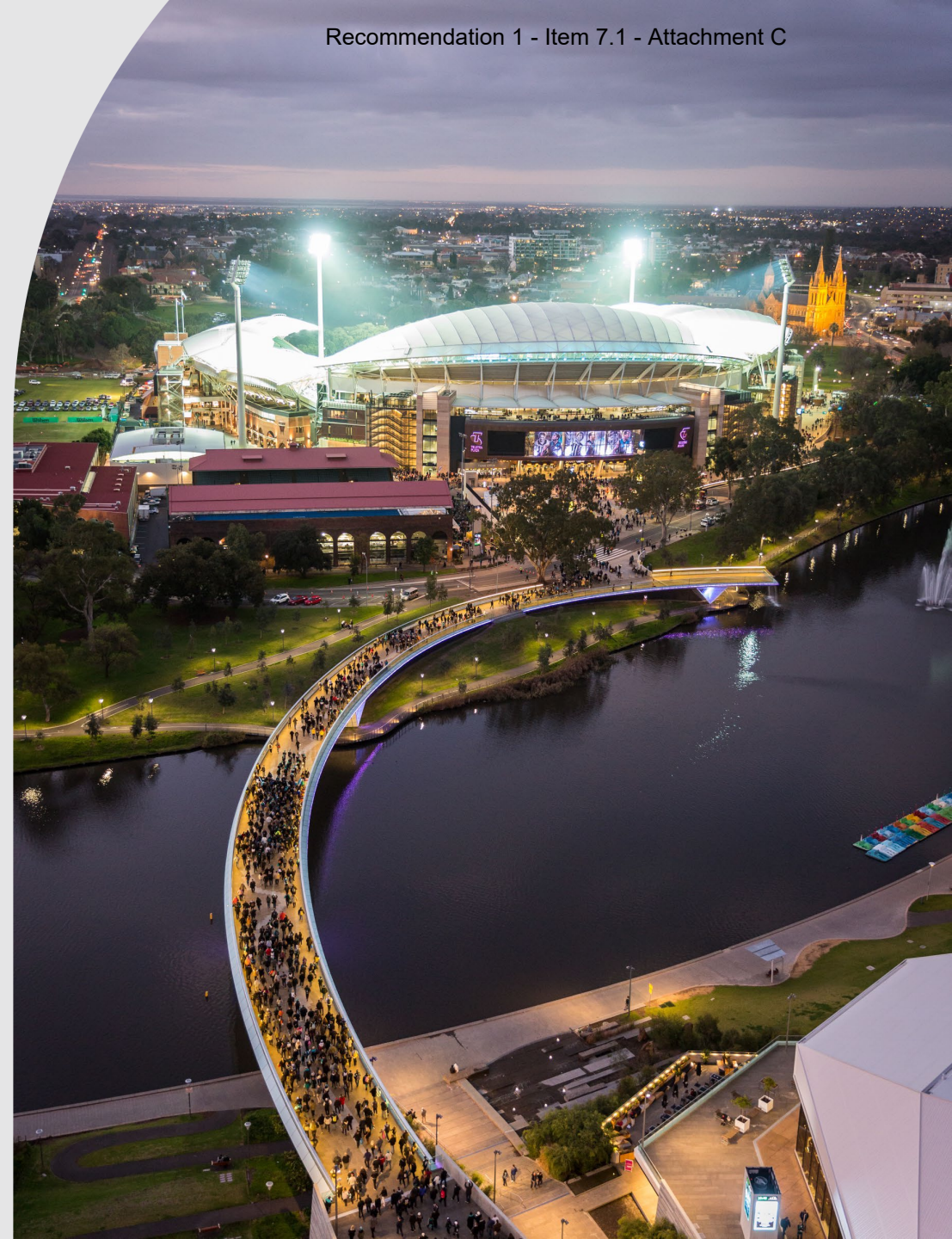
- Current variances recognised include:
 - \$232k of unallocated Strategic Partnership Funding from prior years that has been recognised in this budget and will increase the end of year contribution from CoA
 - \$176k and \$42k representing prior year surplus from Rundle Mall Levy.
- Following endorsement 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

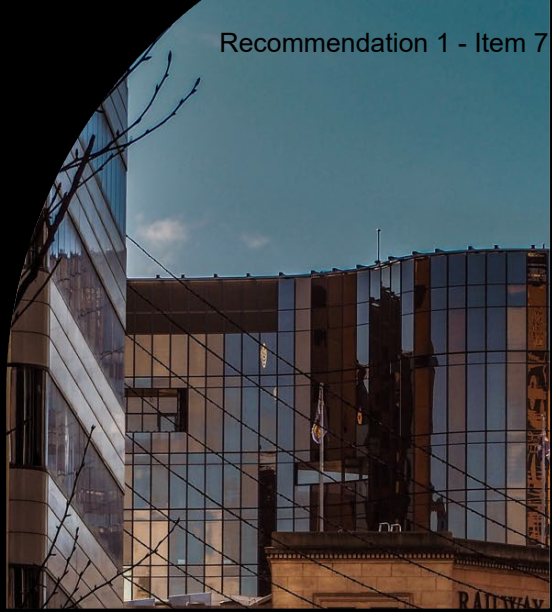
The completion of the AEDA reviews and their consideration by Council provides opportunity to increase impact and efficiency, improve governance and develop a longer term approach to economic development in the city

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



AEDA Business Plan & Budget Measurements

Q1 2023/24



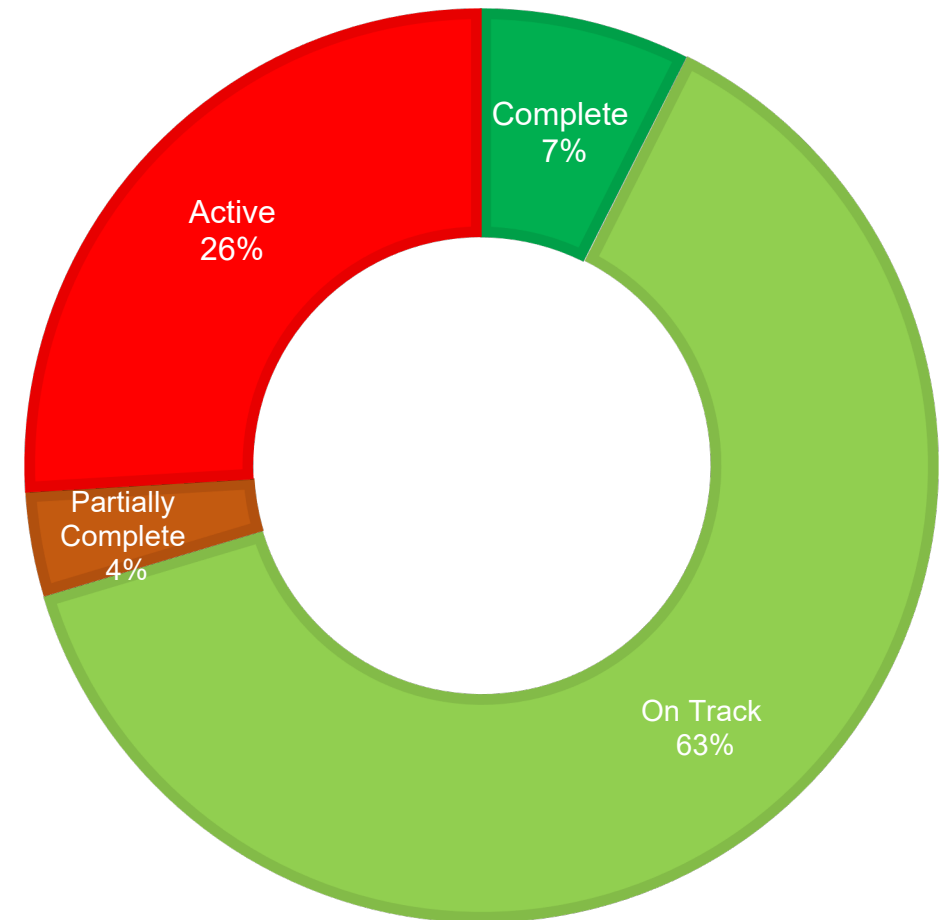
Summary

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"> National Wine Centre Famil - 26 July Flamboyance Tour - Jimmy C Street Art Tour - 29 August Hotel famil (HotelMOTEL, Hotel Alba and The Terrace Hotel) – September OzAsia & Sealink, Good Governance training - September
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"> "Bring Local Brand heroes and fill fashion gaps ": RM Williams Flagship store launched on mall. "Optimise the mix: Brands, Dining and Entertainment": Entertainment Place at Rundle Place scheduled to open in November. "Laneway curation/activation": Charles Street Plaza project commenced; James Place laneway project commenced. "Improved event infrastructure": Upgraded Rundle Mall Sound system project commenced. "FB-driven activations/nostalgic events / new rituals": New Rundle Mall and city-wide Christmas trail developed that aligns with these principles
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	

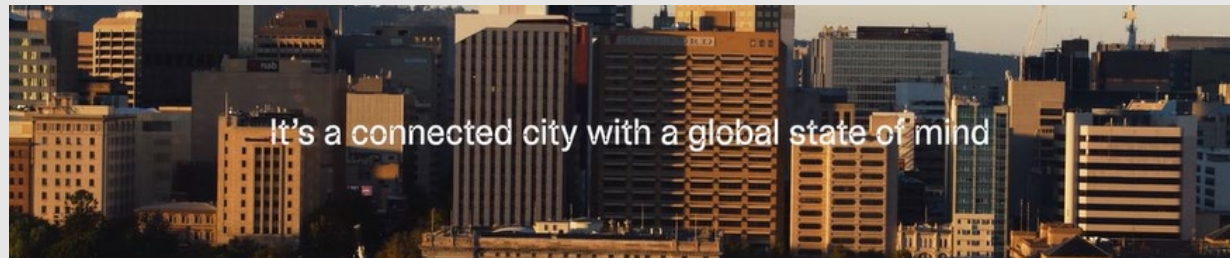
Key Activities – July – September 2023

- 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



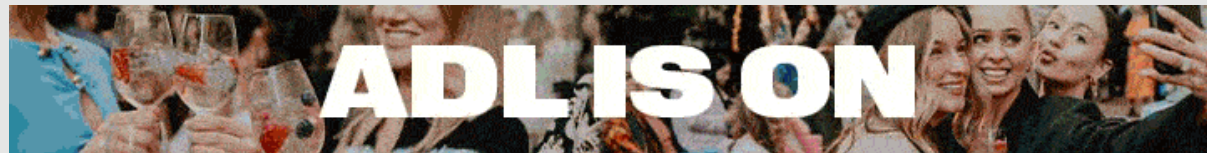
Invest Adelaide Campaign

- 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)

- 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.

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.

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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" - 23rd September 2023
- NAIDOC in the Mall – 4th July 2023
- FIFA Women's World Cup Trophy Tour – 3rd July 2023
- SANFL Grand Final Eve Presentation - 23rd 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

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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.

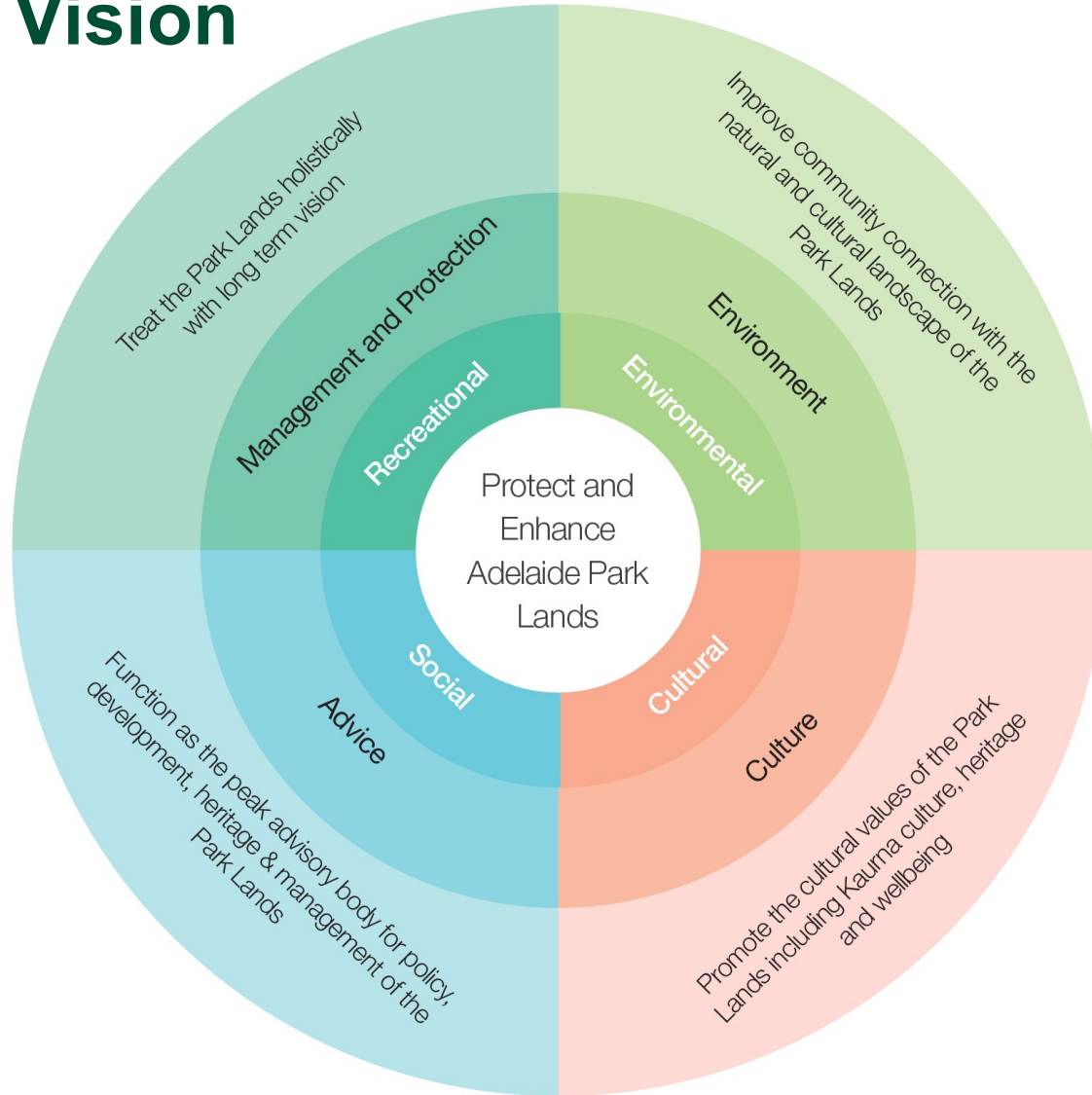
The Council, on behalf of the communities of the City of Adelaide and the State, is committed to ensuring that Kadaltilla delivers maximum benefit for the future of Adelaide's Park Lands as the City of Adelaide's defining feature.

