



CITY FINANCE AND GOVERNANCE COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday, 17 September 2024
at 5.30 pm

in the Colonel Light Room, Adelaide Town Hall

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Members – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith

Councillor Dr Siebentritt (Chair)

Councillor Elliott (Deputy Chair)

Deputy Lord Mayor, Councillor Snape and Councillors Abrahamzadeh, Couros, Davis, Giles, Hou,
Li, Martin and Noon

1. Acknowledgement of Country

At the opening of the City Finance and Governance Committee meeting, the Chair will state:

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

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

2. Apologies and Leave of Absence

Nil

3. Confirmation of Minutes - 20/8/2024

That the Minutes of the meeting of the City Finance and Governance Committee held on 20 August 2024 and the reconvened meeting held on 27 August 2024, be taken as read and be confirmed as an accurate record of proceedings.

View public [20 August 2024 Minutes](#) and Reconvened [27 August 2024 Minutes](#).

4. Declaration of Conflict of Interest

5. Deputations

6. Workshops

Nil

7. Reports for Recommendation to Council

7.1	2024/25 LTFP update - Draft for Consultation	4 - 65
7.2	Site Contamination Policy for Endorsement	66 - 78
7.3	Code of Practice for Meeting Procedures Review	79 - 122
7.4	Terms of Reference Review	123 - 158
7.5	Integrated Community Engagement Framework Update – End of year report	159 – 164

8. Reports for Noting

Nil

9. Exclusion of the Public

165 - 167

In accordance with sections 90(2), (3) and (7) of the *Local Government Act 1999* (SA) the City Finance and Governance Committee will consider whether to discuss in confidence the reports contained within section 10 of this Agenda.

10. Confidential Reports for Recommendation to Council

10.1 Capital City Committee Update [s 90(3) ((g), (j))]

168 - 171

11. Closure

2024/25 LTFP update - draft for public consultation

Strategic Alignment - Our Corporation

Public

Tuesday, 17 September 2024
City Finance and Governance Committee

Program Contact:

Nicole Van Berkel

Acting Manager Finance & Procurement

Approving Officer:

Anthony Spartalis

Chief Operating Officer

EXECUTIVE SUMMARY

The *Local Government Act 1999 (SA)* requires that a council must develop and adopt a Long Term Financial Plan (LTFP), for a period of at least 10 years (s122 (1a) (a)) which is reviewed annually (S122 (4) (a)).

This LTFP takes account of the 2024/25 adopted BP&B as the base for its projections, building upon the work undertaken for the annual Business Plan and Budget, Infrastructure Asset Management Plans, and 2024-28 Strategic Plan and has been developed with regard to Council's adopted financial principles, Council decisions and the best available economic information. It is therefore a tool to guide decision-making in relation to future financial sustainability.

Following the Local Government Reform, the LTFP must be provided to the designated authority on or before 30 September in the relevant financial year. In 2024/25, Council is being reviewed by the Essential Services Commission of SA (ESCOSA), which for the purposes of the LTFP is the designated authority.

Further, s122 (4a) (a) requires an annual report from the Chief Executive Officer on the sustainability of the council's long-term financial performance and position.

Council resolved, in setting the Chief Executive Officer's Key Performance Indicators (KPIs), that an update of the LTFP for 2024/25 be presented to Council by the end of October 2024.

Key outcomes include:

- A base operating surplus position over the life of the plan
 - All Key Financial Indicators (KFIs) are within target ranges except for cashflows from operations between 2027/28 – 2030/31 due to an outlay on significant renewals
 - A gradual return of the Asset Renewal Funding Ratio (ARFR) over 8 years to achieve 100% from 2031/32 onwards (previously 4 years to 2027/28).
 - Introduction of an Asset Renewal Repair Fund to fund the annual increase of \$14.9 million associated with the recently adopted AMPs..
 - AMPs are funded through operating revenue but in recognition of the need to balance the community's capacity to pay while ensuring community expectations are met, this LTFP assumes the use of short term borrowings to fund the ARRF.
 - Significant renewals are required in the mid-long term of the LTFP in accordance with our AMPs. These assets by nature are intergenerational, and as such it is intended to fund them through external contributions, in addition to borrowings. As the external funding is not yet secured, there is a risk that Council will need to pay \$115 million for the entire renewal of the assets (\$42 million in excess of the current assumption).
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RECOMMENDATION

The following recommendation will be presented to Council on 24 September 2024 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Approves the Draft 2024/2025 – 2033/34 Long Term Financial Plan document set out in Attachment A to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee on 17 September 2024 for the purpose of public consultation commencing at 9.00am on Monday 30 September 2024 and concluding at 11.59pm on Sunday 20 October 2024.
 2. Notes the long term financial sustainability of the Long Term Financial Plan 2024/25 to 2033/34 based on the adopted assumptions.
 3. Notes the Long-Term Financial Plan incorporates borrowings of \$220.6 million as at the end of 2033/34, which is the forecast prudential borrowing limit.
 4. Notes the Draft 2024/25 CEO Sustainability Report set out in Attachment B to Item 7.1 on the Agenda for the meeting of the City Finance and Governance Committee on 17 September 2024.
 5. Authorises the Chief Executive Officer to make any necessary changes to the draft 2024/25 Long Term Financial Plan document arising from this meeting, together with any editorial amendments and finalisation of the document's formatting and graphic design.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
Policy	The Draft 2024/25 to 2033/34 Long Term Financial Plan has been prepared in accordance with the 2024/25 Business Plan and Budget and endorsed Financial Policies.
Consultation	<p>21 days consultation is recommended, rather than the six weeks for Strategic Management Plan documents outlined in the CoA Community Consultation Policy. The shorter consultation period is recommended as the community have been recently and extensively consulted on the 2024/25 Business Plan and Budget, and critical long-horizon documents underpinning the LTFP – specifically six Infrastructure and Asset Management Plans during late 2023 and early 2024, and the 2024-28 Strategic Plan.</p> <p>A targeted 21-day period of consultation would allow substantive feedback but avoid the risk of engagement exhaustion with little further additional input. It also enables the LTFP to be finalised in line with Council's expectation related to the related CEO KPI.</p> <p>A public consultation on the Draft Long Term Financial Plan 2024/25 is proposed to open at 9.00am on Monday 30 September and close 11.59pm Sunday 20 October 2024.</p>
Resource	The 2024/25 BP&B and Draft 2024/25 to 2033/34 Long Term Financial Plan identifies how Council's resources will be allocated in meeting the 2024/25 deliverables and objectives of the Strategic Plan.
Risk / Legal / Legislative	Development of a Long Term Financial Plan is a requirement of the <i>Local Government Act 1999 (SA)</i> .
Opportunities	Public consultation is a key part of the LTFP providing the community with an opportunity to provide feedback on the draft. Community members can provide feedback on issues that affect them with the commitment of Council to provide pathways for their input.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. The *Local Government Act 1999 (SA)* (Act) requires that a council must develop and adopt a Long Term Financial Plan (LTFP), for a period of at least 10 years (s122 (1a) (a)) which is reviewed on an annual basis (S122 (4) (a)).
2. Following the Local Government Reform the LTFP must be provided to the designated authority on or before 30 September in the relevant financial year. In 2024/25, Council is being reviewed by the Essential Services Commission of SA (ESCOSA), which for the purposes of the LTFP is the designated authority.
3. The LTFP forms part of Council's suite of Strategic Management Plans (SMPs), along with its Asset Management Plans and Strategic Plan, which must be adopted within 2 years of being elected.
4. The *Local Government Act 1999 (SA)* requires a Council's SMPs to address:
 - 4.1. the sustainability of the Council's financial performance and position
 - 4.2. the maintenance, replacement or development needs for infrastructure within its area, and
 - 4.3. identification of any anticipated or predicted changes that will have a significant effect upon the costs of the Council's activities/operations.
5. s122 (4a) (a) also requires an annual report from the Chief Executive Officer on the sustainability of the council's long-term financial performance and position.
6. At its 11 June 2024 meeting, Council resolved that the LTFP be presented to Council by the end of October 2024 as part of the approval of the Chief Executive Officer's Interim KPIs.
7. At the Council meeting dated 25 June 2024, Council adopted the 2024/25 annual Business Plan and Budget.
8. This LTFP takes account of the 2024/25 adopted BP&B as the base for its projections and builds upon the work undertaken for the annual Business Plan and Budget, Infrastructure Asset Management Plans, and 2024-28 Strategic Plan. It has been developed with regard to Council's adopted financial principles, Council decisions and the best available economic information and is a tool to guide decision-making in relation to future financial sustainability.
9. The 2024/25 to 2033/34 LTFP is modelled on certain trends and assumptions, particularly:
 - 9.1. The LTFP assumes rate revenue increases in line with the Consumer Price Index (CPI), combined with growth of 1% associated with new rateable properties.
 - 9.2. Most expenses are escalated by CPI
 - 9.3. CPI, which is forecast by various bodies, is the preferred escalator over Local Government Pricing Index (LGPI), which is a lag indicator.
 - 9.4. Current assumptions for CPI are based on SA Centre for Economic Studies forecasts, June 2024.
 - 9.5. Enterprise Agreements are used as the basis for salaries and wages increases, noting the differing timeframes associated with each agreement, with CPI used beyond agreement expiries.
 - 9.6. Interest rates are sourced from Deloitte Access Economics 10-year Government Bond data – updated quarterly.
 - 9.7. Capital renewal expenditure reflects activity programmed within the AMPs, with a transition to 100% Asset Renewal Funding Ratio over an 8 year period.
 - 9.8. Capital enhancements (new and upgrade) reflect Council's current commitment to deliver on Mainstreet Upgrades over the current term. The remaining funding outside of existing council decisions are balanced in line with prudential borrowing limits.
 - 9.9. Significant asset renewals contemplated in the LTFP include the Adelaide Bridge, and Torrens Weir structure and Rundle UPark (noting the intention to extend its life versus full replacement).

Statement of Comprehensive Income

10. The current and following ten years Statement of Comprehensive Income is included in **Attachment A**. The next four years are summarised below:

Statement of Comprehensive Income				
\$'000s	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan
Income				
Rates Revenues	144,908	154,896	163,902	171,850
Statutory Charges	16,893	17,400	17,835	18,281
User Charges	67,399	68,941	76,600	78,515
Grants, Subsidies and Contributions	4,842	4,646	4,762	4,881
Grants, Subsidies and Contributions - Capital	-	-	-	7,500
Investment Income	166	171	176	180
Reimbursements	150	155	159	163
Other Income	866	892	915	937
Total Income	235,225	247,101	264,348	282,308
Expenses				
Employee Costs	86,220	88,853	91,074	93,351
Materials, Contracts & Other Expenses	81,973	84,091	88,500	90,712
Depreciation, Amortisation & Impairment	56,857	64,462	66,471	68,287
Finance Costs	808	3,626	5,122	6,508
Total Expenses	225,858	241,031	251,167	258,858
Operating Surplus / (Deficit)	9,367	6,070	13,181	23,450

Table 1: Statement of Comprehensive Income for the next 4 years

11. The projected operating result for 2024/25 is a surplus of \$9.367 million, an increase of \$7.099 million compared to the 2023/24 adopted LTFP projections.

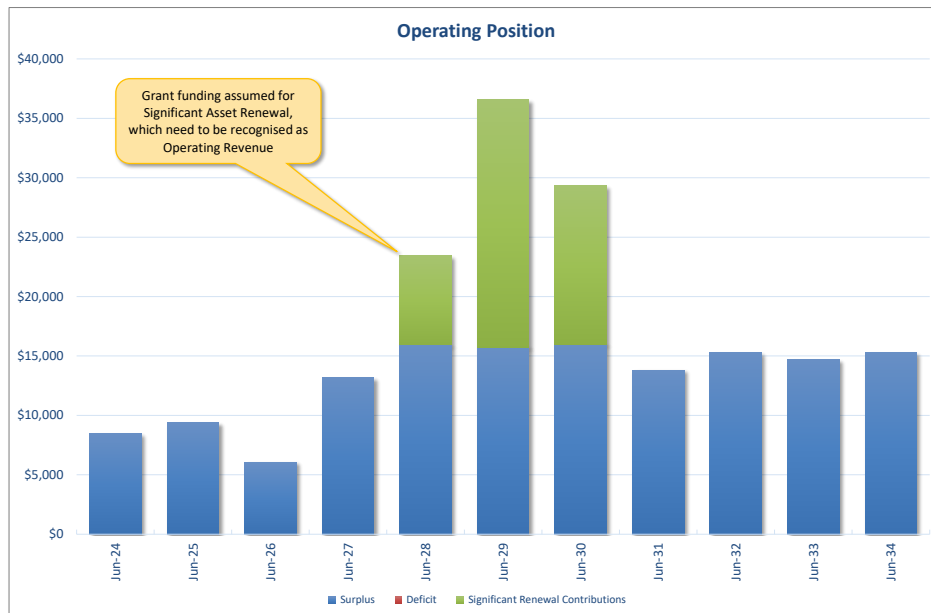


Chart 1: Operating Surplus

12. The underlying increases in rates and fee revenue are above the percentage increase in key operational costs, contributing to growth in surpluses in the short term.
13. The surpluses across the LTFP reflect a robust statement of financial sustainability derived from a positive underlying structural budget, which has been achieved through sound financial management and improved efficiency and performance in the provision of all services and asset management plans.
14. Two key operational impacts affect the operating position throughout the life of the LTFP, namely:
- 14.1. Returning revenue from the re-opening of the redeveloped Central Market Arcade in 2026/27, and

14.2. Grant funding assumed for Significant Asset Renewals, which needs to be recognised as Operating Revenue.

Statement of Financial Position

15. The Statement of Financial Position is shown in **Attachment A**.

16. Net Council assets are forecast to increase from \$1.846 billion at June 2025 to \$2.032 billion in June 2034.

Statement of Cash Flows

17. The Statement of Cash Flows is shown in **Attachment A**. The next four years are summarised below:

Statement of Cash flows				
\$'000s	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan
Cash Flows from Operating Activities				
<u>Receipts</u>				
Operating Receipts	232,801	245,087	263,397	281,318
<u>Payments</u>				
Finance Payments	(2,800)	(2,986)	(4,582)	(5,672)
Operating Payments to Suppliers and Employees	(167,291)	(171,601)	(178,883)	(183,225)
Net Cash provided by (or used in) Operating Activities	62,710	70,500	79,932	92,420
Cash Flows from Investing Activities				
<u>Receipts</u>				
Amounts Received Specifically for New/Upgraded Assets	6,026	-	-	-
Proceeds from Surplus Assets	18,500	-	-	-
Sale of Replaced Assets	500	500	500	500
Repayments of Loans by Community Groups				
Distributions Received from Equity Accounted Council Businesses				
<u>Payments</u>				
Expenditure on Renewal/Replacement of Assets	(56,022)	(67,936)	(70,198)	(105,007)
Expenditure on New/Upgraded Assets	(56,489)	(38,799)	(20,627)	(18,244)
Net Purchase of Investment Securities	-	-	-	-
Capital Contributed to Equity Accounted Council Businesses	(320)	(320)	(320)	(320)
Net Cash provided by (or used in) Investing Activities	(87,805)	(106,555)	(90,645)	(123,071)
Cash Flows from Financing Activities				
<u>Receipts</u>				
Proceeds from Borrowings	30,084	41,157	15,937	35,172
<u>Payments</u>				
Repayment from Borrowings	-	-	-	-
Repayment of Lease Liabilities	(4,989)	(5,102)	(5,224)	(4,521)
Net Cash provided by (or used in) Financing Activities	25,095	36,056	10,713	30,651
Net Increase (Decrease) in Cash Held	(0)	(0)	0	(0)
plus: Cash & Cash Equivalents at beginning of period	800	800	800	800
Cash & Cash Equivalents at end of period	800	800	800	800

Table 2: Statement of Cashflows for the next 4 years

18. Of note are the Proceeds from Sale of Surplus Assets, allocated to the Future Fund and offsetting the need to draw the full debt required to fund new and upgraded projects.

18.1. Note however that when funds in the Future Fund are required to invest in future projects, borrowing levels will reflect the level of debt that would have been carried by Council had it not been offset by the Future Fund.

19. The cash flow from operations is positive over the life of the LTFP, indicating that Council operations will generate enough cashflow to cover ongoing expenses and support the funding of asset replacement over time, noting however that borrowings may be required to fund significant renewal projects in the Torrens Weir, Adelaide Bridge and Rundle UPark.
20. Given the investment preferences of the Council and the commitment to Mainstreet Upgrades over the next four years (new and upgraded projects), it is appropriate to focus on the balance of borrowings rather than the cash balance.
21. The net funding position at the end of 2024/25 is forecast to require borrowings of \$53.677 million.
22. This steadily increases in subsequent years principally due to utilising borrowings to fund the new and upgraded capital program (noting that Council uses operating revenue to fund the renewal capital program).
23. Also note the increase in borrowings in years 3 to 6 where it is assumed that Council will fund the net renewal costs associated with the Adelaide Bridge, Torrens Weir and Rundle UPark. Given the size of these significant renewals, the LTFP proposes funding them using borrowings to avoid large rate or other revenue increases to fund the works.
24. The LTFP also assumes transitioning from a 92.5% Asset Renewal Funding Ratio (ARFR) to 100% over eight years. This results in less operating revenue required to offset debt payments, contributing to an overall increase in the net funding position.
25. A chart of the net funding position showing the gross debt, future fund and net debt (“offset balance”) is shown below.

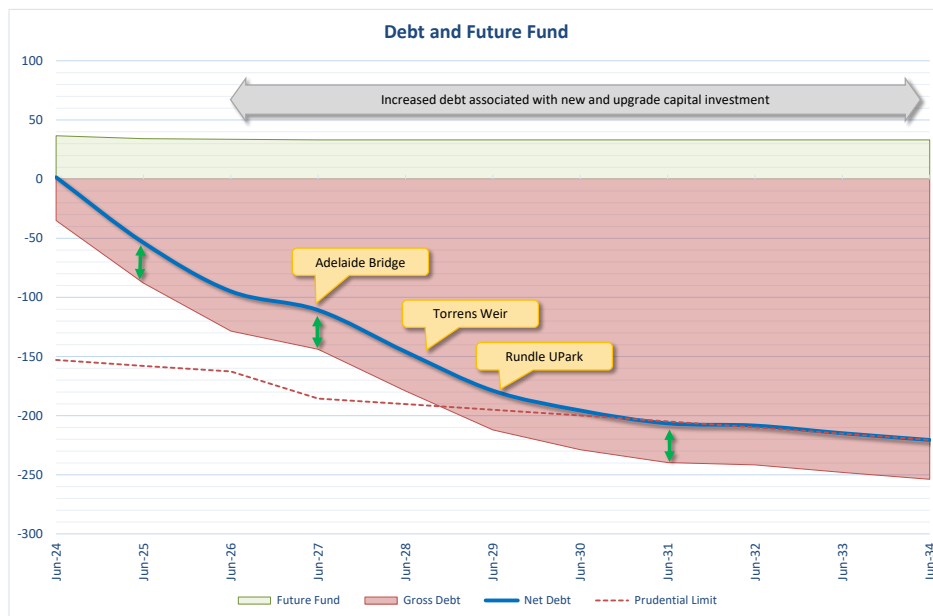


Chart 2: Projected Debt and the Future Fund

Capital Investment

26. The Asset Renewal Funding Ratio is shown in **Attachment A**. An ARFR of 100% is forecast to be achieved from 2031/32 onwards, ensuring that assets are being replaced at the same rate as they are wearing out, supporting Council's long term financial sustainability.
27. The adopted 2023/24 – 2032/33 LTFP assumed an ongoing commitment of \$15 million per annum for new and upgrades as a continuation of the same investment impetus which delivered Mainstreet Upgrades. However in recognising the funding requirements identified in the recently adopted Asset Management Plans, the assumed forward commitment on new and upgraded assets has been reduced to balance the delivery of infrastructure within prudential borrowing limits.

Sensitivity Analysis

28. In order to test the LTFP assumptions, sensitivity analyses have been undertaken. Only those with material impacts have been included, noting the sensitivities related to CPI and interest rate variations are immaterial in relative terms.

29. Asset Renewal Funding Ratio

29.1. The adopted 2023/24 – 2032/33 LTFP assumed a transition to 100% ARFR over 4 years from 2023/24 to 2027/28. The draft 2024/25 LTFP has extended that transition to 8 years, primarily to reduce the short term impact on rate payers of the increased funding required through the recently adopted AMPs. The following analysis compares the ARFR transition over 4 and 8 years showing the relative impact on rates revenue.

Renewal Impact on Rate Revenue	2025-26		2026-27		2027-28		2028-29		2029-30		2030-31		2031-32		Total Increase	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
ARFR Transition over 4 years	1,514	1.1%	1,764	1.2%	1,760	1.1%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	5,038	3.38%
ARFR Transition over 8 years	606	0.4%	705	0.5%	704	0.5%	704	0.4%	705	0.4%	704	0.4%	1,058	0.6%	5,187	3.24%
Variance	908	0.7%	1,058	0.7%	1,056	0.7%	(704)	(0.4%)	(705)	(0.4%)	(704)	(0.4%)	(1,058)	(0.6%)	(149)	0.14%

Table 3: Impact of ARFR Transition over 8 years versus 4 years

30. Asset Renewal Repair Fund (ARRF)

30.1. Council recently adopted its AMPs which identified increased funding requirements of \$14.9m per annum over the life of the LTFP, compared to the previous AMP. AMPs are funded through operating revenue but in recognition of the need to balance the community’s capacity to pay while ensuring community expectations are met, this LTFP assumes the use of short term borrowings to fund the ARRF. The following table compares the impact on rates revenue if the increase in funding requirement was not smoothed over a 3 year period.

Renewal Impact on Rate Revenue	2025-26		2026-27		2027-28		2028-29		2029-30		2030-31		2031-32		Total Increase	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Asset Renewal Repair Fund (exc ARFR Increase) over 1 year	9,330	6.7%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	9,330	6.74%
Asset Renewal Repair Fund (exc ARFR Increase) over 3 years	3,110	2.2%	3,110	2.0%	3,110	2.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	9,330	6.27%
Variance	6,220	4.5%	(3,110)	(2.0%)	(3,110)	(2.0%)	-	0.0%	-	0.0%	-	0.0%	-	0.0%	0	(0.46%)

Table 4: Impact of Spreading the Asset Renewal Repair Fund over 3 years

31. Significant Renewals

31.1. The LTFP reflects significant renewals required in accordance with our AMPs in the mid-long term. These assets by nature are intergenerational, and as such, it is intended to fund them through external contributions, in addition to borrowings. This will reduce the burden on existing rate payers, and share the cost to future rate payers who will benefit from the assets.

31.2. As external funding is not yet secured, there is a risk that Council will need to pay for the entire renewal of the assets of \$115 million (\$42 million more than the current assumption). In this event, Council will exceed its Prudential Borrowing Limit, or reduce the ability to deliver on new and upgraded assets assumed in the LTFP.

31.3. If additional funding is secured, either a reduction in borrowings is possible, and / or additional funding will be available for new and upgraded assets.

32. Mainstreet Upgrades

32.1. In the 2023/24 Budget, Council committed to funding the delivery of five Mainstreet upgrades in the current term of Council. The LTFP allocation is \$62.6 million for new and upgraded assets, limiting the funding available to deliver on other new and upgraded non-Mainstreets projects.

32.2. The option to defer the delivery of these upgrades to one Mainstreet at a time is available, while planning and designing the next upgrade as the current upgrade is delivered. This will provide capacity to deliver other priorities in Council's adopted strategies, including the Strategic Plan and Integrated Climate Strategy.

\$000's	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan	Total 10 years
Current Mainstreet Allocation											
Hindley Street Upgrade	4,980	9,240	-	-	-	-	-	-	-	-	14,220
Gouger Street Upgrade	1,250	4,000	9,250	-	-	-	-	-	-	-	14,500
O'Connell Street Upgrade	1,000	1,500	1,000	11,450	-	-	-	-	-	-	14,950
Melbourne Street Upgrade	100	1,400	1,000	4,000	-	-	-	-	-	-	6,500
Hutt Street Upgrade	1,250	5,000	6,200	-	-	-	-	-	-	-	12,450
Total Current Mainstreet Allocation	8,580	21,140	17,450	15,450	-	-	-	-	-	-	62,620
Deferral Option											
Hindley Street Upgrade	4,980	9,240	-	-	-	-	-	-	-	-	14,220
Gouger Street Upgrade	-	-	-	1,250	4,000	9,250	-	-	-	-	14,500
O'Connell Street Upgrade	-	-	-	-	1,000	1,500	1,000	11,450	-	-	14,950
Melbourne Street Upgrade	-	-	-	-	-	100	1,400	1,000	4,000	-	6,500
Hutt Street Upgrade	-	1,250	5,000	6,200	-	-	-	-	-	-	12,450
Total Deferral Option	4,980	10,490	5,000	7,450	5,000	10,850	2,400	12,450	4,000	-	62,620
Variance	3,600	10,650	12,450	8,000	(5,000)	(10,850)	(2,400)	(12,450)	(4,000)	-	-

Table 5: Impact of Spreading the Mainstreets Upgrades

Financial Indicators

33. The key financial indicators (KFIs) required to be reported by Councils are the:

- 33.1. Operating Surplus Ratio
- 33.2. Net Financial Liabilities Ratio
- 33.3. Asset Renewal Funding Ratio (ARFR)

34. In addition to the required KFIs, Council has adopted additional KFIs to measure its long term sustainability. These are the:

- 34.1. Asset Test Ratio
- 34.2. Interest Expense Ratio
- 34.3. Leverage Test Ratio
- 34.4. Cashflow from Operations Ratio

35. The KFIs shown in **Attachment A** demonstrate an improving financial position in the short term and maintaining a sustainable financial position in key components throughout the 10 year period of the plan. However, the following should be noted:

- 35.1. The Operating Surplus Ratio decreases from 2031/32 onwards due to increased depreciation and interest expenses from higher levels of assets and borrowings associated with continued investment in new and upgraded projects for the City
- 35.2. Increased borrowings from continued investment in the City reaches maximum targets for the Net Financial Liabilities and Asset Test Ratio indicators from 2030/31, and reaching our Prudential Borrowing Limit in the same year. This suggests that the investment in new and upgraded capital cannot be sustained without changes in other parts of the LTFP (for example, additional assistance to fund the significant renewal projects)
- 35.3. Cash Flow from Operations are negatively impacted by the funding of significant renewal projects – the Adelaide Bridge, Torrens Wier and Rundle UPark
- 35.4. The ARFR is transitioning to 100% over 8 years, achieving 100% from 2031/32 onwards

36. The next four years are summarised below:

Financial Indicator	Explanation	Target	2024-25	2025-26	2026-27	2027-28
Operating Surplus Ratio	Operating surplus as a percentage of operating revenue	0%-20%	4.0%	2.5%	5.0%	8.3%
Net Financial Liabilities	Financial liabilities and a percentage of operating income	Less than 80%	21%	48%	51%	61%
Asset Renewal Funding Ratio	Expenditure on asset renewals as a percentage of forecast required expenditure in the asset management plans	90%-110%	93%	94%	95%	96%
Asset Test Ratio	Borrowings as a percentage of total saleable property assets	Maximum 50%	17%	29%	30%	38%
Interest Expense Ratio	Annual interest expense relative to General Rates Revenue (less Landscape Levy)	Maximum 10%	2.0%	2.0%	2.8%	3.6%
Leverage Test Ratio	Total borrowings relative to General Rates Revenue (Less Landscape Levy)	Maximum 1.5 years	0.4	0.6	0.7	0.9
Cash Flow fom Operations Ratio	Operating income as a percentage of Operating Expenditure plus expenditure on renewal/replacement of assets	Greater than 100%	103%	101%	104%	96%
Borrowings	Borrowings as a percentage of the Prudential Borrowing Limit	Within Prudential Limits	157.9	162.6	185.6	190.2
			53.7	94.8	110.8	145.9
			34%	58%	60%	77%
Operating Position	Operating Income less Expenditure	\$2m - \$10m	9.4	6.1	13.2	23.5
Future Fund	Proceeds from the sale of Council assets to fund new income generating assets or new strategic capital projects	N/A	34.2	33.7	33.2	33.2

Table 6: Key Financial Indicators

CEO Sustainability Report

37. In addition to the Long Term Financial Plan, the CEO Financial Sustainability Report is also attached (**Attachment B**).
38. The CEO Financial Sustainability Report is a summary of the Council's financial sustainability position. It sets out each of the seven Long-Term Financial Sustainability indicators, along with the Council's performance against each.
39. For each of the indicators there is brief description, the Council target, and the Council's result.
40. A graph shows the previous year's actual figure, the current year's budget figure and the projected Long Term Financial Plan's figures for the next nine years.
41. Importantly as part of the 2023/24 annual budget process, Council adopted a suite of financial principles to assist and guide in making informed decisions. Should Council adhere to these principles, it is likely that Council will be financially sustainable now and into the future.
42. With regard to the KFI's, in most cases Council meets the target for each relevant indicator, with outcomes (both positive and negative) either based on core assumptions reflecting Council's direction, key decisions of Council impacting results or demonstrating the need for a Council decision on some key components to ensure longer term sustainability.
43. The report concludes that, given known and impending impacts, the City of Adelaide is currently financially sustainable and has the ability to remain so, subject to future direction and decisions of Council.
44. The results highlight matters where a Council decision is required to ensure future financial sustainability. Long term financial sustainability is therefore subject to ongoing decisions and effort, in particular (but not limited to):
 - 44.1. Ensuring decisions are consistent with Council's adopted financial principles

- 44.2. Continued growth in revenue, through both rates and commercial activities, at or above the rate of growth in expenses
- 44.3. Commitment to investment in new and upgrade assets in line with prudential borrowing limits
- 44.4. Successfully securing external funding for the renewal of the Torrens Weir and Adelaide Bridge
- 44.5. Ongoing advocacy for reductions in exemptions and mandatory rebates
- 44.6. Use of the Future Fund for particular projects and initiatives.

Policy Review

- 45. There has been no significant change to any policy that particularly impacts Council's financial sustainability.
- 46. However, through the 2023/24 financial year, Council endorsed a number of new strategies and plans which have not been costed. As such, they are assumed to be funded within the LTFP through a re-prioritisation of existing services. Any additional funding is to be obtained through additional rates growth.