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.



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

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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

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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.

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- 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;

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- 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

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- 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

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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 MANAGER5.1 *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;

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- 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.

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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. MISCELLANEOUS7.1 *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)

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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

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.

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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

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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.

Section 90 Reference	Description
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

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.

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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

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>	Sections 83 and 84 details the public notice requirements for Council meetings Section 90 provides a general duty for Council and Committee meetings to be conducted in a place open to the public. Section 90A sets out the requirements for information or briefing sessions. Section 91 provides for confidential documents and the release of and minutes relating to 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 & 4.
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 council¹ (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

1

Recommendations of the Infrastructure and Public Works Committee – 21 November 2023

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Public

Approving Officer:
Alana Martin, Governance

EXECUTIVE SUMMARY

The Infrastructure and Public Works Committee considered the following Items at its meeting held on 21 November 2023 and resolved to present to Council the following recommendations for Council determination:

- Item 7.1 – Recommended Levels of Service – Water Infrastructure
- Item 7.2 – Recommended Levels of Service - Park Land & Open Space
- Item 7.3 – 2023-2024 Australian Government Black Spot Program - Funding Deeds
- Item 7.4 – Hutt Street Entry Statement Project
- Item 8.1 – Capital Project Update – October 2023

RECOMMENDATION

1. Recommendation 1 – Item 7.1 - Recommended Levels of Service – Water Infrastructure

THAT COUNCIL

1. Notes the results of the community consultation undertaken in November 2021 to benchmark current user satisfaction for water infrastructure assets.
2. Approves the development of the interim Water Infrastructure Asset Management Plan based on the planning principles and recommended management strategies presented within, as set out in Item 7.1 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.
3. Seeks the interim Water Infrastructure Asset Management Plan to reference options for the use of recycled water across the Park Lands from within or outside the network and the results of an assessment of an alternative to bore water usage in the Park Lands and to consider what assets would improve water quality in the River Torrens.

2. Recommendation 2 – Item 7.2 - Recommended Levels of Service - Park Land & Open Space

THAT COUNCIL

1. Notes the results of the community consultation undertaken in November 2021 to benchmark current user satisfaction for Park Lands and Open Space assets.
2. Approves the development of the Park Lands and Open Space Asset Management Plan based on the planning principles and recommended management strategies as set out in Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.

3. Recommendation 3 – Item 7.3 - 2023-2024 Australian Government Black Spot Program - Funding Deeds

THAT COUNCIL

1. Notes the successful grant applications for the 2023/24 Australian Government Black Spot Program for safety upgrade works at the intersections of Currie Street and Morphett Street; Jeffcott Street and Ward Street; and Morphett Street and South Terrace.
2. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Funding Deed under the 2023/24 Australian Government Black Spot Program for safety upgrade works at the intersections of Currie Street and Morphett Street; Jeffcott Street and Ward Street; and Morphett Street and South Terrace as contained in Attachment A to Item 7.3 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.

4. Recommendation 4 – Item 7.4 - Hutt Street Entry Statement Project

THAT COUNCIL

1. Authorises the Chief Executive Officer (or authorised representative) to commence the procurement process by releasing a request for tender for the Hutt Street Entry Statement project with an estimate project value within the approved budget.
2. Authorises the Chief Executive Officer (or authorised representative) to approve the award of the contract and approve variations for the Hutt Street Entry Statement Project to the contract as appropriate until the contract is concluded within the approved budget.

5. Recommendation 5 – Item 8.1 - Capital Project Update – October 2023

THAT COUNCIL

1. Notes the Capital Works Program Update for October 2023 as contained within this report and Attachment A to Item 8.1 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 21 November 2023.

DISCUSSION

1. The Infrastructure and Public Works Committee met on Tuesday 21 November 2023. The Agenda with reports for the meeting can be viewed [here](#).
2. Where the resolution of the Committee differs from the recommendation published in the Committee agenda, the Committee's recommendation to the Council is listed first, with the original recommendation provided in grey and italics.
3. The following matters were the subject of deliberation

3.1. Item 7.1 - Recommended Levels of Service – Water Infrastructure

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE:

THAT COUNCIL:

1. Notes the results of the community consultation undertaken in November 2021 to benchmark current user satisfaction for water infrastructure assets.
2. Approves the development of the interim Water Infrastructure Asset Management Plan based on the planning principles and recommended management strategies presented within, as set out in Item 7.1 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.
3. Seeks the interim Water Infrastructure Asset Management Plan to reference options for the use of recycled water across the Park Lands from within or outside the network and the results of an assessment of an alternative to bore water usage in the Park Lands and to consider what assets would improve water quality in the River Torrens.

Original Recommendation as Printed in the IPW Committee Agenda

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE:

THAT COUNCIL:

1. *Notes the results of the community consultation undertaken in November 2021 to benchmark current user satisfaction for water infrastructure assets.*
2. *Approves the development of the interim Water Infrastructure Asset Management Plan based on the planning principles and recommended management strategies presented within, as set out in Item 7.1 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.*

3.2. Item 7.2 - Recommended Levels of Service - Park Land & Open Space

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL:

THAT COUNCIL:

1. Notes the results of the community consultation undertaken in November 2021 to benchmark current user satisfaction for Park Lands and Open Space assets.
2. Approves the development of the Park Lands and Open Space Asset Management Plan based on the planning principles and recommended management strategies as set out in Item 7.2 on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.

3.3. Item 7.3 - 2023-2024 Australian Government Black Spot Program - Funding Deeds

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL:

THAT COUNCIL:

1. Notes the successful grant applications for the 2023/24 Australian Government Black Spot Program for safety upgrade works at the intersections of Currie Street and Morphett Street; Jeffcott Street and Ward Street; and Morphett Street and South Terrace.
2. Authorises the Lord Mayor and Chief Executive Officer to affix the Common Seal of the Council to the Funding Deed under the 2023/24 Australian Government Black Spot Program for safety upgrade works at the intersections of Currie Street and Morphett Street; Jeffcott Street and Ward Street; and Morphett Street and South Terrace as contained in Attachment A to Item 7.3

on the Agenda for the meeting of the Infrastructure and Public Works Committee held on 21 November 2023.

For ease, Attachment A relating to Recommendation 3, Item 7.3, has been included at the end of this recommendation report.

3.4. Item 7.4 - Hutt Street Entry Statement Project

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL:

THAT COUNCIL:

1. Authorises the Chief Executive Officer (or authorised representative) to commence the procurement process by releasing a request for tender for the Hutt Street Entry Statement project with an estimate project value within the approved budget.
2. Authorises the Chief Executive Officer (or authorised representative) to approve the award of the contract and approve variations for the Hutt Street Entry Statement Project to the contract as appropriate until the contract is concluded within the approved budget.

3.5. Item 8.1 - Capital Project Update – October 2023

THAT THE INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE RECOMMENDS TO COUNCIL:

THAT COUNCIL:

1. Notes the Capital Works Program Update for October 2023 as contained within this report and Attachment A to Item 8.1 on the Agenda for the meeting of the Infrastructure & Public Works Committee held on 21 November 2023.

For ease, Attachment A relating to Recommendation 5, Item 8.1, has been included at the end of this recommendation report.

DATA AND SUPPORTING INFORMATION

Link 1 – Infrastructure and Public Works Committee Public Agenda

ATTACHMENTS

- END OF REPORT -

**Government of South Australia**Department for Infrastructure
and Transport

In reply please quote 2022/06522/02

Enquiries to Ty Edwards

Telephone (08) 7133 2893

Ms Clare Mockler
Chief Executive Officer
City of Adelaide
GPO Box 2252
ADELAIDE SA 5001

**Transport Strategy and
Planning – Road Network
Planning**

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222

ABN 92 366 288 135

Dear Ms Mockler

2023-2024 AUSTRALIAN GOVERNMENT BLACK SPOT PROGRAM

On 13 July 2023, the Australian Government announced the South Australian projects approved for funding under the 2023-2024 Australian Government Black Spot Program.

I am pleased to advise that the following projects were approved funding under this program:

- Currie Street and Morphett Street Intersection Safety Improvements
 - Install signalised pedestrian phase on all approaches.
 - Approved funding: \$ 46,819 (GST inclusive).
 - Completion by the end of June 2024.

- Jeffcott Street and Ward Street Intersection Safety Improvements
 - Install signalised pedestrian phase and controlled right turns on all approaches.
 - Approved funding: \$ 114,950 (GST inclusive).
 - Completion by the end of June 2024.

- Morphett Street and South Terrace Intersection Safety Improvements
 - Install fully controlled right turns and signalised pedestrian protection for all movements.
 - Approved funding: \$ 164,285 (GST inclusive).
 - Completion by the end of June 2024.

A funding deed has been prepared for each project, containing information about the project funding, conditions, reporting and payment arrangements.

Two copies of the deed for each project are attached.

Please insert the required details in item 2 of Schedule 1, attach the seal and sign on page 8 and return both copies within six weeks from the date of this letter to:

*Mr Ty Edwards
Road Safety Engineer
Transport Strategy and Planning Division
Department for Infrastructure and Transport
GPO Box 1533
ADELAIDE SA 5001*

It is important that the obligations and conditions in the funding deed are met. Work on the project must be undertaken in accordance with appropriate Austroads, Australian and Departmental Standards and the requirements of the *Notes on Administration for the Infrastructure Investment Black Spot Program*, which is available on the Department's website at https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program.

For further information regarding project nominations, please contact Mr Ty Edwards on telephone number (08) 7133 2893 or email Ty.Edwards@sa.gov.au.

Yours sincerely



Fiona Cartwright
Manager, Road Network Planning

18th October 2023

Encl. 2 x copies of Funding Deed for each project

FUNDING DEED

under

**2023-2024 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	121802-23SA-BS
Location	Currie Street and Morphett Street, Adelaide
Project Description	Install signalised pedestrian phase on all approaches.
Project Funding	\$ 46,819 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

FUNDING DEED

Between

COMMISSIONER OF HIGHWAYS, a body corporate pursuant to the *Highways Act 1926* (administered by the Department for Infrastructure and Transport) (ABN: 92 366 288 135).....(**Grantor**)

And

THE COUNCIL NAMED IN SCHEDULE 1, a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

1. BACKGROUND

- 1.1 The Council has proposed to undertake the project (**Project**) described in item 3 of Schedule 1.
- 1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose (**Purpose**) described in item 3 of Schedule 1 which includes the conduct of the Project.
- 1.3 The maximum amount that may be paid to the Council under this deed is set out in item 4 of Schedule 1 (**Funding**).
- 1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways (**Commissioner**).
- 1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

2. FUNDING

- 2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.
- 2.2 The Council must only use the Funding for the Purpose.
- 2.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in item 4 of Schedule 1.
- 2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.
- 2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:
 - (a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and
 - (b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.

The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.
- 2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.

2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

3. **GST**

3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.

3.2 In this Deed "*Taxable Supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999 (GST Law)*.

4. **ADMINISTRATION OF DEED**

4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person (**Grantor's Representative**) for the time being in the position within the Department for Infrastructure and Transport (**Department**) set out in item 2 of Schedule 1.

4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in item 2 of Schedule 1.

5. **PROVISION OF FINANCIAL INFORMATION**

5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:

- (a) the administration and financial affairs of the Council;
- (b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
- (c) any significant changes to the nature and scope of the activities conducted by the Council;
- (d) any other matter relevant to the granting of assistance;
- (e) any other funding or financial assistance promised or received from any source other than the Grantor;
- (f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
- (g) the performance of the Council's undertakings and obligations under this deed.

5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:

- (a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
- (b) the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
- (c) the overall effectiveness of the Funding throughout the Funding Period;
- (d) compliance with legislation and generally accepted accounting principles; and

- (e) compliance with the Council's constitution and the conditions of this deed.

5.3 The Council must permit any officer authorised by the Grantor:

- (a) to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and
- (b) to interview employees of the Council on matters pertaining to the operations of the Council.

6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

- 6.1 use the Funding only for the Purpose for which the Funding was made;
- 6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 6.4 comply with its constitution;
- 6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;
- 6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;
(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
- 6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive) prepare financial statements in the nature of General Purpose Financial Statements; and
- 6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

7. CONDUCT OF THE PROJECT

- 7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.
- 7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.
- 7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on **Administration for Land transport Infrastructure Projects** published by the Commonwealth.

8. TERMINATION

- 8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:
- (a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
 - (b) withhold all future funding from the Council;
 - (c) pursue any legal rights or remedies which may be available to the Grantor; and
 - (d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.
- 8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 8.3 Nothing in this deed is to be taken to limit the Grantor's discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

9. GENERAL TERMS AND CONDITIONS

9.1 Insurance

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

9.2 Commonwealth Funded Project

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

9.3 Audit

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

9.4 Acknowledgements

The Council acknowledge that the Funding represents a one-off contribution by the Grantor towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Grantor. The Grantor is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Grantor will not be liable to reimburse the Council for any losses or cost over runs that may result from the operation of this deed or the carrying out of the Purpose or Project.

9.5 Indemnity

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Project and it releases and indemnifies the Grantor, the Commissioner and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

9.6 Assignment

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

9.7 Publicity

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor's written consent.

9.8 Consent

If the Council requires the Grantor's consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor's consent will not be effective unless it is in writing and signed.

9.9 Entire Deed

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

9.10 Proper Law

The laws in force in South Australia apply to this deed.

9.11 Jurisdiction of Courts

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

9.12 Compliance with Laws

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

9.13 Notices

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- (a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- (b) if sent by electronic mail, when the sender receives confirmation that the e-mail has been transmitted successfully to the correct e-mail address;
or

- (c) if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

9.14 Performance and future proposals

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

9.15 Waiver

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights.

A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

9.16 Variation

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

9.17 Reading down and Severance

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

9.18 Auditor General

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

9.19 Public Disclosure

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

9.20 Special Conditions

The special conditions set out under item 7 of Schedule 1 (if any) form part of this deed.

EXECUTED as a DEED

By the Grantor

THE COMMON SEAL of the)
COMMISSIONER OF HIGHWAYS)
)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

in the presence of:

Witness Signature:.....

Print Name:

By the Council

THE COMMON SEAL of the)
COUNCIL NAMED IN SCHEDULE 1)
)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

as attested by the Principal Member and
Chief Executive Officer.

Signature:.....

Signature:

Print Name:

Print Name:

Principal Member

Chief Executive Officer

SCHEDULE 1 - PARTICULARS

1. THE COUNCIL

Name: **City of Adelaide**

Site Address: **Town Hall, Adelaide 5000**

Postal Address: **25 Pirie St, Adelaide 5000**

ABN: **20 903 762 572**

2. REPRESENTATIVES

Grantor's Representative	Council's Representative
Name: Russell Troup	Name: _____
Position: Director, Transport Strategy and Network Planning Department for Infrastructure and Transport	Position: _____ _____
Address: GPO BOX 1533 ADELAIDE SA 5001	Address: _____ _____
Telephone: (08) 7133 2967	Telephone: _____
E-mail: russell.troup@sa.gov.au	E-mail: _____

3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)

The Purpose: The funding is provided for the purpose of the Council undertaking on the road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project:	Project Number	121802-23SA-BS
	Project Description	Install signalised pedestrian phase on all approaches.

Note: Please ensure that a full description setting out all aspects of the Project is included (this is of particular importance for Projects undertaken on DIT maintained roads).

Details of the Road(s): **Intersections of Currie Street and Morphett Street**

Is the Road(s) under the care control and management of the Commissioner of Highways: **No**

Note: If under the care, control and management of the Commissioner then Schedule 2 will apply.

4. THE FUNDING

The Funding: **\$46,819** (GST Inclusive)

The Funding Period: Start Date: **1 July 2023**

End Date: **30 June 2024**

5. MANNER & CONDITIONS OF PAYMENT

Limit on payments

The Funding of **\$46,819** (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

Initial Instalment in Advance & Progress Payments

The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

Payment	Amount AUD (GST Inclusive)
Initial Instalment in Advance <small>(Note: If no amount is indicated then no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)</small>	\$nil
Allocation for Progress Payments	\$46,819
Total Funding	\$46,819

Periodic Progress Payments

Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "Quarter" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by **1 June** issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

Invoices

The Grantor is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Grantor;
- (c) is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
- (d) reflects the correct amount for payment under this deed; and

(e) is a valid Tax Invoice in accordance with GST Law.

The **Claim Form** must set out:

- (a) The progress of the work towards the Purpose.
- (b) Project expenditure report from Council's financial management system and a summary schedule of expenditure.
- (c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link:

https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council's invoice.

6. ADDITIONAL REPORTING REQUIREMENTS

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
Project Report	1 st Report- 1 st August 2 nd Report-1 st November 3 rd Report-1 st February 4 th Report- 1 st May or 7 days from request	<ul style="list-style-type: none"> • The progress of the Project and scheduling of works. • Updated Expenditure forecasts during the term of the funding period. • The management of the Funding (i.e. break down of expenditure of the Funding). • Any changes to the authorised scope of the Project. • Any significant changes to the nature, scope and cost of the activities conducted by the Council. • Any operational matters requested from time to time by the Grantor for inclusion in the Project Report. • Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program
Completion Report	Within 30 days from the completing the works for the Project.	Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program
Financial Statements (As referred to in clauses 6.6 and 6.7 of the Deed)	Within 30 days from the expiry of the Funding Period.	<p>Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.</p> <p>Standard: If the Funding is in excess of \$1 M (GST exclusive) <u>then</u> the recipient must prepare its Financial Statements in the nature of General Purpose Financial Statements.</p> <p>(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)</p>

7. SPECIAL CONDITIONS

- 7.1 The Transport Strategy and Network Planning Directorate will contact Council for a commencement meeting or other meetings as required.

SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("**Road**") that is under the care, control and management of the Commissioner of Highways ("**Commissioner**").

2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the *Highways Act 1926* (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the *Local Government Act 1999* (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the *Highways Act 1926*.

3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed "third party installations" means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

- (a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;
- (b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);
- (c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;
- (d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:
 - (i) the Department's requirements as per the DIT Master Specification available at [Works on Roads by Other Organisations - Department for Infrastructure and Transport - South Australia](#);
 - and
 - (ii) the detailed design(s), drawings and plans and Traffic Management Plan agreed to by the Commissioner,

unless a variation is first agreed in writing by the Commissioner;

- (e) ensure that any works undertaken do not disrupt (or impede) any activity undertaken by the Commissioner (or the Department) on the Road;
- (f) ensure that a defect liability period of not less than 24 calendar months applies to the works and the Council must invite (and make provision for) a representative of the Commissioner to attend inspections to assess both practical completion and final completion of the works;
- (g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);
- (h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;
- (i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the *Work Health and Safety Act, 2012* (SA) and the *Work Health and Safety Regulations, 2012* (SA)];
- (j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and
- (k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:

http://www.dit.sa.gov.au/contractor_documents (intellectual property in the plans and drawings vests in the Commissioner).

3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.

FUNDING DEED

under

**2023-2024 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number **121804-23SA-BS**

Location **Jeffcott Street and Ward Street, North Adelaide**

Project Description Install signalised pedestrian phase and controlled right
 turns on all approaches.

Project Funding \$ **114,950** (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

FUNDING DEED

Between

COMMISSIONER OF HIGHWAYS, a body corporate pursuant to the *Highways Act 1926* (administered by the Department for Infrastructure and Transport) (ABN: 92 366 288 135).....(**Grantor**)

And

THE COUNCIL NAMED IN SCHEDULE 1, a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

1. BACKGROUND

- 1.1 The Council has proposed to undertake the project (**Project**) described in item 3 of Schedule 1.
- 1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose (**Purpose**) described in item 3 of Schedule 1 which includes the conduct of the Project.
- 1.3 The maximum amount that may be paid to the Council under this deed is set out in item 4 of Schedule 1 (**Funding**).
- 1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways (**Commissioner**).
- 1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

2. FUNDING

- 2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.
- 2.2 The Council must only use the Funding for the Purpose.
- 2.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in item 4 of Schedule 1.
- 2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.
- 2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:
 - (a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and
 - (b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.

The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.
- 2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.

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- 2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

3. **GST**

- 3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.
- 3.2 In this Deed "*Taxable Supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999 (GST Law)*.

4. **ADMINISTRATION OF DEED**

- 4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person (**Grantor's Representative**) for the time being in the position within the Department for Infrastructure and Transport (**Department**) set out in item 2 of Schedule 1.
- 4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in item 2 of Schedule 1.

5. **PROVISION OF FINANCIAL INFORMATION**

- 5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:
- (a) the administration and financial affairs of the Council;
 - (b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
 - (c) any significant changes to the nature and scope of the activities conducted by the Council;
 - (d) any other matter relevant to the granting of assistance;
 - (e) any other funding or financial assistance promised or received from any source other than the Grantor;
 - (f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
 - (g) the performance of the Council's undertakings and obligations under this deed.
- 5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:
- (a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
 - (b) the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
 - (c) the overall effectiveness of the Funding throughout the Funding Period;
 - (d) compliance with legislation and generally accepted accounting principles; and

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- (e) compliance with the Council's constitution and the conditions of this deed.
- 5.3 The Council must permit any officer authorised by the Grantor:
- (a) to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and
 - (b) to interview employees of the Council on matters pertaining to the operations of the Council.

6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

- 6.1 use the Funding only for the Purpose for which the Funding was made;
- 6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 6.4 comply with its constitution;
- 6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;
- 6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;
(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
- 6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive) prepare financial statements in the nature of General Purpose Financial Statements; and
- 6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

7. CONDUCT OF THE PROJECT

- 7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.
- 7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.
- 7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on **Administration for Land transport Infrastructure Projects** published by the Commonwealth.

8. TERMINATION

- 8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:
- (a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
 - (b) withhold all future funding from the Council;
 - (c) pursue any legal rights or remedies which may be available to the Grantor; and
 - (d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.
- 8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 8.3 Nothing in this deed is to be taken to limit the Grantor's discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

9. GENERAL TERMS AND CONDITIONS

9.1 Insurance

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

9.2 Commonwealth Funded Project

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

9.3 Audit

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

9.4 Acknowledgements

The Council acknowledge that the Funding represents a one-off contribution by the Grantor towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Grantor. The Grantor is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Grantor will not be liable to reimburse the Council for any losses or cost over runs that may result from the operation of this deed or the carrying out of the Purpose or Project.

9.5 Indemnity

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Project and it releases and indemnifies the Grantor, the Commissioner and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

9.6 Assignment

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

9.7 Publicity

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor's written consent.

9.8 Consent

If the Council requires the Grantor's consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor's consent will not be effective unless it is in writing and signed.

9.9 Entire Deed

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

9.10 Proper Law

The laws in force in South Australia apply to this deed.

9.11 Jurisdiction of Courts

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

9.12 Compliance with Laws

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

9.13 Notices

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- (a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- (b) if sent by electronic mail, when the sender receives confirmation that the e-mail has been transmitted successfully to the correct e-mail address; or

- (c) if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

9.14 **Performance and future proposals**

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

9.15 **Waiver**

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights.

A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

9.16 **Variation**

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

9.17 **Reading down and Severance**

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

9.18 **Auditor General**

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

9.19 **Public Disclosure**

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

9.20 **Special Conditions**

The special conditions set out under item 7 of Schedule 1 (if any) form part of this deed.

EXECUTED as a DEED

By the Grantor

THE COMMON SEAL of the)
COMMISSIONER OF HIGHWAYS)
)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

in the presence of:

Witness Signature:.....

Print Name:

By the Council

THE COMMON SEAL of the)
COUNCIL NAMED IN SCHEDULE 1)
)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

as attested by the Principal Member and
Chief Executive Officer.

Signature:.....

Signature:

Print Name:

Print Name:

Principal Member

Chief Executive Officer

SCHEDULE 1 - PARTICULARS

1. THE COUNCIL

Name: **City of Adelaide**
 Site Address: **Town Hall, Adelaide 5000**
 Postal Address: **25 Pirie St, Adelaide 5001**
 ABN: **20 903 762 572**

2. REPRESENTATIVES

Grantor's Representative	Council's Representative
Name: Russell Troup	Name: _____
Position: Director, Transport Strategy and Network Planning Department for Infrastructure and Transport	Position: _____ _____
Address: GPO BOX 1533 ADELAIDE SA 5001	Address: _____ _____
Telephone: (08) 7133 2967	Telephone: _____
E-mail: russell.troup@sa.gov.au	E-mail: _____

3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)

The Purpose: The funding is provided for the purpose of the Council undertaking on the road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project:	Project Number	121804-23SA-BS
	Project Description	Install signalised pedestrian phase and controlled right turns on all approaches

Note: Please ensure that a full description setting out all aspects of the Project is included (this is of particular importance for Projects undertaken on DIT maintained roads).

Details of the Road(s): **Intersections of Jeffcott Street and Ward Street**

Is the Road(s) under the care control and management of the Commissioner of Highways: **No**

Note: If under the care, control and management of the Commissioner then Schedule 2 will apply.

4. THE FUNDING

The Funding: **\$114,950** (GST Inclusive)

The Funding Period: Start Date: **1 July 2023**

End Date: **30 June 2024**

5. MANNER & CONDITIONS OF PAYMENT

Limit on payments

The Funding of **\$114,950** (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

Initial Instalment in Advance & Progress Payments

The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

Payment	Amount AUD (GST Inclusive)
Initial Instalment in Advance <small>(Note: If no amount is indicated then no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)</small>	\$nil
Allocation for Progress Payments	\$114,950
Total Funding	\$114,950

Periodic Progress Payments

Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "Quarter" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by **1 June** issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

Invoices

The Grantor is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Grantor;
- (c) is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
- (d) reflects the correct amount for payment under this deed; and

(e) is a valid Tax Invoice in accordance with GST Law.

The **Claim Form** must set out:

- (a) The progress of the work towards the Purpose.
- (b) Project expenditure report from Council’s financial management system and a summary schedule of expenditure.
- (c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link:

https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council’s invoice.

6. ADDITIONAL REPORTING REQUIREMENTS

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
Project Report	1 st Report- 1 st August 2 nd Report-1 st November 3 rd Report-1 st February 4 th Report- 1 st May or 7 days from request	<ul style="list-style-type: none"> • The progress of the Project and scheduling of works. • Updated Expenditure forecasts during the term of the funding period. • The management of the Funding (i.e. break down of expenditure of the Funding). • Any changes to the authorised scope of the Project. • Any significant changes to the nature, scope and cost of the activities conducted by the Council. • Any operational matters requested from time to time by the Grantor for inclusion in the Project Report. • Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program
Completion Report	Within 30 days from the completing the works for the Project.	Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program
Financial Statements (As referred to in clauses 6.6 and 6.7 of the Deed)	Within 30 days from the expiry of the Funding Period.	Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council’s expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council. Standard: <u>If</u> the Funding is in excess of \$1 M (GST exclusive) <u>then</u> the recipient must prepare its Financial Statements in the nature of General Purpose Financial Statements. (Note: for the purposes of compliance with Australian Accounting Standards (“AAS”) this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)

7. SPECIAL CONDITIONS

- 7.1 The Transport Strategy and Network Planning Directorate will contact Council for a commencement meeting or other meetings as required.

SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("Road") that is under the care, control and management of the Commissioner of Highways ("Commissioner").

2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the *Highways Act 1926* (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the *Local Government Act 1999* (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the *Highways Act 1926*.

3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed "third party installations" means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

- (a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;
- (b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);
- (c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;
- (d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:
 - (i) the Department's requirements as per the DIT Master Specification available at [Works on Roads by Other Organisations - Department for Infrastructure and Transport - South Australia](#);
and
 - (ii) the detailed design(s), drawings and plans and Traffic Management Plan agreed to by the Commissioner,unless a variation is first agreed in writing by the Commissioner;

- (e) ensure that any works undertaken do not disrupt (or impede) any activity undertaken by the Commissioner (or the Department) on the Road;
- (f) ensure that a defect liability period of not less than 24 calendar months applies to the works and the Council must invite (and make provision for) a representative of the Commissioner to attend inspections to assess both practical completion and final completion of the works;
- (g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);
- (h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;
- (i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the *Work Health and Safety Act, 2012* (SA) and the *Work Health and Safety Regulations, 2012* (SA)];
- (j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and
- (k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:

http://www.dit.sa.gov.au/contractor_documents (intellectual property in the plans and drawings vests in the Commissioner).

- 3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.