Consultation Process

- 47. Council will comply with section 122(6) of the Local Government Act 1999 (SA) to facilitate residents, ratepayers, businesses and other key stakeholders' feedback for Strategic Management Plans and "... adopt a process or processes to ensure that members of the public are given a reasonable opportunity to be involved in the development and review of its strategic management plans."
- 48. The City of Adelaide Community Consultation Policy specifies a 6 week consultation period for Strategic Management Plan documents (including the LTFP). However in this case a 21 day period is recommended by Administration because of the extensive consultation which has already occurred.
- 49. The community have been recently and extensively consulted on the 2024/25 Business Plan and Budget, and the critical long-horizon documents underpinning the LTFP – specifically six AMPs during late 2023 and early 2024, and the 2024-28 Strategic Plan.
- 50. 21 days consultation satisfies the requirements of section 50 of the Act which inter alia indicates Strategic Management Plans like the LTFP consultation do not require adherence to the Council's Community Engagement Policy. A three week consultation allows sufficient time to collate, analyse and incorporate the feedback for Council's consideration of the final LTFP as close as possible to the end of October 2024 (in line with the target outlined in the CEO KPI measure).
- 51. A targeted three week period of consultation would allow substantive feedback but avoid the risk of engagement exhaustion with little further additional input.
- 52. Consultation will focus on our proposed priorities and projects including:
 - 52.1. The rate of return to 100% ARFR
 - 52.2. Funding options for significant upgrade projects (the Adelaide Bridge, Torrens Weir and Rundle UPark)
 - 52.3. Use of short term debt to smooth an impending renewals expenditure spike necessitated by the AMPs
 - 52.4. Confirm community preferences around Mainstreets and Park Lands buildings investments.
- 53. Consultation will open at 9am Monday 30 September 2024 and close at 11.59pm Sunday 20 October 2024.
- 54. Notification of public consultation will be provided through:
 - 54.1. A Public Notice in the SA Government Gazette and an advertisement in The Advertiser
 - 54.2. 'Our Adelaide' consultation platform, which will include links to the full draft, supporting documents, and Consultation Packs (including the Submission Form and Frequently Asked Questions); and quick polls making it easy to respond to simple questions
 - 54.3. A social media campaign via City of Adelaide socials sites
 - 54.4. Promotional advertisements at all Customer Service points including the Council-operated digital screens, and our Libraries and Community Centres
 - 54.5. Email campaign to notify existing databases of ratepayers, Our Adelaide and community newsletter subscribers
 - 54.6. Draft document, supporting documents and Consultation Packs available via the Council's Customer Service Centre, libraries, and community centres.

55. People can provide feedback via email, Our Adelaide, and via written submissions. If community members seek further information, they can book an appointment to speak to a relevant staff member.
56. A report to Council on 22 October 2024 seeking approval of the final LTFP will summarise community feedback received through consultation.

Next Steps

57. Present the draft 2024/25 LTFP to the Audit and Risk Committee 27 September 2024 meeting for feedback.
58. Summarise interim community feedback from the community to the City Finance and Governance Committee on 15 October 2024.
59. At its meeting of 15 October 2024, seek City Finance and Governance Committee recommendation for Council approval (pending final consultation feedback) for the adoption of the LTFP and CEO Sustainability Statement at the 22 October 2024 Council meeting.

ATTACHMENTS

Attachment A – Draft 2024/25 LTFP

Attachment B – Draft 2024/25 CEO Sustainability Report

- END OF REPORT -

LONG TERM FINANCIAL PLAN

2024-2025 TO 2033-2034



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EXECUTIVE SUMMARY

The City of Adelaide's Long Term Financial Plan (LTFP) is a 10 year forecast of Council's financial performance and position. The plan is based on Council's current 2024-2028 Strategic Plan, and reflects anticipated service levels and social, economic and political indicators. The LTFP is one of Council's Strategic Management Plans and is integral to Council's Strategic Framework and financial planning.

The LTFP assists Council to monitor the City of Adelaide's financial sustainability and Council's ability to deliver services and maintain / upgrade the City's infrastructure fairly and equitably across generations.

This document outlines the context of the LTFP and importance of Council's financial sustainability. It explains the approach to preparing and reviewing the LTFP, key assumptions and risks, and the measures used to manage and monitor the Council's longer term financial sustainability.

Council has recently reviewed the LTFP within the context of the 2024/25 Business Plan and Budget (BP&B) process and considered a number of factors identified during the budget development process.

Of particular note is this Council's recognition of our financial position and the need for budget repair and investment in the City post the COVID-19 pandemic. This is reflected in a projected operating surplus of \$9.67 million and capital investment in excess of \$112 million.

Key outcomes include:

- A base operating surplus position over the life of the plan
- All Key Financial Indicators (KFIs) are within target ranges, except for Cashflow from Operations between 2027/28 – 2030/31, due to the outlay on significant renewals
- A more gradual return of the Asset Renewal Funding Ratio (ARFR) over 8 years to achieve 100% from 2031/32 onwards (previously 4 years to 2027/28)

- Introduction of an Asset Renewal Repair Fund (ARRF) to fund the annual increase of \$14.9 million associated with the recently adopted Infrastructure Asset Management Plans (AMPs). Whilst AMPs are funded through operating revenue, in recognition of the need to balance the community's capacity to pay while ensuring community expectations are met, this LTFP assumes the use of short term borrowings to fund the ARRF.
- Significant renewals are required in the mid-long term of the LTFP, in accordance with our AMPs. These assets by nature are intergenerational, and as such it is intended to fund them through external contributions, in addition to borrowings. As the external funding is not yet secured, there is a risk that Council will need to fund the entire renewal of the assets (which would be \$42 million in excess of the current assumption).

The projections indicate that the City of Adelaide is currently financially sustainable and can remain so for the forecast period covered by the 2024/25 to 2033/34 Long Term Financial Plan. In all cases, Council remains within the limits for each key financial indicator, except for the Cashflow from Operations ratio which exceeds the target band resulting from the need to fund Significant Renewals.

The plan highlight matters where Council decisions can impact future financial sustainability. Long term financial sustainability is therefore subject to ongoing decisions and effort, particularly (but not limited to):

- Ensuring decisions are consistent with Council's adopted financial principles
- Continued growth in revenue, through both rates and commercial activities, at or above the rate of growth in expenses
- Commitment to investment in new and upgrade assets in line with prudential borrowing limits
- Successfully securing external funding for the renewal of the Torrens Weir and Adelaide Bridge
- Use of the Future Fund for particular projects and initiatives

STRATEGIC CONTEXT

Under the Local Government Act (SA) 1999 Council must develop and adopt Strategic Management Plans which identify Council’s objectives, how Council intends to achieve its objectives, how they fit with the objectives of other levels of government, performance measures and estimates of revenue and expense.

The City of Adelaide’s Strategic Management Plans comprise:

- Strategic Plan
- Long Term Financial Plan
- Suite of Infrastructure and Asset Management Plans

The Long Term Financial Plan is a 10 year forecast of Council’s financial performance and position based on its strategic plans, anticipated service levels and social, economic and political indicators. It provides guidance to support Council decision making and confirms Council’s financial capacity to deliver services, maintain assets and achieve its strategic objectives in a financially sustainable manner.

The LTFP is an integral part of Council’s Strategic Framework. It is built upon the 2024/25 Business Plan and Budget, the City of Adelaide’s 2024-2028 Strategic Plan and six 2024 Infrastructure and Asset Management Plans.

The LTFP is updated annually to reflect the latest available information using the latest Business Plan and Budget as its base. Key outputs include a comprehensive set of financial indicators and forecast financial statements in accordance with legislative requirements.



STATEMENT ON FINANCIAL SUSTAINABILITY

Financial Sustainability

The Australian Local Government Association's adopted definition of financial sustainability is as follows:

"A council's long-term financial performance and position is sustainable where planned long-term service infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services."

It is based on the principles that:

- The current generation are able to "pay their way" by funding the services and infrastructure they utilise
- Investments in new infrastructure and assets funded through borrowings will not over burden future generations.

Financial Sustainability is monitored with reference to three key ratios:

- **Operating Surplus Ratio** which monitors the affordability of Council's services relative to its operational income
- **Net Financial Liabilities Ratio** which monitors the affordability of Council's borrowings relative to its operational income
- **Asset Renewal Funding Ratio** which monitors the rate at which Council is renewing its assets relative to its use of the assets.¹

In addition to these core ratios, Council has a suite of other ratios it uses to monitor its performance and sustainability.

The role and purpose of each ratio is discussed in further detail in a later section.

Financial Principles and Finance Strategy

As part of the 2023/24 budget process, Council

¹ The Asset Renewal Funding Ratio replaces the Asset Sustainability Ratio used previously.

adopted a set of financial principles to assist with future decision-making to support our long term financial sustainability. These principles seek to ensure an equitable approach to rating, fees and charges which match the cost of related Council services, a prudent approach to the use of borrowings and proceeds from the sale of assets, and sustainable investment in our infrastructure and delivery of services.

The financial principles previously adopted by Council include:

- Transparency in decision making
- Approach to rates, fees and charges is fair and equitable
- Service delivery reflects the needs of the community
- Continue to deliver a minimum of the current suite of services and asset maintenance, indexed in line with Consumer Price Index (CPI)
- Fees and charges reflect cost of services provided
- Maintain the current rating system
- Maintain an operating surplus
- Capitalise on external funding, fast-tracking projects that attract such funding, recognising the potential need for increased borrowings in order to respond to external funding opportunities which require matched funding
- Consider new and different revenue streams and the approach to commercial businesses to reduce reliance on existing revenue sources
- Adjust rate revenue after consideration of all other budget components and use growth in rate revenue to partly fund servicing new rateable properties and to service new borrowings
- New or enhanced services, assets or maintenance requiring an increase in operating costs are to be funded from the adjustment of priorities, rate or other revenues, and/or through savings – not from borrowings
- Capital renewal expenditure will be based on asset management plans and prioritised based on audit condition and risk

- Proceeds from divesting underperforming assets will provision a future fund, to invest in future revenue-generating assets
- Consider the disposal, purchase and /or repurposing of property assets to unlock the potential and future prosperity of the City, without incurring a financial loss
- Borrowings will be used to fund new and upgrade projects (which include major projects) and not used to fund operations, expenses or renewal projects.

These principles are foundational to a financial management approach that supports the achievement of long term financial sustainability.

The following additional financial principles have been used in the development of this LTFP to enhance financial sustainability whilst balancing the needs of the Community:

- Short term borrowings will be used to fund the Asset Renewal Repair Fund, to ensure the increased spending required through the revised Asset Management Plans can be spread over a longer period to meet community expectation and their capacity to pay is managed over time through sustainable rate increases
- Generate a cash flow from operations ratio greater than 100% to generate adequate cash from operations to replace assets over time and to service new debt associated with new and upgraded assets by being able to repay the principal and interest associated with those borrowings.

Context for Budget Repair

The 2024/25 BP&B focuses on repairing our budget. Historical financial pressures associated with frozen rates and the COVID-19 pandemic, impacted our ability to renew assets, upgrade infrastructure and provide core community services.

Council, like other entities and households, has experienced significant increases in expenses and expenditure associated with inflation and the highest CPI levels experienced in recent times.

In 2024, Council adopted six Infrastructure and Asset Management Plans (IAMPs) which, on average, require an annual increase in funding of \$14.9 million per annum (in today's dollars) compared to the previous IAMPs. In line with Council's financial principles and local government goal practices, the IAMPs are funded through operating revenue.

Property Strategy

Sale proceeds of assets identified through the Property Strategy have been used to establish a Future Fund, enabling Council to fund the future purchase of income generating assets and to invest in strategic capital projects.

This strategy outlines a detailed assessment approach for future property investigations, grouped into the following categories:

- Redevelopment or re-purposing of assets to improve public value and to support income generating and City shaping initiatives.
- Sale of non-performing assets which provide limited strategic, community and commercial value.
- Retention of property assets where no action is currently required.

Future Fund and Investment Policy

In 2021/22, Council endorsed the Future Fund and Investment Policy and separated out the Future Fund from the Treasury Policy. This clarified policy intent for Future Fund operation, defining how the Fund would be used for investment, and the factors to be considered for sound decision making.

Requests to use funds from the Future Fund require a business case clearly demonstrating that the financial return to Council outweighs the present value of future financing costs. Council approval is required for all requests to use these funds.

The balance of the Future Fund at the end of the 2024/25 financial year is forecast to be approximately \$34 million, accumulated from proceeds of non-performing assets sold in line with the Strategic Property Review, and Future Fund and

Investment Policy. This figure is subject to any transactions yet to be identified and subsequently approved by Council.

BASIS OF PREPARATION

This document presents the Long Term Financial Plan (LTFP) for the years 2024/25 to 2033/2034. The basis of the LTFP is the 2024/25 Business Plan and Budget adopted by Council, the 2024-2028 Strategic Plan, and 2024 Infrastructure and Asset Management Plan projections for new, upgraded and renewed assets for 2024/25 to 2033/34.

The LTFP is a projective report developed and adopted in consultation with Council each year, based on known information at a point in time. As such the review process of the LTFP is iterative and changes as new or updated information is presents.

In projecting forward performance, the LTFP considers:

- Council's Strategic Plan and Infrastructure and Asset Management Plans (including planned investment in new projects and infrastructure)
- The social, economic and political environment including indicators such as population growth, inflationary growth and interest rates
- Anticipated changes in future service levels that reflect the needs and expectations of the community in accordance with service delivery plans
- Funding and expenditure levers available to Council, including revenue and financing guidelines, such as Council's Rating Policy and Treasury Policy
- Revenue opportunities and cost drivers, including the impact of climate change and other factors on the city
- A rigorous assessment of Council's current financial position and financial sustainability.

KEY ASSUMPTIONS

Assumptions underpinning this LTFP are:

- Rate revenue growth is in line with forecast inflation (over and above growth from new developments and significant alterations and additions)
- Increase in fees and charges is in line with forecast inflation
- Salaries and wages forecasts are based on current enterprise agreements and, upon expiry, the inflation forecast will apply as the assumed increase
- Other revenue and expenditure increases in line with forecast inflation
- Interest rates reflect market expectations
- Capital expenditure is in line with the Infrastructure and Asset Management Plans.
- Further detail regarding these and other assumptions is outlined below.

Forecast Inflation

The South Australian Centre for Economic Studies (SACES) forecasts are the source for Adelaide's projected Consumer Price Index (CPI) in the 2024/25 BP&B. The LTFP from 2025/26 uses SACES annual forecasts where available, defaulting to the Reserve Bank of Australia midpoint within the target range of 2%-3%. These reputable data sources ensure assumption consistency across the life of the plan, and the SACES state-based projection increases LTFP forecast precision and relevance.

Rates

The 2024/25 LTFP assumes rate revenue increases (excluding growth) are in line with CPI and can be achieved through a combination of valuations and rate-in-the-dollar adjustments.

Years 2-10 of the LTFP currently assume an annual rates revenue increase of between 3.5%-4.0% through a combination of:

- Growth from new developments and capital improvements of 1.0%
- An uplift in property valuations and/or a change in the rate in the dollar to achieve 2.5%- 3.0% growth in existing rates revenue, in line with the current price index forecast

The application of CPI as a rate of valuation increase is relevant as the annual assessed value is based on income derived from a property and, generally, most property incomes are either indexed each year or increased by a fixed percentage linked to CPI.

Rates income is dependent upon three primary variables:

- The rate in the dollar for residential and non-residential property (set by Council)
- The increase/(decline) in property values, based on annual assessed value
- Growth from new developments and capital improvements.

The 2024/25 annual budget changed the dollar rate for the first time in 11 years to generate the exact level of rate income determined necessary to meet operational requirements. A mass valuation was undertaken across the City and North Adelaide for the 2024/25 financial year, which increased rate revenue by 10.6% (including the growth component). This was then reduced to 6.9% by 3.7% through a reduced dollar rate.

Valuations are heavily reliant on the receipt of information from ratepayers and as such valuations are generally conservative.

These assumptions are monitored as further information on the consumer price index and property valuations becomes available.

Fees and Charges

There are three principal types of fees charged by Council:

- General fees and charges set by statute (via the State Government)
- General fees and charges set by Council (or under delegation)

- Commercial fees and charges set under delegation.

Statutory charges, such as fees associated with services regulated under the Road Traffic Act, the Planning, Development and Infrastructure Act, the South Australian Public Health Act, the Food Act and the Dog & Cat Management Act reflect dollar increments or percentage increases as specified by the respective authority or body.

Fees and charges set by Council or under delegation are reviewed each year in conjunction with the development of the Business Plan and Budget. The review ensures that the fees:

- Reflect (or move progressively toward) the cost of the services delivered
- Are comparable with market rates, where appropriate
- Take into account benefit derived by users of community facilities
- Are consistent with directions articulated through our existing policies or plans
- Are consistent with our Strategic Financial Parameters

For the purposes of the LTFP, it is assumed that fees and charges will increase, on average, in line with CPI unless there are specific circumstances that will have a material impact on the quantum of fees and charges, such as changes in property tenancies associated with the Adelaide Central Market Arcade expansion.

Fees for Council's commercial operations, including commercial properties, the UPark car parks and North Adelaide Golf Course, will be subject to market conditions and commercial considerations on a year by year basis. However, for the LTFP, increases have been aligned to the movement in the price index.

Grants, Subsidies and Contributions

Annual grants, subsidies and contributions are assumed to continue for the duration of the LTFP at current levels, indexed in line with CPI, unless agreements are known to expire or change.

Where grants, subsidies and contributions are for specific projects or related to specific events, they will be recognised in the LTFP in line with the relevant accounting standards.

Of note are the grants assumed to assist with funding significant renewals, which commensurately offset the amount of debt drawn and the operating position, where such grants must be recognised as operating revenue (refer Table 2: Significant Renewals Costs and Timing).

Employee Costs

Salaries and wages forecasts are based on current and/or expected enterprise agreement outcomes. Increase is assumed for all enterprise agreements in line with agreed enterprise agreements. Where no agreement exists, due to expiry, the increase assumption is based on CPI. Actual increases will be dependent upon future enterprise agreement negotiations, with new agreements reflected in the LTFP upon the completion of negotiations. Increases in the Superannuation Guarantee are consistent with Australian Taxation Office advice.

Contractual Expenditure and Materials (including Utilities)

Expenditure is generally increased by the price index unless there are specific costs of a material value that are known or forecast to vary significantly from the price index (e.g. electricity contract, hard waste levy).

Service Delivery

City of Adelaide is responsible for the delivery of a range of service offerings to its ratepaying community and visitors alike. Council delivers these services through its 17 Programs and three wholly owned subsidiaries. The LTFP assumes that service delivery remains unchanged and is delivered at the same, consistent levels assumed in the 2024/25 annual budget. Any changes to service levels are required to be resolved by Council and will impact the LTFP in the future should changes to the service have financial implications.

Asset Maintenance, Renewal and Upgrade

City of Adelaide is responsible for the management, operation and maintenance of the city’s infrastructure, a diverse property portfolio and plant, fleet and equipment.

Infrastructure and Asset Management Plans (IAMPs), which form part of Council’s Strategic Management Plans, are reviewed in detail every four years to identify asset condition and consumption to assist in resource and maintenance planning. Detailed modelling enables Council to optimise maintenance and renewal expenditure to ensure optimal asset lifecycles and sustainability. The 10-year AMPs will also consider new infrastructure needs to meet future community service expectations in a sustainable manner.

Forecast expenditure in the LTFP is presently based on the 2024 AMPs. Asset Renewal costs for the life of the LTFP are \$695 million (in today’s dollars), with the majority of spend allocated to infrastructure of \$599 million and the remainder on corporate or commercial based assets as detailed below.

Whilst the AMPs include all forecast renewal expenditure, there are significant renewals identified within the AMP over the next 10 years. This section and the table below exclude them for the purposes of identifying funding pathways to ensure intergenerational equity.

Table 1: Summary of 10-Year Asset Renewal program

10 Year Asset Renewal Program \$'000s	100% AMP Un-indexed	Renewal Program Un-indexed	Renewal Program Indexed
Transportation	276,205	267,663	299,905
Buildings	110,509	106,977	119,573
Water Infrastructure	85,970	83,378	93,590
Urban Elements	48,822	47,340	53,114
Lighting & Electrical	48,764	47,347	53,281
Park Lands & Open Space	28,476	27,615	30,993
Total Infrastructure Renewals	598,746	580,320	650,455
Delivery Resources	61,240	59,311	66,367
Plant, Fleet & Equipment Replacement	34,688	33,589	37,566
Total Renewal & Replacement of Assets	694,674	673,219	754,389

Significant Renewals

It is worth noting that mid-long term, the LTFP reflects significant assets that will require renewal in accordance with our AMPs. The current assumption within the LTFP is that Levels of Service will remain the same.

It is also assumed that all significant renewals will be funded 100% by Council with assistance from other spheres of government through advocacy efforts where available. However, the risk and opportunities section of this document highlights the required actions of Council to reduce the burden of these significant renewals in future years.

Adelaide Bridge

The Transportation AMP assumes that the Adelaide Bridge will be renewed on a like-for-like basis with existing load bearing. This once in a generation renewal will place substantial pressure on the existing ratepayer base. As such, ongoing structural audits are being undertaken in conjunction with an options analysis to provide more detailed approaches and costs. For the purposes of the LTFP, it is renewal with existing load bearing is assumed with Council funding 75% of the renewal based on existing grant funding programs available (yet to be secured).

This holding position paves a way forward for continued advocacy with other levels of government.

Torrens Weir Structure

The Water Infrastructure AMP assumes that the Torrens Weir Structure will be renewed on a like-for-like basis. This once in a generation renewal will place substantial pressure on the existing rate payer base. As such, ongoing structural audits are being undertaken in conjunction with options analysis to provide more detailed information on potential approaches and costs. For the purposes of the LTFP, a like-for-like

Significant Renewals \$'000s	Financial Year	Un-indexed	Indexed	External Funding
Adelaide Bridge	2027/28 - 2028/29	60,000	65,550	(15,000)
Torrens Weir Structure	2028/29 - 2029/30	40,000	44,700	(26,666)
Rundle UPark	2029/30 - 2030/31	15,000	17,138	-

Table 2: Significant Renewals Costs and Timing

renewal is assumed with and Council funding 33% of the renewal based on existing grant funding programs available (yet to be secured). The options analysis being undertaken may recommend an alternative solution for which new and upgraded funding will be required with a commensurate increase in debt. As such, this position is one of holding to progress development of the LTFP.

Rundle UPark

The Building AMP assumes that the UPark will be renewed on a like-for-like basis. The previous term of Council removed the like-for-like renewal from the LTFP on the basis that it would undertake an EOI process to explore joint venture opportunities that would realise the property’s development potential, and that the EOI process would consider adaptable reuse opportunities.

Whist the future of the site is still to be determined, Council has resolved to reinstate the renewal of the UPark and associated income and expenditure into the LTFP. The renewal is assumed to be an extension of its useful life, rather than a replacement. A structural condition audit will determine risks, timing and associated costs with extending the useful life of the building, however for the purpose of the LTFP, a \$15 million allocation has been included.

Asset Renewal Repair Fund

Council has recognised that maintaining an Asset Renewal Funding Ratio (ARFR) of below 100% for an extended period equates to an underinvestment in its assets and infrastructure. The 2023/24 to 2032/33 LTFP assumed returning to a 100% ARFR over four years. In 2024, the Council updated its AMPs, identifying an increase in funding requirement of \$14.9 million per annum when compared to the previous AMPs and LTFP. This funding shortfall gave rise to the Asset Renewal

Repair Fund (ARRF).

The AMPs, in line with adopted principles, are funded through operating revenue. The 2024/25 LTFP recognises the need to balance the community’s capacity

to pay while ensuring community expectation is met. As a result, Council has resolved to transition to a 100% ARFR over an 8 year period, reaching 100% in 2031/32. In addition, short term borrowings will be used to fund the ARRF, to ensure the increase spend required through the revised Asset Management Plans are smoothed through sustainable rate increases, mitigating the immediate burden that would otherwise be incurred by current ratepayers.

These sector dynamics are still at play in 2023/24, and accordingly, the 2023/24 budget assumes an ARFR of 90%. However, the Council has recognised that maintaining an ARFR of 90% for an extended period equates to underinvestment in its assets and infrastructure. As such, the LTFP assumes returning to a 100% ARFR over four years.

Adelaide Aquatic Centre

The Aquatic Centre ceased operations on 1 August 2024 and the site has been handed over to the State Government. Council has committed up to \$20 million towards demolishing the existing Adelaide Aquatic Centre and reinstating parklands and community sports grounds.

The latest estimates and agreed contributions, based on high level projections result in an overall financial impact of:

- removal of all operating income and expenses post 1 August 2024
- recognition of a rehabilitation reserve for the demolition of the Centre in line with the latest estimates provided
- future capital commitment for the community level sports grounds

The expectation is that any transaction associated with the contribution towards demolition, rehabilitation and restatement of park lands will not

have an operating position impact.

New and Upgraded Assets

New and Upgraded Assets, including property transactions and developments such as Central Market Arcade redevelopment and 88 O’Connell Street, have been incorporated in the LTFP where a Council decision or commitment to progress the project has been made.

The total spend on identified new and significant upgrades for the life of the LTFP is \$176 million, as detailed below.

The 2023/24 to 2032/33 LTFP assumed a forward commitment of \$15 million per annum for the entire life of the LTFP, in line with its commitment to upgrade Mainstreets. This has ramifications for the level of borrowings and associated costs which is discussed in more detail below.

The 2024/25 to 2033/34 LTFP adjusts the Capital Program in the outer years to fit within current Prudential Borrowing Limits (after considering all other LTFP components). Any forward commitment is subject to a Business Case approved by Council.

Table 3: New and Significant Upgrade Projects

Projects	Financial Year	\$’000s
Central Market Arcade Redevelopment	2024/25 - 2025/26	24,696
Hindley Street Upgrade	2024/25 - 2025/26	14,220
Gouger Street Upgrade	2024/25 - 2026/27	14,500
O’Connell Street Upgrade	2024/25 - 2027/28	14,950
Melbourne Street Upgrade	2025/26 - 2027/28	6,500
Hutt Street Upgrade	2024/25 - 2026/27	12,450
Brown Hill Keswick Creek	2024/25 - 2033/34	3,200
Aquatic Centre Community Playing Field	2025/26	6,157
218-232 Flinders Street	2025/26 - 2026/27	1,000
Public Realm Greening Program	2024/25	1,700
Charles Street	2024/25	5,925
Upgrade to Park Lands Buildings (1.5% Rates Revenue)	2024/25 - 2033/34	25,237
Other ^	2024/265	22,604
Assumed forward Commitment	2028/29 - 2033/34	23,178
Total New and Upgraded Assets		176,316

During the 2024/25 BP&B process, Council made a commitment to invest 1.5% of Rates Revenue to Upgrade buildings within the Park Lands, equating to \$25.2million in today’s dollars over the life of the LTFP.

Where capital expenditure is in excess of \$4 million (escalated in line with the Prudential Management Policy), prior to commencement, approval is subject to a prudential report being presented and considered by Council to understand the impact on the LTFP.

Depreciation, Amortisation and Impairment

Depreciation is informed by Infrastructure and Asset Management Plans and reflects increases in valuations and new asset additions.

Amortisation and impairments are determined by condition audits and revaluations. This has not been factored into the LTFP but will be incorporated into the base budget and LTFP each year, if and when adjustments are necessary.

Interest and Borrowings

Council’s services, projects and infrastructure works are predominantly funded through rates, fees and charges, grants and subsidies. Borrowings are principally utilised for new and upgrade infrastructure projects, including city shaping projects such as the development of Central Market Arcade, significant community infrastructure and commercially focused projects with a financial return on investment.

For significant renewals, such as Adelaide Bridge and the Torrens Weir, debt may have to be utilised to deliver these projects. The LTFP assumes that Council funds these projects offset by drawing on debt. As such, Council’s debt is set to increase significantly in the years in which this expenditure is forecast

to occur. To mitigate the significant financial impact of these two projects, Council will need to actively seek funding assistance with these projects.

City of Adelaide has utilised the Deloitte Access Economics data as a source for projecting interest rates for the purposes of the LTFP. The rates are reviewed quarterly and are based on the latest information and indicators.

Council's Subsidiaries

City of Adelaide has three subsidiaries: Adelaide Central Market Authority; Adelaide Economic Development Agency; and Kadaltilla/Adelaide Park Lands Authority.

The LTFP assumes that service delivery of the subsidiaries will remain unchanged and is delivered at the same, consistent levels assumed in the 2024/25 annual budget.

Capital, funding and operating costs required for the Adelaide Central Market Authority expansion have been assessed for amounts and timing from 2024/25 onwards and have been incorporated into the LTFP. Increased operating revenues and expenses are assumed once the expanded Market begins to operate in 2026.

RISKS AND OPPORTUNITIES

Although the Long Term Financial Plan is based upon the latest available information, it is a future projection and is therefore subject to risk. It cannot anticipate inherent risks such as unforeseen economic, political, environmental and market changes and so on this basis should be considered as a guide to future actions and opportunities, a tool for Council to assess the long-term financial sustainability of its decisions.

Issue 1: Council Rate Growth

Forecast growth in rate revenue has a material impact on the LTFP, as the growth factor is incorporated into the base for property valuations in the following year. Any changes to the growth forecast will impact on the outer financial years.

In 2024/25 Council sought valuations across the entire city. As such, rate revenue increased by 6.9% (including growth). This has elevated the base rate revenue and had a commensurate impact on revenue over the life of the LTFP.

Notwithstanding this, it is crucial that revenue keeps pace with increases in costs to ensure that Council can continue to deliver services at current levels.

Council Action:

Market indicators, combined with analysis from the Council rates and valuations team, will be closely monitored and assumptions for rates growth will be updated with the latest available data.

Issue 2: Government Legislation

The LG reform has introduced a Rates Oversight scheme to be monitored by the Essential Services Commission (ESCOSA). The potential impact of such legislation is still to be gauged, however it could impact Council's capacity to increase rates in response to emerging financial challenges.

Council Action

To continue to work with ESCOSA, the LGA and SA Government working groups to ensure a fair and equitable rating system is maintained to enable

sustained delivery of community services.

Issue 3: Fees and Charges

During 2023/24, patronage across the City returned to pre-COVID-19 levels. In the 2024/25 annual budget, approximately 36% of Council's income is derived from fees and charges, including on-street parking, parking expiations and off street parking. Through the COVID-19 pandemic, Council experienced a loss in this revenue stream, where it became apparent how reliant Council was on this income source to deliver its services.

Council Action:

The ongoing recovery of fees and charges will be monitored on a quarterly basis, with the LTFP updated as required.

Issue 4: Interest rates

Interest rates are currently at levels significantly above the historical low experienced over the last few years as the Reserve Bank of Australia sought to stimulate the economy to ward of the negative effects of the global pandemic and are now using sustained higher interest rates in an attempt to control inflation.

There has been much speculation on whether interest rates will be held at current levels for some time or start to decline in 2024. With current CPI levels, interest rates are likely to be maintained at current levels until the Reserve Bank reaches its target for inflation of between 2-3%.

With the investment mindset of the current Council, debt levels are expected to increase and as such, changes in interest rates could have either a beneficial or negative impact on the LTFP.

Council Action:

Council's current interest rate is 5.60%. Deloitte Access Economics interest rate forecasts can be seen in Table 3: Interest Rate Projections. Notwithstanding this, the risk of potential increases in interest rates will be monitored and mitigated where possible in accordance with Council's Treasury Policy.

Issue 5: External Funding

The LTFP has been prepared on the basis that Council's operating income is expected to fully fund all service delivery and asset renewals. However, it is common for other levels of Government to offer various grant programs which provide assistance to Council to fund larger projects. With the exception of the Significant Renewals, where there is certainty in those funding sources, they have been included in the LTFP; if uncertain then the assumption is that Council will provide 100% funding. This is a conservative position for Council and leaves an opportunity to ensure the burden of funding these projects are transparent to the community and allows for discussion with other levels of Government for consideration.

Council Action:

Strategic items that will require significant funding over the next 10 years are characterised as significant renewal projects. Council will continue to have open discussions with all levels of government to ensure significant city assets are funded appropriately without placing the sole burden on ratepayers and seek contributions from all those who experience the City and its surrounds.

Issue 6: Delivery of Property Strategy and Action Plan

The LTFP includes the delivery of the property strategy and action plan endorsed by Council. This action plan is based around divesting non-performing assets and allocating the proceeds to the Future Fund.