FUNDING DEED

under

**2023-2024 COMMONWEALTH INFRASTRUCTURE INVESTMENT
BLACK SPOT PROGRAM**

Project Number	121805-23SA-BS
Location	Morphett Street and South Terrace, Adelaide
Project Description	Install fully controlled right turns and signalised pedestrian protection for all movements.
Project Funding	\$ 164,285 (GST Inclusive)

between

THE COMMISSIONER OF HIGHWAYS
(Grantor)

and

THE COUNCIL NAMED IN SCHEDULE 1
(Council)

FUNDING DEED

Between

COMMISSIONER OF HIGHWAYS, a body corporate pursuant to the *Highways Act 1926* (administered by the Department for Infrastructure and Transport) (ABN: 92 366 288 135).....(**Grantor**)

And

THE COUNCIL NAMED IN SCHEDULE 1, a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

1. BACKGROUND

- 1.1 The Council has proposed to undertake the project (**Project**) described in item 3 of Schedule 1.
- 1.2 This deed sets out the terms and conditions under which the Grantor intends to provide funding to the Council solely for the purpose (**Purpose**) described in item 3 of Schedule 1 which includes the conduct of the Project.
- 1.3 The maximum amount that may be paid to the Council under this deed is set out in item 4 of Schedule 1 (**Funding**).
- 1.4 Item 3 of Schedule 1 indicates whether or not the Project is to be conducted on a road(s) under the care, control and management of the Commissioner of Highways (**Commissioner**).
- 1.5 If conducted on a road(s) under the care, control and management of the Commissioner the additional terms and conditions set out in Schedule 2 will also apply.

2. FUNDING

- 2.1 Subject to this deed, the Grantor will pay the Council up to the amount of the Funding.
- 2.2 The Council must only use the Funding for the Purpose.
- 2.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in item 4 of Schedule 1.
- 2.4 The Funding is payable by way of progress payments in arrears for work undertaken for the Purpose and may also be part payable (if indicated in item 5 of Schedule 1) by way of an Initial Instalment in Advance.
- 2.5 During the Funding Period, the Council is entitled in accordance with the conditions set out in item 5 of Schedule 1:
 - (a) to invoice the Grantor for the payment of the amount of any Initial Instalment in Advance set out in item 5 of Schedule 1 (if any); and
 - (b) once the amount of the Initial Instalment in Advance (if any) has been expended on work undertaken for the Purpose, to invoice the Grantor for progress payment(s) for work undertaken for the Purpose.

The total of any Initial Instalment in Advance (if any) and all progress payments must not exceed the amount of the Funding.
- 2.6 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.

- 2.7 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Grantor, unless the Grantor gives written approval for the Council to retain the money.

3. GST

- 3.1 The Funding (including any Initial Instalment in Advance or any progress payment) is all-inclusive and not subject to any adjustment for GST or any other tax or cost.
- 3.2 In this Deed "*Taxable Supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999 (GST Law)*.

4. ADMINISTRATION OF DEED

- 4.1 Any power or discretion exercisable by the Grantor under this deed may be exercised by the person (**Grantor's Representative**) for the time being in the position within the Department for Infrastructure and Transport (**Department**) set out in item 2 of Schedule 1.
- 4.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in item 2 of Schedule 1.

5. PROVISION OF FINANCIAL INFORMATION

- 5.1 The Council must provide the Grantor with appropriate and regular information, records and reports as the Grantor may request from time to time about:
- (a) the administration and financial affairs of the Council;
 - (b) the progress of (and any change to) the authorised scope of the Purpose or the Project;
 - (c) any significant changes to the nature and scope of the activities conducted by the Council;
 - (d) any other matter relevant to the granting of assistance;
 - (e) any other funding or financial assistance promised or received from any source other than the Grantor;
 - (f) the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
 - (g) the performance of the Council's undertakings and obligations under this deed.
- 5.2 The information provided by the Council must be sufficient for the Grantor to make an informed judgement about:
- (a) the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
 - (b) the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
 - (c) the overall effectiveness of the Funding throughout the Funding Period;
 - (d) compliance with legislation and generally accepted accounting principles; and

-
- (e) compliance with the Council's constitution and the conditions of this deed.
- 5.3 The Council must permit any officer authorised by the Grantor:
- (a) to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and
 - (b) to interview employees of the Council on matters pertaining to the operations of the Council.

6. GENERAL OBLIGATIONS OF THE COUNCIL

The Council must:

- 6.1 use the Funding only for the Purpose for which the Funding was made;
- 6.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;
- 6.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 6.4 comply with its constitution;
- 6.5 comply with the additional reporting requirements set out in item 6 of Schedule 1;
- 6.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Grantor no later than one calendar month after the expiry of the Funding Period;
(Note: for the purposes of compliance with Australian Accounting Standards ("AAS") this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)
- 6.7 where the Funding to Council is in excess of One Million Dollars (GST exclusive) prepare financial statements in the nature of General Purpose Financial Statements; and
- 6.8 where requested by the Grantor, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

7. CONDUCT OF THE PROJECT

- 7.1 The Council must ensure that any works undertaken towards the Purpose and/or the Project are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.
- 7.2 If (as indicated in item 3 of Schedule 1) the Project is to be conducted on a Road(s) under the care, control and management of the Commissioner, the Council must comply with the additional terms and conditions set out in Schedule 2.
- 7.3 The Council must erect signs on each road approach to the Project that comply with Section 4.7.1 – "Signposting" of the Notes on **Administration for Land transport Infrastructure Projects** published by the Commonwealth.

8. TERMINATION

- 8.1 If the Council fails to comply with this deed and/or fails within 6 months from the Commencement of this deed to commence the works on the Project (or make sufficient progress to the satisfaction of the Grantor), the Grantor may:
- (a) require the Council to repay either the whole or a portion of the Funding (whether expended or not);
 - (b) withhold all future funding from the Council;
 - (c) pursue any legal rights or remedies which may be available to the Grantor; and
 - (d) terminate or curtail any program or project conducted by the Grantor of which the Purpose conducted by the Council is part.
- 8.2 The Grantor may review any decision made pursuant to this clause if the Council is able to satisfy the Grantor within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 8.3 Nothing in this deed is to be taken to limit the Grantor's discretion to determine whether and how any program or project of the Grantor is to be conducted, except if and to the extent that the Grantor gives an express undertaking in that regard.

9. GENERAL TERMS AND CONDITIONS

9.1 Insurance

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

9.2 Commonwealth Funded Project

The Council acknowledges that the Funding provided under this deed is (and remains) contingent upon the Commonwealth funding and despite any other clause of this deed, if the Commonwealth for any reason ceases its provision of funding then the Grantor may by notice to the Council cease its provision of Funding under this deed.

9.3 Audit

The Grantor may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Grantor may specify the minimum qualifications to be held by a person appointed to conduct the audit.

9.4 Acknowledgements

The Council acknowledge that the Funding represents a one-off contribution by the Grantor towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Grantor. The Grantor is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Grantor will not be liable to reimburse the Council for any losses or cost over runs that may result from the operation of this deed or the carrying out of the Purpose or Project.

9.5 Indemnity

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Project and it releases and indemnifies the Grantor, the Commissioner and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect to the works to complete the Project or otherwise caused by any breach or default of the Council under this Deed.

9.6 Assignment

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

9.7 Publicity

The Council must not make (or permit a public announcement or media release to be made) about any aspect of this deed without first obtaining the Grantor's written consent.

9.8 Consent

If the Council requires the Grantor's consent under this deed, the Grantor may, in its absolute discretion, give or withhold its consent and if giving consent, the Grantor may impose any condition on that consent that it considers appropriate. The Grantor's consent will not be effective unless it is in writing and signed.

9.9 Entire Deed

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

9.10 Proper Law

The laws in force in South Australia apply to this deed.

9.11 Jurisdiction of Courts

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

9.12 Compliance with Laws

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

9.13 Notices

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the other party. A notice is taken to be received:

- (a) if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- (b) if sent by electronic mail, when the sender receives confirmation that the e-mail has been transmitted successfully to the correct e-mail address;
or

- (c) if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

9.14 Performance and future proposals

The satisfactory completion of the works for the Purpose, the making of regular progress payments (see note under item 5 of Schedule 1) and on-going compliance with reporting obligations, may be taken into account as a factor in assessing any applications by the Council for future funding.

9.15 Waiver

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights.

A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision.

The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

9.16 Variation

Any variation of this deed must be in writing and signed by each party (or its Representative). Any request by the Council for agreement to vary the Funding, the Purpose, the scheduled timing for the conduct of the works for the Project and/or the Funding Period must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Grantor to have regard to its merits.

9.17 Reading down and Severance

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision (or part of a provision) shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

9.18 Auditor General

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

9.19 Public Disclosure

The Grantor may disclose this deed (and/or information relating to this deed) in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request.

Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

9.20 Special Conditions

The special conditions set out under item 7 of Schedule 1 (if any) form part of this deed.

EXECUTED as a DEED

By the Grantor

THE COMMON SEAL of the)
COMMISSIONER OF HIGHWAYS)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

in the presence of:

Witness Signature:.....

Print Name:

By the Council

THE COMMON SEAL of the)
COUNCIL NAMED IN SCHEDULE 1)
)
)
)
)
)
)
)
)
)

was affixed on:
(Date above)

(Affix Seal Above)

as attested by the Principal Member and
Chief Executive Officer.

Signature:.....

Signature:

Print Name:

Print Name:

Principal Member

Chief Executive Officer

SCHEDULE 1 - PARTICULARS

1. THE COUNCIL

Name: **City of Adelaide**

Site Address: **Town Hall, Adelaide 5000**

Postal Address: **25 Pirie St, Adelaide 5001**

ABN: **20 903 762 572**

2. REPRESENTATIVES

Grantor's Representative

Council's Representative

Name: **Russell Troup**

Position: **Director, Transport Strategy and Network Planning**
Department for Infrastructure and Transport

Address: **GPO BOX 1533**
ADELAIDE SA 5001

Telephone: **(08) 7133 2967**

E-mail: russell.troup@sa.gov.au

Name: _____

Position: _____

Address: _____

Telephone: _____

E-mail: _____

3. THE PURPOSE, DESCRIPTION OF PROJECT & DETAILS OF THE ROAD(S)

The Purpose: The funding is provided for the purpose of the Council undertaking on the road(s) identified below (within the Funding Period) the Project described below (and in any plans and/or proposal attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project:	Project Number	121805-23SA-BS
	Project Description	Install fully controlled right turns and signalised pedestrian protection for all movements.

Note: Please ensure that a full description setting out all aspects of the Project is included (this is of particular importance for Projects undertaken on DIT maintained roads).

Details of the Road(s): **Intersections of Morphett Street and South Terrace**

Is the Road(s) under the care control and management of the Commissioner of Highways: **No**

Note: If under the care, control and management of the Commissioner then Schedule 2 will apply.

4. THE FUNDING

The Funding: **\$164,285** (GST Inclusive)

The Funding Period: Start Date: **1 July 2023**

End Date: **30 June 2024**

5. MANNER & CONDITIONS OF PAYMENT

Limit on payments

The Funding of **\$164,285** (GST Inclusive) is the maximum total amount the Grantor may be liable to pay the Council under this deed.

Initial Instalment in Advance & Progress Payments

The following table sets out the details of payments comprising the Funding the Council may invoice the Grantor for in accordance with clause 2.5 of the deed.

Payment	Amount AUD (GST Inclusive)
Initial Instalment in Advance <small>(Note: If no amount is indicated then no Initial Instalment in Advance will be made and the Funding will be made entirely through Progress Payments in arrears)</small>	\$nil
Allocation for Progress Payments	\$164,285
Total Funding	\$164,285

Periodic Progress Payments

Except in relation to the last Quarter prior to an End Date of 30 June, the Council is entitled (provided any instalment in advance has been expended) to invoice the Grantor after the end of each Quarter (or after another interval agreed between the parties) for progress payments for work undertaken for the Purpose.

A "Quarter" is the 3 calendar month period ending on 31 March, 30 June, 30 September and 31 December of each year during the Funding Period.

Last Quarter: If the End Date is 30 June (to coincide with the end of the Financial Year) then the Council must by **1 June** issue the Grantor with the final invoice for all works undertaken for the Purpose. Late invoices will only be accepted with the written agreement of the Grantor.

Note on Regular Invoices: The Grantor expects that works for the Purpose will be undertaken promptly during the Funding Period and expects to receive the invoice for any instalment in advance (if any) soon after the commencement of this deed and then regular subsequent receipt of invoices for progress payments.

Invoices

The Grantor is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Grantor;
- (c) is accompanied by a Claim Form and invoices (if any) from the Council's contractor(s) undertaking work for the Purpose;
- (d) reflects the correct amount for payment under this deed; and

(e) is a valid Tax Invoice in accordance with GST Law.

The **Claim Form** must set out:

- (a) The progress of the work towards the Purpose.
- (b) Project expenditure report from Council’s financial management system and a summary schedule of expenditure.
- (c) Statement of the amount of any under or over expenditure of the Funding.

A pro-forma Claims Form is available from web-link:

https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Grantor must pay the amount of a properly rendered invoice for an Initial Instalment in Advance (if indicated above) and a progress payment for work undertaken towards the Purpose issued by the Council, within 30 days of receiving the Council’s invoice.

6. ADDITIONAL REPORTING REQUIREMENTS

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
Project Report	1 st Report- 1 st August 2 nd Report-1 st November 3 rd Report-1 st February 4 th Report- 1 st May or 7 days from request	<ul style="list-style-type: none"> • The progress of the Project and scheduling of works. • Updated Expenditure forecasts during the term of the funding period. • The management of the Funding (i.e. break down of expenditure of the Funding). • Any changes to the authorised scope of the Project. • Any significant changes to the nature, scope and cost of the activities conducted by the Council. • Any operational matters requested from time to time by the Grantor for inclusion in the Project Report. • Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program
Completion Report	Within 30 days from the completing the works for the Project.	<ul style="list-style-type: none"> • Use Template as per https://www.dit.sa.gov.au/towardszerotogether/building_safer_roads/black_spot_program
Financial Statements (As referred to in clauses 6.6 and 6.7 of the Deed)	Within 30 days from the expiry of the Funding Period.	Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council’s expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council. Standard: <u>If</u> the Funding is in excess of \$1 M (GST exclusive) <u>then</u> the recipient must prepare its Financial Statements in the nature of General Purpose Financial Statements. (Note: for the purposes of compliance with Australian Accounting Standards (“AAS”) this includes Tier 1 ASS and Tier 2 ASS – Reduced Disclosure Requirements)

7. SPECIAL CONDITIONS

- 7.1 The Transport Strategy and Network Planning Directorate will contact Council for a commencement meeting or other meetings as required.

SCHEDULE 2 – WORKS ON COMMISSIONER MAINTAINED ROAD(S)

1. APPLICATION OF THIS SCHEDULE 2

The Council must comply with the terms and conditions set out in this Schedule 2 if (as indicated in item 3 of Schedule 1) the Council's proposed Project funded under this deed involves work on (or alterations to) a road ("Road") that is under the care, control and management of the Commissioner of Highways ("Commissioner").

2. LEGAL REQUIREMENT TO GAIN COMMISSIONER'S APPROVAL

Subsection 26(7) of the *Highways Act 1926* (SA) provides that a council must not exercise its powers under Part 2 of Chapter 11 of the *Local Government Act 1999* (SA) (e.g. the powers to conduct roadwork) in relation to a road under the care, control and management of the Commissioner except to the extent (if any) as the Commissioner may approve by written notice to the council.

The Council therefore acknowledges that prior to undertaking any works on the Road it will first need to gain the written approval of the Commissioner pursuant to section 26(7) of the *Highways Act 1926*.

3. TERMS AND CONDITIONS FOR WORKS ON COMMISSIONER'S ROAD

3.1 The Commissioner makes no warranties or representations concerning the suitability of the Road for the Purpose or the presence of third party installations on, in, along, over, under or near the Road. The Council must arrange for any required relocation or alteration of third party installations at its own cost.

In this Deed "third party installations" means any rail, gas, electrical, telecommunications, stormwater, water or other underground or overground installation on, in, along, over, under or near the Road.

3.2 The Council must:

- (a) not less than one calendar month prior to the commencement of works for the Purpose, submit the detailed design(s), any applicable drawings and plans and its Traffic Management Plan(s) to the Commissioner (acting through the Department) for its comment;
- (b) modify the documents submitted in accordance with the preceding item 3.2(a) in accordance with any comments received from the Commissioner (or the Department);
- (c) give prior notification to the Commissioner before commencing any works on the Road and abide by (and ensure that its contractor also abides by) any requirements imposed as to the times for access to the Road;
- (d) undertake (and ensure that its contractor undertakes) the works on the Road in accordance with:
 - (i) the Department's requirements as per the DIT Master Specification available at [Works on Roads by Other Organisations - Department for Infrastructure and Transport - South Australia](#);
 - and
 - (ii) the detailed design(s), drawings and plans and Traffic Management Plan agreed to by the Commissioner,

unless a variation is first agreed in writing by the Commissioner;

- (e) ensure that any works undertaken do not disrupt (or impede) any activity undertaken by the Commissioner (or the Department) on the Road;
 - (f) ensure that a defect liability period of not less than 24 calendar months applies to the works and the Council must invite (and make provision for) a representative of the Commissioner to attend inspections to assess both practical completion and final completion of the works;
 - (g) ensure that any additional works required to reach practical completion or any remediation (or repair of) defects that are required to allow for final completion, identified by either the Council or the Commissioner, are promptly carried out by the Council (or its contractor);
 - (h) at its cost, comply with any written direction by the Commissioner in relation to the conduct of the works, any alteration or removal of any infrastructure installed, the removal or minimisation of any risks to safety identified, the reinstatement of pavements, traffic management, the public's access to the Road or partial road closures;
 - (i) undertake such reasonable safety measures necessary to protect its employees, contractors, the public and commuters [including without limitation compliance with (and ensuring its contractor complies with) the *Work Health and Safety Act, 2012* (SA) and the *Work Health and Safety Regulations, 2012* (SA)];
 - (j) notify the Commissioner of any safety risk posed by the works or any infrastructure installed or any activity undertaken by the Council (or its employees, contractors and agents), on the Road; and
 - (k) following practical completion of the works [and following any further modifications undertaken by the Council (or its contractor)] provide at the Council's cost, the Commissioner with as constructed drawings and plans accurately depicting the type and location of the works and any infrastructure installed in accordance with Departmental standards available at:
http://www.dit.sa.gov.au/contractor_documents (intellectual property in the plans and drawings vests in the Commissioner).
- 3.3 If the Council fails to comply with the requirements of item 3.2(g) or fails to carry out a direction of the Commissioner issued in accordance with item 3.2(h) then the Commissioner may (without being obliged to) carry out (or engage a contractor to carry out) the necessary work and the Council promises to pay to the Commissioner the cost it incurs in doing so.

Capital Works

October Update

Infrastructure & Public Works Committee

This report provides an overview of Capital Projects either complete or progressing for the month of October 2023.



Rymill Park Lake

\$5.1m lake + \$1m (water-source)

Major Project



Contractor is making excellent progress at site.

Shaping of Lake is complete and perimeter form-work and concrete walls are in progress.

Project has seen recent successful coordination of works amongst major events – Harvest Rock.

Project team is maintaining close community engagement.

No safety incidents recorded on a very busy construction site.

Project estimated timelines between September 2023 and April 2024.

Pitt Street

\$2.06m

Major Project



Construction off to a great start – commenced 23/9/23.

Installation of new stormwater system, working around existing services.

Utilising a mixture of hydro and mechanical excavation.

Traffic and pedestrian management in place to ensure safe movement around site.

Access to temporary drop off / pick up zones along Franklin and Pitt Street.

Maintaining community engagement.

Access to Care Park is being maintained.

Torrens Lake Earth Retaining Structure

\$715,000

New & Upgrade



Works are now completed including the asphalt embankment and re-greening.

Scope has included a piled retention system and retaining structure at riverbank edge.

Offers a fresh river look and futureproofing of embankment.

Practical completion October 2023.

Place of Reflection

\$348,000

New & Upgrade



The 'Place of Reflection' is a space for members of the Stolen Generations, as well as their family, friends, and the wider community to meet and support each other.

The artwork expresses a life-size mother figure cradling her arms, the body posture, crossed legs and head suggesting the void left by a missing child.

Project handed over September 2023.

Official opening 14 September 2023.

Adelaide Town Hall Façade

\$4.9m

Renewal



All supporting structures are in place, and works are well underway behind the protective curtain.

Conservation work includes exposure of heritage brickwork, assessment, and preliminary cleaning on the Pirie St Façade.

Works on King Wilian Street façade scheduled February 2024.

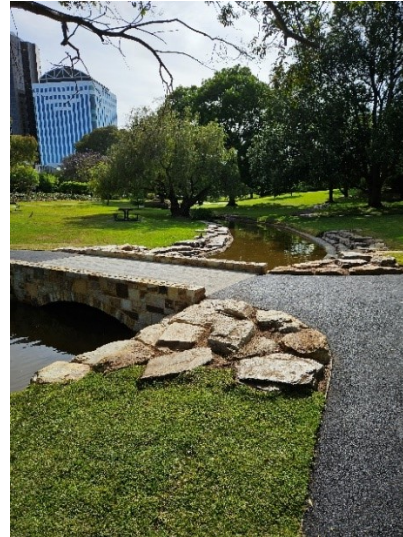
Work is running to program with no safety incidents.

4 – Capital Works – October Update

Veale Gardens Reticulated Creek

\$436,000

Renewal



Structural elements of project largely completed.

Enhancement to footbridge and parkland surrounds.

Stream water to be re-introduced after desilting.

Stage 1 hand over to occur in November, with Stage 2 (West side rehabilitation) to be completed early 2024.

Wedding bookings recommenced in the new-look parkland.

Francis Street

\$731,000

Renewal



High profile stormwater and road resurfacing project - adjacent Rundle Mall & City Library.

Pipes and pits are constructed, connections to properties have been completed.

Strip drain installation and asphalt completed.

Entrance statement 'artwork' mural to be laid, inviting public into the area.

Practical completion October 2023.

Peel Street resurfacing

\$190,000

Renewal



Works completed in August.

Resurfacing – Peel Street: section between Hindley to Currie Street.

Project was delivered on time and on budget.

Significant amenity enhancement / uplift.

Appointment of Deputy Lord Mayor

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

Section 20 (4) of the *City of Adelaide Act 1998* states 'The Council may resolve to have a Deputy Lord Mayor in accordance with the provisions of the *Local Government Act 1999*.

It is the practice of the City of Adelaide to resolve to have a Deputy Lord Mayor to assist the Lord Mayor and the Council in the performance of their duties.

This report is presented to enable Council to resolve to have a Deputy Lord Mayor and then appoint a Council Member to the position for a period of 1 year.

RECOMMENDATION

THAT COUNCIL

1. Notes that Council has resolved to have the position of Deputy Lord Mayor for the 2022-2026 Council Term.
2. Approves Councillor Martin continuing in the role of Deputy Lord Mayor until 31 December 2023..
3. Appoints Councillor _____ to the position of Deputy Lord Mayor for the period commencing 1 January 2024 to 31 December 2024.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Appointment of a Deputy Lord Mayor enhances Council's ability to continually improve our governance and maximise community benefit.
Policy	Code of Practice for Meeting Procedures.
Consultation	Not as a result of this report
Resource	Provision of administrative support is provided by the Council Liaison Officer.
Risk / Legal / Legislative	The <i>City of Adelaide Act 1998</i> and the <i>Local Government Act 1999 (SA)</i> contain the provisions utilised by Council to resolve to have a Deputy Lord Mayor. As per section 51(8) of the <i>Local Government Act 1999 (SA)</i> – 'If a person is to be chosen by the members of the council to fill an office under this section and the votes for two or more candidates for the office are equal, lots must be drawn to determine which candidate or candidates will be excluded'. If a Council Member is nominated for the position, and upon subsequent acceptance of the nomination by this Member, this particular Council Member is required to declare a material conflict of interest and vacate the Chamber before the matter is discussed and voted on. This is because the Member would receive an additional allowance depending on the outcome of the consideration of the matter.
Opportunities	Not as a result of this report
22/23 Budget Allocation	Council Members receive an annual allowance of \$30,385 The position of Deputy Lord Mayor receives an annual allowance of \$45,577.50.
Proposed 23/24 Budget Allocation	In accordance with the Remuneration Tribunal SA Determination No 3 of 2022, Allowances for Member of Adelaide City Council, there will be an annual increase to council member allowances. The increase was applicable from 12 November 2023 and will be adjusted in the 2024/25 budget as required.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
22/23 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. At its meeting of 29 November 2022 Council resolved:
That Council
 1. Approves, in the 2022-2026 term of office, having the position of Deputy Lord Mayor in accordance with section 20(4) of the City of Adelaide Act 1998.
 2. Approves the appointment of a Council Member to the position of Deputy Lord Mayor commencing 29 November 2022 and concluding on 30 November 2023.
 3. That Council appoints Councillor Martin to the position of Deputy Lord Mayor commencing 29 November 2022 and concluding on 30 November 2023
2. It is the practice of Council to appoint a Deputy Lord Mayor to assist the Lord Mayor and the Council in the performance of their duties.
3. The role of the Deputy Lord Mayor is to:
 - 3.1. Represent the Lord Mayor if the Lord Mayor is unavailable to attend official duties from time to time, where appropriate, and subject to the availability of the Deputy Lord Mayor.
 - 3.2. Act in the role of Lord Mayor as Acting Lord Mayor when the Lord Mayor:
 - 2.2.1 has taken official leave of absence from Council;
 - 2.2.2 formally delegates in writing his or her responsibilities to the Deputy Lord Mayor;
 - 2.2.3 is overseas or interstate for an extended period of time; and
 - 2.2.4 is unable to discharge his or her duties due to illness or for any other reasons, subject to Council approval.
 - 3.3. Be the spokesperson of Council in the absence or unavailability of the Lord Mayor.
 - 3.4. Discuss the progress of Council decisions with the Chief Executive Officer to support the implementation of these decisions, in the absence or unavailability of the Lord Mayor.
 - 3.5. Preside at ordinary and special meetings of Council in the absence of the Lord Mayor; and exercise any other functions as Council may determine from time to time.
 - 3.6. The Council Member who hold the office of Deputy Lord Mayor shall be known and addressed as Deputy Lord Mayor at all times.
 - 3.7. Council may appoint an Acting Deputy Lord Mayor with respect to any extended period of absence of the Lord Mayor, when the Deputy Lord Mayor is Acting Lord Mayor.
4. The civic activities of a Council are an important part of community leadership and the development of community indemnity. The selection of a Councillor for the position of Deputy Lord Mayor has typically been for a period of 12 months.
5. During the first year of the 2022-2026 Council term, the position of the Deputy Lord Mayor has been undertaken by Councillor Martin – 29 November 2022 to 30 November 2023. Councillor Martin is eligible to be nominated again for the position of Deputy Lord Mayor.
6. This report is also seeking an extension of time for Councillor Martin's appointment as Deputy Lord Mayor until 31 December 2023.
7. If the extension is supported by Council, this will mean that any future Deputy Lord Mayor appointments will fall under the calendar year, being 1 January to 31 December.
8. On 5 July 2022, the Remuneration Tribunal of South Australia determined the allowances payable for members of the City of Adelaide. This was effective from the commencement of 2022-2026 Council term. The adjusted council member allowance effective from 12 November 2023 is:
 - 8.1. Councillors - \$ 30,385 per annum
 - 8.2. Deputy Lord Mayor - \$45,577.50 per annum (1.5 times the annual allowance for Councillors of the City of Adelaide)
9. The level of allowance for the Deputy Lord Mayor recognises the additional role and function of this position and the role it plays in supporting the Lord Mayor and acting in the position when the Lord Mayor is on leave.

10. In accordance with section 51 (8) of the *Local Government Act 1999 (SA)* and the Code of Practice – Meeting Procedures (4.2 – Nominations to Positions)
 - 10.1. In the event of there being more nominations than required, an election by voting ballot of Council Members present will be undertaken to select a nominee.
 - 10.2. If the votes for two or more candidates for the office are equal, lots must be drawn to determine which candidate or candidates will be excluded.
 - 10.3. All elections for positions will be the subject to confirmation by way of a resolution of Council.
-

ATTACHMENTS

Nil

- END OF REPORT -

Determination of Time and Place of Ordinary Meetings of Council for 2024

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

For the purposes of section 81 of the *Local Government Act 1999*, Council must determine the time and place of its ordinary meetings. There must be at least one ordinary meeting in each month.

This report provides Council with the proposed meeting dates for the 2024 calendar year and seek Council's approval.