The delivery of this plan is subject to variables, and in particular market conditions. The sale of substantial assets must be timed and managed to ensure maximum value is achieved and is strategically aligned.

Council Action:

Identified assets will be reviewed on a regular basis and forward actions will continue to be updated as property asset performance changes over time. This will ensure the optimum use of the property portfolio.

Each identified property asset will be the subject of further detailed analysis with the results of such further investigations to be the subject of Council Member consideration and decision making.

Issue 7: Wages and Materials inflationary pressures

The impacts of COVID-19 on the global supply market have been significant and continue to have an impact. Government stimulus initiatives pushed prices higher resulting from higher demand. This was exacerbated by the war in the Ukraine with the flow-on effects being felt globally, particularly with regard to energy-reliant commodities and products.

Whilst increases are easing, the cost of materials hit 20-year highs, with some material costs presenting between 20%- 40% greater than in recent years. These material costs are most significant in the infrastructure markets and have created not only cost pressures but also delivery issues in the market. The market is still heavily weighted in favor of the vendors.

And while costs increased significantly, wages did not immediately follow suit. However, the pressure on governments to manage these two significant factors in the economy have been increasing and are a risk to sustainability. There is an expectation that wages will start to trend upwards however this is minimal based on current data. The ability for Council to influence these is limited and as a result City of Adelaide will continue to be a price taker which could result in increased costs for some time to come, particularly in the short to medium term of the LTFP.

Issue 8: Asset Valuations

The cost of materials noted above may also impact the value of Council's assets. Council undertakes Asset Valuations on a regular basis and within a 5-year period in line with Legislation. Where asset valuations increase, it is a result of the cost to construct those assets. This has an impact on Council's AMPs and operating position through the renewal of assets and annual depreciation expense.

Council Action:

While legislation dictates that asset revaluations must be performed every 5 years, Council will undertake a desktop revaluation through an indexation of unit rates on an annual basis to smooth any large increases between valuations. These unit rates will also be utilised to update the AMPs. This will ensure that both the LTFP through depreciation, and AMP through renewals are funded through rates revenue at the appropriate level.

SENSITIVITY ANALYSIS

In order to test the assumptions contained within the LTFP, a range of sensitivity analysis have been undertaken. Only those with material impacts have been included, noting the sensitivities related to CPI and interest rate variations are immaterial in relative terms. For example, a 1% movement in CPI does not have a material impact on the financials and hence to the users of the LTFP, as both income and expenditure are inflated by CPI across the LTFP.

Asset Renewal Funding Ratio (ARFR)

The 2023/24 adopted LTFP assumed a transition to 100% ARFR over 4 years from 2023/24 to 2027/28. The 2024/25 LTFP has extended that transition to 8 years, primarily as a result of the increase funding required through the recently adopted AMPs, to reduce the short term impact on ratepayers. The following analysis compares the ARFR transition over 4 and 8 years showing the relative impact on rates revenue.

Asset Renewal Repair Fund (ARRF)

As identified within this document, Council has recently updated its AMPs, identifying an increase in funding requirement of \$14.9 million per annum over the life of the LTFP when compared to the previous AMPs and LTFP. This funding shortfall represents Asset Renewal Repair Fund (ARRF).

AMPs are to be funded through operating revenue, and by recognising the need to balance the community’s capacity to pay while ensuring community expectation is met, the parameters within this LTFP assumes the use of short term borrowings to fund the ARRF. The following table compares the impact on rates revenue if the increase in funding requirement was not smoothed over a 3 year period. The impact on 2025/26 is an increase in rates revenue of 6.7% above CPI.

Significant Renewals

As identified within this document, in the mid-long term, the LTFP reflects significant renewals required in accordance with our AMPs. These assets by nature are intergenerational, and as such, it is intended to fund them through external contributions, in addition to borrowings. This will eliminate the burden on existing rate payers, and smooth the cost over those who will benefit from the assets.

As the external funding is not yet secured, there is a risk that Council will need to pay for the entire renewal of the assets of \$115 million (an increase of \$42 million in excess of the current assumption). In this event, Council will exceed its Prudential Borrowing Limit (assuming all else remains constant) or reduce its ability to deliver on new and upgraded assets assumed in the LTFP.

If additional funding is secured to renew these significant assets, then either a reduction in borrowings, and / or additional funding will be available for new and upgraded assets.

Mainstreets

In the 2023/24 Budget decision, Council committed to funding the delivery of five Mainstreet Upgrades

Table 5: Impact of Spreading Asset Renewal Repair Fund over 3 Years

Renewal Impact on Rate Revenue	2025-26		2026-27		2027-28		2028-29		2029-30		20230-31		2031-32		Total Increase	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
Asset Renewal Repair Fund (exc ARFR Increase) over 1 year	9,330	6.7%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	9,330	6.74%
Asset Renewal Repair Fund (exc ARFR Increase) over 3 years	3,110	2.2%	3,110	2.0%	3,110	2.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	9,330	6.27%
Variance	6,220	4.5%	- 3,110	-2.0%	- 3,110	-2.0%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	-	-0.46%

Table 4: Impact of Transitioning to 100% ARFR over 8 Years

Renewal Impact on Rate Revenue	2025-26		2026-27		2027-28		2028-29		2029-30		20230-31		2031-32		Total Increase	
	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%	\$	%
ARFR Transition over 4 years	1,514	1.1%	1,764	1.2%	1,760	1.1%	-	0.0%	-	0.0%	-	0.0%	-	0.0%	5,038	3.38%
ARFR Transition over 8 years	606	0.4%	705	0.5%	704	0.5%	704	0.4%	705	0.4%	704	0.4%	1,058	0.6%	5,187	3.24%
Variance	908	0.7%	1,058	0.7%	1,056	0.7%	- 704	-0.4%	- 705	-0.4%	- 704	-0.4%	- 1,058	-0.6%	- 149	0.14%

\$000's	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan	Total 10 years
Current Mainstreet Allocation											
Hindley Street Upgrade	4,980	9,240	-	-	-	-	-	-	-	-	14,220
Gouger Street Upgrade	1,250	4,000	9,250	-	-	-	-	-	-	-	14,500
O'Connell Street Upgrade	1,000	1,500	1,000	11,450	-	-	-	-	-	-	14,950
Melbourne Street Upgrade	100	1,400	1,000	4,000	-	-	-	-	-	-	6,500
Hutt Street Upgrade	1,250	5,000	6,200	-	-	-	-	-	-	-	12,450
Total Current Mainstreet Allocation	8,580	21,140	17,450	15,450	-	-	-	-	-	-	62,620
Deferral Option											
Hindley Street Upgrade	4,980	9,240	-	-	-	-	-	-	-	-	14,220
Gouger Street Upgrade	-	-	-	1,250	4,000	9,250	-	-	-	-	14,500
O'Connell Street Upgrade	-	-	-	-	1,000	1,500	1,000	11,450	-	-	14,950
Melbourne Street Upgrade	-	-	-	-	-	100	1,400	1,000	4,000	-	6,500
Hutt Street Upgrade	-	1,250	5,000	6,200	-	-	-	-	-	-	12,450
Total Deferral Option	4,980	10,490	5,000	7,450	5,000	10,850	2,400	12,450	4,000	-	62,620
Variance	3,600	10,650	12,450	8,000	(5,000)	(10,850)	(2,400)	(12,450)	(4,000)	-	-

within the current term of council. The allocation within the LTFP is \$62.6 million within new and upgrade assets, which limits the funding available to deliver on other new and upgraded projects

Table 6: Effect of Spreading Mainstreets Program

outside of the commitment to Mainstreets.

One option available is to defer the delivery of

these upgrades to one Mainstreet at a time, planning and designing the next upgrade as the current upgrade is delivered. This will provide capacity to deliver on other priorities within

Council's adopted strategies, including the Strategic Plan and Integrated Climate Strategy.

KEY FINANCIAL INDICATORS

A suite of financial indicators (KFI) is used to measure Council’s financial performance, to guide decision making on major projects and significant components within the LTFP, and to secure its continued financial sustainability.

Three nationally recognised financial sustainability indicators have been adopted in principle by Local Government in Australia and are utilised by City of Adelaide. These are:

- The Operating Surplus Ratio
- The Net Financial Liabilities Ratio
- The Asset Renewal Funding Ratio.

Council also considers an additional four indicators to review the ability to borrow in line with its Prudential Borrowing Limit:

- Asset Test Ratio
- Interest Expense Ratio
- Leverage Test Ratio
- Cashflow from Operations Ratio.

For each indicator a description of exactly what is being measured, an explanation of the target, the projected results (shaded in green when the result is within target, orange when near being outside of the target range and red when the result is outside

the target range) and a summary of the explanation of LTFP projected results from the analysis is provided.

It is important to understand that any stand alone one year does not define Council’s financial sustainability. Sustainability refers to the achievement of the ratio targets in more years than less in a long term period. For example, significant one-off items can have an impact in a given year without affecting the ongoing sustainability of Council. The effects of the Adelaide Bridge, Rundle UPark and Torrens Weir are good examples of this.

Operating Surplus

This indicator represents the difference between day-to-day income and expenses for a period.

A council’s long-term financial sustainability is dependent upon ensuring that, on average over time, its expenses are less than associated revenues. If a council is not generating an operating surplus in most periods then it is unlikely to be operating sustainably. The target is to achieve between \$2m and \$10m in any given year.

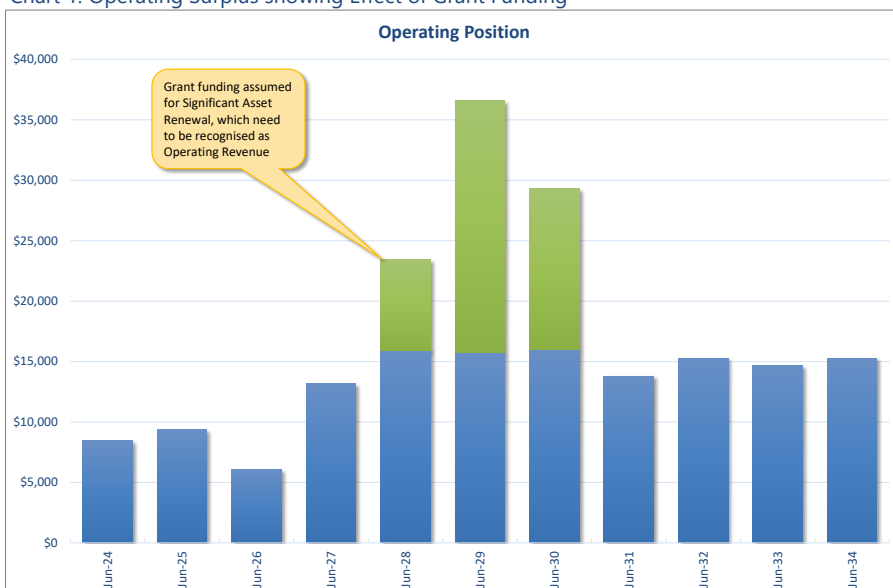
The chart below shows the impacts of key assumptions assumed in the LTFP. In particular, the assumption to continue to invest in new and upgraded projects (to meet the emerging needs of the community) results in a higher level of

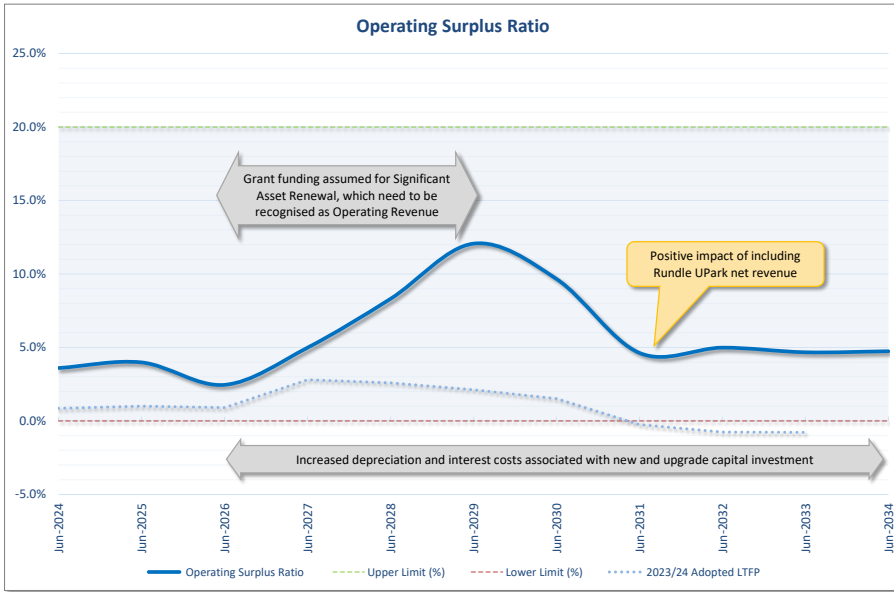
assets, and related borrowings. As such, increased depreciation (from a higher asset base) and interest costs (from higher borrowings) see expenses growing at a faster rate than revenue (which is largely based on CPI increases). Depreciation is further exacerbated by the significant increase in the costs to deliver assets, both renewal and new and upgrade (refer Risks and Opportunities Section).

Operating Surplus Ratio

Definition: Operating surplus as a

Chart 1: Operating Surplus showing Effect of Grant Funding





Explanation of LTFP Projected Results: The ratio sits within target ranges over the life of the LTFP, reflecting sustainable surpluses based on an increase to base rating revenue to fund renewals, followed by CPI increases thereafter. Of note is the sharp increase from 2028-2029 which reflects treating grant income associated with significant renewals as operating revenue.

The underlying structural budget is sustainable over the life of the LTFP.

Net Financial Liabilities

Chart 2: Operating Surplus Ratio

percentage of operating revenue

What is being measured: This indicator represents the percentage by which total revenue varies from day to day operating expenses. Financial sustainability is indicated where a council consistently achieves operating surpluses and has soundly based projections showing it can continue to do so in the future, having regard to asset management and the service level needs of its community.

Target: The *Local Government Act (SA) 1999* target is to achieve an average operating surplus ratio between 0% and 10% over any five-year period. However, as a Capital City Council, the City of Adelaide has significant responsibilities in improving its public realm and considers that an average operating surplus ratio between 0% and 20%, over any five-year period, is a more appropriate target. A result in excess of this may indicate that council is setting rates and/or other fees and charges at levels well in excess of expenses and this has negative intergenerational equity implications.

In addition, operating deficits are not sustainable or equitable in the long term as they result in services consumed by current ratepayers being paid for by future ratepayers. A fair and equitable tax system is one in which taxes paid by each generation is in proportion to the benefits each generation receives.

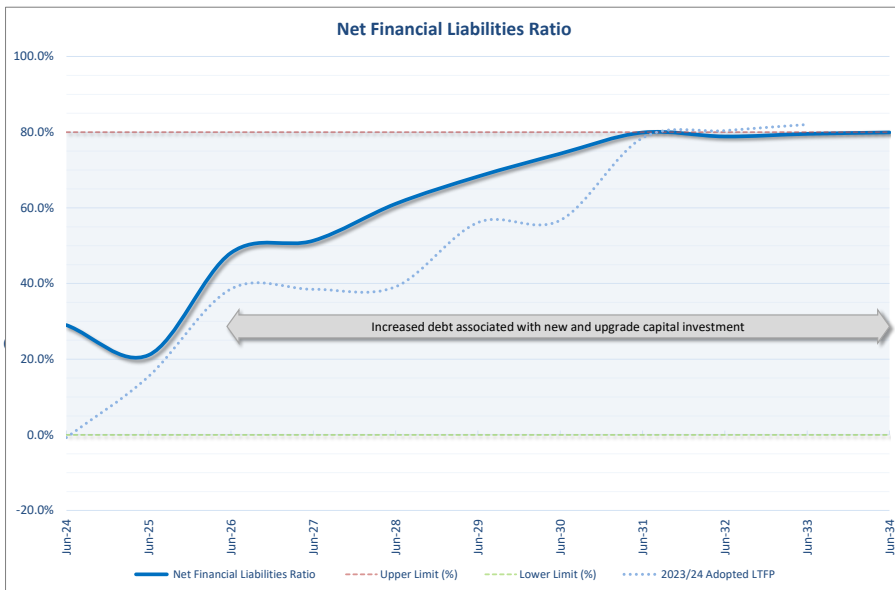
This indicator represents the money owed to others less money held, invested or owed to Council.

A council's indebtedness should be managed to ensure its liabilities and associated LT costs can be met without the prospect of disruptive service cuts and/or excessive rate increases (ie without impinging on financial sustainability). There is in essence no right or wrong target level for net financial liabilities (defined as total liabilities less financial assets) as this depends on infrastructure plans. The ideal target is that net financial liabilities are no greater than annual operating revenue and not less than zero.

Net Financial Liabilities Ratio

Definition: Financial liabilities as a percentage of operating income

What is being measured: This indicator represents the significance of the net amount owed compared with operating revenue. It measures the extent to which Council is managing its debt and highlights that borrowings are often an effective means of financial sustainability, rather than trying to fund all assets from operating income. A steady ratio means Council is balancing the need to borrow against their affordability of debt. An excessive ratio means Council is borrowing beyond their means and cannot generate the income required to service assets and operations.



Target: The LGA recommends that the target for Net Financial Liabilities should be greater than zero (and less than 100%, that is, the amount owed is equal to or less than total annual income). A target below zero indicates that Council places a higher priority on accumulated financial assets than applying funds generated from ratepayers to the provision of services and/or infrastructure renewal. This could leave a council open to accusations that it is overcharging ratepayers relative to its funding needs.

The more conservative target set by City of Adelaide is that liabilities as a percentage of total operating revenue will not exceed 80%.

Explanation of LTFP Projected Results: City of Adelaide’s net financial liabilities are within the prescribed target for the life of the plan. Lower ratios in the short term highlight low levels of debt, steadily increasing over the life of the LTFP reflecting increased borrowings to deliver on Council’s commitment to invest in new and upgraded assets and fund a large proportion of significant renewals.

Note that Councils new and upgrade capital program has been adjusted from 2028/29 onwards to work within existing prudential

limits.

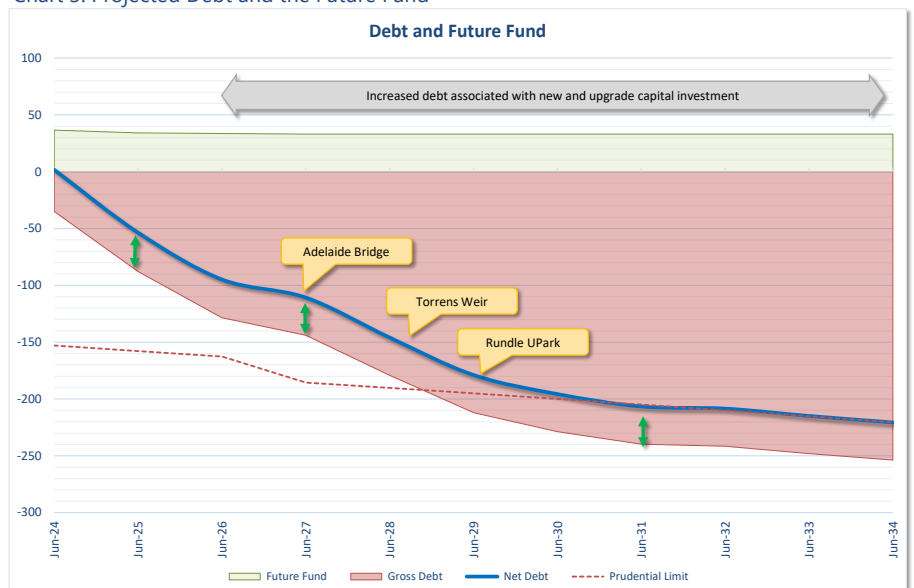
Any increase in contributions towards the significant renewals will allow Council to either maintain a lower level of debt and/or invest more in new and upgrade projects.

The level of borrowings is projected to be within acceptable prudential limits, assisting Council to maintain long-term sustainability. Typical prudential limits set by financial institutions as part of covenants associated with loans are around 80% of asset

values. Council has therefore set a conservative limit at 50% of saleable property assets (see below), providing additional comfort in excess of generally accepted banking norms.

It should be noted that the Council has created a Future Fund that ring fences proceeds from the sale of surplus or underperforming assets, to reinvest into revenue generating assets. The funds generated from asset sales effectively offset the level of borrowings Council would otherwise incur had the assets not been disposed. Accordingly, Council pays less interest over time, incurring interest on a lower ‘offset’ balance of borrowings.

Chart 3: Projected Debt and the Future Fund



Asset Renewal Funding Ratio (ARFR)

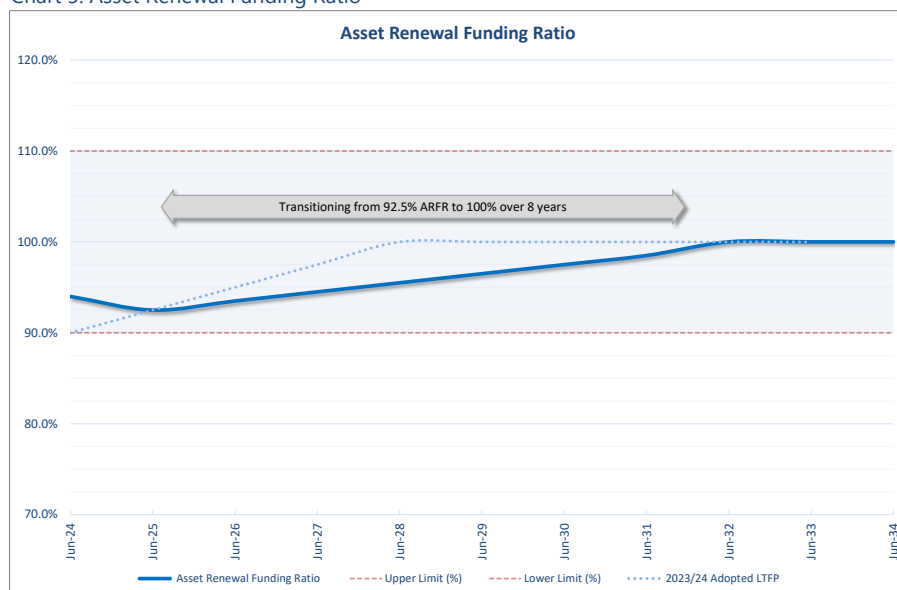
Definition: Expenditure on asset renewals as a percentage of forecast expenditure required as per the asset management plans.

What is being measured: This indicator expresses expenditure on asset renewals as a percentage of the projected funding required. It illustrates whether existing assets are being replaced or renewed at the rate they are being consumed and ensures consistent service delivery as determined by the Infrastructure and Asset Management Plans.

Target: A ratio lower than 100% suggests that Council is not maintaining assets and infrastructure in order to optimise asset lives. A ratio higher than 100% suggests that Council is replacing assets earlier than needed or at a level in excess of that set in the asset management plans. Adoption of a target ratio between 90% and 110%, is in line with the *Local Government Act (SA) 1999*.

Explanation of LTFP Projected Results: It is assumed that over the long term financial plan, asset renewals will be funded in line with the Infrastructure & Asset Management Plans. In the previous term, Council resolved to set the ARFR (previously the Asset Sustainability Ratio) at 90%. This term of Council recognises the potential impact of this decision and the possible under-investment in assets and infrastructure and, as such, the LTFP assumes transitioning the ARFR from 90% to 100%

Chart 5: Asset Renewal Funding Ratio



over the next eight years. Averages for asset renewal reflect an even performance over the life of the plan. The ratio from 2031/32 onwards is directly representative of the transition from 90% to 100%. This ratio should be continually monitored as asset management plans are reviewed and updated.

Prudential Limits (Borrowings)

Definition

- Asset Test Ratio: Borrowings as a percentage of total saleable property assets
- Interest Expense Ratio: Annual interest expense relative to General Rates Revenue (less Landscape Levy)
- Leverage Test Ratio: Total borrowings relative to General Rates Revenue (less Landscape Levy) expressed as the number of years of General Rates Revenue required to repay borrowings

What is being measured: The maximum level of debt is prescribed by Council by way of prudential limits. While Council does not place a physical monetary limit on the level of borrowings, an upper limit is determined through its financial indicators. When borrowing, Council will consider these indicators in terms of total borrowings, and the ability to service the interest incurred and debt repayments.

Target: The Treasury Policy reviewed in 2022 ensures Council’s ability to manage cash and borrowings in accordance with prescribed limits.

The Prudential limits set within the Treasury Policy are:

- Asset Test Ratio: Maximum of 50%

- Interest Expense Ratio: Maximum of 10%
- Leverage Test Ratio: Maximum 1.5 Years

Prudential limits are breached when one of the ratios fall outside the targets stipulated in the policy. The breach must be reported with remediation actions to the CEO immediately.

Explanation of LTFP Projected Results: City of Adelaide’s borrowings are within the prescribed targets across the Long Term Financial Plan.

The Asset Test Ratio shows that Council has capacity in its total saleable assets to be able to meet the repayment of borrowings should the assets need to be sold in order to repay debt.

The increasing ratio reflects the cumulative impact of utilising debt to deliver on Council’s commitment to invest in the City, in addition to debt required to fund significant renewals (that is, the Torrens Weir, Adelaide Bridge and Rundle UPark). This has limited the ability to deliver new and upgraded assets from 2029/30 to remain within the target ratio. The sale and development of property assets will impact prudential limits, and hence the Asset Test Ratio, in periods where transactions occur.

Similarly, the steady increase in borrowings sees the Interest Expense Ratio for the life of the plan increasing, albeit sitting comfortably within the target range and beginning to reduce from 2032/33.

The Leverage Test Ratio indicates the time it would take to repay borrowings from general rates revenue. The plan supports Council’s ability to repay the debt if called upon from less than 1½ year’s rates revenue in any year of the plan, and tracks in line with the other two prudential borrowing indicators.

Cashflow from Operations Ratio

Definition: Operating Income as a percentage of Operating Expenditure plus expenditure on renewal/replacement of assets.

What is being measured: This ratio measures Cash Flow from Operations as a percentage of forecast expenditure in the asset management plans, in addition to expenditure on delivering services.

This indicator shows whether Council is generating adequate cash from its operations to cover the

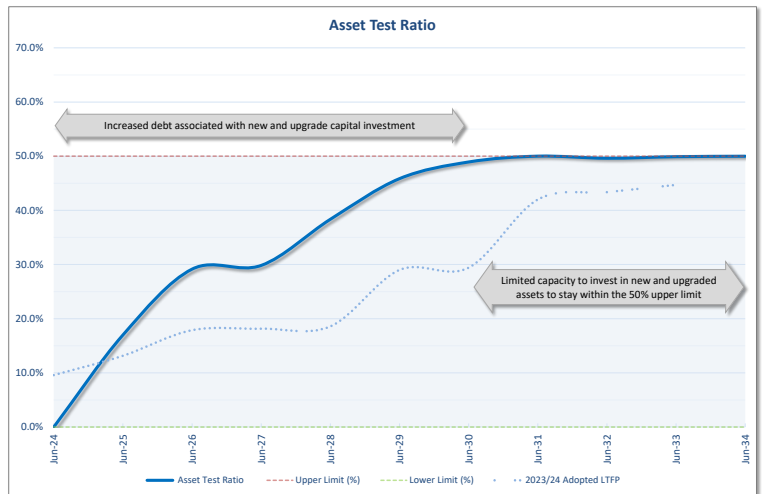


Chart 6: Asset Test Ratio

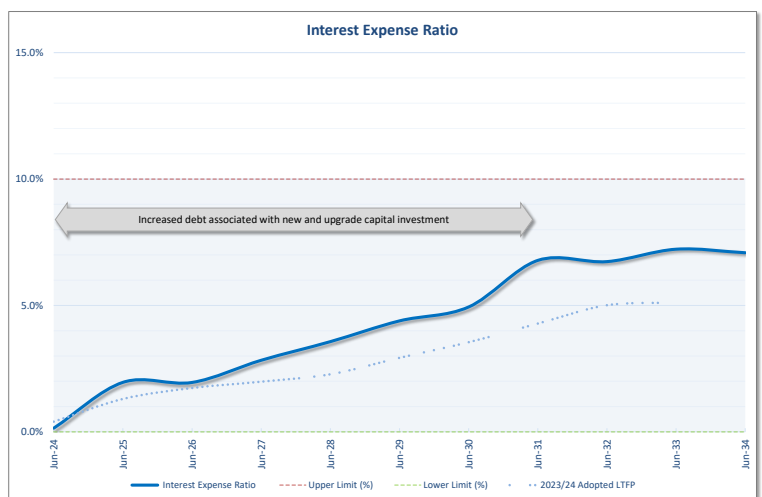


Chart 7: Interest Expense Ratio

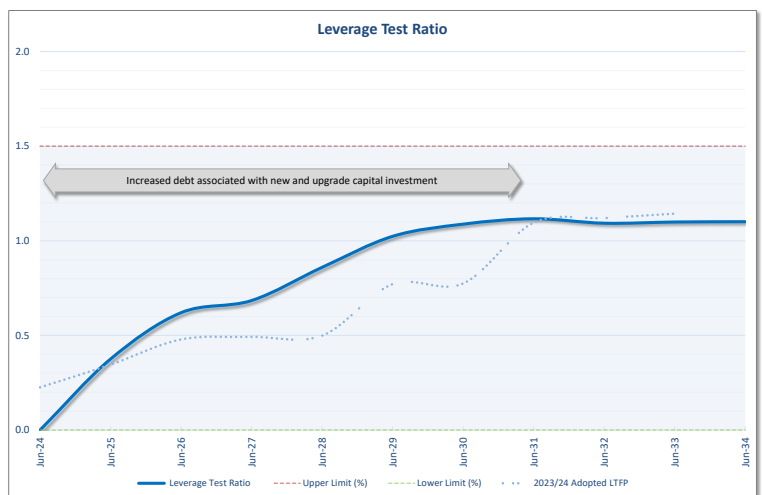


Chart 8: Leverage Test Ratio

replacement of assets over time.

A lower ratio indicates that Council is not generating enough cash from operations to cover asset replacement (less than 100%). As a result, Council will need to fund the replacement of assets from unsustainable sources of income resulting in increased levels of borrowings over time.

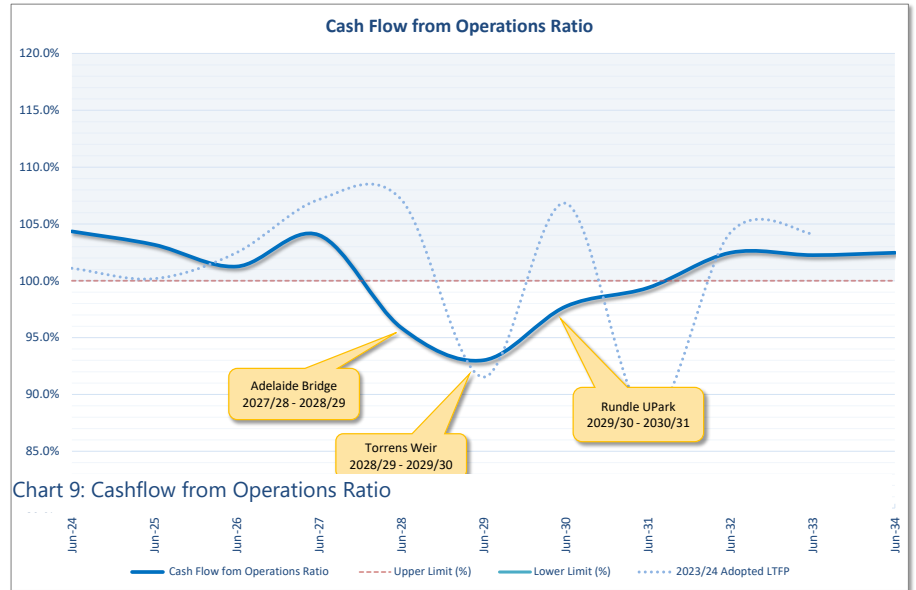
Target: A result greater than 100% suggests Council’s operations will generate enough cashflow to support the funding of asset replacement over time.