RECOMMENDATION

THAT COUNCIL:

1. Approves that the ordinary council meetings will be held from 5.30pm in the Council Chambers, Town Hall, Adelaide on the second and fourth Tuesday of every month (except in January and December 2024), in accordance with the meeting schedule outlined below:

Tuesday 30 January 2024

Tuesday 13 February 2024

Tuesday 27 February 2024

Tuesday 12 March 2024

Tuesday 26 March 2024

Tuesday 9 April 2024

Tuesday 23 April 2024

Tuesday 14 May 2024

Tuesday 28 May 2024

Tuesday 11 June 2024

Tuesday 25 June 2024

Tuesday 9 July 2024

Tuesday 23 July 2024

Tuesday 13 August 2024

Tuesday 27 August 2024

Tuesday 10 September 2024

Tuesday 24 September 2024

Tuesday 8 October 2024

Tuesday 22 October 2024

Tuesday 12 November 2024

Tuesday 26 November 2024

Tuesday 10 December 2024

2. Authorises that delegated authority be provided to the Chief Executive Officer to amend the date and time of ordinary Council meetings should the need arise, with advice provided to Council Members as soon as practical when a need for change is identified and formal notification provided in accordance with the requirements of section 83(1) of the *Local Government Act 1999*.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	Not Applicable
Consultation	Section 84 of the <i>Local Government Act 1999</i> requires that public notice of council meetings be placed at the principal office of the council and publish the notice and agenda for the meeting in accordance with section 132 (1)(a). In addition, the meeting schedule will be communicated to stakeholders and the community through other council publications and communication channels.
Resource	Not as a result of this report
Risk / Legal / Legislative	Section 81 of the <i>Local Government Act 1999</i> states: <ol style="list-style-type: none"> (1) Subject to this section, ordinary meetings of a council will be held at times and places appointed by a resolution of the council. (2) There must be at least one ordinary meeting in each month. (5) Ordinary meetings of a council may not be held on Sundays, or on public holidays. <p>In the case of a municipal council, ordinary meetings of the council may not be held before 5 p.m. unless the council resolves otherwise by a resolution supported unanimously by all members of the council.</p>
Opportunities	The City of Adelaide is committed to open and transparent decision-making. The resolution before Council provides an understanding and commitment on the dates and times ordinary council meetings will be held. This will assist members of our community who may have business with the Council.
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 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
22/23 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. Council is required to meet at least once in each month.
2. Following the Council periodic elections in November 2022, the council meetings in the 2023 calendar year were held on the second and fourth Tuesday of each month, commencing at 5.30pm.
3. A variation to the standard meeting schedule was also approved by Council which determined that in December 2023 and January 2024, only one council meeting will be held.
4. This report proposes that the current ordinary Council meeting schedule remains in place for the 2024 calendar year.
5. Once the Strategic Plan 2024-2028 has been adopted by Council, it is noted that a Committee Governance Structure review will commence and at that time, a determination will be made regarding the Committee structure and when and where those committee meetings will take place.
6. There have been no public holiday dates that have required a variation to the proposed schedule.
7. This report provides advance notification to the community of ordinary Council meeting dates for 2024.

ATTACHMENTS

Nil

- END OF REPORT -

Extension of Committee Chairs

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

Under Item 4.1 of the Special Council Meeting 17 January 2023, Council adopted a Committee structure of four functional Committees and appointed a Chair and Deputy Chair to each Committee for a period of one year, in accordance with section 41 of the *Local Government Act 1999 (SA) (Local Government Act)*.

To allow review and adoption of the 2024 Committee structure, it is recommended that the period of appointment for the Chair and Deputy Chair of each Committee is extended until 31 March 2024. To ensure continuity of Council Business during the review period, it is recommended that the Committee structure adopted by Council on 17 January 2023 is extended until 31 March 2024.

RECOMMENDATION

THAT COUNCIL

1. Approves the extension of the appointment of Councillor Janet Giles as Chair and Councillor Henry Davis as Deputy Chair of the City Community Services and Culture Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.
2. Approves the extension of the appointment of Councillor Carmel Noon as Chair and Deputy Lord Mayor (Councillor Phillip Martin) as Deputy Chair of the City Planning, Development and Business Affairs Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.
3. Approves the extension of the appointment of Councillor Mark Siebentritt as Chair and Councillor Jing Li as Deputy Chair of the City Finance and Governance Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.
4. Approves the extension of the appointment of Councillor Mary Couros as Chair and Councillor David Elliott as Deputy Chair of the Infrastructure and Public Works Committee until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined.
5. Approves the continuation of the Committee structure until 31 March 2024 or until the Governance Committee Structure for 2024 has been determined, for the following Committees:
 - 5.1. City Community Services and Culture Committee, 5:30pm Tuesday 6 February 2024.
 - 5.2. City Planning, Development and Business Affairs Committee, 7:00pm Tuesday 6 February 2024.
 - 5.3. City Finance and Governance Committee, 5:30pm Tuesday 20 February 2024.
 - 5.4. Infrastructure and Public Works Committee, 7:00pm Tuesday 20 February 2024.
 - 5.5. City Community Services and Culture Committee, 5:30pm Tuesday 5 March 2024.
 - 5.6. City Planning, Development and Business Affairs Committee, 7:00pm Tuesday 5 March 2024.
 - 5.7. City Finance and Governance Committee, 5:30pm Tuesday 19 March 2024.

5.8. Infrastructure and Public Works Committee, 7:00pm Tuesday 19 March 2024.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities Consideration of Council’s Governance structure assists Council to continually improve our governance and maximise community benefit.
Policy	Code of Practice for Meeting Procedures
Consultation	Not as a result of this report.
Resource	Not as a result of this report.
Risk / Legal / Legislative	<p>Council and its Committees will conduct business in accordance with the relevant provisions of the <i>Local Government (Procedures at Meetings) Regulations 2013 (SA)</i> and the Code of Practice for Meeting Procedures and relevant policies.</p> <p>Pursuant to section 75 of the <i>Local Government Act 1999 (SA)</i>, Council Members nominated for a presiding member role where there is remuneration applicable must declare a material conflict of interest considering the allowance set by the Remuneration Tribunal and payable to the presiding member.</p> <p>No material conflict of interest applies to the deputy presiding member by reason only of being nominated as the deputy presiding member, as the Remuneration Tribunal did not provide for an allowance for this role.</p>
Opportunities	Not as a result of this report.
22/23 Budget Allocation	Not as a result of this report.
Proposed 23/24 Budget Allocation	<p>The annual allowance for a Council Member appointed as a Presiding Member of a Standing Committee is \$37,981.25.</p> <p>There is no extra allowance for the Lord Mayor or Deputy Lord Mayor for a Presiding Member role.</p>
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
22/23 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. Committees may be established by Council pursuant to Section 41 of the *Local Government Act* to:
 - (a) to assist the council in the performance of its functions.
Examples—
 - 1 To carry out a project on behalf of the council.
 - 2 To manage or administer property, facilities, or activities on behalf of the council.
 - 3 To oversee works on behalf of the council.
 - (b) to inquire into and report to the council on matters within the ambit of the council's responsibilities.
 - (c) to provide advice to the council.
 - (d) to exercise, perform or discharge delegated powers, functions, or duties.
2. As part of the 2023 governance structure process, Council Members participated in two workshops to discuss and seek feedback on potential governance structures.
3. In accordance with Section 41 of the *Local Government Act*, Council established four functional Committees at the Special Council Meeting on 17 January 2023 under item 4.1. The structure adopted is as follows:
 - 3.1. City Finance and Governance Committee, the first Tuesday of the month (except January and December) at 5.30pm.
 - 3.2. City Planning, Development and Business Affairs Committee, the first Tuesday of the month (except January and December) not later than 7.00pm.
 - 3.3. City Community Services and Culture Committee, the third Tuesday of the month (except January and December) at 5.30pm.
 - 3.4. Infrastructure and Public Works Committee, the third Tuesday of the month (except January and December) not later than 7.00pm.
4. Council subsequently appointed to each Committee a Chair and Deputy Chair for a period of 1 year, until 17 January 2024. The appointments are as follows:
 - 4.1. Councillor Janet Giles as Chair and Councillor Henry Davis as Deputy Chair of the City Community Services and Culture Committee.
 - 4.2. Councillor Carmel Noon as Chair and Deputy Lord Mayor (Councillor Phillip Martin) as Deputy Chair of the City Planning, Development and Business Affairs Committee.
 - 4.3. Councillor Mark Siebentritt as Chair and Councillor Jing Li as Deputy Chair of the City Finance and Governance Committee.
 - 4.4. Councillor Mary Couros as Chair and Councillor David Elliott as Deputy Chair of the Infrastructure and Public Works Committee.
5. At the Council meeting on 24 October 2023, it was resolved in part that:
 1. *Notes that a review of the current Committee Structure will take place after the finalisation of the Strategic Plan 2024-2028, noting that no changes to the current Committee Structure can take place before 31 January 2024.*
6. The continuation of the current Committee structure until 31 March 2024, including the extension of the appointments of the Chairs and Deputy Chairs, will allow for a review to be undertaken whilst ensuring the continuity of Council Business.
7. The Agenda and confirmed Minutes for the Special Council Meeting 17 January 2023 are available to view on the City of Adelaide public website [here](#).

ATTACHMENTS

Nil

- END OF REPORT

Australia Day Citizenship Ceremony

Tuesday, 28 November 2023
Council

Strategic Alignment - Thriving Communities

Program Contact:
Chief Executive Officer

Public

Approving Officer:
Clare Mockler, Chief Executive Officer

EXECUTIVE SUMMARY

Citizenship ceremonies are public, ceremonial occasions, which fulfil legal requirements prescribed by the *Citizenship Act 2007* and the Australian Citizenship Regulation 2016. Citizenship ceremonies also provide an important opportunity to formally welcome new citizens as full members of the Australian community.

Local government councils, including the City of Adelaide, conduct the majority of citizenship ceremonies on behalf of the Department of Home Affairs which manages the Citizenship Program.

It is Australian Government policy that citizenship ceremonies are held at regular intervals throughout a calendar year and that councils must hold a ceremony on Australia Day, or the three days prior or the three days after Australia Day.

The City of Adelaide held this ceremony from 2014 to 2019 inclusive on 25 January or 23 January. Due to a Federal Government directive, the ceremonies in 2020, 2021 and 2022 were required to be held on Australia Day. Whilst this directive was changed in December 2022 to provide greater flexibility for the Australia Day citizenship ceremony to be held on or around 26 January, the 2023 ceremony hosted by the City of Adelaide was held on Australia Day.

Presentation of the City of Adelaide Citizen of the Year Awards is also included as part of this citizenship ceremony.

To enable citizenship recipients, Citizen of the Year Awardees and Corporation staff, and contractors engaged to support delivery of the ceremony to celebrate the Australia Day public holiday with family and friends the ceremony will be held on Thursday 24 January 2024.

The practice of holding the citizenship ceremony linked to Australia Day and presentation of Citizen of the Year Awards on the closest standard working week day to the Australia Day public holiday will be followed for future years.

RECOMMENDATION

THAT COUNCIL

1. Notes the City of Adelaide hosting the citizenship ceremony linked to Australia Day 2024 and presentation of Citizen of the Year Awards on Thursday 25 January 2024.
 2. Notes the practice of holding the citizenship ceremony linked to Australia Day and presentation of Citizen of the Year Awards on the closest standard working week day to the Australia Day public holiday will be followed for future years.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Thriving Communities
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	Conduct of Citizenship ceremonies is in accord with the Australian Citizenship Ceremonies Code prepared by the Australian Government
Opportunities	Not as a result of this report
23/24 Budget Allocation	Funding of \$44,000 is included within the approved 2023/24 Business Plan and Budget for hosting Citizenship Ceremonies and Citizen of the Year Awards. Holding the citizenship ceremony linked to Australia Day on a standard work week day will save approximately \$5,000.
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. Citizenship ceremonies are public, ceremonial occasions, which fulfil legal requirements prescribed by the *Citizenship Act 2007* and the Australian Citizenship Regulation 2016. Citizenship ceremonies also provide an important opportunity to formally welcome new citizens as full members of the Australian community.
2. Local government councils, including the City of Adelaide, conduct the majority of citizenship ceremonies in accord with the Australian Citizenship Ceremonies Code on behalf of the Department of Home Affairs who manage the Citizenship Program.
3. It is Australian Government policy that citizenship ceremonies are held at regular intervals throughout a calendar year and that councils must hold a ceremony on Australia Day, or the three days prior or the three days after Australia Day.
4. Previously, the City of Adelaide has hosted this citizenship ceremony on Australia Day, 26 January and also on the immediately preceding standard working week day.
5. The City of Adelaide Citizen of the Year Awards will also be presented as part of the ceremony.

Discussion

6. The citizenship ceremonies linked to Australia Day hosted by the City of Adelaide in 2014, 2016, 2017, 2018 and 2019 were held on 25 January with the 2015 event being held on 23 January.
7. At the directive of the former Federal Government, the citizenship ceremonies linked to Australia Day in 2020, 2021 and 2022 were required to be held on Australia Day.
8. Whilst this directive was changed by the current Federal Government in late 2022 to allow the ceremony to be held three days prior to or three days after Australia Day, the 2023 ceremony was held on 26 January 2023.
9. To enable citizenship recipients, Citizen of the Year Awardees and Corporation staff, and contractors engaged to support delivery of the ceremony to celebrate the Australia Day public holiday with family and friends the citizenship ceremony linked to Australia Day will be held on Thursday 24 January 2024.
10. The practice of holding the citizenship ceremony linked to Australia Day and presentation of Citizen of the Year Awards on the closest standard working week day to the Australia Day public holiday will be followed for future years.

ATTACHMENTS

Nil

- END OF REPORT -

2023 Confidential Orders Review

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman, Chief
Operating Officer

EXECUTIVE SUMMARY

A review of confidentiality orders has occurred in accordance with Section 91(9) of the *Local Government Act 1999* (SA) (the Act).

Five hundred and eight (580) confidential orders were reviewed, and 39 orders will be released in part or in full during December 2023. There are 43 orders which are recommended for extensions, as the grounds and basis for confidentiality are still relevant.

To increase transparency, the City of Adelaide conducts an additional mid-year confidentiality order review, which is in addition to the annual review required under the Act. During 2023, 46 orders have been released in part or in full.

In accordance with its Strategic Plan 2020 – 2024, Council has committed to transparent decision-making. We continue to work on ways to improve transparency of Council's decision making and minimise the number of matters discussed and held in confidence. All Council items are assessed with the objective of ensuring transparency to ratepayers, while adhering to legislative provisions, such as those outlined in Section 90(3) of the Act.

RECOMMENDATION

THAT COUNCIL

1. Notes that a review of the active confidentiality orders (May 2005 – October 2023) has been undertaken in accordance with Section 91(9) of the *Local Government Act 1999* (SA).
2. Notes that 39 active confidentiality orders will be released in part or full during December 2023.
3. Approves the extension of 43 confidentiality orders as identified in Attachment A to Item 14.5 on the Agenda for the meeting of the Council held on 28 November 2023.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities The role of the City of Adelaide is to uphold the value of integrity and accountability. To ensure that the Council delivers services to the community as a leader, advocate, and facilitator by maintaining a transparent decision-making process.
Policy	Council will be considering the implementation of a Public Transparency Policy at its meeting on 28 November 2023. That Policy proposes that all confidentiality orders be reviewed no less than once every six (6) months to assess whether the grounds for non-disclosure remain appropriate and necessary.
Consultation	Not as result of this report
Resource	Not as result of this report
Risk / Legal / Legislative	Section 91(9) of the <i>Local Government Act 1999 (SA)</i> requires a document or part of a document which is under a confidentiality order for a period exceeding 12 months to be reviewed at least once a year.
Opportunities	Not as result of this report
23/24 Budget Allocation	Not as result of this report
Proposed 24/25 Budget Allocation	Not as result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as result of this report
23/24 Budget Reconsideration (if applicable)	Not as result of this report
Ongoing Costs (eg maintenance cost)	Not as result of this report
Other Funding Sources	Not as result of this report

DISCUSSION

1. Section 90(2) of the Act enables a meeting of the Council or a Committee to determine that the public be excluded from attendance so that Council can receive, discuss or consider in confidence any information or matter as prescribed in Section 90(3) of the Act.
2. On every occasion that the provision to exclude within Section 90(2) of the Act was exercised, details of the order proceedings must be made in the minutes, specifying the grounds on which the order was made.
3. Section 91(9) of the Act specifies the requirements (duration of order, review date and delegation to review/revoke all or part report) that are to be included within the order.
4. Section 91(9) of the Act also specifies that a Council or a Committee order to keep a document, or part of a document, confidential for a period exceeding 12 months must be reviewed at least once every year.
5. The 2023 review of confidentiality orders examined all 580 active orders from May 2005 to October 2023. The orders relate to the following grounds (note: some orders apply to multiple grounds):

Section 90 of the <i>Local Government Act 1999 (SA)</i>	Times applied for order
(a) Personal affairs	46
(b) Commercial advantage / positions	264
(d) Commercial information	297
(e) security	10
(g) breach of law	42
(h) legal advice	54
(i) litigation	90
(j) information provided in confidence	41
(k) tenders	12
(m) development plan	7
(o) proposed award recipient	1
Regulation 13(2)(a) of the <i>Planning, Development and Infrastructure (General) Regulations 2017 SA</i>	Times applied for order
(ix) litigation	5

6. The 580 active orders were reviewed in consultation with the relevant Associate Director and/or Manager and final review by Executive. Of the 580 active confidentiality orders:
 - 6.1. Forty-three (43) orders will expire in December 2023, and require an extension to remain in confidence (**Attachment A**).
 - 6.2. Thirty-nine (39) orders will be released by the Chief Executive Officer, in part or in full, during December 2023.

7. Of the 43 orders that will expire in December 2023, it is recommended that they are extended on the following grounds (note: some orders apply multiple grounds):

Section 90 of the <i>Local Government Act 1999</i> (SA)	Times applied for order
(a) Personal affairs	3
(b) Commercial advantage / positions	14
(d) Commercial information	20
(g) breach of law	10
(h) legal advice	3
(i) Litigation	8
(j) information provided in confidence	3
(k) tenders	2

8. The table below shows the number of orders received, released and extended since 2021.

	2021 review	2022 review	2023 review
Number of orders reviewed	666	621	580
Number of orders extended	52	85	43
Number of orders released in part or in full as part of current annual review	8	34	39
Number of orders released in part or in full during the calendar year as part of the rolling review	25	152	46
Total number of orders released in part or in full	33	186	85

ATTACHMENTS

Attachment A – Confidentiality Orders Extension

- END OF REPORT -

**Expiring Confidentiality Orders [May 2005 to October 2023]
Confidentiality Order [CO] Extension Sought**

CO	Subject Matter	Section 90(3) & Extension	Justification
2004/2005 Financial Year			
CO87	Property Matter	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2024	Confidentiality Clause in the Deed, release contrary to public interest
2014/2015 Financial Year			
CO1113	Capital City Committee Update	90(3) (j) information provided in confidence Extend to December 2029	Cabinet in confidence, permission to be sought by the secretariat to release CCC secretariat has been consulted and still remains in confidence
2015/2016 Financial Year			
CO1175	Public Art Round Table - Interim Composition	90(3) (a) personal affairs Extend to December 2028 (in part)	Personal information in Attachment B only, release contrary to public interest
CO1197	Telstra Lease Agreement	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2026	Lease still current and will expire in 2035, release contrary to public interest
CO1199	IPS Committee Recommendation - Telstra Lease Agreement	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2026	Lease still current and will expire in 2035, release contrary to public interest
2016/2017 Financial Year			
CO1329	Progress of Confidential Motions by Elected Members	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2028 (in part)	Majority of motion has been made public, content that remains in confidence is yet to be made public
CO1330	Capital City Committee Update	90(3) (g) breach in law Extend to December 2028 (in part)	Cabinet in confidence, permission to be sought by the secretariat to release CCC secretariat has been consulted and still remains in confidence
CO1337	Assignment of Lease - 110 Pirie Street	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2030	Lease still current and will expire in 2030, release contrary to public interest
CO1338	Progress of Confidential Decisions	90(3) (g) breach in law Extend to December 2028 (in part)	Majority of decisions have been made public, the content is still in confidence is yet to be made public
CO1343	Progress on Confidential Motions by Elected Members	90(3) (g) breach in law Extend to December 2028 (in part)	Report has been made public, motion content yet to be made public
CO1346	Capital City Committee Update	90(3) (g) breach in law Extend to December 2029 (in part)	Cabinet in confidence, permission to be sought by the secretariat to release CCC secretariat has been consulted and still remains in confidence
CO1348	Update on Activities of the Strategic Risk & Internal Audit Group Meetings	90(3) (i) litigation Extend to December 2029 (in part)	Current litigation matter, release contrary to public interest
CO1351	Audit Committee Report - 15 March 2017	90(3) (i) litigation Extend to December 2028 (in part)	Current litigation matter, release contrary to public interest

CO	Subject Matter	Section 90(3) & Extension	Justification
CO1352	Lease - Town Hall Court Yard	90(3) (d) commercial information Extend to December 2028	Lease still current as proprietor has exercised the right for renewal, release contrary to public interest
CO1353	Progress on Confidential Motions by Elected Members	90(3) (g) breach in law Extend to December 2028 (in part)	Majority of motion has been made public, content that remains in confidence is yet to be made public
CO1362	Update on Activities of the Strategic Risk & Internal Audit Group Meetings	90(3) (i) litigation Extend to December 2028 (in part)	Current litigation matter, release contrary to public interest
CO1364	Approach to Managing Vexatious Activity	90(3) (a) personal affairs 90(3) (h) legal advice Extend to December 2028 (in part)	Current litigation matter, release contrary to public interest
CO1368	Progress on Confidential Motions by Elected Members	90(3) (g) breach in law Extend to December 2028	Majority of motion has been made public, content that remains in confidence is yet to be made public
CO1369	Councillor Martin - Question on Notice - Capital City Committee	90(3) (g) breach in law Extend to December 2029 (in part)	Cabinet in confidence, permission to be sought by the secretariat to release CCC secretariat has been consulted and still remains in confidence
CO1371	Electric Vehicle Charging Stations - Commercial	90(3) (b) & (d) commercial advantage/position/information of a confidential nature 90(3) (k) tenders Extend to December 2026 (in part)	Attachment to remain in confidence so permission can be sought by suppliers during 2024.
CO1374	Lease Vodafone Rundle Street	90(3) (d) commercial information Extend to December 2036	Lease still current and will expire in 2036, release contrary to public interest
CO1378	Quarterly Open Confidential Council Decision Update	90(3) (g) breach in law Extend to December 2028 (in part)	Decisions have been made public, the content that remains in confidence yet to be made public
CO1386	Prudential Issues Report - Bikeways Project	90(3) (b) commercial advantage/position of a confidential nature Extend to December 2024	Commercial in confidence material The project is still current with contracted obligations to the State Government. Review when deed expires.
CO1387	Capital City Committee Update	90(3) (g) breach in law Extend to December 2029 (in part)	Cabinet in confidence, permission to be sought by the secretariat to release CCC secretariat has been consulted and still remains in confidence
CO1388	Progress of Confidential Motions by Elected Members	90(3) (g) breach in law Extend to December 2028	Majority of motion has been made public, content that remains in confidence is yet to be made public
2017/2018 Financial Year			
CO1391	Multi-Year Event Licences	90(3) (h) legal advice Extend to December 2024 (in part)	Legal advice provided and permission to be sought prior to release
CO1396	Progress of Confidential Motions by Elected Members	90(3) (g) breach in law Extend to December 2028	Majority of motion has been made public, content that remains in confidence is yet to be made public
CO1399	Electric Vehicle Charging Stations - Off-street	90(3) (b) & (d) commercial advantage/position/information of a confidential nature 90(3) (j) information provided in confidence Extend to December 2027	Lease still current and will expire in 2027, release contrary to public interest

CO	Subject Matter	Section 90(3) & Extension	Justification
CO1400	Leasing Review - Council Property	90(3) (i) litigation Extend to December 2029	Current litigation matter, release contrary to public interest
CO1401	Update on Activities of the Strategic Risk & Internal Audit Group Meetings	90(3) (i) litigation Extend to December 2028 (in part)	Current litigation matter, release contrary to public interest
CO1403	Advice of the Adelaide City Council Audit Committee - 18 August 2017	90(3) (i) litigation Extend to December 2028 (in part)	Current litigation matter, release contrary to public interest
CO1405	Quarterly Open Confidential Council Decision Update	90(3) (g) breach in law Extend to December 2028 (in part)	Decisions have been made public, the content that remains in confidence yet to be made public
CO1406	Legal Matter	90(3) (h) legal advice 90(3) (i) litigation Extend to December 2028 (in part)	Current litigation matter, release contrary to public interest
CO1408	Electric Vehicle Charging Stations - Off-street	90(3) (b) & (d) commercial advantage/position/information of a confidential nature 90(3) (j) information provided in confidence Extend to December 2027	Lease still current and will expire in 2027, release contrary to public interest
CO1416	Ten Gigabit Adelaide Update	90(3) (d) commercial information Extend to December 2025	Third party advice provided and permission to be sought prior to release
CO1417	Progress of Confidential Motions by Elected Members	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2028 (in part)	Majority of motion has been made public, content that remains in confidence is yet to be made public
CO1423	Update on Activities of the Strategic Risk & Internal Audit Group Meetings	90(3) (i) litigation Extend to December 2028 (in part)	Current litigation matter, release contrary to public interest
CO1428	Capital City Committee Update	90(3) (g) breach in law Extend to December 2029 (in part)	Cabinet in confidence, permission to be sought by the secretariat to release CCC secretariat has been consulted and still remains in confidence
CO1432	Progress of Confidential Motions by Elected Members	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2028 (in part)	Majority of motion has been made public, content that remains in confidence is yet to be made public
CO1435	Ten Gigabit Adelaide Update	90(3) (d) commercial information Extend to December 2025	Third party advice provided and permission to be sought prior to release
CO1438	Ten Gigabit Adelaide Update	90(3) (d) commercial information Extend to December 2025	Third party advice provided and permission to be sought prior to release

CO	Subject Matter	Section 90(3) & Extension	Justification
CO1439	Strategic Property Investigation	90(3) (b) & (d) commercial advantage/position/information of a confidential nature Extend to December 2026	Information provided may impact with progress with preferred developer, release contrary to public interest
CO1440	Quarterly Open Confidential Council Decision Update	90(3) (g) breach in law Extend to December 2028 (in part)	Decisions have been made public, the content that remains in confidence yet to be made public
CO1654	Appointment of Internal Auditor	90(3) (k) tenders Extend to December 2025 (in part)	Contract still current and will expire in 2025, release contrary to public interest

Reports from Council Members

Tuesday, 28 November 2023
Council

Strategic Alignment - Enabling Priorities

Program Contact:
Alana Martin, Manager
Governance

Public

Approving Officer:
Michael Sedgman - Chief
Operating Officer

EXECUTIVE SUMMARY

The purpose of this report is to:

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

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

RECOMMENDATION

THAT COUNCIL

1. Notes the Council Member activities and functions attended on behalf of the Lord Mayor (Attachment A to Item 16.1 on the Agenda of the meeting of the Council held on 28 November 2023).
2. Notes the summary of Council Members' meeting attendance (Attachment B to Item 16.1 on the Agenda for the meeting of the Council held on 28 November 2023).
3. Notes that reports from Council Members tabled at the meeting of the Council held on 28 November 2023 be included in the Minutes of the meeting.

ATTACHMENTS

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

Attachment B – Summary of Council Member meeting attendance

- END OF REPORT -

FUNCTIONS ATTENDED ON BEHALF OF THE LORD MAYOR: 17 October - 18 November 2023

COUNCIL MEMBER	DATE	EVENT TITLE	EVENT DETAILS
Councillor Phillip Martin (Deputy Lord Mayor)	18/10/23	Reception to celebrate the 30th anniversary of the Sister-State relationship between SA and Okayama	Government House
Councillor Janet Giles	25/10/23	Welcome Reception for Local Government Association Conference	National Wine Centre
Councillor Janet Giles	26/10/23	LGA AllConference and Annual General Meeting	National Wine Centre
Councillor Keiran Snape	28/10/23	2023 SA Golf industry Awards Night	Hilton Adelaide
Councillor Henry Davis	29/10/23	Holy Mass & Official Opening - Polish Dożynki Harvest Festival	Bonython Park
Councillor Arman Abrahamzadeh	02/11/23	Built Australia's 10 year Celebration	Foyer 60 King William St, Adelaide
Councillor Mary Couros	12/11/23	2023 Gear Up Girl ride event (SA largest Female Bike Ride)	Bonython Park
Councillor Mary Couros	16/11/23	White Ribbon Breakfast	Adelaide Convention Centre

COUNCIL MEMBER MEETINGS ATTENDED: 20 September - 19 October

Councillor	DATE	EVENT TITLE	EVENT DETAILS
Councillor Mary Couros	19/10/23	North Adelaide Precinct Annual General Meeting	Attended as Representative
Councillor Phillip Martin (Deputy Lord Mayor)	19/10/23	North Adelaide Precinct Annual General Meeting	Attended as Representative
Councillor Phillip Martin (Deputy Lord Mayor)	26/10/23	East End Coordination Group Annual General Meeting	Attended as Representative
Councillor Mary Couros	26/10/23	East End Coordination Group Annual General Meeting	Attended as Representative
Councillor Mary Couros	31/10/23	Adelaide West End Association Committee Annual General Meeting	Attended as Representative
Councillor Carmel Noon	27/10/23	Adelaide Economic Development Agency Annual General Meeting	Attended as Representative
Councillor Mary Couros	27/10/23	Adelaide Economic Development Agency Annual General Meeting	Attended as Representative
Councillor Phillip Martin (Deputy Lord Mayor)	27/10/23	Adelaide Economic Development Agency Annual General Meeting	Attended as Representative