Explanation of LTFP Projected Results: Most years of the LTFP project a positive result. Years 4 to 7 of the plan reflect the significant renewals required in these years.

This ratio highlights the risk in Council’s ability to fully fund the larger renewals that are identified in the LTFP. This is not to suggest deficiency in

renewal, but rather highlight the opportunity in advance to seek alternative funding sources such as State or Federal grants to assist with the funding of significant asset renewal projects for the benefit of the wider SA metropolitan area.

The underlying structural cashflow (that is, adjusting for expenditure on significant renewals) delivers an



average projection between 100% and 105%, suggesting Council’s cashflow is sustainable.

FINANCIAL STATEMENTS

Explanation of the Financial Statements

The objective of financial statements is to provide information about the financial position, financial performance and cash flows of an entity and are used by wide range of stakeholders in making economic decisions. To meet this objective, financial statements provide information about an entity's:

- Assets
- Liabilities
- Equity
- Income and expenses, including gains and losses
- Cash flows.

Statement of Comprehensive Income

The Statement of Comprehensive Income provides information about the financial performance of Council. It provides a summary of all the sources of operating revenue and expenditure; the difference is known as the operating surplus / (deficit).

The Net Surplus / (Deficit) represents the operating position with the inclusion of asset disposal and fair value adjustments, being the gain or loss on the sale of replaced assets, assets surplus to requirement, and fair value adjustments for investment property. Any amounts received for new and upgraded assets are also included in the Net Surplus.

Other comprehensive income comprises items of income and expense (including reclassification adjustments) that are not recognised in profit or loss and include items such as changes in the valuation of infrastructure, property, plant & equipment, and any actuarial gains on the defined benefit plan.

Statement of Financial Position

The Statement of Financial Position presents the financial position of Council at a given date. It comprises three main components: assets, liabilities and equity.

The difference between the assets and liabilities is known as the net assets or equity of Council.

Current Assets and Liabilities are short- term and due within one year. Non- Current Assets and Liabilities represent longer term amounts that are due beyond 12 months.

Statement of Changes in Equity

The Statement of Changes in Equity reflects the movement in equity reserves during the period, being the financial performance of the year plus any other comprehensive income gains.

Statement of Cash Flows

The Statement of Cash Flows represents the amount of cash and cash equivalents entering and leaving the Council. It measures how well Council manages its cash position, meaning how well it generates cash to pay its debt obligations and fund its operating expenses and capital investments.

The main components of the cash flow statement are:

- Cash from operating activities, being the sources and uses of cash to fund Council operations and deliver services
- Cash from investing activities, being the capital investment on the renewal / replacement of existing assets and new / upgraded assets, as well as any sale proceeds and amounts received for the new / upgraded assets
- Cash from financing activities, which includes the proceeds and repayment of borrowings.

Uniform Presentation of Finances

The primary objective of the Uniform Presentation of Finances is to ensure that all councils provide a consistent set of core financial information in their financial statements, enabling meaningful comparisons of each council's position.

The statement highlights:

- The Operating Surplus / (Deficit) measure which is considered a critical indicator of a Council's financial performance

- The Net Outlays on Existing Assets represents the capital investment on the renewal and replacement of existing assets adjusted for all depreciation, amortisation and impairment from the operating surplus / (deficit), given its non-cash nature. Depreciation is defined as the cost of an asset spread over the useful life of the asset, and is an indication of what Council should be spending on renewing or replacing assets annually. If depreciation is higher than capital investment, it suggests that our assets are not being replaced at the same level that they are being utilised, and could indicate that a higher investment may be required in future years.

Note that significant renewals are allowed for in the annual depreciation however the expenditure made in the periods required will see a significant mismatch between depreciation and annual expenditure in that period.

Net Outlays on Existing Assets also includes proceeds from the sale of replaced assets (e.g. plant and fleet).

The Net Outlays on New and Upgraded Assets represents the capital investment on new and upgraded assets (including investment property) and amounts received specifically for new and upgraded assets (e.g. Grant funding).

It also includes proceeds from the sale of surplus assets. This includes investment property and non-current assets held for sale.

The Net Lending / (Borrowing) for Financial Year result is a measure that takes account both operating and capital activities for the financial year.

A Net Lending position indicates that Council has repaid debt or increased reserves from activities.

A Net (Borrowing) position indicates that Council has required additional debt to fund its activities.

A zero result in any one year means that Council has covered all its expenditure (both operating and capital) from the current year's income.

FINANCIAL STATEMENTS

Statement of Comprehensive Income										
\$'000s	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan
Income										
Rates Revenues	144,908	154,896	163,902	171,850	176,888	182,021	187,282	193,028	197,863	202,809
Statutory Charges	16,893	17,400	17,835	18,281	18,738	19,206	19,686	20,178	20,683	21,200
User Charges	67,399	68,941	76,600	78,515	80,478	82,490	84,552	86,666	88,833	91,054
Grants, Subsidies and Contributions	4,842	4,646	4,762	4,881	5,003	5,128	5,257	5,388	5,523	5,661
Grants, Subsidies and Contributions - Capital	-	-	-	7,500	20,833	13,333	-	-	-	-
Investment Income	166	171	176	180	184	189	194	199	204	209
Reimbursements	150	155	159	163	167	171	175	180	184	189
Other Income	866	892	915	937	961	985	1,009	1,035	1,061	1,087
Total Income	235,225	247,101	264,348	282,308	303,252	303,524	298,155	306,674	314,350	322,208
Expenses										
Employee Costs	86,220	88,853	91,074	93,351	95,685	98,077	100,529	103,042	105,618	108,259
Materials, Contracts & Other Expenses	81,973	84,091	88,500	90,712	92,980	95,304	97,687	100,129	102,632	105,198
Depreciation, Amortisation & Impairment	56,857	64,462	66,471	68,287	69,985	71,665	73,382	75,210	77,137	79,120
Finance Costs	808	3,626	5,122	6,508	8,030	9,159	12,764	13,001	14,281	14,354
Total Expenses	225,858	241,031	251,167	258,858	266,679	274,206	284,363	291,382	299,669	306,931
Operating Surplus / (Deficit)	9,367	6,070	13,181	23,450	36,573	29,318	13,793	15,291	14,681	15,277
Physical Resources Received Free of Charge	-	-	-	-	-	-	-	-	-	-
Asset Disposal & Fair Value Adjustments	-	-	-	-	-	-	-	-	-	-
Amounts Received Specifically for New or Upgraded Assets	7,026	-	-	-	-	-	-	-	-	-
Net Surplus / (Deficit)	16,393	6,070	13,181	23,450	36,573	29,318	13,793	15,291	14,681	15,277
Changes in Revaluation Surplus - I,PP&E	-	18,470	-	-	-	-	-	-	-	-
Total Other Comprehensive Income	-	18,470	-	-	-	-	-	-	-	-
Total Comprehensive Income	16,393	24,540	13,181	23,450	36,573	29,318	13,793	15,291	14,681	15,277

FINANCIAL STATEMENTS

Statement of Financial Position										
\$'000s	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan
ASSETS										
Current Assets										
Cash and Cash Equivalents	800	800	800	800	800	800	800	800	800	800
Trade & Other Receivables	45,116	13,630	14,581	15,571	16,725	16,740	16,444	16,914	17,337	17,770
Inventories	741	741	741	741	741	741	741	741	741	741
Total Current Assets	46,657	15,172	16,122	17,112	18,266	18,281	17,985	18,455	18,878	19,311
Non-Current Assets										
Financial Assets	679	611	550	495	445	401	361	325	292	263
Equity Accounted Investments in Council Businesses	2,258	2,578	2,898	3,218	3,538	3,858	4,178	4,498	4,818	5,138
Investment Property	2,968	2,998	3,028	3,058	3,089	3,120	3,151	3,183	3,214	3,247
Infrastructure, Property, Plant & Equipment	1,924,347	2,012,411	2,036,765	2,112,081	2,177,917	2,220,337	2,241,399	2,254,890	2,272,376	2,289,711
Other Non-Current Assets	1,306	1,306	1,306	1,306	1,306	1,306	1,306	1,306	1,306	1,306
Total Non-Current Assets	1,931,559	2,019,904	2,044,547	2,120,159	2,186,296	2,229,022	2,250,396	2,264,202	2,282,007	2,299,665
TOTAL ASSETS	1,978,216	2,035,076	2,060,669	2,137,271	2,204,562	2,247,303	2,268,381	2,282,657	2,300,885	2,318,976
LIABILITIES										
Current Liabilities										
Trade & Other Payables	19,071	21,793	23,101	25,166	27,576	28,839	29,784	31,488	33,137	34,787
Provisions	21,596	15,114	15,492	15,879	16,276	16,683	17,100	17,528	17,966	18,415
Borrowings (Lease Liability)	5,142	5,264	4,649	5,066	5,066	5,066	5,066	5,066	5,066	5,066
Total Current Liabilities	45,808	42,172	43,243	46,111	48,918	50,588	51,951	54,082	56,169	58,268
Non-Current Liabilities										
Trade & Other Payables	-	-	-	-	-	-	-	-	-	-
Borrowings	53,677	94,834	110,771	145,944	178,864	195,625	206,553	208,411	214,874	220,591
Provisions	2,103	2,167	2,221	2,276	2,333	2,391	2,451	2,513	2,575	2,640
Borrowings (Lease Liability)	30,922	25,658	21,009	36,064	30,998	25,932	20,867	15,801	10,735	5,669
Total Non-Current Liabilities	86,703	122,659	134,001	184,284	212,195	223,949	229,871	226,724	228,185	228,900
TOTAL LIABILITIES	132,511	164,831	177,244	230,395	261,113	274,537	281,821	280,806	284,354	287,168
Net Assets	1,845,705	1,870,245	1,883,426	1,906,876	1,943,449	1,972,766	1,986,559	2,001,851	2,016,531	2,031,808
EQUITY										
Accumulated Surplus	807,169	813,739	827,419	850,869	887,442	916,760	930,553	945,844	960,525	975,802
Asset Revaluation Reserves	1,004,383	1,022,853	1,022,853	1,022,853	1,022,853	1,022,853	1,022,853	1,022,853	1,022,853	1,022,853
Other Reserves	-	-	-	-	-	-	-	-	-	-
Future Reserve Fund	34,154	33,654	33,154	33,154	33,154	33,154	33,154	33,154	33,154	33,154
Total Council Equity	1,845,705	1,870,245	1,883,426	1,906,876	1,943,449	1,972,766	1,986,559	2,001,851	2,016,531	2,031,808

FINANCIAL STATEMENTS

Statement of Changes in Equity										
\$'000s	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan
Balance at the end of previous reporting period	1,829,312	1,845,705	1,870,245	1,883,426	1,906,876	1,943,449	1,972,766	1,986,559	2,001,850	2,016,531
a. Net Surplus / (Deficit) for Year	16,393	6,070	13,181	23,450	36,573	29,318	13,793	15,291	14,681	15,277
b. Other Comprehensive Income	-	18,470	-	-	-	-	-	-	-	-
Total Comprehensive Income	16,393	24,540	13,181	23,450	36,573	29,318	13,793	15,291	14,681	15,277
Balance at the end of period	1,845,705	1,870,245	1,883,426	1,906,876	1,943,449	1,972,766	1,986,559	2,001,850	2,016,531	2,031,808

FINANCIAL STATEMENTS

Statement of Cash flows										
\$'000s	2024-25 Plan	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan
Cash Flows from Operating Activities										
<u>Receipts</u>										
Operating Receipts	232,801	245,087	263,397	281,318	302,098	303,509	298,451	306,204	313,927	321,774
<u>Payments</u>										
Finance Payments	(2,800)	(2,986)	(4,582)	(5,672)	(7,195)	(8,324)	(11,929)	(12,166)	(13,446)	(13,519)
Operating Payments to Suppliers and Employees	(167,291)	(171,601)	(178,883)	(183,225)	(187,665)	(194,051)	(199,924)	(204,031)	(209,157)	(214,353)
Net Cash provided by (or used in) Operating Activities	62,710	70,500	79,932	92,420	107,238	101,134	86,598	90,007	91,324	93,902
Cash Flows from Investing Activities										
<u>Receipts</u>										
Amounts Received Specifically for New/Upgraded Assets	6,026	-	-	-	-	-	-	-	-	-
Proceeds from Surplus Assets	18,500	-	-	-	-	-	-	-	-	-
Sale of Replaced Assets	500	500	500	500	500	500	500	500	500	500
Repayments of Loans by Community Groups										
Distributions Received from Equity Accounted Council Businesses										
<u>Payments</u>										
Expenditure on Renewal/Replacement of Assets	(56,022)	(67,936)	(70,198)	(105,007)	(130,454)	(108,644)	(88,928)	(83,100)	(84,863)	(86,624)
Expenditure on New/Upgraded Assets	(56,489)	(38,799)	(20,627)	(18,244)	(5,367)	(5,441)	(5,517)	(5,601)	(9,759)	(9,831)
Net Purchase of Investment Securities	-	-	-	-	-	-	-	-	-	-
Capital Contributed to Equity Accounted Council Businesses	(320)	(320)	(320)	(320)	(320)	(320)	(320)	(320)	(320)	(320)
Net Cash provided by (or used in) Investing Activities	(87,805)	(106,555)	(90,645)	(123,071)	(135,640)	(113,906)	(94,265)	(88,521)	(94,443)	(96,275)
Cash Flows from Financing Activities										
<u>Receipts</u>										
Proceeds from Borrowings	30,084	41,157	15,937	35,172	32,921	16,761	10,928	1,858	6,463	5,716
<u>Payments</u>										
Repayment from Borrowings	-	-	-	-	-	-	-	-	-	-
Repayment of Lease Liabilities	(4,989)	(5,102)	(5,224)	(4,521)	(4,518)	(3,989)	(3,262)	(3,344)	(3,344)	(3,344)
Net Cash provided by (or used in) Financing Activities	25,095	36,056	10,713	30,651	28,403	12,772	7,667	(1,486)	3,119	2,372
Net Increase (Decrease) in Cash Held	(0)	(0)	0	(0)	0	0	(0)	(0)	0	(0)
plus: Cash & Cash Equivalents at beginning of period	800	800	800	800	800	800	800	800	800	800
Cash & Cash Equivalents at end of period	800	800	800	800	800	800	800	800	800	800

FINANCIAL STATEMENTS

Uniform Presentation of Finances										
\$'000s	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan
Income										
Rates Revenues	144,908	154,896	163,902	171,850	176,888	182,021	187,282	193,028	197,863	202,809
Statutory Charges	16,893	17,400	17,835	18,281	18,738	19,206	19,686	20,178	20,683	21,200
User Charges	67,399	68,941	76,600	78,515	80,478	82,490	84,552	86,666	88,833	91,054
Grants, Subsidies and Contributions	4,842	4,646	4,762	4,881	5,003	5,128	5,257	5,388	5,523	5,661
Grants, Subsidies and Contributions - Capital	-	-	-	7,500	20,833	13,333	-	-	-	-
Investment Income	166	171	176	180	184	189	194	199	204	209
Reimbursements	150	155	159	163	167	171	175	180	184	189
Other Income	866	892	915	937	961	985	1,009	1,035	1,061	1,087
Total Income	235,225	247,101	264,348	282,308	303,252	303,524	298,155	306,674	314,350	322,208
Expenses										
Employee Costs	86,220	88,853	91,074	93,351	95,685	98,077	100,529	103,042	105,618	108,259
Materials, Contracts & Other Expenses	81,973	84,091	88,500	90,712	92,980	95,304	97,687	100,129	102,632	105,198
Depreciation, Amortisation & Impairment	56,857	64,462	66,471	68,287	69,985	71,665	73,382	75,210	77,137	79,120
Finance Costs	808	3,626	5,122	6,508	8,030	9,159	12,764	13,001	14,281	14,354
Total Expenses	225,858	241,031	251,167	258,858	266,679	274,206	284,363	291,382	299,669	306,931
Operating Surplus / (Deficit) before Capital Amounts	9,367	6,070	13,181	23,450	36,573	29,318	13,793	15,291	14,681	15,277
Net Outlays on Existing Assets										
CapEx on Renewal & Replacement of Existing Assets	(56,022)	(67,936)	(70,198)	(105,007)	(130,454)	(108,644)	(88,928)	(83,100)	(84,863)	(86,624)
<i>add back</i> Depreciation, Amortisation and Impairment	56,857	64,462	66,471	68,287	69,985	71,665	73,382	75,210	77,137	79,120
<i>add back</i> Amounts received specifically for Existing Assets	-	-	-	-	-	-	-	-	-	-
<i>add back</i> Proceeds from Sale of Replaced Assets	500	500	500	500	500	500	500	500	500	500
Net Outlays on Existing Assets	1,335	(2,975)	(3,227)	(36,220)	(59,969)	(36,479)	(15,045)	(7,390)	(7,226)	(7,004)
Net Outlays on New and Upgraded Assets										
Capital Expenditure on New and Upgraded Assets	(56,809)	(39,119)	(20,627)	(18,244)	(5,367)	(5,441)	(5,517)	(5,601)	(9,759)	(9,831)
<i>add back</i> Amounts received specifically for New and Upgraded Assets	6,026	-	-	-	-	-	-	-	-	-
<i>add back</i> Proceeds from Sale of Surplus Assets	18,500	-	-	-	-	-	-	-	-	-
Net Outlays on New and Upgraded Assets	(32,283)	(39,119)	(20,627)	(18,244)	(5,367)	(5,441)	(5,517)	(5,601)	(9,759)	(9,831)
Net Lending / (Borrowing) for Financial Year	(21,581)	(36,024)	(10,673)	(31,014)	(28,763)	(12,603)	(6,770)	2,301	(2,305)	(1,558)

KEY FINANCIAL INDICATORS

Financial Indicator	Explanation	Target	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	5 Year Average	10 Year Average
Operating Surplus Ratio	Operating surplus as a percentage of operating revenue	0%-20%	4.0%	2.5%	5.0%	8.3%	12.1%	9.7%	4.6%	5.0%	4.7%	4.7%	6.4%	6.0%
Net Financial Liabilities	Financial liabilities and a percentage of operating income	Less than 80%	21%	48%	51%	61%	68%	74%	80%	79%	80%	80%	50%	64%
Asset Renewal Funding Ratio	Expenditure on asset renewals as a percentage of forecast required expenditure in the asset management plans	90%-110%	93%	94%	95%	96%	97%	98%	99%	100%	100%	100%	95%	97%
Asset Test Ratio	Borrowings as a percentage of total saleable property assets	Maximum 50%	17%	29%	30%	38%	46%	49%	50%	50%	50%	50%	32%	41%
Interest Expense Ratio	Annual interest expense relative to General Rates Revenue (less Landscape Levy)	Maximum 10%	2.0%	2.0%	2.8%	3.6%	4.4%	4.9%	6.8%	6.7%	7.2%	7.1%	2.9%	4.7%
Leverage Test Ratio	Total borrowings relative to General Rates Revenue (Less Landscape Levy)	Maximum 1.5 years	0.4	0.6	0.7	0.9	1.0	1.1	1.1	1.1	1.1	1.1	0.5	0.8
Cash Flow fom Operations Ratio	Operating income as a percentage of Operating Expenditure plus expenditure on renewal/replacement of assets	Greater than 100%	103%	101%	104%	96%	93%	98%	99%	102%	102%	102%	102%	100%
Borrowings	Borrowings as a percentage of the Prudential Borrowing Limit	Within Prudential Limits (\$147m in 2023-24)	53.7	94.8	110.8	145.9	178.9	195.6	206.6	208.4	214.9	220.6	81.0	141.0
			34%	58%	60%	77%	92%	98%	100%	99%	100%	100%	46%	72%
Operating Position	Operating Income less Expenditure	\$2m - \$10m	9.4	6.1	13.2	23.5	36.6	29.3	13.8	15.3	14.7	15.3	12.1	17.0
Future Fund	Proceeds from the sale of Council assets to fund new income generating assets or new strategic capital projects	N/A	34.2	33.7	33.2	33.2	33.2	33.2	33.2	33.2	33.2	33.2	33.8	33.8

KEY ASSUMPTIONS (INDICES)

Consumer Price Index (SA)

Rate %	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan
CPI (SA)	3.3%	3.0%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%

Interest Rates

Rate %	2024-25 Budget	2025-26 Plan	2026-27 Plan	2027-28 Plan	2028-29 Plan	2029-30 Plan	2030-31 Plan	2031-32 Plan	2032-33 Plan	2033-34 Plan
Interest Rate	5.6%	4.5%	4.4%	4.4%	4.4%	4.4%	4.4%	4.4%	4.4%	4.4%

GLOSSARY

Asset

Assets are future economic benefits controlled by the Council as a result of past transactions or other past events.

Asset Renewal Funding Ratio

(also known as the Asset Sustainability Ratio)

Expenditure on asset renewals as a percentage of forecast required expenditure in the infrastructure asset management plans.

Asset Test Ratio

Borrowings as a percentage of total saleable property assets.

Consumer Price Index (CPI)

The Consumer Price Index (CPI) is a measure of changes, over time, in retail prices of a constant basket of goods and services representative of consumption expenditure by resident households in Australian metropolitan areas. The simplest way of thinking about the CPI is to imagine a basket of goods and services comprising items typically acquired by Australian households. As prices vary, the total price of this basket will also vary. The CPI is simply a measure of the changes in the price of this basket as the prices of items in it change.

Equity

Equity is the residual interest in the assets of the Council after deduction of its liabilities.

Leverage Test Ratio

Total borrowings relative to rates revenue (less landscape levy)

Liability

Liabilities are the future sacrifices of economic benefits that the Council is presently obliged to make to other entities or organisations as a result of past transactions or other past events

Interest Expense Ratio

Proportion of Council's general rate income that is being used to service debt (interest).

Liquidity

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

Net Financial Liabilities

Financial liabilities as a percentage of operating surplus.

Operating Surplus Ratio

Operating surplus as a percentage of operating revenue

DRAFT
CEO
SUSTAINABILITY
REPORT

2024/25 TO 2033/34

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Background

The *Local Government Act 1999 (Act)* requires the Council's Chief Executive Officer to prepare a report on the Council's long term financial performance and position as soon as practicable after adopting the council's annual business plan for a particular year, taking into account the provisions of Council's Business Plan and Strategic Management Plans as part of a review of its long-term financial plan. This report on Financial Sustainability fulfils the legislative requirement.

What do we mean by sustainability?

In general terms sustainability means that the Council can continue current practices, and Financial Sustainability therefore addresses whether Council can sustain our current financial or economic practices now and in the future. Or put more simply:

Can we afford it in the long term?

While there is no legislated definition of financial sustainability, the following statement is the generally accepted definition by the South Australian and Australian Local Government Associations:

"A council's long-term financial performance and position is sustainable where planned long-term service and infrastructure levels and standards are met without unplanned increases in rates or disruptive cuts to services."

For Local Government, challenges in financial sustainability pose the question:

Can we continue the sort of revenue and expenditure patterns of recent years while maintaining the levels of service expected by the community?

What does Financial Sustainability mean for Local Government?

Neglecting financial sustainability can erode a council's capacity to ensure sufficient financial resources to absorb cyclical economic factors, social trends and financial shocks. Funding decisions therefore play an important role in providing Council with the capacity to meet financial sustainability in the medium and long term.

Financial sustainability is also central to the important issue of **intergenerational equity**. Intergenerational equity (or fairness) means costs associated with expenditure are spread over time reflecting the distribution of the benefits generated. In effect, the current generation is able to "pay their way" by funding the services and infrastructure they use and that investments in new infrastructure and assets funded through borrowings will not excessively burden future generations.

Intergenerational equity requires financial sustainability through the stability of revenue and costs, proportionality of revenues with benefits over time and a “balanced” operating result.

Financial Principles and Finance Strategy

As part of the 2023/24 budget process, Council adopted a set of financial principles to assist with future decision-making to support long term financial sustainability. These principles seek to ensure an equitable approach to rating, fees and charges which match the cost of related Council services, a prudent approach to the use of borrowings and proceeds from the sale of assets, and sustainable investment in our infrastructure and delivery of services.

The financial principles previously adopted by Council include:

- Transparency in decision making
- Approach to rates, fees and charges is fair and equitable
- Service delivery reflects the needs of the community
- Continue to deliver a minimum of the current suite of services and asset maintenance, indexed in line with Consumer Price Index (CPI)
- Fees and charges reflect cost of services provided
- Maintain the current rating system
- Maintain an operating surplus
- Capitalise on external funding, fast-tracking projects that attract such funding, recognising the potential need for increased borrowings in order to respond to external funding opportunities which require matched funding
- Consider new and different revenue streams and the approach to commercial businesses to reduce reliance on existing revenue sources
- Adjust rate revenue after consideration of all other budget components and use growth in rate revenue to partly fund servicing new rateable properties and to service new borrowings
- New or enhanced services, assets or maintenance requiring an increase in operating costs are to be funded from the adjustment of priorities, rate or other revenues, and/or through savings – not from borrowings
- Capital renewal expenditure will be based on asset management plans and prioritised based on audit condition and risk
- Proceeds from divesting underperforming assets will provision a future fund, to invest in future revenue-generating assets
- Consider the disposal, purchase and /or repurposing of property assets to unlock the potential and future prosperity of the City, without incurring a financial loss
- Borrowings will be used to fund new and upgrade projects (which include major projects) and not used to fund operations, expenses or renewal projects.

These principles are foundational to a financial management approach that supports the achievement of long term financial sustainability.

The following additional financial principles have been used in the development of the 2024/25 LTFP to maintain financial sustainability whilst balancing the needs of the Community:

- Short term borrowings will be used to fund the Asset Renewal Repair Fund, to ensure the increased spending required through the revised Asset Management Plans can be spread over a longer period to meet community expectation and their capacity to pay is managed over time through sustainable rate increases
- Generate a cash flow from operations ratio greater than 100% to generate adequate cash from operations to replace assets over time and to service new debt associated with new and upgraded assets by being able to repay the principal and interest associated with those borrowings.

How do we monitor and communicate financial sustainability?

A suite of financial sustainability indicators (KFI) is used to measure Council's financial performance, to guide decision making on major projects and significant components within the LTFP, and to secure its continued financial sustainability.

Three nationally recognised financial sustainability indicators have been adopted in principle by Local Government in Australia and are utilised by City of Adelaide. These are:

- The Operating Surplus Ratio
- The Net Financial Liabilities Ratio
- The Asset Renewal Funding Ratio.

Council also considers an additional four indicators to review the ability to borrow in line with its Prudential Borrowing Limit:

- Asset Test Ratio
- Interest Expense Ratio
- Leverage Test Ratio
- Cashflow from Operations Ratio.

In response, the City of Adelaide (CoA) has endorsed various Financial Principles which operate in conjunction with the Long Term Financial Plan to promote sustainability.

The Council will operate in accordance with a sustainable Long Term Financial Plan whereby:

Continuation of the Council's:

- *present expenditure, revenue and financing policies*
- *likely developments in the Council's revenue-raising capacity, and*
- *the demand for and costs of its services and infrastructure*

normal financial risks and shocks altogether are unlikely to necessitate substantial increases in council rates (or, alternatively, disruptive service cuts).

What does legislation require?

The *Local Government Act 1999 (Act)* outlines a number of requirements that councils must meet.

Section 122(1) of the Act requires councils to have strategic management plans and to report on those. These include, but are not limited to, a long-term financial plan and infrastructure and asset management plans, as a part of their suite of strategic management plans

Councils are also required to have an audit committee who necessarily provides input to any review of council's strategic management plans. The Audit Committees cannot include council staff or any of council's auditors, and may include persons who are not members of council (s126 of the Act), with between 3 and 5 members. The Terms of Reference for the City of Adelaide audit committee includes a section which states that membership will consist of four Independent Members (who are not members of any Council) and one Council Member. In addition, the Lord Mayor is considered an ex-officio member to the Committee.

The Act requires that long-term financial plans be reviewed on an annual basis (s122(4)(a)). As a part of this review a council CEO must prepare a report on the council's financial sustainability (s122(4a)(a) of the Act.

The Act also provides for a cycle of planning which embeds financial sustainability into the development of the business plan and budget.

Within the Act, regulations require councils to disclose, in a consistent manner, actual and projected performance with respect to an operating surplus ratio, an asset renewal funding ratio (ARFR) and a net financial liabilities ratio in their annual budget and long term financial plan.

Financial Sustainability Performance

This section summarises Council's financial sustainability position. It sets out each of the seven Key Financial Indicators, along with the Council's performance against each.

For each of the indicator there is:

- A brief description of the indicator
- Exactly what is being measured
- A Target for the indicator
- Council's result for the indicator (and a chart showing the previous year's Actual figure, the current year's Budget figure and the Projected Long Term Financial Plan's figures for the next nine years)
- An analysis and summary explanation of the current and projected results

Conclusion

The analysis indicates that the City of Adelaide is currently financially sustainable and can remain so for the forecast period covered by the 2024/25 to 2033/34 Long Term Financial Plan.

In all cases, Council remains within each relevant indicator except for the Cashflow from Operations ratio which exceeds the target band resulting from the need to fund Significant Renewals. The results highlight matters where Council decisions can impact future financial sustainability. Long term financial sustainability is therefore subject to ongoing decisions and effort, particularly (but not limited to):

- Ensuring decisions are consistent with Council's adopted financial principles
- Continued growth in revenue, through both rates and commercial activities, at or above the rate of growth in expenses
- Commitment to investment in new and upgrade assets in line with prudential borrowing limits
- Successfully securing external funding for the renewal of the Torrens Weir and Adelaide Bridge
- Ongoing advocacy for reductions in exemptions and mandatory rebates
- Use of the Future Fund for particular projects and initiatives.

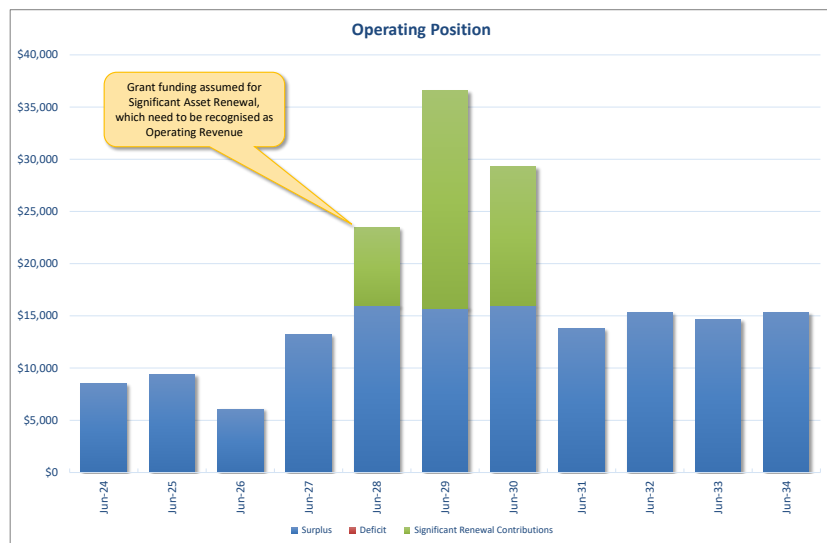
Financial Sustainability Summary

Operating Surplus

This indicator represents the difference between day-to-day income and expenses for a period.