Council Member Meeting Attendance

	City Finance and Governance Committee 17 October 2023	Infrastructure and Public Works Committee 17 October 2023	Council Assessment Panel 23 October 2023	Council 24 October 2023	Adelaide Central Market Authority Board Meeting 26 October 2023	Adelaide Economic Development Agency Board Meeting 27 October 2023	Kadaltilla / Adelaide Park Lands Authority 26 October 2023	Council - Special 31 October 2023	City Community Services and Culture Committee 7 November 2023	City Planning, Development and Business Affairs Committee 7 November 2023	Audit and Risk Committee 10 November 2023	Council 14 November 2023	Council - Special 16 November 2023	Total meetings held	Total meetings attended
Lord Mayor Dr Jane Lomax-Smith	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	11	11
Councillor Phillip Martin (Deputy Lord Mayor)	✓	✓		✓			✓	✓	✓					8	6
Councillor Arman Abrahamzadeh														8	5
Councillor Mary Couros	✓	✓		✓			✓	✓	✓					8	8
Councillor Henry Davis	✓	✓		✓			✓							8	6
Councillor David Elliott	✓	✓		✓			✓	✓	✓					8	8
Councillor Janet Giles							✓	✓	✓					8	6
Councillor Simon Hou	✓	✓		✓			✓	✓	✓					8	7
Councillor Jing Li							✓							9	5
Councillor Carmel Noon	✓	✓		✓	✓		✓	✓	✓					9	9
Councillor Mark Siebentritt	✓	✓		✓			✓	✓	✓					8	8
Councillor Keiran Snape	✓	✓	✓	✓			✓	✓	✓					10	8
Total number	9	9	1	12	1	1	2	12	10	10	2	10	8		

Key:

- Apology
- Apology - meeting commenced prior to 5pm
- Leave
- Absent
- Not a Member
- Proxy Member

Councillor Noon - MoN - Minute silence for lives lost on roads this year and a review / audit of the CoA's Road Safety Strategy

Tuesday, 28 November 2023
Council

Council Member
Councillor Carmel Noon

Public

Contact Officer:
Clare Mockler, Chief Executive Officer

MOTION ON NOTICE

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

'That Council:

1. Extends its deepest condolences to Commissioner Grant Stevens, his wife Emma and family for their loss.
2. In solidarity with all those who have endured the pain of losing loved ones on the roads this year, we call for a minutes silence to honour the precious lives that have left an irreplaceable void in the hearts of their families and friends.
3. That Council Administration provide an overview of the CoA's Road Safety Strategy to urgently address the high rate of collisions between motorists, cyclists and pedestrians, including but not limited to:
 - 3.1 Black Spots
 - the effectiveness of black spot identification and mitigation measures
 - assess the accuracy of the audit process in identifying high-risk areas
 - analyze the implementation of recommended safety measures in identified black spots
 - 3.2 Speed Limits
 - the appropriateness of current speed limits on various roads
 - the correlation between speed limits and accident rates
 - road safety experts regarding recommended speed limits
 - 3.3 Bike Infrastructure
 - Review the existing bike infrastructure
 - Assess the connectivity and safety of bike lanes, paths, and other facilities
 - Evaluate the impact of bike infrastructure on overall road safety
 - 3.4 Consultation with Road Safety Experts
 - Outline the process and extent of consultation with road safety experts
 - Incorporate feedback and recommendations provided by these experts
 - Assess the alignment of the strategy with best practices and expert advice.
 - 3.5 Data Analysis
 - Utilisation of relevant statistical data to evaluate the impact of the strategy
 - trends in road accidents, injuries, and fatalities
 - Assess whether the implemented measures have led to improvements
 - 3.6 Public Engagement
 - Evaluate the effectiveness of public awareness campaigns related to road safety
 - Assess public feedback and perceptions regarding the CoA Road Safety Strategy

3.7 Recommendations

- Provide recommendations for refining the CoA Road Safety Strategy
- Suggest potential areas for additional investment or improvement and or how the CoA can work with the LGA, State and Federal Governments especially with the recent Federal Government announcement of the doubling of Roads to Recovery funding annually for Councils (from \$500M to \$1B), to ensure that SA gets a fair share of the funding.'

ADMINISTRATION COMMENT

1. If Council resolves to support the Motion, a minute silence to honour the lives of those who have died on the roads this year will be included in the agenda for the Council meeting on 12 December 2023.
2. Road safety forms part of the overall Transport Strategy due to the different components of a transport network and road safety being highly interconnected.
3. The Integrated Transport Strategy is currently out for tender. Tender submissions close in December 2023 and the appointment of a consultant is expected in early 2024. The Integrated Transport Strategy will replace the existing Smart Moves strategy.
4. Current activities supporting road safety, and which will fall under the umbrella of the Integrated Transport Strategy include:
 - 4.1. City-Wide Speed Limit Review, which is currently in progress with recommendations to be presented to Council in late 2024.
 - 4.2. School Zone Safety Review, which is currently underway with the first Council report scheduled for April 2024.
 - 4.3. Traffic Signal Review Expression of Interest process has concluded, and a Business Plan and Budget proposal will be brought to Council for funding consideration in the 2024/25 Business Plan.
 - 4.4. City of Adelaide has received Black Spot Funding for three projects. being intersections at Currie / Morphett Streets, Jeffcott / Ward Streets and Morphett Street / South Terrace. The improvements to these intersections will be completed this financial year.
 - 4.5. Cycling infrastructure projects continue with Frome Road North / South bikeway currently out to tender with works anticipated to commence early in 2024.
5. Should the Motion be carried, due to resourcing challenges the Administration will engage a consultant to prepare a report on road safety activities and support within the City of Adelaide to be presented to Council in the first quarter of 2024/25 financial year.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	\$30,000
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Additional budget allocation to be determined.
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	3 weeks
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 5.5 hours.

Councillor Couros - MoN - Update from Main Street Round Table Discussions

Tuesday, 28 November 2023
Council

Council Member
Councillor Mary Couros

Public

Contact Officer:
Iliia Houridis, Director City Shaping

MOTION ON NOTICE

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

'That Council:

1. Notes of the many round table discussions on Mainstreets held in the previous term of council with the community and updates presented to councillors for noting
2. Asks the administration to prepare a report based on the compilation of updates from the round table discussions and other consultations associated with the Mainstreets.'

ADMINISTRATION COMMENT

1. There were 40 Lord Mayor's Main Street Round Table meetings during the previous term of Council. Minutes of the Roundtable meetings were circulated to Elected Members via E-News on 30 October 2023 ([E-News: Lord Mayor's Main Street Round Tables](#)).
2. The feedback received during the Main Street Round Table meetings (and other stakeholder engagement) via the Place Coordinators, informed the development of draft Master Plans for four key Main Streets (Hindley Street, Hutt Street, Melbourne Street and O'Connell Street) that were presented to Council on 14 December 2021 ([Council Meeting - Agenda without conf - 14 December 2021.pdf \(modern.gov.com.au\)](#)).
3. The draft Master Plans summarise the feedback through the Roundtable meetings and Place Coordinator-led stakeholder engagement received to identify a Vision and Objectives for Hindley Street, Hutt Street, Melbourne Street and O'Connell Street.
4. **Draft Hindley Street Master Plan** (Link 1 view [here](#))
 - 4.1. Vision
 - 4.1.1. Hindley Street provides safe, vibrant and welcoming day and evening experiences for all users, while celebrating its "West-End" character.
 - 4.2. Objectives:
 - 4.2.1. Prioritise pedestrians
 - 4.2.2. Enhance frontages
 - 4.2.3. Organise and de-clutter
 - 4.2.4. Robust greening
 - 4.2.5. Optimise activity zones
 - 4.2.6. Revive, add surprise and sparkle.

5. **Draft Hutt Street Master Plan** (Link 2 view [here](#))
 - 5.1. Vision:
 - 5.1.1. Hutt Street's leafy green streetscape, historic village charm with an exciting variety of commercial, dining and social experiences ensure it is the pride of its growing community and a popular destination for locals and visitors alike.
 - 5.2. Objectives:
 - 5.2.1. Community and village
 - 5.2.2. Enhance amenity, green spaces and connection to the Park Lands
 - 5.2.3. Celebrate heritage
 - 5.2.4. Embrace culture and music.
6. **Draft Melbourne Street Master Plan** (Link 3 view [here](#))
 - 6.1. Vision
 - 6.1.1. Melbourne Street is an appealing destination of choice for locals and visitors. Known for its polish, Melbourne Street provides a range of artisan experiences and celebrates its dining culture to its east, whilst providing specialist services to its west.
 - 6.2. Objectives:
 - 6.2.1. Create a unique brand and identity
 - 6.2.2. Curate the business and commercial mix
 - 6.2.3. Refresh the public realm
 - 6.2.4. Promote accessibility
 - 6.2.5. Introduce more vibrancy and creative connections.
7. **Draft O'Connell Street Master Plan** (Link 4 view [here](#))
 - 7.1. Vision
 - 7.1.1. O'Connell Street is a bustling, sophisticated and metropolitan main street that acts as the heart of North Adelaide and the inner northern suburbs.
 - 7.2. Objectives:
 - 7.2.1. Create a sense of vibrancy and community
 - 7.2.2. Increase commercial mix and unique offerings
 - 7.2.3. Celebrate heritage
 - 7.2.4. Update accessibility and engaging public spaces
 - 7.2.5. Embrace arts and culture.
8. The draft Master Plans were further tested via Community Engagement and Your Say public consultation between 7 March and 4 April 2022. The feedback from the community and stakeholders aligned with each Master Plans' draft vision, objectives and design principles supported by Council and this feedback is contained within the Feedback Report (Link 5 view [here](#)).
9. Further reports to Council include:
 - 9.1. 17 May 2022 – Council Presentation – Main Street Concept Designs ([\(\(Public Pack\)Agenda Document for The Committee - Strategic Discussion Forum, 17/05/2022 17:30 \(cityofadelaide.com.au\)](#)).
 - 9.2. 9 August 2022 – Council Report - Main Street Concept Options ([Main Streets Concept Options.pdf \(modern.gov.com.au\)](#))
10. Should the motion be carried, a report summarising feedback collected from participants at the Lord Mayor Main Streets Round Table Discussions, including lists of attendees and any previous Council reports and consultation outcomes will be provided to the City Community Services and Culture Committee in March 2024.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable
Legal advice / litigation (eg contract breach)	Not applicable
Impacts on existing projects	Not applicable
Budget reallocation	Not applicable
Capital investment	Not applicable
Staff time in preparing the workshop / report requested in the motion	If the report requested in the motion on notice is approved approximately 20 hours of staff time will be required to prepare the report.
Other	Not applicable
Staff time in receiving and preparing this administration comment	To prepare this administration comment in response to the motion on notice took approximately 5.5 hours.

- END OF REPORT

Councillor Elliott - MoN - Amendment to Code of Practice for Meeting Procedures

Tuesday, 28 November 2023
Council

Council Member
Councillor David Elliott

Public

Contact Officer:
Michael Sedgman - Chief
Operating Officer

MOTION ON NOTICE

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

That Council resolves to amend 4.4 of the Code of Practice for Meeting Procedures to read:

1. Mobile telephones must be switched off or in vibration or silent mode during Council and Committee meetings. Members of Council shall not send text messages or emails, or make or receive telephone calls, during Council and Committee meetings when present in the Council Chamber or Colonel Light Room.
2. Tablet devices shall, during Council and Committee meetings, only be used for accessing meeting papers.'

ADMINISTRATION COMMENT

1. Council's Code of Practice for Meeting Procedures [\[Link One\]](#) was endorsed by Council in September 2023.
2. Part 4.4 of the Code of Practice is provided below.

4.4 Recording of Meetings and Use of Mobile Phones

Recording of meetings (including audio, photographs and/or video) by members or third parties will only be allowed with the prior approval of the Presiding Member.

If the public session of the meeting is being recorded and/or streamed live to the internet, the Presiding Member or the Chief Executive Officer will announce this at the opening of the meeting.

Mobile phones (including other devices capable of emitting sound, should be turned off or in silent mode during Council and Committee Meetings, workshops and Chief Executive Officer Briefings).

Members should limit their use of mobile phones during Council and Committee meetings, workshops and Chief Executive Officer Briefings. If members need to access to their phone, members are required to leave the Council Chamber or Colonel Light Room to take a call without disruption to the meeting

3. It is noted that Members may have commitments that require them to be contactable at all times. If this is the case, it is suggested that Members bring it to the attention of the Presiding Member prior to the meeting.
4. If the Motion is supported, the Code of Practice will be amended to reflect Council's decision.

Should the motion be carried, the following implications of this motion should be considered. Note any costs provided are estimates only – no quotes or prices have been obtained:	
Public consultation	Not applicable
External consultant advice	Not applicable

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

- END OF REPORT -

Exclusion of the Public

Tuesday, 28 November 2023

Council

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 Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.

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

For the following Reports for Recommendation to Council seeking consideration in confidence

- 22** Confidential Audit and Risk Committee Report – 10 November 2023 [section 90(3) (h) and (i) of the Act]
- 23** Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023 [section 90(3) (b) and (d) of the Act]

The Order to Exclude for Item 22 and 23:

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 22

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (h) and (i) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28 November 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 22 [Confidential Audit and Risk Committee Report – 10 November 2023] 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 of a confidential nature because the report includes information on Council litigation and Legal Advice.

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

Public Interest

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

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the Council dated 28 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 22 [Confidential Audit and Risk Committee Report – 10 November 2023] 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) (h) and (i) of the Act.

ORDER TO EXCLUDE FOR ITEM 23

THAT COUNCIL:

1. Having taken into account the relevant consideration contained in section 90(3) (b) and (d) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the Council dated 28 November 2023 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 23 [Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023] 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 Council dated 28 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 23 [Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023] 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) and (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 22 – Confidential Audit and Risk Committee Report – 10 November 2023
 - 6.1.1 Is subject to an Existing Confidentiality Order dated 10/11/2023
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (h) and (i) of the Act
 - (h) legal advice
 - (i) Information relating to the actual litigation, or litigation that the council or council committee believes on reasonable ground will take place, involving the council or an employee of the council.
 - 6.2 Information contained in Item 23 – Confidential Recommendation of the City Finance and Governance Committee – 21 November 2023
 - 6.2.1 Is subject to an Existing Confidentiality Order dated 21/11/2023
 - 6.2.2 The grounds utilised to request consideration in confidence is section 90(3) (b) and (d) of the Act
 - (b) information the disclosure of which –
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council; and
 - (ii) would, on balance, be contrary to the public interest;
 - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which-
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;

ATTACHMENTS

Nil

- END OF REPORT -

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