A council's long-term financial sustainability is dependent upon ensuring that, on average over time, its expenses are less than associated revenues. If a council is not generating an operating surplus in most periods then it is unlikely to be operating sustainably. The target is to achieve between \$2m and \$10m in any given year.

The chart below shows the impacts of key assumptions assumed in the LTFP. In particular, the assumption to continue to invest in new and upgraded projects (to meet the emerging needs of the community) results in a higher level of assets, and related borrowings. As such, increased depreciation (from a higher asset base) and interest costs (from higher borrowings) see expenses growing at a faster rate than revenue (which is largely based on CPI increases). Depreciation is further exacerbated by the significant increase in the costs to deliver assets, both renewal and new and upgrade.



Operating Surplus Ratio

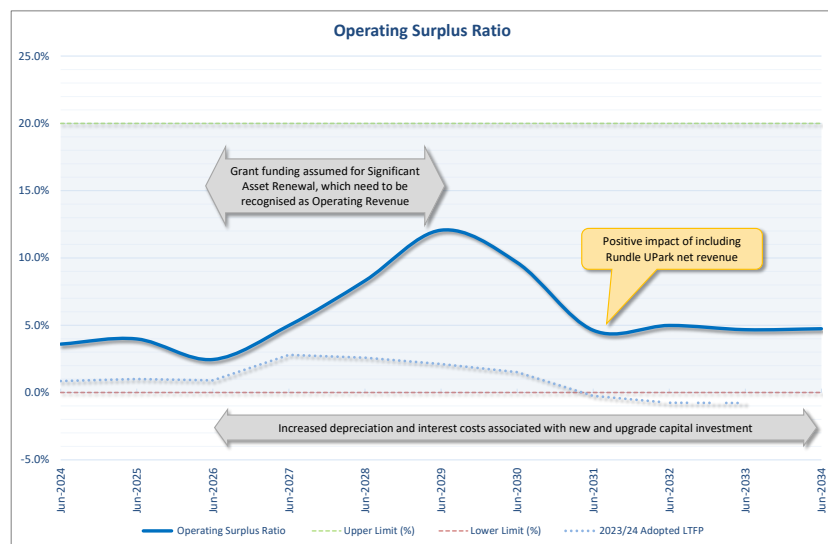
Definition: Operating surplus as a percentage of operating revenue

What is being measured: This indicator represents the percentage by which total revenue varies from day to day operating expenses. Financial sustainability is indicated where a council consistently achieves operating surpluses and has soundly based projections showing it can continue to do so in the future, having regard to asset management and the service level needs of its community.

Target: The Local Government Act (SA) 1999 target is to achieve an average operating surplus ratio between 0% and 10% over any five-year period. However, as a Capital City Council, the City of Adelaide has significant responsibilities in improving its public realm and considers that an average operating surplus ratio between 0% and 20%, over any five-year period, is a more appropriate target. A result in excess of this may indicate that council is setting rates and/or other fees and charges at levels well in excess of expenses and this has negative intergenerational equity implications.

In addition, operating deficits are not sustainable or equitable in the long term as they result in services consumed by current ratepayers being paid for by future ratepayers. A fair and equitable tax system is one in which taxes paid by each generation is in proportion to the benefits each generation receives.

Explanation of LTFP Projected Results: The ratio sits within target ranges over the life of the LTFP, reflecting sustainable surpluses based on an increase to base rating revenue to funding renewals, following by CPI increases thereafter. Of note is the sharp increase from 2026-2029 which reflects treating grant income associated with Significant Renewals as operating revenue. The underlying structural budget is sustainable over the life of the LTFP.



Net Financial Liabilities

This indicator represents the money owed to others less money held, invested or owed to Council.

A council's indebtedness should be managed to ensure its liabilities and associated costs can be met without the prospect of disruptive service cuts and/or excessive rate increases (ie without impinging on financial sustainability). There is in essence no right or wrong target level for net financial liabilities (defined as total liabilities less financial assets) as this depends on infrastructure plans. The ideal target is that net financial liabilities are no greater than annual operating revenue and not less than zero.

Net Financial Liabilities Ratio

Definition: Financial liabilities as a percentage of operating income

What is being measured: This indicator represents the significance of the net amount owed compared with operating revenue. It measures the extent to which Council is managing its debt and highlights that borrowings are often an effective means of financial sustainability, rather than trying to fund all assets from operating income. A steady ratio means Council is balancing the need to borrow against their affordability of debt. An excessive ratio means Council is borrowing beyond their means and cannot generate the income required to service assets and operations.

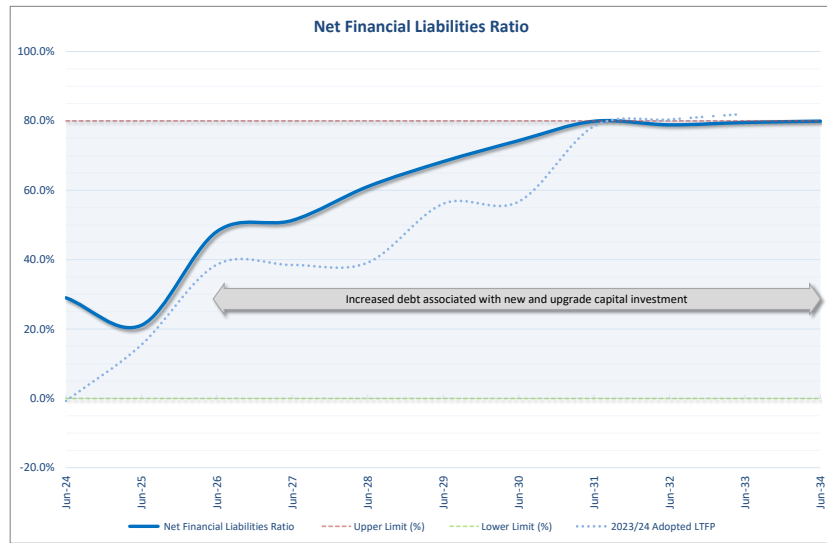
Target: The LGA recommends that the target for Net Financial Liabilities should be greater than zero (and less than 100%, that is, the amount owed is equal to or less than total annual income). A target below zero indicates that Council places a higher priority on accumulated financial assets than applying funds generated from ratepayers to the provision of services and/or infrastructure renewal. This could leave a council open to accusations that it is overcharging ratepayers relative to its funding needs.

The more conservative target set by City of Adelaide is that liabilities as a percentage of total operating revenue will not exceed 80%.

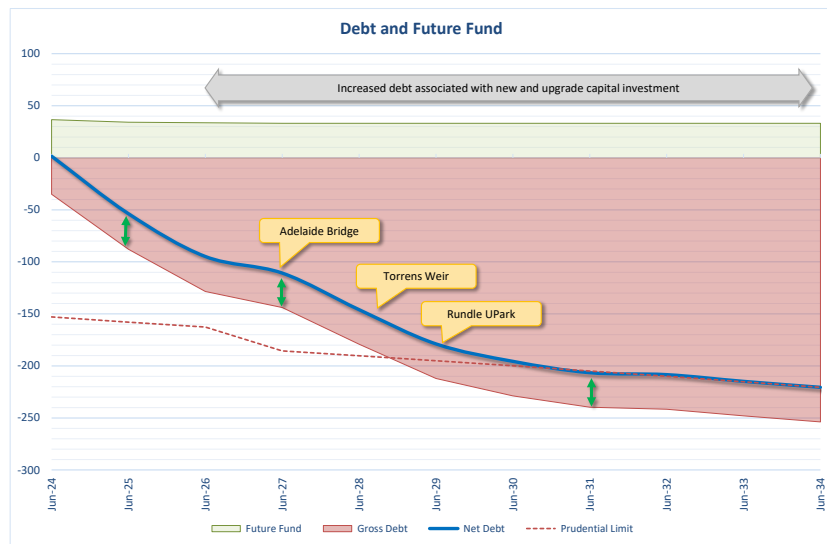
Explanation of LTFP Projected Results: City of Adelaide's net financial liabilities are, within the prescribed target for the life of the plan. Lower ratios in the short term highlight low levels of debt, steadily increasing over the life of the LTFP reflecting increased borrowings to deliver on Council's commitment to invest in new and upgraded assets and fund a large portion of significant renewals.

Note that Council's new and upgrade capital program has been adjusted from 2028/29 onwards to work within existing prudential limits.

Any increase in contributions towards the significant renewals will allow Council to either maintain a lower level of debt and/or invest more in new and upgrade projects.



The level of borrowings is projected to be within acceptable prudential limits, assisting Council to maintain long-term sustainability. Typical prudential limits set by financial institutions as part of covenants associated with loans are around 80% of asset values. Council has therefore set a conservative limit at 50% of saleable property assets (see below), providing additional comfort in excess of generally accepted banking norms.



It should be noted that the Council has created a Future Fund that ring fences proceeds from the sale of surplus or underperforming assets, to reinvest into revenue generating assets. The funds generated from asset sales effectively offset the level of borrowings Council would otherwise incur had the assets not been disposed. Accordingly, Council pays less interest over time, incurring interest on a lower 'offset' balance of borrowings.

Asset Renewal Funding Ratio (ARFR)

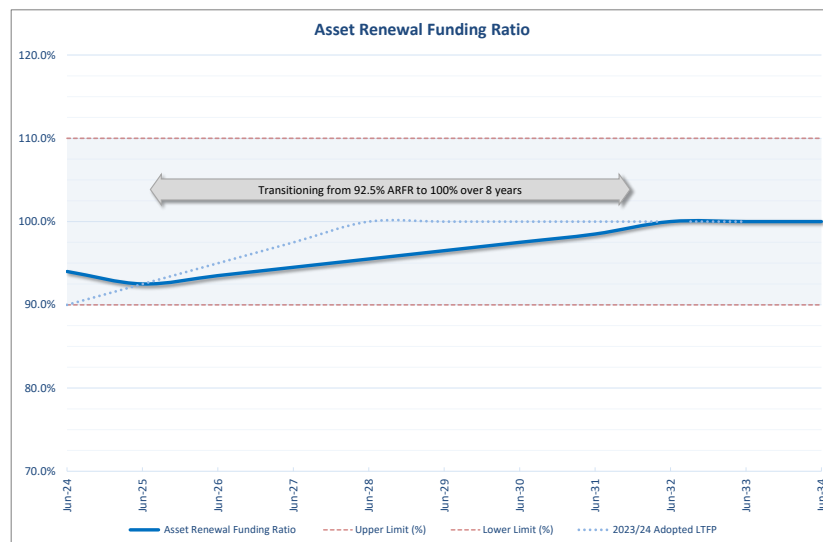
Definition: Expenditure on asset renewals as a percentage of forecast expenditure required as per the asset management plans.

What is being measured: This indicator expresses expenditure on asset renewals as a percentage of the projected funding required. It illustrates whether existing assets are being replaced or renewed at the rate they are being consumed and ensures consistent service delivery as determined by the Infrastructure and Asset Management Plans.

Target: A ratio lower than 100% suggests that Council is not maintaining assets and infrastructure in order to optimise asset lives. A ratio higher than 100% suggests that Council is replacing assets earlier than needed or at a level in excess of that set in the asset management plans. Adoption of a target ratio between 90% and 110%, is in line with the *Local Government Act (SA) 1999*.

Explanation of LTFP Projected Results: It is assumed that over the long term financial plan, asset renewals will be funded in line with the Asset Management Plans. In the previous term, Council resolved to set the ARFR (previously the Asset Sustainability Ratio) at 90%. This term of Council recognises the potential impact of this decision and the possible under-investment in assets and infrastructure and, as such, the LTFP assumes transitioning the ARFR from 90% to 100% over the next eight years.

Averages for asset renewal reflect an even performance over the life of the plan. The ration from 2031/32 onwards is directly representative of the transition from 90% to 100%. This ratio should be continually monitored as asset management plans are reviewed and updated.



Borrowings Ratios and Prudential Limits

Definition

- Asset Test Ratio: Borrowings as a percentage of total saleable property assets
- Interest Expense Ratio: Annual interest expense relative to General Rates Revenue (less Landscape Levy)
- Leverage Test Ratio: Total borrowings relative to General Rates Revenue (less Landscape Levy) expressed as the number of years of General Rates Revenue required to repay borrowings

What is being measured: The maximum level of debt is prescribed by Council by way of prudential limits. While Council does not place a physical monetary limit on the level of borrowings, an upper limit is determined through its financial indicators. When borrowing, Council will consider these indicators in terms of total borrowings, and the ability to service the interest incurred and debt repayments.

Target: The Treasury Policy reviewed in 2022 ensures Council's ability to manage cash and borrowings in accordance with prescribed limits.

The Prudential limits set within the Treasury Policy are:

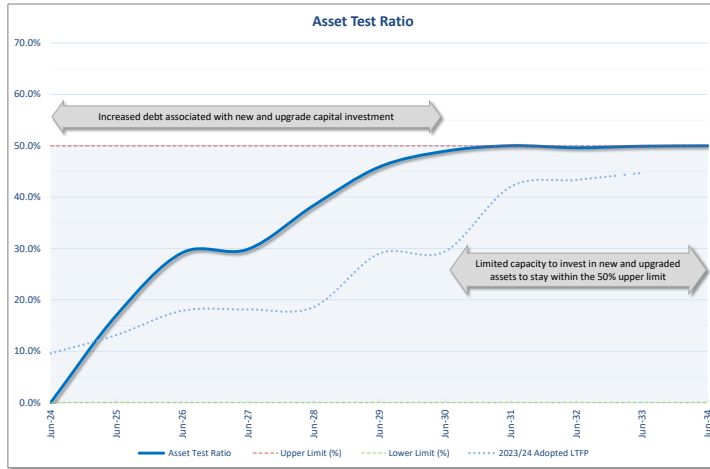
- Asset Test Ratio: Maximum of 50%
- Interest Expense Ratio: Maximum of 10%
- Leverage Test Ratio: Maximum 1.5 Years

Prudential limits are breached when one of the ratios fall outside the targets stipulated in the policy. The breach must be reported with remediation actions to the CEO immediately.

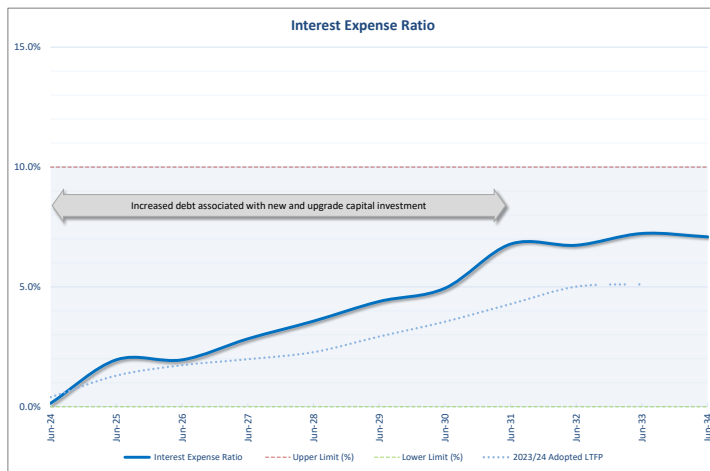
Explanation of LTFP Projected Results: City of Adelaide's borrowings are within the prescribed targets across the Long Term Financial Plan.

The Asset Test Ratio shows that Council has capacity in its total saleable assets to be able to meet the repayment of borrowings should the assets need to be sold in order to repay debt.

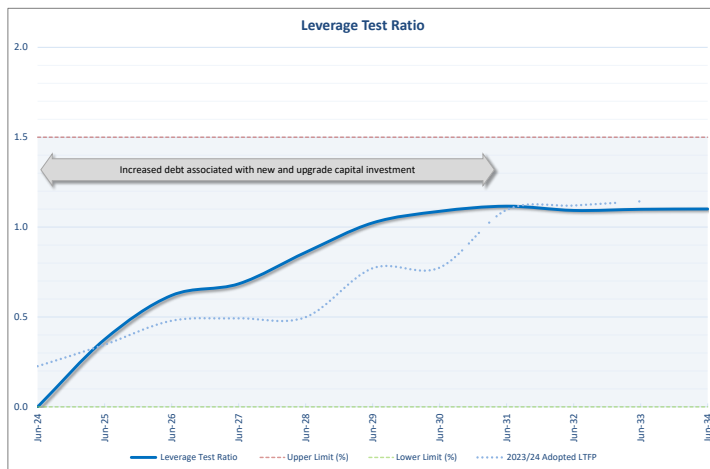
The increasing ratio reflects the cumulative impact of utilising debt to deliver on Council's commitment to invest in the City, in addition to debt required to fund significant renewals (that is, the Torrens Weir, Adelaide Bridge and Rundle UPark). This has limited the ability to deliver new and upgraded assets from 2029/30 to remain within the target ratio. The sale and development of property assets will impact prudential limits, and hence the Asset Test Ratio, in periods where transactions occur.



Similarly, the steady increase in borrowings, sees the Interest Expense Ratio for the life of the plan increasing, albeit sitting comfortably within the target range and beginning to reduce from 2032/33.



The Leverage Test Ratio shows the time it would take to repay borrowings from general rates revenue as an indication of payback period. The plan supports Council’s ability to repay the debt if called upon from less than 1½ year’s rates revenue in any year of the plan, and tracks in line with the other two prudential borrowing indicators.



Cashflow from Operations Ratio

Definition: Operating Income as a percentage of Operating Expenditure plus expenditure on renewal/replacement of assets.

What is being measured: This ratio measures Cash Flow from Operations as a percentage of forecast expenditure in the asset management plans, in addition to expenditure on delivering services

This indicator shows whether Council is generating adequate cash from its operations to cover the replacement of assets over time.

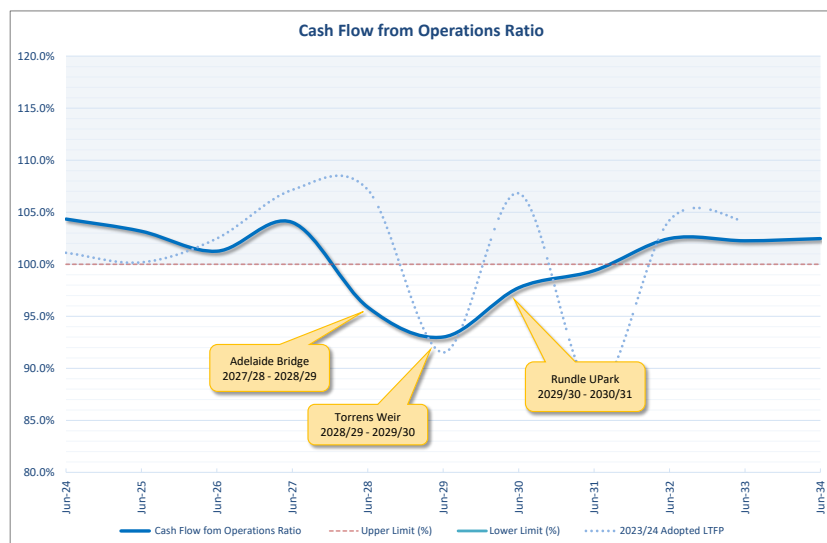
A lower ratio indicates that Council is not generating enough cash from operations to cover asset replacement (less than 100%). As a result, Council will need to fund the replacement of assets from unsustainable sources of income resulting in increased levels of borrowings over time.

Target: A result greater than 100% suggests Council’s operations will generate enough cashflow to support the funding of asset replacement over time.

Explanation of LTFP Projected Results: Most years of the LTFP project a positive result. The marginally lower than target result in year 3 of the plan (2025/26) is reflective of the proposed second \$10m contribution to the Adelaide Aquatic Centre. Years 4 to 7 of the plan reflect the significant renewals required in these years.

This ratio highlights the risk in Council’s ability to fully fund the larger renewals that are identified in the LTFP. This is not to suggest deficiency in renewal, but rather highlight the opportunity in advance to seek alternative funding sources such as State or Federal grants to assist with the funding of significant asset renewal projects for the benefit of the wider SA metropolitan area.

The underlying structural cash flow (that is, adjusting for expenditure on significant renewals) delivers an average projection between 100% and 105%, suggesting Council’s cashflow is sustainable.



Site Contamination Policy for Endorsement

Strategic Alignment - Our Environment

Public

Tuesday, 17 September 2024
City Finance and Governance
Committee

Program Contact:

Sarah Gilmour, Associate
Director Park Lands, Policy &
Sustainability

Approving Officer:

Ilia Houridis, Director City
Shaping

EXECUTIVE SUMMARY

The purpose of this report is to seek endorsement of the updated Site Contamination Policy (the Policy) (**Attachment A**).

The Policy and associated Site Contamination Operating Guidelines (the Operating Guidelines) were scheduled for review in December 2018. The review commenced in late 2017 but was postponed as the Environment Protection Authority South Australia (EPA) commenced a review of the draft Site Contamination Framework for the SA Planning System. As a result of the State Government's review, a standardised legislative framework to assess and manage risks posed by known or potential site contamination to enable the safe development and use of land is now in operation under the *Planning, Development and Infrastructure Act 2016*.

The review of the City of Adelaide's Policy and Operating Guidelines recommenced in March 2024 and has resulted in minor amendments to the Policy and more significant updates to the Operating Guidelines to reflect legislative changes and operational practices over the past eleven (11) years.

A workshop was held with the City Finance and Governance Committee on 20 August 2024 to discuss the City of Adelaide's framework for managing site contamination including the amendments to the Policy and Operating Guidelines ([Link 1](#)).

Amendments to the Policy include updating information and improving legibility, specifically:

- Updated legislative references.
- Updated Risk Management section for alignment with the City of Adelaide's strategic goals.
- Clarification of roles and responsibilities to reflect current practices.
- Updated Monitoring and Implementation section relating to responsibilities and obligations.

Amendment of the Operating Guidelines ([Link 2](#)) is a matter for the Chief Executive Officer and will commence pending the Council's adoption of the Policy.

RECOMMENDATION

The following recommendation will be presented to Council on 24 September 2024 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the Site Contamination Policy as contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 September 2024.
2. Revokes the Site Contamination Policy 2013.
3. Authorises the Chief Executive Officer, or delegate, to make typographical, syntactical and technical amendments to the Site Contamination Policy 2024 contained in Attachment A to Item 7.2 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 September 2024.

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Environment Protect, enhance and activate our Park Lands and Open space.
Policy	The updated Site Contamination Policy and Operating Guidelines will revoke and replace all previous iterations, including the Site Contamination Policy 2013 (Link 3). The Operating Guidelines will be determined by the Chief Executive Officer following Council's consideration of the Policy. The Operating Guidelines set out the administrative procedures and practices for mitigating, remediating, or managing site contamination in line with the Policy.
Consultation	The Policy and Operating Guidelines are informed by engagement across the City of Adelaide, legislative requirements, State Government guidelines as well as external input from the Environment Protection Authority South Australia (EPA). Public consultation on the Policy is not required.
Resource	Not as a result of this report
Risk / Legal / Legislative	The City of Adelaide has legislative and regulatory obligations relating to site contamination. The Policy and Operating Guidelines clarify the roles of the City of Adelaide, the EPA, site contamination practitioners and other statutory bodies in the identification, investigation and remediation of site contamination.
Opportunities	The Policy and Operating Guidelines provide a framework, guiding principles, and procedures to assist the City of Adelaide in minimising risk and developing a culture of best practice in preventing, managing, and monitoring site contamination.
24/25 Budget Allocation	The City Services Program has an operating budget allocation for managing site contamination, including reviewing the Site Environmental History Register, collating any other records within the Register, and developing a GIS spatial mapping layer identifying known areas of contamination for administration use.
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The Policy and Operating Guidelines will be in place ongoing and should be reviewed every five (5) years.
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. Site contamination occurs across South Australia as a result of former historical pollution and contaminating activities, such as waste disposal methods which would not be acceptable by today's standards.
2. The City of Adelaide has legislative and regulatory obligations relating to site contamination. The Policy and Operating Guidelines use a risk-based approach to assessing and remediating contamination to protect human health and the environment.
3. The City of Adelaide's current Site Contamination Policy ([Link 3](#)) and Operating Guidelines were approved by Council in 2013.
4. The Policy and Operating Guidelines were scheduled for review in December 2018. A review commenced in late 2017 but was postponed as the Environment Protection Authority South Australia (EPA) commenced a statewide review of the draft Site Contamination Framework for the SA Planning System.
5. As a result of the review, a standardised legislative framework commenced to assess and manage risks posed by known or potential site contamination to enable the safe development and use of land is now in operation under the *Planning, Development and Infrastructure Act 2016*.
6. A workshop was held with the City Finance and Governance Committee on 20 August 2024 to discuss the City of Adelaide's framework for managing site contamination including the amendments to the Policy and Operating Guidelines ([Link 1](#)).

Review Process

7. The review of the City of Adelaide's Policy and Operating Guidelines recommenced in March 2024 and has resulted in minor amendments to the Policy and more significant updates to the Operating Guidelines to reflect legislative changes and operational practices over the past eleven (11) years.
8. Internal consultation was undertaken in March and May 2024 to understand the current operational practices relating to site contamination and assist with updating the Policy and Operating Guidelines to current practice.
9. External consultation with the EPA was completed in June 2024 to confirm the amendments to the Policy and Operating Guidelines align with environmental obligations.
10. The Operating Guidelines were reviewed concurrently with the Policy to ensure the City of Adelaide continues to meet legislative and operating requirements and provides an updated framework for managing site contamination across the organisation that supports the Policy's implementation.
11. Amendment of the Operating Guidelines ([Link 2](#)) is a matter for the Chief Executive Officer which will commence pending the Council's decision on the Policy.
12. A summary table outlining changes to the Policy and Operating Guidelines is provided ([Link 4](#)).

Site Contamination Policy

13. The updated Policy (Attachment A) provides guiding principles to assist the City of Adelaide in minimising its risk and developing a culture of best practice in preventing, managing and monitoring site contamination.
14. Minor amendments were made to the Policy, including updating information and improving legibility, specifically:
 - 14.1. Updated legislative references.
 - 14.2. Updated Risk Management section for alignment with the City of Adelaide's strategic goals.
 - 14.3. Clarification of roles and responsibilities to reflect current practices.
 - 14.4. Updated Monitoring and Implementation section relating to responsibilities and obligations.

Operating Guidelines review

15. The Operating Guidelines establish a framework of internal controls that support the Policy's implementation and mitigate risks to the environment, human health, and the Corporation.
16. The Operating Guidelines define the roles and responsibilities for implementing, administering, and reviewing the Policy, and maintaining a Site Environmental History Register. The Operating Guidelines include procedures for employees of the City of Adelaide involved in managing site contamination risks.

17. Amendments to the Operating Guidelines, include:
 - 17.1. Updated legislative references.
 - 17.2. Changes to reflect current regulations, frameworks, practice directions and terminology.
 - 17.3. Updated sources of information to reflect current practices.
 - 17.4. Additional information regarding the GIS spatial layer for the Site Environmental History Register was added to provide employees with additional guidance on data inputs.
 - 17.5. Clarification of roles and responsibilities to reflect current practices and provide accountability.
 - 17.6. Operating processes were reviewed and updated to reflect Policy and Operating Guideline changes.

Next Steps

18. Pending Council’s decision on the Site Contamination Policy, Administration will commence work to implement the Operating Guidelines including updating the Site Environmental History Register and creating a GIS spatial layer within the City of Adelaide’s online map viewer.
19. The next review of the Site Contamination Policy and Operating Guidelines will be scheduled for 2029.

DATA AND SUPPORTING INFORMATION

Link 1 – [Agenda – City Finance and Governance Committee – Thursday, 20 August 2024](#)

Link 2 - [Site Contamination Operating Guidelines](#)

Link 3 – [Site Contamination Policy 2013](#)

Link 4 - [Site Contamination Policy and Operating Guidelines – Amendment Summary Table](#)

ATTACHMENTS

Attachment A – Site Contamination Policy

- END OF REPORT -

Site Contamination Policy

Date this document was adopted

non-legislative

PURPOSE

The Site Contamination Policy (the Policy) and the associated Site Contamination Operating Guidelines (the Operating Guidelines) will assist the City of Adelaide, in understanding legislative and regulatory obligations relating to site contamination. Additionally, relevant national and state guidance will be referenced where appropriate to ensure comprehensive understanding and compliance.

The Policy clarifies the role of the City of Adelaide, the South Australian Environment Protection Authority (the EPA), site contamination practitioners and other statutory bodies in the identification, investigation and remediation of site contamination in the City of Adelaide.

The South Australian Environment Protection Authority (EPA) has its own guidance to assist private landowners, developers and the general community in managing site contamination, which this policy aligns with.

STATEMENT

Scope

The Policy applies to contamination present on or below the surface of land in the City of Adelaide local government area, where the City of Adelaide (CoA) is a landowner or custodian, lessee or licensee of land, or a statutory authority under the *Planning, Development and Infrastructure Act 2016* (SA).

The Policy does not relate to hazardous materials present in buildings and structures but may include the presence of remnant building materials, including but not limited to, asbestos within soils and the natural environment.

The Policy provides a framework to mitigate, remediate or manage site contamination (as defined in Section 5B of the *Environment Protection Act 1993 (the EP Act)* (SA)) that poses a risk to human health and the health of natural environmental systems on property that is:

- Owned by CoA - where CoA owns, occupies and manages land, including land where CoA is the landlord
- Controlled by CoA – including dedicated Crown land and other land for which the CoA is custodian, occupier, user, lessee or license
- Private land – where the development of land (by application) or statutory land-use planning (by process) triggers a change of use that may invoke consideration of site contamination.

Policy Objectives

The Policy sets objectives and requirements to assist CoA in minimising its risk and developing a culture of best practice in preventing, managing, and monitoring site contamination.

The objectives of the Policy are:

- To protect public health and the natural environment from land subject to potentially contaminating activities or known site contamination.
- To achieve compliance with the requirements of all relevant legislation.
- To prevent contamination occurring on public or private land or in groundwater or water bodies within the CoA local government area.
- To effectively manage the CoA's risks associated with site contamination.
- To ensure site contamination is considered early in decision-making, design and development processes so that sites are suitable for their intended use.
- To ensure all stages of site contamination management (investigation, assessment, remediation and auditing) are undertaken by appropriately qualified professionals.
- To enable CoA to fulfil its responsibilities regarding the consideration of applications for rezoning, development, and building activities.
- To provide accurate information in response to requests for information pursuant to Section 7 of the *Land and Business (Sale and Conveyancing) Act 1994 (SA)*.
- To provide consistent, truthful, reliable and accessible information to the community (including private landowners, development proponents, occupiers and users of CoA land) regarding the legacy of site contamination, legislative requirements, remediation activity and land-use planning processes for public and private land.
- To ensure due diligence is undertaken regarding the presence or potential presence of site contamination in relation to any development of land involving the CoA and land to be acquired, vested in, or placed under the care, control, and management of the CoA.

The following requirements are to be applied generally.

Legislative Requirements

General environmental duty (GED) under section 25 of the EP Act requires that a person takes all reasonable and practicable measures to prevent or minimise environmental harm.

CoA commits to review, manage and implement practices to comply with the requirements of relevant legislation.

CoA will inform owners and occupiers of private land of their legislative requirements in relation to site contamination to encourage owners and occupiers of land to comply with their legislative requirements.

Without limiting the scope of the above, CoA will comply with its obligations under Sections 83 and 83A of the *Environment Protection Act 1993 (SA)* to report any relevant environmental incidents or harm to groundwater to the Environment Protection Authority (EPA).

CoA will comply with its obligations under the *Planning, Development and Infrastructure Act 2016 (SA)* when:

- Developing land
- Changing land use.

CoA will comply with its obligations under the *Land and Business (Sale and Conveyancing) Act 1994 (SA)* and *Land and Business (Sale and Conveyancing) Regulations 2010 (SA)* when:

- Selling land that is owned by CoA
- Responding to any request from the vendor of land within the CoA local government area.

CoA will ensure that appropriate practices and procedures of internal control and risk management are in place for the management of site contamination, including risk identification, assessment and implementation of controls.

Prevention

In accordance with s25 of the EP Act CoA will implement procedures and practices to prevent or minimise the actual contamination of land or water or environmental harm from works undertaken by CoA and its contractors.

Management and Remediation

CoA commits to implementing practices to manage or remediate (as defined by EP Act) risks to human health, the natural environment and the Corporation arising from legacy contamination or where a change in land use triggers site contamination provisions under the *Environment Protection Act 1993 (SA)*.

CoA commits to engaging suitably qualified professionals in the assessment, remediation and auditing of land identified as contaminated.

Wherever practicable, CoA commits to adopting environmentally sustainable practices when managing and remediating site contamination.

Purchase, Transfer and Divestment of Ownership of Land and Leasing or Occupying Land

To the extent that it is legally able to do so (in accordance with s103C, s103D and s103E of the EP Act), CoA will not purchase or accept responsibility for; sell, dispose of or divest; enter a lease as lessee or occupy any land:

- Which is contaminated or is reasonably suspected to be contaminated
- Where an activity has occurred which may have caused site contamination on the land
- Which has been subject to any activity to remediate known or suspected site contamination.

Unless:

- Legislative, environmental and human health risks can be established to an extent satisfactory to CoA and full disclosure is made and an acceptably prudent transfer of financial and environmental risks can be established.

Or

- Site management and remediation costs and risks (if any) are accepted by the vendor or a third party, or some other legally binding arrangement is entered into that will remediate or limit any risk to CoA to a satisfactory degree.
- For leases as lessees or occupiers of land only, CoA may choose to undertake a condition assessment (or more formal dilapidation survey) of the land at the commencement and termination dates of a lease.

Environmental Site History Register

CoA has developed an Environmental Site History Register which contains information including environmental site history information for parcels of land where legacy contamination exists, potentially contaminating activities have occurred, or site contamination management practices have been undertaken.

CoA will provide correct and required documentation or information to the EPA for the purposes of the Public Register (as required under Section 109 (i) of the *Environment Protection Act 1993* (SA)).

CoA will provide access to documents and information relating to a site's history, including private land, in compliance with the *Freedom of Information Act 1991* (SA).

CoA may disclose documents and information relating to the history of a site where, in doing so, it assists in the identification, assessment and remediation of site contamination on that site.

CoA will manage the collection, use, storage and disclosure of any known information relating to site contamination on public and private land and historical land uses in accordance with the CoA Privacy Policy.

Records related to site history will be maintained in accordance with the *State Record Act 1997* (SA), ensuring their preservation for the necessary duration to meet legal and operational requirements.

Risk Management

CoA will ensure that appropriate practices and procedures of internal control and risk management are in place for its management of site contamination including risk identification, assessment and implementation of controls.

CoA is committed to environmentally responsible practices within the Adelaide Park Lands. CoA will prioritise the removal of contamination to an appropriate and legal offsite waste disposal location and avoid capping/landscaping of contamination within the Adelaide Park Lands where practicable.

Development assessment and change of land use

CoA addresses any obligations of site contamination in the performance of its functions under the Planning, Development and Infrastructure Act 2016 (SA) and Planning and Design Code.

Roles and Responsibilities

The Chief Executive Officer has ultimate responsibility for site management across the local government area in accordance with the Policy.

The Director, City Shaping has responsibility for reviewing the Policy and Operating Guidelines.

The Director, City Services has responsibility for the development of appropriate management practices, ownership of the Environmental Site History Register and a proactive culture to manage site contamination across the CoA through embedding Policy and Operating Guidelines.

Associate Directors and the Chief Operating Officer are responsible for:

- Implementing the Policy.
- Managing land owned by CoA in accordance with legislative requirements regarding site contamination.
- Protecting the health and safety of employees, contractors and the community at sites where contamination exists, as far as is reasonably practicable.
- Prudent and diligent land-use planning across the CoA.
- Providing documentation and information to the EPA for inclusion on the Public Register (as per the requirements of section 109 (i) of the Environment Protection Act 1993 (SA)).

The Infrastructure and Public Works Committee is responsible for considering matters relating to site contamination on CoA owned land.

Relevant members of the Administration are responsible for keeping the Environmental Site History Register current and record keeping of associated documentation.

Relevant members of the Administration need to be alert to the detection of actual or potential contamination issues prior to any work or activity commencing on any land owned, occupied or managed by CoA.

The role of the EPA is to:

- Administer the *Environment Protection Act 1993* (SA) and its Regulations.
- Develop Environment Protection Policies and associated Codes of Practice or Standards.
- Develop Guidelines in relation to the assessment and remediation of site contamination.
- Record information on the Public Register (as per section 109 of the *Environment Protection Act 1993* (SA)).

-
- Provide a response to development applications referred via the *Planning, Development and Infrastructure Act 2016 (SA)*.
 - Contribute to Form 1 statements under the *Land and Business (Sale and Conveyancing) Act 1994 (SA)*.
 - Ensure that investigations are consistent with the risk-based *National Environment Protection (Assessment of Site Contamination) Measures 1999 (NEPM)*.

The *Environment Protection Act 1993 (SA)* contains specific provisions in relation to site contamination including:

- Section 5B - Definition of site contamination.
- Section 83A - Notification of site contamination of underground water.
- Part 10A - Special provisions and enforcement powers for site contamination.
- Section 109 - Public register.

The role of the State Planning Commission (the Commission) is to:

- Safeguard community health by providing a consistent state-wide planning approach to site contamination assessment.
- Specify *site contamination assessment steps that must be taken when a change to more sensitive land use is proposed (including an application for land division)*.

Policy Restrictions / Limitations

The Policy does not take precedence over statutory responsibilities assumed by the State Government, CoA or the Administration.

At times there will be matters not able to be dealt with by this Policy. These matters will either be referred to the EPA for decision or advice, or legal advice will be sought.

Monitoring and Implementation

The Associate Director, Park Lands, Policy and Sustainability is responsible for the review of the Policy and will report on the outcome of the review and make recommendations for amendment, alteration or substitution of a new Policy as necessary.

The Associate Director, Infrastructure; Associate Director, City Operations and Chief Operating Officer are responsible for the implementation and embedding of the Policy into standard work practice within relevant programs and will report on the outcome and make recommendations for amendment, alteration or substitution of standard work practices as necessary.

Measures of success

Where land is developed for more sensitive use (including land division), all reasonable and practicable measure to prevent or minimise environmental harm is undertaken. CoA project briefs, job specifications or works orders include direction regarding site contamination risks and appropriate management processes.

The Policy is supported by Operating Guidelines that are adopted into standard work practices within relevant programs across CoA.

The risks regarding site contamination are well established prior to the acquisition, transfer or divestment of CoA owned or managed land.

OTHER USEFUL DOCUMENTS

Related documents

- Site Contamination Operating Guidelines
- Geotechnical and Soil Waste Classification Guidelines
- Acquisition and Disposal of Land and Assets Policy
- Adelaide Park Lands Management Strategy
- Asset Management Plan – Park Lands and Open Space
- Asset Management Policy
- Community Land Management Plans
- Emergency Management Plans
- Emergency Management Procedure
- Enterprise Risk Management Framework
- Management of Asbestos Procedure
- Privacy Policy
- Work Health and Safety and Return to Work Policy

Relevant legislation

- Crown Land Management Act 2009 (SA)
- Environment Protection Act 1993 (SA)
- Environment Protection Regulations 2023 (SA)
- Freedom of Information Act 1991 (SA)
- Local Government Act 1999 (SA)
- Landscape South Australia Act 2019 (SA)
- Land and Business (Sale and Conveyancing) Act 1994 (SA)
- Land and Business (Sale and Conveyancing) Regulations 2010 (SA)
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 (Commonwealth)
- Planning, Development and Infrastructure Act 2016 (SA)
- South Australian Public Health Act 2011 (SA)
- Work Health and Safety Act 2012 (SA)

5

GLOSSARY

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

Contaminated Site

Section 5B of the *Environment Protection Act 1993 (the EP Act)* (SA) defines site contamination in the following terms:

5B—Site contamination

For the purposes of this Act, **site contamination** exists at a site if—

- (a) chemical substances are present on or below the surface of the site in concentrations above the background concentrations (if any); and
- (b) the chemical substances have, at least in part, come to be present there as a result of an activity at the site or elsewhere; and
- (c) the presence of the chemical substances in those concentrations has resulted in—
 - (i) actual or potential harm to the health or safety of human beings that is not trivial, taking into account current or proposed land uses; or
 - (ii) actual or potential harm to water that is not trivial; or
 - (iii) other actual or potential environmental harm that is not trivial, taking into account current or proposed land uses.

City of Adelaide or CoA: City of Adelaide within the meaning of the *Local Government Act 1999* (SA).

EPA: South Australian Environment Protection Authority

General Environmental Duty: General environmental duty requires a person to not undertake an activity which pollutes the environment unless that person takes all reasonable and practicable measures to prevent or minimise environmental harm.

The Commission: the State Planning Commission

NEPM: *National Environment Protection (Assessment of Site Contamination) Measure 1999* - the national guiding document in relation to the assessment of site contamination. The NEPM contains the following Schedules:

- Schedule A: a flow chart that outlines the recommended process for the assessment of site contamination; and
- Schedule B: provides guidelines for the assessment of site contamination.

Operating Guidelines: Site Contamination Operating Guidelines as approved by the City of Adelaide's Chief Executive Officer.

Remediate: as defined in section 3 of the *Environment Protection Act 1993* (SA):

"Remediate a site means treat, contain, remove or manage chemical substances on or below the surface of the site so as to—

- (a) eliminate or prevent actual or potential harm to the health or safety of human beings that is not trivial, taking into account current or proposed land uses; and
- (b) eliminate or prevent, as far as reasonably practicable—
 - (i) actual or potential harm to water that is not trivial; and
 - (ii) any other actual or potential environmental harm that is not trivial, taking into account current or proposed land uses,and remediation has a corresponding meaning..."

ADMINISTRATIVE

As part of the 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 five years unless legislative or operational change occurs beforehand.

The next review is required in September 2029.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits
ACC2011/144976	Council	11 June 2013	
ACC2017/170658	ELT	27 June 2017	
ACC2024/82972	Council		

Contact:

For further information contact the Park Lands, Policy and Sustainability Program

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

Code of Practice for Meeting Procedures Review

Strategic Alignment - Our Corporation

Public

Tuesday, 17 September 2024
City Finance and Governance Committee

Program Contact:
Kathryn Goldy, Acting Manager
Governance

Approving Officer:
Anthony Spartalis, Chief
Operating Officer

EXECUTIVE SUMMARY

At its meeting on 22 August 2023, Council resolved to adopt its current Code of Practice for Meeting Procedures (COP). The COP is supported by section 6 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) and is to be reviewed annually.

The COP has been reviewed in conjunction with the Terms of Reference for the Core Committees. Several areas of improvement have been identified and it is recommended that Council adopt a separate Code of Practice for Meeting Procedures specific to Council Meetings and that Core Committee meetings have their own Terms of Reference and Meeting Procedure document, creating a regulatory delineation between a meeting of Council and a meeting of a Core Committee. This separation reflects our current governance practices and is intended to provide clarity regarding the roles, responsibilities, operation and purpose of both Council and Core Committees for all stakeholders including Council Members, Administration and members of the public.

RECOMMENDATION

The following recommendation will be presented to Council on 24 September 2024 for consideration

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

1. Adopts the Code of Practice for Meeting Procedures as contained in Attachment A to Item 7.3 on the Agenda of the City Finance and Governance Committee held on 17 September 2024.
 2. Authorises the Chief Executive Officer to make any typographical or syntactical updates as required to finalise the Code of Practice for Meeting Procedures as contained in Attachment A to Item 7.3 on the Agenda for the City Finance and Governance Committee held on 17 September 2024.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
Policy	<u>Code of Practice for Meeting Procedures (Link 1)</u>
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	<u>Local Government Act 1999 (SA)</u> <u>Local Government (Procedures at Meetings) Regulations 2013</u>
Opportunities	Not as a result of this report
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. At its meeting on 22 August 2023 Council resolved (in part) that Council:

‘Adopts the Code of Practice for Meeting Procedures, as contained in Attachment A to Item 4.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 15 August 2023.’
2. Under section 6(2) of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations) any adopted Code of Practice of Meeting Procedures (COP) is to be reviewed on an annual basis.
3. Meetings of Council must adhere to the formal provisions under Part 2 of the Regulations, specifically: discretionary procedures, commencement time of meetings, quorum, minutes, questions, motions (including amendments and variations) petitions, deputations, voting, divisions, tabling of information, adjourned business, suspensions of proceedings and tabling of information.

Review

4. A comprehensive review of the current COP has been undertaken and areas of improvement have been identified.
5. It is recommended that Council adopt a separate COP specific to Council Meetings and that Council adopts separate Terms of Reference and Meeting Procedure document for the meetings of Core Committees.
6. This separation creates a regulatory delineation between a meeting of Council and a meeting of a Core Committee, enabling the formal requirements of a Council Meeting to be adhered to and allowing Core Committees to engage in robust and informal discussion prior to making recommendations to Council.
7. The Core Committee Terms of Reference and Meeting Procedures have also been revised and are reported separately to this review.
8. The material amendments to the COP include the removal of any provisions for and references to Committee Meetings and the inclusion of provisions in relation to the start times of Special Meetings of Council.
9. A table outlining the proposed amendments to the COP is set out below:

Current COP	Proposed Amendments and inclusions
General updates	<ul style="list-style-type: none"> • Revised to focus on meetings of Council • Inclusion of mandatory meeting regulations varied (discretionary procedure). • Removal of Core Committee information which has been included in a separate Terms of Reference. • Inclusion of paragraph numbering. • Inclusion of mandatory legislative requirements from both the Act and Meeting Regulations. • Summary of legislative requirement, wherever possible with use of plain language. • Inclusion of procedure, practice or protocol that supports meeting documentation preparation and publication, Council Member & public contribution to a meeting and conduct in a meeting. • Inclusion of a legislative identifier reference column.
Part 1 - Guiding Principles	<ul style="list-style-type: none"> • Expanded to reference and identify legislative requirements to be observed. • Revised to identify purpose of a Code of Practice. • Identify the operation of meeting regulations able to be varied by Council (discretionary procedures).
Nil - New Part	<p>Part 3 – Behaviours</p> <ul style="list-style-type: none"> • Expanded to include behavioural standards adopted by Council in the Council Member Behavioural Support Policy.

	Identify Presiding Member options and consequence in event behavioural requirements not met by a Council Member or a member of the public.
Part 3 – Before the Meeting	<p>Structural change – split into 2 parts:</p> <p>Part 4 – Meetings</p> <ul style="list-style-type: none"> • Overview of Council & Council Committee governance structure. • Inclusion of Information and Briefing session provisions. • Identified frequency of meetings. <p>Part 5 – Before the Meeting</p> <ul style="list-style-type: none"> • Publication requirements expanded upon. • Developing the Agenda expanded to identify actions for members of the public and Council Members when wishing to contribute to an Agenda (ie Deputation, Petition, Question on Notice, Motion on Notice). • Includes discretionary procedure – Petition - Meeting Regulation 10 (operation of meeting regulation varied by Council). • Consideration in confidence provisions identified. • Attendance at Meetings information. • Identifying conflict of interest considerations for both Council Members and staff.
Part 4 – At the Meeting	<p>Part 6 - At the Meeting</p> <ul style="list-style-type: none"> • Information expanded upon and restructured. • Includes discretionary procedure – Adjourned Business – Regulation 19 (operation of meeting regulation varied by Council) at 164. • Includes discretionary procedure – Addresses by Members – Regulation 15 (operation of meeting regulation varied by Council) at 182, 201 and 202. • Voting & decision-making process expanded for ease of understanding the process. • Includes discretionary procedure – Divisions – Regulation 17 (operation of meeting regulation varied by Council) at 193. • Includes discretionary procedure – Motions – Regulation 12 (operation of meeting regulation varied by Council) at 198 and 227. • Agenda structure – purpose of items on the agenda described and instructional information • Point of Order process included • Motions, Amendments and Variations in decision making process described. • Provisions to manage interruptions or improper/disorderly behaviour expanded and role of Presiding Member or meeting in response. • Provisions for revoking or amending a Council decision incorporated. • Includes discretionary procedure – CEO submitting a report to revoke – Regulation 21 (operation of meeting regulation varied by Council) at 267.
Part 5 – After the Meeting	<p>Part 7 – After the Meeting</p> <ul style="list-style-type: none"> • Updated to expand upon Minutes processes.

	<ul style="list-style-type: none"> • Inclusion of a decision of Council that the Office of the Lord Mayor will write to thank Deputation Speakers. • Inclusion of live streaming information
Part 6 – Other Matters	Part 8 – Other Matters <ul style="list-style-type: none"> • Special meetings information expanded on • Inclusion of provision that where practicable, special meetings of Council and Committee, CEO Briefings and Council Member Training Sessions will not be held prior to 5:00pm. • Code of Practice – Discretionary Procedures identified for ease of reference.
Review	Part 9 – Review <ul style="list-style-type: none"> • The operation of a variation to meeting regulation (discretionary provision) identified.

Undertaking – Start time of Meetings

10. In response to the Chief Executive Officer (CEO) undertaking provided at the meeting of Council on 23 July 2024 regarding a 5:30pm start time of any meeting, the following considerations are set out:

Council Meetings

- 10.1. Under section 81 (6) of the *Local Government Act 1999* (SA) (the Act) ordinary meetings of Council must not start before 5pm, unless the Council resolves otherwise by a resolution which is supported unanimously by all members of the council.
- 10.1.1. On 17 January 2023 Council resolved to hold all ordinary meetings of Council at 5:30pm.
- 10.2. Under section 82 (3) of the Act, special meetings of Council may be held at any time.
- 10.2.1. The intention of this section is to enable Council to meet and consider urgent business at a time and place suitable for the circumstances.

Committee Meetings

- 10.3. Section 87 (1) of the Act, states:
- ‘Ordinary meetings of a council committee will be held at times and places appointed by the council, or subject to a decision of the council, the council committee.’*
- 10.4. Section 87 (2) of the Act states:
- ‘A council or council committee must, in appointing a time for the holding of an ordinary meeting of a council committee, take into account—*
- (a) the availability and convenience of members of the committee; and*
- (b) the nature and purpose of the committee.’*
- 10.5. At the Council Meeting on 26 March 2024, Council resolved in relation to the four core committees that:
- 10.5.1. the City Community Services and Culture, and City Planning, Development and Business Affairs committees would be held on the first Tuesday of the month starting at 5.30pm and 7pm, respectively; and
- 10.5.2. the City Finance and Governance, and Infrastructure and Public Works committees will be held on the third Tuesday of the month starting at 5.30pm and 7pm respectively
- 10.6. Under section 87 (6) of the Act, special meetings of a council Committee may be held at any time.
- 10.6.1. The intention of this section is to enable Committees to be able to meet to consider urgent business at a time and place suitable for the circumstance.
- 10.7. As per the above legislation, Special Council and Committee meetings can be called at any time and therefore any decision of Council to only hold Special Council or Committee meetings at a specific time will be superseded by the Act and subsequent Regulations.

Information and Briefing Sessions (CEO Briefing) and Council Member Training Sessions

- 10.8. Under section 90A of the Act, Information or CEO Briefing sessions, can be called by the CEO who also may determine the time and place;
 - 10.8.1. CEO Briefings are typically held at a time immediately prior to an ordinary meeting of Council or Committee for the convenience of Council and Committee members wishing to attend the briefing.
- 10.9. Attendance at CEO Briefings is not compulsory nor recorded.
- 10.10. Should Council Members prefer for the remainder of this term to hold CEO Briefings and Council Member Training Sessions after 5:30pm on a Tuesday night, then a motion rescinding Council’s 26 March 2024 decision will be required to facilitate later start times for Council and Committee meetings.
- 10.11. Should Council Members prefer to hold CEO Briefings and Council Member Training Sessions on an alternate time or day of the week the following will need to be considered:
 - 10.11.1. Time and availability implications for Council Members, external facilitators and any staff required.
 - 10.11.2. Frequency of CEO Briefings and alignment with items to be considered at Committees and Council Meetings
 - 10.11.3. No provision under the Act for Council to determine time or place of CEO Briefings called by the CEO.

Proposed amendments

- 10.12. Noting that the CEO in consultation with the Presiding Member of a Council or Committee has delegated authority as per the decision of Council 28 November 2023 to amend the start time of a Council or Committee Meeting, section 8, paragraph 278 of the proposed document has been amended to state that where practicable, the CEO will endeavour to ensure that special meetings of Council and Committee, CEO Briefings and Council Member Training Sessions will not be held prior to 5:00pm, taking into consideration the following:
 - 10.12.1. Urgency of business
 - 10.12.2. Expected length of meeting
 - 10.12.3. Quorum requirements and availability of Council Members.

Next Steps

- 11. Should Council adopt the draft COP, the updated COP will be in effect for Council Meetings from 24 September 2024.

DATA AND SUPPORTING INFORMATION

[Link 1 - Code of Practice for Meeting Procedures](#) (Current)

ATTACHMENTS

Attachment A – Draft Council Code of Practice for Meeting Procedures

- END OF REPORT -

DRAFT
**CODE OF PRACTICE
FOR COUNCIL MEETING PROCEDURES**

2024

Legislative



ACKNOWLEDGEMENT OF COUNTRY

The City of Adelaide acknowledges that we are located on the traditional Country of the Kurna 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 acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

DRAFT

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1. GUIDING PRINCIPLES

1. Prescribed procedures in a meeting of a Council that must be observed are detailed in *the Local Government Act 1999 (SA)* (the Act) and *Local Government (Procedures at Meetings) Regulations 2013 (SA)* (the Meeting Regulations).
2. Procedures within the:
 - *Local Government Act 1999 (SA)*
 - Parts 1, 2 & 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*
 - *Local Government (General) Regulations 2013 (SA)*
 - Behavioural Standards for Council Members

have informed the drafting of this Code of Practice for Council Meeting Procedures (this/the Code).
3. This Code includes any Council prescribed procedure, is in plain language and is a summary of the legislation wherever possible. The following references to the right of text identify legislative requirements:
 - s - A section within the *Local Government Act 1999 (SA)* (the Act)
 - r – A meeting regulation within the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*
 - rv– A meeting regulation varied (discretionary procedure) by the City of Adelaide
 - rg - A Regulation within *the Local Government (General) Regulations 2013 (SA)*
4. The Council has developed this Code, to vary certain prescribed procedures capable of being varied by Council (discretionary procedures) and identify practices or protocols that support meeting procedures.
The operation of the following mandatory regulations that may be varied and the regulation Council has resolved to vary are [shown in blue below](#):
 - Petitions - Regulation [10 \(2\)](#)
 - Motions - Regulation [12 \(9\)](#), [12 \(10\)](#), [12 \(11\)](#)
 - Amendments to motions - Regulation [13 \(1\)](#), [13 \(3\)](#), [13 \(4\)](#) and [13 \(5\)](#)
 - Addresses by Members – Regulation [15 \(1\)](#), [15 \(2\)](#)
 - Voting - Regulation [16 \(3\)](#)
 - Divisions - Regulation [17 \(3\)](#)
 - Adjourned Business – Regulation [19](#), [19 \(1\)](#), [19\(2\)](#), [19\(3\)](#)
 - Chief Executive Officer may submit report recommending revocation or amendment of council decision- Regulation [21 \(1\)](#), [21 \(2\)](#).
5. Where a procedure is not prescribed, Council can determine its own procedure provided it is not inconsistent with the Act or Regulations.
6. This Code is drafted to support the Guiding Principles that the procedures to be observed at meetings of Council:
 - contribute to open, transparent, and informed decision making.
 - encourage appropriate public participation in the affairs of the Council.
 - reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.
 - be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

s86(8)
r5

r6

s86(8)

r4

2. SCOPE

7. This Code is written for the information of the public, Council Members and staff of the City of Adelaide.
8. The Code applies to:
 - Ordinary and Special Council meetings
9. The Code of Practice for Council Meeting Procedures:
 - provides a plain language summary where possible of the formal requirements of the Act and the Meeting Regulations.
 - variations to the prescribed meeting procedures which have been adopted by Council are included in **blue text** to apply in substitution for or in conjunction with the formal requirements of the Meeting Regulations.
 - incorporates practices or protocols that support meeting procedures.
10. As recommended by the regulations, Governance will review the operation of this Code annually.

r6

r6(2)

3. BEHAVIOURS

11. Council Members are required to observe the Behavioural Standards as determined by the Minister. The Behavioural Standards published in the Government Gazette 22 November 2022 are a public declaration of the principles of good conduct and standards of behaviour that the Lord Mayor and Members of Council are expected to demonstrate in the performance of their responsibilities as elected community representatives and within decision making forums.

s75E

Behavioural Standards

12. Council has adopted a Council Member Behavioural Support Policy, within which Council Members have also committed to the following values and supporting behaviours:
 - Value & Respect – We engage with each other respectfully in robust debate. We listen to others' views and speak to the issue and not the person/s.
 - Optimism – We are positive, constructive and creative in our problem solving. We are open-minded and are willing to learn from each other and from staff input.
 - Integrity – We are well prepared and stay focused on agreed strategic priorities. We uphold decisions of Council. Where it is not a unanimous decision, we respectfully communicate the decision to others.
 - Connected – We ensure we provide a safe, supportive environment where people thrive, are listened to and communication is open and transparent.
 - Excellence – We value leading toward clear strategic and inspiring goals and implement outcomes that benefit the community as a whole.
 - Accountability – We value accepting responsibility for our actions
13. A Presiding Member may determine to exclude a Council Member from a meeting room for a period of up to 15 minutes in the event of:
 - an improper or disorderly manner or
 - behaviour that causes interruption to the meeting or a person speaking.
14. If a Presiding Member considers that a Council Member has behaved improperly, disorderly, or is causing interruption or interrupts another who is speaking, the meeting will consider the matter and the remaining Council Members may resolve to censure or suspend the Council Member for a part or the remainder of the meeting.

s75F

s86(6b)
r28A

r29

Members of the Public

15. Public access to meetings underpins a key aim of the Act for transparency and accountability of Council decision making. s90
16. Any person attending a meeting of Council is required to: s95
r30
- not intentionally obstruct or hinder proceedings
 - not behave in a disorderly manner
 - not disrupt or interrupt the meeting
 - be respectful in their language and behaviour
 - reserve discussion and conversation for before or after the meeting
 - observe the protocol for electronic devices to be switched off or switched to silent
 - limit the number of distracting activities.
17. The Presiding Member may remind any person attending a meeting of Council (as a participant or an observer) of the expectation of behaviour standards at the beginning of the meeting or during the meeting.
18. The Presiding Member may request any participant or observer to not behave or not continue to behave in a disorderly or disruptive manner.
19. In the event that a participant or person attending a meeting refuses the request of a Presiding Member, that person may be escorted from the meeting or the meeting may be adjourned.
20. A member of the public who behaves in a disorderly manner or causes interruption at a meeting may incur a maximum penalty of \$500. r30

4. MEETINGS**Council and Council Committees**

21. All meetings of Council, Council Committee and Information or briefing sessions (focused on a matter to be presented to meeting of Council or Council Committee) are open to the public. s90(1)
s90A(3)
22. The public may be excluded from attendance at part of a meeting if the meeting determines that the receipt, discussion and consideration in confidence is necessary and appropriate. s90(2)
23. An up-to-date schedule of dates, times and places set for ordinary meetings of the following meeting forums: sch5
- Council
 - City Community Services and Culture Committee (Core Committee)
 - City Finance and Governance Committee (Core Committee)
 - City Planning, Development and Business Affairs Committee (Core Committee)
 - Infrastructure and Public Works Committee (Core Committee)
 - Reconciliation Committee
 - Audit and Risk Committee
 - CEO Performance Review Panel
 - Chief Executive Officer Selection Panel
- can be found on www.cityofadelaide.com.au
24. Special meetings of Council may be held at any time, the date, time and place will be published on www.cityofadelaide.com.au s82

Information or briefing session

25. The Council or the Chief Executive Officer may hold an information or briefing session. This session is not a formal meeting and will not indicate a collective view or make decisions. s90A(1)
s90A(2)
26. An Information or briefing session may be closed to the public if the Council or Chief Executive Officer considers it to be necessary and appropriate for the receipt, discussion, and consideration of a matter in confidence. s90A(4)
27. Information or briefing sessions convened by the Chief Executive Officer will generally be held in the Colonel Light Room, Town Hall, King William Street, Adelaide, or at a place open to the public unless the discussion is one that the Council or the Chief Executive Officer has declared may be held in confidence. s90A(3)
28. An information or briefing session does not require an agenda.
29. The place, date and time, the matter discussed and whether the information or briefing session was open to the public will also be made available on the Council's website. If the session was closed to the public, the reasoning for consideration in confidence will also be identified. S90A(7)
rg8AB

Frequency, Times, and Locations of Meetings

30. The City of Adelaide has determined that:
- Ordinary meetings of Council will be held twice in each calendar month (except January and December) on the 2nd and 4th Tuesday commencing at 5.30pm. s81(1)
 - Ordinary meetings of the four Core Committees, each making recommendations to Council for determination will generally meet once per calendar month (except January and December) on either the first or third Tuesday as follows: s87(1)
 - City Community Services and Culture Committee (1st at 5.30pm).
 - City Finance and Governance Committee (3rd at 5.30pm).
 - City Planning, Development and Business Affairs Committee (1st at 7.00pm).
 - Infrastructure and Public Works Committee (3rd at 7.00pm).
- *Note – One ordinary meeting of Council will be held in January and December
- The Audit and Risk Committee meets at least six times a year, with ordinary meetings generally held on a Friday at 8.30am.
 - The Reconciliation Committee meets quarterly, with ordinary meetings generally held on a Wednesday at 2.30pm.
 - The CEO Performance Review Panel and Chief Executive Officer Selection Panel meet as and when required.
31. Ordinary meetings of Council will be held in the Council Chamber, Town Hall, King William Street, Adelaide, unless determined otherwise by Council. s81(1)
- Ordinary meetings cannot be held on Sundays or on public holidays. s81(5)
- Ordinary meetings may not be held before 5pm unless Council resolves otherwise by a resolution supported unanimously by all members of the Council. s81(6)
32. Ordinary meetings of Council Committee will be held in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless otherwise determined by Council or the Chief Executive Officer. s87(1)

33. All special meetings of Council and Council Committee will take place in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless determined otherwise by the Council, or the Chief Executive Officer (subject to any prevailing decision of the Council).
34. Core Committees and other Council Committees meet and attend to business in accordance with their respective Terms of Reference. s41(8)

5. BEFORE THE COUNCIL MEETING

Public Notice of Council Meeting and Agenda

35. Notice to the public of the times and places of all Council meetings will be published on www.cityofadelaide.com.au s84(1)
36. Public notice with an Agenda will be displayed at 25 Pirie Street, Adelaide until the completion of the relevant meeting. s84(1a)
s132(1a)
37. An Agenda is the list of items of business to be considered at a meeting. s4(1)
38. The agenda for every meeting will identify any items of business and the basis for any matter recommended to be received, discussed and considered in confidence. s83(5)
39. The Notice of meeting and agenda for an ordinary Council meeting will be distributed to Council Members and published on the Council website by Friday 12:00 pm of the week before the meeting. s84
s88
40. Public notice for an ordinary meeting of the Council will be at least 3 days before the meeting. s84(2)
41. One hard copy of the agenda for all Council meetings, including reports or workshop/discussion items and excluding any items recommended to be received and discussed in confidence, will be displayed at 25 Pirie Street, Adelaide until completion of the relevant meeting and made accessible to the public via, the City of Adelaide website at www.cityofadelaide.com.au. s84(5)
s84(6)
s84(3)
42. If the nature of a matter requires that it remains confidential, the matter will be marked 'Confidential' by the Chief Executive Officer in agendas, reports and any other meeting papers dealing with the matter prior to distribution to meeting participants.
43. Public notice with an agenda for a special meeting of the Council will, wherever possible, be published with at least 24 hours' notice of the meeting or as soon as practicable after the time that notice of the special meeting is given to Council Members. s84(2)(b)

Council Member Notice of Council Meeting and Agenda

44. A notice of meeting setting out the date, time, place of meeting and accompanied by the agenda with reports for an ordinary meeting of Council will be distributed to Council Members and published on the Council website by Friday 12:00 pm of the week before the meeting. s83(3)
s83(4)
45. A notice of meeting and agenda with reports for an ordinary meeting of the Council will be distributed at least 3 days before the meeting. s83(1)
46. Noting the minimum notice to be given of four hours prior to a special meeting, an agenda with reports for a special meeting will, wherever possible, be distributed with at least 24 hours' notice of the meeting. s83(2)
47. If the nature of a matter requires that it remains confidential, the matter will be marked 'Confidential' by the Chief Executive in agendas, reports and any other meeting papers dealing with the matter prior to distribution to Council Members. s83(5)

48. A person receiving a meeting paper marked 'Confidential' must not provide that paper to any other person or discuss or disseminate information in that paper unless the meeting has resolved that the matter is not treated confidentially

Council Meeting Agenda Structure

49. The Chief Executive Officer may change the structure of the agenda at any time.
50. The Presiding Member with the consent of the meeting may change the order of consideration of an item listed on the agenda.
51. Agenda structures for Ordinary and Special Meetings of the Council are provided below.

Ordinary Council Meeting Agenda:

1. Acknowledgement of Country
2. Acknowledgement of Colonel William Light
3. Prayer
4. Pledge
5. Memorial silence
6. Apologies and Leave of Absence
7. Confirmation of Minutes
8. Declaration of Conflict of Interest
9. Deputations
10. Petitions
11. Recommendation/Advice from Committee/s and Advice from Kadaltilla (if required)
12. Reports for Council (Chief Executive Officer Reports)
13. Lord Mayor's Report
14. Councillors' Reports (including external representative reports) (Monthly)
15. Motions on Notice
16. Motions without notice
17. Questions on Notice
18. Questions without Notice
19. Exclusion of the public (if required) *
20. Confidential Reports (if required) *
21. Closure

*Note - Items 19 and 20 will only be listed on the agenda when an Item is presented with a request for consideration in a meeting closed to the public

Special Council Meeting Agenda

1. Acknowledgement of Country
2. Apologies and Leave of Absence
3. Declaration of Conflict of Interest
4. Deputations (must relate to the purpose of the special meeting)
5. Reports for Council (Chief Executive Officer Reports) (or purpose of the special meeting)
6. Closure

*Note – An item to exclude the public will only be listed on the agenda when an Item is presented with a request for consideration in a meeting closed to the public

s83(4)

Developing the Council Agenda

- 52. The Chief Executive Officer is responsible for Agenda development and publication for Council meetings. s83(4)
- 53. The Chief Executive Officer may change the structure of the agenda at any time.
- 54. The public may contribute to an agenda with the presentation of a petition or via a request to speak as a deputation r10
r11
- 55. A Council Member may contribute to an agenda through the presentation of business via a Motion on Notice or Question on Notice. r9
r12
- 56. To enable effective decision-making at the meetings of Council, Council Members must commit to reading agendas in advance of the meetings and addressing any questions or concerns about the content to the relevant Director or to the Chief Executive Officer.

Contribution to Council Agenda by a member of the public

Petition r10

- 57. The public can communicate with Council in a meeting by presenting a petition.
- 58. A petition to the Council must: r10(1)
 - 1. identify a head petitioner and the contact details of that person
 - 2. be legible
 - 3. set out the request or submission of the petitioners
 - 4. include the name and address of each person who signed the petition
 - 5. be addressed to the Council and delivered to the principal office of the Council. Council will accept Electronic Petitions where the above criteria have been met.
- 59. A petition must be addressed to the Council and delivered via email to COAGovernanceTeam@cityofadelaide.com.au and/or in person at the Customer Service Centre at 25 Pirie Street, Adelaide.
- 60. A suggested format for each page of a petition is available on the council's website.
- 61. The petition must be received by 5:00 pm Wednesday in the week prior to a scheduled meeting date to support inclusion and publication in the agenda for the meeting.
- 62. The Chief Executive Officer will ensure that a petition received complies with Council specifications.
- 63. The petition is then placed on the agenda for the next ordinary meeting of Council or a Council Committee as relevant. rv10(2)
- 64. If a petition is received after the deadline but prior to the next Ordinary Meeting, verbal notification will be provided to the meeting of receipt of a petition.
- 65. If a petition is scheduled for the meeting, the topic will be listed on the agenda and a report identifying the topic, the subject of the petition, the number of signatories and the purpose of the petition (being the nature of request or submission) will be presented, with a recommendation acknowledging the number of signatories and the petition received. rv10(2)
- 66. To protect the privacy of signatories, the original petition will be distributed to the Lord Mayor and Council Members only.
- 67. Members of the public may seek a copy of the original petition upon written request to the Chief Executive Officer.

Deputation Request

68. The public can be heard in a meeting via a written deputation request. r11(1)
69. A deputation request must identify who will be speaking and the purpose for seeking (topic) to be heard by Council in a meeting.
70. A person, or persons, wishing to appear via a deputation at a meeting must complete a Registration Form and forward it to the Council by email to COAGovernanceTeam@cityofadelaide.com.au. Or lodge the form in person at the Customer Centre 25 Pirie Street, Adelaide. r11(1)
71. For a matter not listed on the agenda, the request for a deputation must be received by 5:00 pm Wednesday in the week prior to a scheduled meeting date to allow for publication in the agenda.
72. A deputation request for a matter listed on the agenda must be received by 12:00 pm on the business day before the meeting.
73. A deputation to a special meeting must relate to the purpose of the special meeting. The registration form for a deputation request to a special meeting must be lodged no later than two hours prior to the commencement of the special meeting.
74. Any person(s) wishing to appear via a deputation on behalf of an organisation must provide evidence that the organisation and/or body they represent has approved the deputation.
75. Deputation requests will be provided to the Presiding Member of the meeting who will determine if the deputation will be heard at the meeting or refused. r11(2)
r11(3)
76. If the request for a deputation is granted or refused, the person requesting the deputation will be advised and provided with attendance details. r11(4)
77. If the Presiding Member refuses to allow a deputation to appear at a meeting, a verbal report explaining the decision to the meeting will be provided by the Presiding Member. The meeting may overrule the decision of the Presiding Member and resolve to hear the deputation in the meeting of Council or refer the hearing of the requested deputation to a meeting of a Core Committee. r11(5)
r11(6)
r11(7)
78. The Presiding Member will allow a maximum of three deputations unless the meeting determines otherwise.
79. If three deputation requests have been granted, the person requesting the deputation will be advised that the request must be put to the meeting. At this point the person requesting the deputation will also be given the option to put their request to the next meeting.

Conditions in Accepting a Deputation Request

80. Each request to be heard as a deputation in a meeting will be considered on a case-by-case basis by the Presiding Member.
81. The Presiding Member will take the following considerations into account:
- the subject matter of the proposed deputation
 - whether the subject matter is within the power of a Council
 - relevance to the agenda for that meeting – and if not relevance to the Council's powers, functions or role
 - the size and extent of the agenda for the meeting
 - whether the subject matter has previously been the basis of a deputation at another meeting
 - the benefit to the Council of receiving the deputation

- the history of deputations from the person, i.e. the way the person or organisation has approached deputations previously, the behaviour displayed, the relevance of information presented, or the way information has been presented.
82. A deputation request granted prior to publication of an agenda will list the name of the speaker and the topic.
83. Council Members will be advised on the day of a meeting of a deputation request granted after the publication of an agenda.

Contribution to Council Agenda by a Council Member

Motion on Notice

84. A Council Member may place on an agenda an item of business via a Motion on Notice given to the Chief Executive Officer no later than 5pm on the Monday in the week prior to a meeting of the Council conducted on a Tuesday. Any motion received after that time will be listed on the next Council Agenda. r12(1)
r12(2)
- Motions on Notice may also be submitted to the Lord Mayor via the Council Liaison Officer.
- The Lord Mayor may only accept a motion if the subject matter is within the power of the Council. r12(7)
85. If the item of business is seeking to revoke or amend a resolution of the current Council term, the Council Member must raise via a Motion on Notice. r12(3)
86. At least seven clear days' (does not include the day notice is given or the day of the meeting) notice prior to a meeting of the Council is required for a Motion on Notice to be listed as an item of business. r3(2)
r12(2)
87. Before a Motion on Notice is submitted, it is preferred that the Council Member speaks to the Chief Executive Officer, Chief Operating Officer or appropriate Director regarding the context. Council Members should consider alignment with strategic priorities as well as budget impacts when presenting a Motion on Notice.
88. A Motion on Notice will be listed on the agenda with the name of the Council Member and subject title and the proposed motion published in the agenda with an administration comment to support informed decision making.
89. A Council Member can circulate a proposed motion to other members prior to the meeting to contribute to fully informed decision-making, however, Council Members should not discuss the merits of a motion or act in a way that could be perceived as seeking or having reached a decision outside of the meeting.

Notice of a Question

90. A Council Member may raise a question as an item of business on the agenda via a Question on Notice given to the Chief Executive Officer no later than 5pm on the Monday in the week prior to a meeting of Council conducted on a Tuesday. Any question received after that time will be listed on the next Council Agenda. r9(1)
r9(2)
- A Question on Notice may also be submitted to the Lord Mayor via the Council Liaison Officer
91. Before a Question on Notice is submitted, it is preferred that the Council Member speaks to the Chief Executive Officer, Chief Operating Officer or appropriate Director regarding the context.
92. At least seven clear days' (does not include the day notice is given or the day of the meeting) notice prior to a meeting of Council is required. r3(2)
r9(1)

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| 93. | A question considered to be vague, irrelevant, insulting or improper may not be answered at the meeting. | r9(6) |
| 94. | A Question on Notice will be listed on the agenda with the name of the Council Member and subject title and the proposed question published in the agenda. | r9(2)(a) |
| 95. | A Question on Notice and the reply provided at the meeting will be included in the Minutes of the meeting. | r9(2)(b) |
| 96. | A Question on Notice and the reply will be taken as read, unless otherwise raised with the Lord Mayor prior to the meeting. | |

Reports listed requesting consideration in Confidence

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|------|---|---------------------|
| 97. | To support transparency and accountability, Council endeavors to receive reports in public wherever possible and any reports proposed to be considered in confidence will be in line with relevant legislation. | s8(a)
s90
s91 |
| 98. | Confidential items are listed toward the end of the agenda to minimise disruption to the meeting and public gallery. | |
| 99. | The matter will be listed with the basis for consideration in confidence. | s91 |
| 100. | A Council Member must not disclose information, or a document identified for consideration in confidence. | s62(4a) |
| 101. | Staff must not disclose information, or a document identified for consideration in confidence. | s110A |

Late Reports

102. From time to time, a report will be prepared for the consideration of Council after the compilation of reports for the preparation of the agenda. This will only occur when there is a matter of urgency that requires a timely decision by the Council.
103. A late report will be listed on the agenda with a notation advising the report will be distributed separately. It will then be circulated to Council Members via email and published on the Council's website at the earliest opportunity prior to the meeting.
104. A late report not circulated with an agenda for a meeting will be attached to the minutes of the meeting.

Attendance at Meetings

Leave of Absence

- | | | |
|------|--|-----------|
| 105. | Whilst absence from a meeting may, on occasion, be unavoidable, it is recommended practice to request a 'leave of absence' when a Council Member knows in advance that they will be unable to attend two or more Council meetings. The council has given delegation to the Chief Executive Officer to grant leave of absence requests. | |
| 106. | A Council Member absent for more than three consecutive Council meetings without leave of absence being granted may lead to a declaration of a casual vacancy. | s54(1)(d) |
| 107. | A Council Member who stands as a candidate for election as a member of Parliament in South Australia is granted leave of absence from the office of a member of the council from the date on which nominations for the election close until the result of the election is publicly declared. | s55A |

Apologies

108. Apologies for non-attendance at a Council meeting should be forwarded to the Chief Executive Officer and Lord Mayor before the scheduled start time of the meeting. Apologies will be recorded in the minutes, and time permitting, in the agenda.

Non-Attendance at Meetings

109. A Council Member who does not attend a Council meeting without a formal leave of absence or an apology will be recorded in the minutes as absent.

Leaving during a Meeting

110. If a Council Member needs to leave the Council Chamber, they should indicate this to the Presiding Member (e.g. by standing, facing the chair and making eye contact before leaving the meeting).
111. This will also provide the minute taker the opportunity to record the movement from the Council Chamber. Council Members should be aware that as soon as they leave their seats, they are considered to have left the meeting.

Identifying Conflict of Interest

Council Members

112. The Act outlines material and general conflicts of interest and disclosure. It is the responsibility of all Council Members to be aware themselves with these Sections to inform them of the considerations and behavior required.
113. Council Members should review the agenda and supporting papers and reports prior to attending a Council meeting and have considered their potential interest in the matters to be discussed at the meeting. A copy of the Conflict-of-Interest form will be circulated with the agenda.
114. A Council Member will complete a Conflict-of-Interest form prior to the meeting to outline their conflict and how they intend to manage it. This will be submitted to COAGovernanceTeam@cityofadelaide.com.au who will also provide it to the Presiding Member no later than 12:00 pm on the day of the meeting.
115. If a Council Member wishes to seek advice about a possible conflict of interest before a meeting, they should contact the Manager Governance or Team Leader Council Governance. If necessary, staff will refer the matter to the Council's lawyers for advice.
116. Council Members are required to inform the meeting of a conflict of interest. At the beginning of each meeting, the Presiding Member will ask all Council Members present to identify any conflict of interest with any matter listed on the agenda.
- The Council Member is required to describe the nature of the interest and indicate whether they plan to participate in deliberation on the matter.
- Prior to the Council commencing consideration of the matter, the Council Member who identified a conflict of interest, is required to declare the conflict, describe the nature of the interest and advise how they will manage the conflict of interest.

Staff

117. It is a condition of employment and the responsibility of all staff to acquaint themselves with relevant sections of the Act to inform them of the considerations and behaviour required.

s73
s74
s75
s75A
s75B
s75C
s75D

s109
s120

118. The Chief Executive Officer must inform the Council and staff must inform the Chief Executive Officer. s120(1)
s120(2)
119. Staff providing advice or making recommendations are also required to inform the meeting. s120(4)

6. AT THE COUNCIL MEETING

120. The Presiding Member and all present at a meeting are required to observe this Code. s86(8)(a)
r5
121. The Presiding Member must be fair and impartial to all in a meeting to maintain order and to ensure that the conduct of the meeting adheres to this Code. S75F
122. In the event a procedure is not prescribed, by the Act, regulation or determined in this Code, for a circumstance that occurs in a meeting, the Presiding Member and/or meeting may determine a procedure to manage the circumstance having considered the following Guiding Principles: s86(8)(b)
r4
- to be fair and contribute to open transparent and informed decision-making,
 - to encourage appropriate participation by people present at the meeting,
 - to reflects levels of formality appropriate to the nature and scope of the responsibilities exercised at the meeting, and
 - to demonstrate certainty to give Council Members and other key stakeholders confidence in the deliberation undertaken at the meeting.
123. The Chief Executive Officer is responsible for ensuring that minutes are kept of the proceedings at every Council meeting. s91(1)

Recording of Meetings and Use of Mobile Phones

124. Recording of meetings (including audio, photographs and/or video) by Council Members or third parties will only be allowed with the prior approval of the Presiding Member.
125. 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.
126. Mobile telephones (including other devices capable of emitting sound), must be switched off or in vibration or silent mode during Council Meetings, workshops and Chief Executive Officer Briefings. Members of Council shall not send text messages or emails, or make or receive telephone calls, during Council meetings when present in the Council Chamber or Colonel Light Room.
If the meeting is or goes 'in-camera' mobiles are to be removed from access, with tablets to be used to access meeting papers only.
127. Council Members should limit their use of mobile phones during Council meetings, workshops and Chief Executive Officer Briefings. If a Council Member needs to access their phone, Council Members are required to leave the Council Chamber or Colonel Light Room to take a call without disruption to the meeting.

Quorum to start Council meeting

128. A meeting is not able to conduct any business until a quorum is present. s85(1)
129. The quorum for a Council meeting is ascertained by dividing the total number of members by two, ignoring any fraction resulting from the division, and adding one. s85(1)
130. A Council Member who is suspended from office or granted leave because of standing for Parliament is not counted in the total number of members when ascertaining quorum. s85(2)

131. When the total number of members is 12, the quorum for a meeting of the Council to proceed is seven.

Adjournment of meeting prior to start time

132. If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to an alternative specified day and time. r7(2)
133. If a meeting is adjourned by the Chief Executive Officer to another day notice will be given to each Council Member and a notice displayed at 25 Pirie Street, Adelaide. r7(5)

Presiding at the Council meeting

Council

134. When the Lord Mayor is present, the Lord Mayor must preside. s86(1)
135. In the absence of the Lord Mayor the Deputy Lord Mayor will preside over the meeting. s86(2)
136. Section 20(4) of the *City of Adelaide Act 1998 (SA)* identifies that the Council may resolve to have a Deputy Lord Mayor. A Council Member is appointed to the office of Deputy Lord Mayor by the Council on an annual basis.
137. If the Deputy Lord Mayor is not available, a Councillor selected via nomination is chosen by resolution of the Council Members present. s86(2)

Appointing a Presiding Member for a Council meeting

138. In the absence to the Lord Mayor and Deputy Lord Mayor, the process to appoint a Council Member to preside is as follows:
- Nominations sought.
 - A secret ballot for selection if required.
 - Appointment through resolution.
- The Chief Executive Officer will preside until the matter is decided. s86(3)
139. With a quorum present, the Chief Executive Officer, Manager Governance or Governance officer will ask for nominations for a Council Member to preside.
140. Nominations do not require a seconder, nor do they need to be in writing.
141. To proceed to an appointment a Council Member will be requested to indicate acceptance of their nomination.
142. If there is only one nomination, a mover and seconder will be sought to appoint the Council Member to the role of Presiding Member for the meeting.
143. If there is more than one nomination, a ballot will be conducted. The ballot may be conducted electronically or via a paper ballot. A record of individual votes in a secret ballot is not retained.

Ballot Process

144. The Chief Executive Officer, Manager Governance or Governance officer will identify the name of each nominee and request each member to vote by marking their ballot with an X for their preferred nominee/s.
145. All Council Members present will indicate which member(s) they wish to vote for via ballot. A Governance officer distributes and collects the ballot and conducts the count.
146. The Council Member with the most votes from the ballot will be declared the winner.
147. The Chief Executive Officer confirms the count and reports the numbers to the Presiding Member or the meeting.

148. In the case of a tied ballot, another ballot will be conducted where Council Members are to cast a vote for their preferred candidate from the tied candidates. If a revote cannot determine a clear winner and there is a continuing tie, then lots must be drawn to determine which candidate(s) will be excluded.
149. The Manager Governance or Governance officer will place the name of the nominees tied into a voting box. The name of the candidate/s withdrawn are excluded from the ballot. After lots are drawn the remaining candidate is the winner.
150. The successful candidate is announced.
151. The meeting makes the appointment by resolution, namely a mover/seconded for a motion to appoint and a majority vote in favour by show of hand.s

Appointments to Office, External Boards or Committees

152. The Presiding Member in a Council meeting is to call for all nominations to appoint Council Members, including, for example, a Committee Chair, Deputy Lord Mayor or nominations to board and committees.
153. If an external board or committee requests a nomination from Council, a report for Council will be prepared detailing the purpose of the board or committee, the representation, meeting dates and any applicable remuneration. Additional information including qualifications or accreditation will also be included.
154. The appointment of a Council Member to the office of Deputy Lord Mayor, will follow the process for nomination and ballot process outlined above except for part 148 above.
155. The prescriptive provision in the Act for appointing a Deputy Lord Mayor does not provide for a revote on a tied ballot to determine a clear winner. When appointing a Deputy Lord Mayor, a tied ballot must only be determined by lots being drawn to determine which candidate/s will be excluded. After lots are drawn the remaining candidate is the winner.
156. Council will require any Council Member appointed as a Council representative to an external organisation to report on their involvement in activities associated with that organisation.

s51(8)

Starting the Council Meeting

Council

157. In an ordinary meeting of the Council, the Chief Executive Officer will seek the attention of all Council Members present at the time given in the Notice for the meeting or soon after when a quorum is present to announce the Lord Mayor, who will enter the Council Chamber behind the Mace and assume the chair to commence the meeting.
158. In a special meeting of the Council, the Lord Mayor will seek the attention of all Council Members present and commence the meeting at the time given in the Notice for the special meeting or soon after when a quorum is present.

r7(1)

r7(1)

Adjournment of Council Meeting for want of a quorum

159. If, after 30 minutes from the start time given in the notice for the meeting, a quorum is not present, the Presiding Member or, in the absence of a Presiding Member, the Chief Executive Officer, will adjourn the meeting to an alternative specified day and time.
160. If the meeting is adjourned after 30 minutes, the minutes of the meeting will identify the meeting adjourned for want of a quorum, the names of the Council Members present and the date and time the meeting is expected to reconvene.

r7(3)

r7(4)

161. If debate is interrupted for want of a quorum and the meeting is then adjourned the debate, on resumption of the meeting, will continue from the point at which it was interrupted **unless otherwise determined by the Chief Executive Officer to re-present the matter.** rv19(2)
162. A Council meeting can be adjourned from time to time and from place to place, on another day or the same day as the notice for the meeting. s86(9)
163. If a meeting is adjourned to another day notice will be given to each Council Member and a notice displayed at 25 Pirie Street, Adelaide. r7(5)

Decision making by Resolution

164. A matter for decision at a meeting will be decided by a majority of the votes cast by the Council Members present at the meeting and entitled to vote. s86(4)

By Resolution

165. The decision-making process for meetings is by resolution ie
- A motion,
 - That is moved, seconded and
 - voted on by show of hands in favour or against,
 - A majority in favour becomes a decision and the resolution.
- The process also includes debate (speaking), possible amendment or variation and final voting by the members present and entitled to vote.
166. The outcome of a majority vote in favour of a motion is referred to as the resolution. The phrase 'by resolution' is used to refer to the decisions of Council and committee.
167. The resolutions of the Core Committee decision-making process are for the purpose of recommendation to Council for determination, except for several matters that relate to the operation of the Core Committee meeting.
168. Resolutions of the Council are implemented by the Chief Executive Officer.

Voting

169. The Lord Mayor, or Deputy Lord Mayor or another Council Member presiding in a meeting of Council does not have a deliberative vote but has a casting vote in the event of an equality of votes. s86(6)
170. Except for the Presiding Member each Member of Council has a deliberative vote and subject to Conflict-of-Interest provisions must vote whilst present in the meeting. s86(5)
171. Prior to a vote, the Presiding Member, or any other Council Member, may ask the Chief Executive Officer to read out a motion to be voted upon. r16(1)
A motion before the meeting is displayed on screen in a meeting.
172. To vote, the Presiding Member will ask for the votes of those Council Members in favour and then for the votes of those Council Members against. r16(2)
173. Those Council Members present and entitled to vote must vote and clearly indicate by show of hand when asked to vote by the Presiding Member.
174. This process can be repeated as often as is necessary to enable the Presiding Member to determine the result of the voting and then declare the outcome. r16(2)
175. A Council Member, who is not in their seat, is not permitted to vote. r16(3)
176. The outcome of a vote will be declared by the Presiding Member at a meeting of Council to be:
- Carried (majority in favour) (decision made)
 - Lost (majority against) (no decision).

177. In the event of a tied vote the Presiding Member will cast in favour or against the matter and declare the outcome of the vote to be carried or lost. s86(6)
178. The vote when a nomination/appointment process is required will be conducted via a secret ballot unless the Council resolves to conduct the vote by show of hands.
- Leave of the meeting**
179. Leave of the meeting may be sought by a Council Member to:
- [Extend their three-minute speaking time by an additional two minute only](#) rv15(1)
 - Vary, alter or withdraw the motion or amendment r14(1)
 - Make a personal explanation. r15(3)
180. Leave of the meeting may be sought by the Presiding Member to assist in the conduct of the meeting. r3(4)
181. When sought by the Presiding Member, in the absence of objection, leave of the meeting is granted.
182. Where there is an objection, the Presiding Member will put the matter to the meeting to vote by a majority show of hands and declare leave granted or declined. r3(4)
183. A division may be called on whether leave of the meeting is granted. r3(4)
- Division**
184. If the meeting has moved on to the next agenda item, a division cannot be called.
185. Immediately after the outcome of a vote has been declared, a division can be requested and will occur. r17(1)
186. A division may be requested on the outcome of a vote for a motion, formal motion, amendment, variation or leave of the meeting.
187. The action of each Council Member in a division and the outcome of the division will be recorded and published in the minutes. r17(4)
188. A division may alter the outcome of the vote for which the division has been called.
189. If a division is called for, it must be taken immediately, and the previous decision declared by the Presiding Member as to whether the matter was carried or lost is set aside. r17(2)
- There is no obligation upon a Council Member to vote in a division in the same manner that they voted on the immediately preceding decision.
190. The division will be taken as follows:
- the Council Members voting in favour will, [stand in their places until the name of all the Council Members standing are identified out loud to the meeting and](#) the vote is recorded. rv17(3)
 - the Council Members voting against will, until the vote is recorded, sit in their seats.
 - the Presiding Member will count the number of votes and then declare the outcome.
191. The Lord Mayor, Deputy Lord Mayor or another Council Member when presiding at a Council meeting does not vote in a division except to cast a vote in favour or against, if the division is tied. s86(6)

Speaking, Motion/Amendments/Variations in Decision-making

Addressing each other

192. When the Lord Mayor is presiding at a meeting of Council, the Presiding Member is to be addressed as 'Lord Mayor'. s51(9)
193. At a Council meeting a Council Member should address the Presiding Member and the meeting not the public gallery.

Speaking

194. To support shared values and supporting behaviours Council Members have resolved to: s75F
- engage with each other respectfully in robust debate.
 - listen to others' views and speak to the issue and not the person/s.
 - be positive, constructive and creative in our problem solving.
 - be open minded and willing to learn from each other and from staff input.
195. Following the moving/seconding of a motion or amendment, that is accepted by the Presiding Member and before the meeting for determination, a member may speak:
- Once to a motion (including the Presiding Member, immediately prior to the mover in reply who will be summing up). r12(10)
 - [Leave of the meeting may only be sought once to speak again to a motion.](#) rv12(10)(b)
 - Once to each amendment to a motion.
 - With leave of the meeting, provide a personal explanation, but not introduce any new matter. r15(3)
 - [As the mover in response to a question seeking clarity on the motion or amendment, but not introduce any new matter.](#) rv12(10)(a)
 - As the mover requesting leave of the meeting to vary, alter or withdraw a motion or amendment. r14(1)
 - As the mover of a motion or amendment to sum up. r12(10)(c)
196. Following the moving/seconding of a motion, that is accepted by the Presiding Member and before the meeting for determination, speaking once to a motion is an opportunity to
- Speak in favour or against the motion, OR r13(1)
 - Speak to move an amendment, OR
 - Speak requesting the mover/seconded to consider a variation, OR r14(1)
 - Speak to move a formal motion. r12(12)
197. Following the moving/seconding of an amendment, that is accepted by the Presiding Member and before the meeting for determination, speaking once to an amendment is an opportunity to
- Speak in favour or against the amendment, OR r14(1)
 - Speak requesting the mover/seconded to consider a variation, OR r12(12)
 - Speak to move a formal motion.
198. [A Council member must not speak for longer than three minutes at any one time without the leave of the meeting.](#) rv15(1)
[If leave is granted, a Council Member may speak for an additional two minutes only.](#)
199. [A Council Member may raise a matter of urgency during the business item Motions without Notice listed on the Council Agenda.](#) rv15(2)
200. A Council Member may, with leave of the meeting, make a personal explanation, but not introduce any new matter. r15(3)

201. The subject matter of a personal explanation may not be debated. r15(4)
202. The contribution of a Council Member must be relevant to the subject matter of the debate. r15(5)
203. A Council Member whilst speaking or through their behaviour must not behave in an improper or disorderly manner. s86(6a)(b)
r29(1)(a)
204. It is at the discretion of the Presiding Member, whether to control improper and/or disorderly behaviour by way of a few warnings before imposing regulation.
205. A Council Member whilst speaking or through their behaviour must not speak to cause interruption or interrupt another Council Member who is speaking, unless they are: s86(6a)(b)
r28A(3)
r29(2)
- Objecting to words being used by the member speaking
 - Raising a point of order
 - Advising of a loss of a quorum

Speaking to raise a Point of Order

206. A point of order is raised to draw attention to and must relate to an alleged breach of the Act, a meeting regulation or this Code in relation to the proceedings of a meeting. r3
r28
207. The Presiding Member may call to order a member who is in breach. r28(1)
208. A Council Member raising the point of order must identify the nature of the breach. r28(2)
209. A point of order takes precedence in the meeting until determined. r28(3)
210. Discussion in the meeting is to cease whilst the Presiding Member considers and then rules on the point of order raised. r28(4)
211. If the ruling is accepted, the meeting continues in accordance with the direction in the ruling and discussion in the meeting resumes from where it was before the point of order was raised.
212. The meeting may resolve to not agree with the ruling and in so doing the ruling will have no effect and the point of order is annulled. r28(7)
213. If the ruling is objected to, a motion that the ruling is not agreed must be moved and seconded immediately. r28(5)
214. Prior to the motion to not agree with the ruling being put to a vote, the Presiding Member may make a statement in support of the ruling. r28(6)
215. If the motion to not agree with the ruling is lost, the ruling of the Presiding Member stands, and the meeting continues in accordance with the direction in the ruling.
216. If the motion to not agree with the ruling is carried, the resolution binds the meeting and the ruling will have no effect, the Point of Order is annulled and the meeting continues. r28(7)

Speaking to ask a Question in a meeting

217. During consideration of an item of business Council Members may direct a question in a respectful manner through the Presiding Member and the Chief Executive Officer in relation to the item of business. r9
218. A question raised in relation to an item of business is not an opportunity to debate or express an opinion on the matter or the subject of the question.
219. Staff will respond to questions from the floor at the invitation of the Presiding Member and will acknowledge the Presiding Member.

220. An agenda for an ordinary meeting of Council also lists an item of business titled 'Questions without Notice' to enable a Council Member to raise any matter as a question.

r9(3)

221. The Presiding Member may:

- Allow a reply to a question to be given at the next meeting.
- Rule that a question not be answered if considered to be vague, irrelevant, insulting or improper.

r9(4)

r9(6)

222. A question raised during an item of business or during 'Questions without Notice' and the reply will not be included in the minutes of the meeting unless a motion is moved/seconded and carried to do so, at the time the reply is given.

r9(5)

Motions, Amendments and Variations

223. The following is a precis of the decision-making process:

- Motion (moved/seconded)
- Motion accepted/refused by Presiding Member
- Debate on motion
- Leave of the meeting to vary, alter or withdraw motion
- Amendment – 2 only
 - Amendment (moved/seconded by members who have not spoken in the debate)
 - Debate on an amendment
 - Leave of the meeting to vary, alter or withdraw an amendment
 - Mover of amendment (or amendment as varied) to sum up.
 - Vote on an amendment (or amendment as varied) and outcome declared by Presiding Member
 - Division called on the vote for amendment (or amendment as varied) and outcome declared
- Debate continues on motion (motion as varied or as amended)
- Mover of the motion (or motion as varied or motion as amended) afforded the opportunity to sum up prior to a vote.
- Vote on the motion or motion as amended and outcome declared by Presiding Member.
- Division called on a vote for the motion (or motion as varied or motion as amended) and outcome declared.
- A formal motion, in addition to a motion, is a procedural way to determine how a meeting will proceed, during a decision-making process. A formal motion, shown below, may be moved by a member who has not spoken:
 - The meeting proceed to the next business
 - The question (amendment or motion) be put
 - The question (item or motion) lie on the table
 - The meeting be adjourned.

224. The following outlines in more detail the decision-making process:

Motions

The Presiding Member may refuse to accept a motion if:

- In consideration of the Guiding Principles, considers the motion is better dealt with by way of written notice for another meeting or
- In their opinion the motion is beyond the power of the Council or Council Committee.

r12(6)

r4

r12(7)

A motion requires a mover and seconder.

If there is no seconder there is no motion and it lapses.

r12(8)

The mover of a motion:

rv12(9)

- may speak to the motion at the time of moving the motion, or
- move a motion receive a seconder and then speak to the motion, or
- may reserve their right to speak at a later stage in the debate.

The seconder of a motion:

rv12(9)

- may speak to the motion at the time of seconding the motion, or
- may speak after the mover, or
- may reserve the right to speak later in the debate on the motion.

Debate (each Council Member speaking once only to the motion).

r12(10)

A Council Member who has spoken to a motion may not move or second an amendment to the motion at a later stage of the debate.

r12(11)

Amendments – 2 only

Each amendment can be either carried or lost.

An amendment to a motion is an alteration to the wording of a motion; it is not a motion.

The amendment should not substantially change the intent of the motion nor contradict it (a direct negative). An amendment that goes beyond this is not an amendment and must be rejected by the Presiding Member.

Amendment moved/seconded by a Council Member who has not already spoken to the motion.

r13(1)

If there is no seconder there is no amendment and it lapses.

r13(2)

The mover and seconder of an amendment will have spoken to the motion and may not speak again to the motion

r13(3)

The mover of an amendment:

- may speak to the amendment at the time of moving the amendment, or
- seek a seconder and then speak to the amendment moved, or
- may reserve their right to speak at a later stage in the debate.

The seconder of an amendment:

- may speak to the amendment at the time of seconding the amendment, or
- may speak after the mover, or
- may reserve the right to speak later in the debate on the amendment.

Each Council Member may speak once to each amendment to address the content of the amendment and its effect on the motion.

The Presiding Member may speak or make a statement relevant to the debate prior to the mover of the amendment summing up.

Variation to an Amendment or Motion

The mover of the amendment or motion with the consent of the seconder, may seek leave of the meeting to vary, alter or withdraw the amendment or motion.

r14(1)

Without the consent of both the mover and seconder a request to vary cannot proceed.

r14(1)

No debate on content of a variation.

r14(2)

The Presiding member must seek leave to vary immediately by show of hands.

r14(2)

r3(4)

A division may be called on the outcome of the vote.

r3(4)

Amendment or Amendment as varied

Debate

The mover of the amendment is afforded the opportunity to sum up after all speakers have been heard prior to a vote on the amendment.

The mover in summing up closes debate on the amendment.

Vote on the amendment (as is or as varied) and outcome declared.

A division may be called on the vote for amendment (as is or varied) and outcome declared.

r17

Motion or Motion as amended or Motion as varied

Debate by a Council Member who has not already spoken to the motion

r12(10)

The mover of the motion is afforded the opportunity to sum up after all speakers have been heard and any or all amendments have been dealt with prior to a vote on the motion.

r12(10)(c)

The mover in summing up closes debate on the motion.

The Presiding Member may speak or make a statement relevant to the debate prior to the member summing up on a motion.

Vote on the motion (as is or as amended or as varied) and outcome declared.

A division may be called on the vote for the motion (as is or as amended or as varied) and outcome declared.

r17

Formal Motions

There are five formal motions, the following apply to each:

Only a Council Member who has yet to speak in debate on the motion may move a formal motion.

r12(12)

A Council Member who has spoken in the debate may second a formal motion.

A formal motion seconded takes precedence over the item, an amendment or motion before the meeting.

r12(15)

No debate unless an adjournment is sought.

No summing up by the mover.

Vote taken immediately by the Presiding Member.

r12(15)

A division may be called on the outcome of the vote.

r17

If a formal motion is lost:

r12(17)

- The meeting will resume at the point it was interrupted.
- During debate, a similar formal motion cannot be moved until at least one Council Member has spoken.

The five formal motions are:

1. The meeting proceed to the next item of business

r12(14)(a)

If the formal motion is carried during debate on a motion the motion lapses and the meeting proceeds to the next item of business.

If the formal motion is carried during debate on an amendment, the amendment lapses and the meeting resumes debate on the motion without further reference to the amendment.

2. The question be put

r12(14)(b)

If the formal motion is carried during debate on a motion the motion must be put to the vote without further debate.

If the formal motion is carried during debate on an amendment the amendment must be put to the vote without further debate.

3. [The question lie on the table](#) r12(14)(c)
- If carried the meeting moves to the next item of business.
- Resumption of debate (at the point of interruption) on the matter can only occur later through resolution. r12(19)
- Any question that lies on the table lapses at the next general election and will be reported to the council at the first ordinary meeting following the general election. r12(20)
4. [The question be adjourned](#) r12(14)(d)
- Formal motion must include the reason for adjournment and the details for resumption. r12(18)
- The adjournment for a substantive motion may either be to a later hour of the same day, to another day, or to another place [or time and place to be determined by the Chief Executive Officer](#) and debate will then continue from the point at which it was adjourned [unless determined otherwise by the Chief Executive Officer to represent the matter](#). rv19(1)(a)
rv19(1)(b)
- Debate may only occur on the details for resumption. r12(15)
- If carried the motion is disposed of for the time being, but debate can resume at the later time at the point it of interruption.
5. [The meeting be adjourned](#) r12(14)(e)
- Formal motion must include the reason for adjournment and the details for resumption. r12(18)
- Details for resumption may include a specific time or place or a time and place to be determined by the Chief Executive Officer.
- Debate may only occur on the details for resumption.
- If carried the meeting ends without the consideration of any further business.
- If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned [unless the Chief Executive Officer determines to re-present the matter](#). rv19(2)
- Business not dealt with because of an adjournment must be dealt with before any new business at a subsequent meeting. r19(3)
- A meeting of council may be adjourned from time to time and place to place. r86(9)

The Agenda in a Council meeting

225. With a minimum of 6 Councillors present in the Council Chamber at the meeting commencement time, the Chief Executive Officer, will call and introduce the Lord Mayor or Deputy Lord Mayor to the meeting. All present will stand.
226. For an ordinary meeting of the Council, the Lord Mayor or Deputy Lord Mayor after entering the Council Chamber will open/commence the meeting and introduce the business of the meeting in the order as listed in the agenda, unless otherwise determined.
- For the opening of the meeting and items of Protocol all present in the Council Chamber will remain standing.

[Items of Protocol](#)

The Lord Mayor, or Deputy Lord Mayor or Council Member presiding will state the following:

Acknowledgement of Country

'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 recognise 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.'

Acknowledgement of Colonel William Light

'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.'

Prayer

'We pray for wisdom, courage, empathy, understanding and guidance in the decisions that we make, whilst seeking and respecting the opinions of others.'

Pledge

'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.'

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will request the following:

Memorial Silence

'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.'

Apologies and Leave of Absence

All present in the Council Chamber may be seated.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will advise the meeting of any known apologies or leave.

Confirmation of Minutes

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will seek a mover/seconded for a motion to confirm the minutes of a previous meeting. In the absence of any discussion the motion will be put to the vote and the outcome declared.

Discussion on the minutes must only relate to the accuracy as a record of proceedings.

At or after the meeting, once the minutes have been confirmed, the Lord Mayor or Deputy Lord Mayor or Council Member presiding, will initial each page of the minutes and place their signature and the date of confirmation at the foot of the last page of the minutes.

Declaration of Conflict of Interest

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will ask Council Members to declare and identify the item for which there is a conflict at the beginning of the meeting.

When the conflict occurs during the meeting, the Council Member will need to ensure that they declare and describe the interest in accordance with the requirements of the Act. Council Members will also need to complete the Conflict-of-Interest form and provide it to Council Governance staff.

A disclosure made at a Council meeting will be recorded in the minutes, including the details of whether the Council Member remained in the meeting, and if the Council Member remained, the way all Council Members voted.

The Chief Executive Officer will also inform the Council as will staff providing advice or making recommendations.

Deputations

The agenda lists deputations granted as at the date of Agenda Publication.

r8

r8(2)

r8(3)

s75B(1)
s75C(1)

s75B(3)
s75C(5)

s120

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will advise the meeting of any deputations not listed and any request declined.

r11(5)

The meeting may overrule the decision of the Presiding Member and resolve to hear the deputation or refer the hearing of the requested deputation to a meeting of a committee.

r11(6)

r11(7)

If the meeting grants a deputation the Lord Mayor or Deputy Lord Mayor or Council Member presiding will invite the deputation to speak at the conclusion of deputations listed to be heard.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will invite each deputation to speak for up to five minutes. An additional two minutes may be granted with leave of the meeting.

The identity of the person making the deputation, the subject, and the purpose of the address, will be recorded in the Minutes of the meeting.

Material distributed to a meeting and referenced as part of the address may be attached to the Minutes for reference if the speaker agrees; this must be done through a resolution of the Council.

The inclusion of material in the Minutes is subject to an assessment by the Chief Executive Officer as to whether the material is to be disallowed based on it being defamatory, offensive or insulting in content.

Council Members can ask questions about the deputation provided they observe the guiding principles described in Part One, paragraph 6 of this Code.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding may rule the speaker ineligible to continue in a deputation if in their opinion, the subject matter is:

- not one in which the Council has a direct interest or responsibility.
- not the topic outlined in the request to make a deputation.
- one which relates to the prosecution of expiation notices, summonses or any other litigation.
- more appropriately addressed by other means.
- vague, irrelevant, insulting or improper.

Petitions

A petition report in this section will include a recommendation requesting Council through resolution to acknowledge the number of signatories and the petition to be received.

rv10(2)

Recommendation/Advice from Core Committee/s and Advice from Kadaltilla

Core Committee recommendation reports in this section will include a recommendation with the resolution for each item from the relevant meeting for determination by Council. Linked with the report are the corresponding reports from the Core Committee meeting.

Where the resolution of the Core Committee differs from the recommendation published in the Core Committee agenda, the discussion section of the report to Council will identify the Core Committee's recommendation to the Council first, with the original recommendation provided in grey italics

A resolution for the recommendation/s listed in the Recommendation report will be sought.

A Kadaltilla report in this section, as principal advisor to both the Council and the State Government, presents the resolutions from the Board meeting as advice to note.

Reports for Council (Chief Executive Officer's Reports)

Reports provide information and advice to assist in decision-making.

Reports in this section contain a recommendation based on expertise and provides a starting point for deliberation and resolution by the Council.

The recommendation in the report may be moved as a motion, moved with alteration, or not moved at all and a different motion moved.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding may refuse to accept the motion if considered to be beyond the power of the council.

r12(7)

Lord Mayor's Reports

The Lord Mayor will provide a verbal report on activities and functions.

The meeting will be requested to resolve that the report be received and noted.

Councillor's Reports

The purpose of this report is to inform on activities and functions that Council Members have attended on behalf of the Lord Mayor and provide a summary of Council Member attendance at meetings.

This is an opportunity for Council Members to table reports on activities undertaken on Boards and Committees where they are representing Council.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will invite any further reports to be provided verbally.

The meeting will be requested to resolve that the report be noted.

Motions on Notice

The Lord Mayor or Deputy Lord Mayor or Council Member presiding may refuse to accept the motion if in their opinion the content of the motion is beyond the power of the Council.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will invite the Council Member who has given notice of a motion to move their motion and seek a seconder.

The Council Member may choose to not proceed with the motion.

If the Council Member who has given notice of a motion is unable to attend the meeting and wishes Council to deliberate on the item, they must inform the Lord Mayor and authorise in writing another Council Member who may move the motion on their behalf.

r12(1)

r12(7)

Motions without Notice

A Council Member may bring forward any business by way of a motion without notice.

Before a Motion without Notice is submitted, it is preferred that the Council Member speaks with the Lord Mayor regarding the context and rationale as to the urgency of the motion prior to the meeting.

The Lord Mayor will indicate whether the motion if proceeded with will be accepted for consideration during the meeting or if the motion should be and/or will be directed to be dealt with by way of a written notice of motion.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will invite a member to introduce the item of business.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding may refuse to accept the motion if considered to be beyond the power of the council.

Before a Motion without Notice is submitted, it is preferred that the Council Member also speaks with the Chief Executive Officer, Chief Operating Officer or appropriate Director regarding the context. Council Members should consider alignment with strategic priorities as well as budget impacts when presenting a Motion on Notice.

r12(5)

r12(6)

r12(7)

Questions on Notice

A Question on Notice and the reply will be taken as read, unless otherwise raised with the Lord Mayor prior to the meeting.

The question and reply will be included in the minutes of the meeting.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding may rule that a question on notice is not answered if considered vague, irrelevant, insulting or improper.

r9(2)

r9(6)

Questions without Notice

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will invite a Member to ask their question.

r9(3)

A reply may be given at the meeting or at the next meeting.

r9(4)

The Lord Mayor or Deputy Lord Mayor or Council Member presiding may rule that a question without notice is not answered if considered vague, irrelevant, insulting or improper.

r9(6)

A resolution of the meeting is required for a Question without Notice and the reply to be included in the minutes.

r9(5)

Exclusion of the Public

An order to exclude the public will be sought for each item with a request for consideration in confidence.

s90(2)

When a resolution is passed to consider an item in confidence:

- members of the public gallery and administration not required to be present are asked to leave the meeting room and move to a location where the meeting cannot be overheard or viewed.
- the doors of the meeting room are closed.

The Council will disconnect any live stream of a meeting for the period that the meeting is closed to the public.

If the Chief Executive Officer is excluded from a meeting, the person presiding must ensure that minutes are kept.

s91(2)

Confidential items

All confidential items on the agenda are clearly identified as confidential.

Each report in this section includes a recommendation that incorporates a confidentiality order.

The Lord Mayor or Deputy Lord Mayor or Council Member presiding will seek a resolution for the recommendation/s listed in the reports in this section.

The confidentiality order within a resolution of the Council is included in the public minutes of the meeting to inform the community of the confidential status of the matter.

s91(9)

Council Members who wish to retain confidential papers for reference are required to keep them in a secure location.

Closure

In the absence of Items to be considered in confidence the Lord Mayor or the Deputy Lord Mayor or Council Member presiding will formally close the meeting at the conclusion of Questions without Notice.

At the conclusion of deliberation in confidence the meeting will re-open for the Lord Mayor or the Deputy Lord Mayor or the Council Member presiding to formally close the meeting.

The Council will aim to determine all matters within the agenda before the close of the meeting. Council meetings will finish once all items have been dealt with, or at 8:30 pm, whichever is met sooner.

Tabling of Information

227. A Council Member may require the Chief Executive Officer to table any documents of the Council relating to a motion that is before a meeting. r18(1)
228. The Chief Executive Officer must then table the documents within a reasonable time or at a time determined by the Presiding Member after considering the wishes of the meeting. r18(1)
229. If the Council Member who has required the tabling indicates that they are unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled. r18(1)
230. If the document sought is not able to be tabled, a formal motion may be sought to enable the meeting to proceed with other items on the agenda.
231. In making the request a Council Member must:
- specify the document or documents that they are seeking with reasonable particularity to enable them to be identified and located; and
 - explain how the document or documents are relevant to the motion that is before the meeting; and
 - the request must be reasonable in all the circumstances.
232. The Chief Executive Officer may, in tabling a document, indicate that the document should be dealt with confidentially. r18(2)

Facilitating informal discussion with a short-term suspension of meeting procedures

233. If the Presiding Member considers that the conduct of a meeting would benefit from allowing or facilitating informal discussions, the Presiding Member may, with the approval of at least two thirds of the Members present at the meeting, suspend the operation of meeting provisions for a period determined by the Presiding Member. r20(1)
234. The Presiding Member will apply the Guiding principles prior to seeking a suspension and will identify the reason and time frame of the suspension when seeking at least 2/3rds approval by show of hands. r20(1)
r20(2)
235. If a suspension occurs, it should be limited to achieving the purpose for which it was declared and:
- a note of the suspension, including the reasons and period of suspension, must be entered in the minutes.
 - the meeting may proceed provided that a quorum is maintained, but during the period of suspension:
 - i. the provisions of the Act must continue to be observed
Part 4 of Chapter 5 (Member integrity and behaviour) and Chapter 6 (Meetings) of the Act, must continue to be observed
 - ii. no act or discussion will have any status or significance under the meeting provisions which have been suspended
 - iii. no motion may be moved, seconded, amended or voted on other than a motion that the period of suspension be ended
236. The period of suspension will come to an end if: r20(3)
- the Presiding Member determines that the period should be ended, OR
 - at least two thirds of the Council Members present at the meeting resolved that the period should be ended.

Provisions to manage interruptions or improper/disorderly behaviour

237. The Lord Mayor may make a statement at the beginning of each meeting that sets out their expectations and/or the behavioural standards expected at a Council meeting, which may include their views about what amounts to improper or disorderly behaviour:

For these purposes, the Macquarie Dictionary definitions are used. The adjective 'proper' is defined as 'conforming to established standards of behaviour or manners, correct or decorous', and the adjective 'improper' is defined as 'not in accordance with propriety or behaviour, manners etc' or 'unsuitable, inappropriate, as for the purpose of the occasion'.

The adjective 'orderly' is defined as 'observant of system or method, as persons, the mind, etc., characterised by or observant of order, rule or discipline' and the adjective 'disorderly' is defined as 'law violating, or opposed to, constituted order, contrary to public order or morality'.

238. It is at the discretion of the Presiding Member, whether to control improper and/or disorderly behaviour by way of a few warnings before resorting to reliance upon a procedure that could result in a Member being excluded, suspended from part or the remainder of a meeting or being censured.

239. It is expected that Council Members will support the Presiding Member, in their endeavours to maintain appropriate standards of behaviour during meetings, without the need to implement a provision that would result in exclusion or could result in censure or suspension.

240. A Council Member must not, while at a meeting—

- behave in an improper or disorderly manner; or
- cause an interruption or interrupt another Council Member who is speaking.

This does not apply to a Council Member who is:

- objecting to words used by a Council Member who is speaking; or
- calling attention to a point of order; or
- calling attention to want of a quorum.

241. The Lord Mayor, or Deputy Lord Mayor or Council Member presiding may implement one of two formal options in response to improper and/or disorderly behaviour:

- exclusion of the Council Member from the meeting for improper and/or disorderly behaviour for up to 15 minutes

OR

- identify the improper and/or disorderly behaviour of the Council Member and request the meeting to consider the conduct and determine if it wishes to take action against the Council Member.

If the option of exclusion is implemented, the Lord Mayor, or Deputy Lord Mayor or Council Member presiding cannot then request the meeting to consider the conduct and determine if it wishes to take any action against the Council Member.

Exclusion of a member from the meeting by the Presiding Member

242. The Lord Mayor, or Deputy Lord Mayor or Council Member presiding may direct a Council Member to leave the meeting for a period of up to 15 minutes, if they consider that the Council Member has behaved improperly, in a disorderly manner or caused interruption to the meeting or a person speaking or fails to comply with a request to behave properly, orderly or to not behave in a disruptive manner.

The direction to exclude is absolute and if disagreed with cannot be reversed through resolution of the meeting.

s86(6a)
r28A(3)
r29(1)
r29(2)

S86(6a)
s86(6b)

r29

r28(A)(2)

s86(6a)
s86(6b)

s86(6c)

<p>243. Prior to leaving the meeting, the Council Member must be allowed to make a personal explanation.</p>	<p>s86(6c) r28A(1)</p>
<p>244. Whilst the Council Member who has been directed to leave is excluded from the meeting room, no matter (including formal motions or amendments to motions) may be put to the vote, however motions or amendments may be moved and seconded and discussion on any matter before the meeting may continue.</p>	<p>s86(6b) s86(6d)</p>
<p>245. If the Council Member refuses the direction or re-enters the meeting during the period of exclusion, the meeting through resolution may censure or suspend the Council Member for a part of or for the remainder of the meeting.</p>	<p>s86(6b) s86(6e) r28A(4)</p>
<p>Meeting to consider conduct and action in response to interruption of meeting</p>	
<p>246. A Council Member whilst in a meeting must not:</p> <ul style="list-style-type: none"> • behave in an improper or disorderly manner; or • cause an interruption or interrupt another member who is speaking. <p>This does not apply to a Council Member who is:</p> <ul style="list-style-type: none"> • objecting to words used by a member who is speaking; or • calling attention to a point of order; or • calling attention to want of a quorum. 	<p>r29(1)</p> <p>r29(2)</p>
<p>247. The Lord Mayor, or Deputy Lord Mayor or Council Member presiding, may indicate to the meeting that they consider that a Council Member is behaving improperly, in a disorderly manner or caused interruption to the meeting or a person speaking. This indication may be in response to observation or a ruling in response to a Point of Order.</p>	<p>r29(3)</p>
<p>248. In so doing, the Lord Mayor, or Deputy Lord Mayor or Council Member presiding, will provide an opportunity for the Council Member to make a personal explanation about their behaviour prior to leaving the room for the meeting to consider the matter.</p> <p>The relevant Council Member must leave the meeting while the matter is considered.</p>	<p>r29(3)</p> <p>r29(4)</p>
<p>249. The meeting will consider the conduct and determine if it wishes to take any action against the Council Member.</p>	<p>r29(5)</p>
<p>250. If the remaining Council Members resolve that the Council Member has behaved in the manner indicated by the Lord Mayor, or Deputy Lord Mayor or Council Member presiding, those Council Members may, by resolution:</p> <ul style="list-style-type: none"> • censure the relevant Council Member; or • suspend the Council Member for a part, or for the remainder, of the meeting. 	<p>r29(5)</p>
<p>251. A resolution to censure the Council Member is an expression or statement of dissatisfaction with the Council Member's performance, conduct and/or behaviours. Such a resolution has no further effect other than as a formal, public reprimand that is expressed publicly and recorded in the Minutes of the meeting.</p>	
<p>252. Suspension of the Council Member by resolution will be reserved for the most serious behaviours.</p>	
<p>253. A Council Member who refuses to leave a meeting, or enters a meeting in contravention of a suspension, is guilty of an offence and a maximum penalty of \$1250 may apply.</p>	<p>r29(6)</p>

Revoking or Amending a Council Decision

254. A Council Member or the Chief Executive Officer can seek to revoke or amend a Council resolution of the current term of office. r12(3)
r21

Wherever possible it is good practice to acknowledge in a motion a resolution from a previous term of office that will be revoked or amended if carried.

Notice of Motion to revoke or amend a resolution by a Council Member

255. If the item of business is seeking to revoke or amend a resolution of the current Council term the Council Member must raise via a Motion on Notice, given to the Chief Executive Officer no later than 5pm on the Monday in the week prior to a meeting of Council conducted on a Tuesday. Any motion received after that time will be listed on the next Council Agenda. r12(3)
r12(2)

256. At least seven clear days' (does not include the day notice is given or the day of the meeting) notice prior to a meeting of Council is required for an item of business as a Motion on Notice. r3(2)

257. Before a Motion on Notice to revoke or amend a resolution of Council is submitted, it is preferred that the Council Member speaks to the Chief Executive Officer, Chief Operating Officer or appropriate Director regarding the context. Council Members should consider alignment with strategic priorities as well as budget impacts when presenting a Motion on Notice.

258. Motions on Notice to revoke or amend a resolution of Council may also be submitted to the Lord Mayor via the Council Liaison Officer.

259. The Lord Mayor may only accept a motion if the subject matter is within the power of the Council no later than 5pm on Monday in the week prior to a meeting of Council conducted on a Tuesday. r12(7)

260. A Motion on Notice to revoke or amend a resolution of Council will be listed on the agenda with the name of the Council Member and subject title and the proposed motion published in the agenda with an administration comment to support informed decision making.

261. A Council Member can circulate a proposed motion to other Council Members prior to the meeting to contribute to fully informed decision-making, however, Council Members should not discuss the merits of a motion or act in a way that could be perceived as seeking or having reached a decision outside of the meeting.

262. At the meeting, if the motion to revoke or amend is lost, a motion to the same effect cannot be considered: r12(4)
- until after the expiration of 12 months; or
 - until after the next general election, whichever is the sooner.

Chief Executive Officer Report recommending revocation or amendment

263. The Chief Executive Officer may submit a report recommending revocation or amendment of a resolution of the Council passed in the current Council term. r21(1)
- The listing of the item on the agenda will identify the date of the resolution to be revoked or amended.

264. The report must be listed on the agenda for the meeting at which the report is to be considered. s83(4)

If the report is unable to accompany the agenda at the time of publication, [the report may be distributed separately](#). rv21(2)

Closure of a Meeting

265. The Council will aim to determine all matters within the agenda before the close of the meeting. Council meetings will finish once all items have been dealt with, or at 8:30 pm, whichever is met sooner.
266. The Presiding Member may seek leave of the meeting to extend the time of closure of the meeting past 8:30 pm until all business has been dealt with.
267. Any items not dealt with at the meeting by midnight of the meeting commencement date will be adjourned until the next meeting of Council (Ordinary or Special).

7. AFTER THE MEETING

Minutes of a Meeting

268. If the meeting is adjourned after 30 minutes, the minutes of the meeting will identify the meeting adjourned for want of a quorum, the names of the Council Members present and the date and time the meeting is expected to reconvene.

r7(4)

269. The minutes of the proceedings of a meeting must include—

r8(4)

- the names of the Council Members present at the meeting
- the name of any Council Member who is not present because the Council Member is suspended or taken to have been granted leave of absence from the office of Member of the Council
- in relation to each Council Member present—
 - the time at which the person entered or left the meeting; and
 - unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting;
 - if, during the meeting, the Council Member is excluded, a statement that the Council Member was excluded and the period for which the Council Member was excluded.
- each motion or amendment, and the names of the mover and seconder
- any variation, alteration or withdrawal of a motion or amendment
- whether a motion or amendment is carried or lost
- any disclosure of interest made by a Council Member

s86(6b)

If a Member of the Council discloses a general conflict of interest in a matter to be discussed at a meeting of the council, the following details must be recorded in the minutes of the meeting:

s75B(3)

- the Council Member's name;
- the nature of the interest, as described by the Council Member;
- the manner in which the Council Member dealt with the general conflict of interest;

- if the Council Member voted on the matter, the manner in which the Council Member voted;
- the manner in which the majority of persons who were entitled to vote at the meeting voted on the matter.

If a Member of the Council discloses a material conflict of interest in a matter to be discussed at a meeting of the Council, the following details must be recorded in the minutes of the meeting:

s75C(5)

- the Council Member's name.
- the nature of the interest, as described by the Council Member.
- if the Council Member took part in the meeting under Ministerial approval, the fact that the Council Member took part in the meeting.
- an account of any personal explanation given by a Council Member.
- details of the making of an order to exclude the public from the meeting.

s90(2)

If an order is made to exclude the public, a note must be made in the minutes of the making of the order specifying -

s90(7)

- the grounds on which the order was made; and
- the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
- if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.
- a note of the making of an order to keep a matter confidential -

s91(7)

If through resolution there is an order to keep a matter confidential, a note must be made in the minutes specifying -

s91(9)

- the grounds on which the order was made.
- the duration of the order or the circumstances in which the order will cease to apply.
- a period after which the order will be reviewed.
- details of any adjournment of business.
- a record of any request for documents to be tabled at the meeting.
- a record of any documents tabled at the meeting.
- a description of any oral briefing given to the meeting on a matter of Council business.
- any other matter required by or under the Act or any regulation.
 - Question on notice and reply
 - Upon resolution of the meeting a Question without notice and reply
 - A Division (names of who voted in favour, names of who voted against and the result of the vote)
 - Suspension of meeting procedures (including reason for, period of suspension, time commenced, and time ended).

r9(2)(b)

r9(2)(5)

r17(4)

r20(3)(a)

AND

- Carried unanimously (as directed by the Presiding Member)
- The opening and closing time of the meeting
- The names of Members with Apologies and approved leave of absence
- The names of Members who have not provided an apology or been granted a leave, as being absent
- A record of any undertaking given by the Chief Executive Officer
- In relation to a deputation, the identity of the speaker and the subject and purpose of the deputation
- Acknowledgment of Country
- Acknowledgment of Colonel William Light

- Prayer
- Pledge
- Memorial Silence.

270. The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is not possible, at a subsequent meeting. r8(1)

271. On confirmation of the minutes, the Presiding Member must, on hardcopy or electronically: r8(3)

- initial each page of the minutes, which are to be consecutively numbered.
- place their signature and the date of confirmation at the foot of the last page of the minutes.

272. The Presiding Member may initial/date/sign the minutes at or after the meeting.

273. Council Members will receive a copy of all minutes of proceedings within 5 days of the meeting s91(3)

274. Minutes excluding proceedings retained in confidence, will be available on the City of Adelaide website www.cityofadelaide.com.au following distribution to Council Members. s132 sch5

Deputation Speakers

275. Council resolved on 29 November 2022 that the Office of Lord Mayor during the 2022-2026 Term of Office will write to all deputation speakers thanking them for making their deputation.

Live streamed meetings

276. If an audio and or visual recording of a meeting for live streaming (excluding any portion of the meeting closed to the public) is produced, it will be available via the City of Adelaide YouTube channel, accessible on the City of Adelaide website www.cityofadelaide.com.au

In addition, the Presiding Member or the Chief Executive Officer, upon opening the meeting will advise if the public session of the meeting is being recorded and/or streamed live to the internet. The recording and/or streaming of a meeting shall be determined on a case by case basis by the Chief Executive Officer.

8. OTHER MATTERS

Special meetings of Council

277. Special meetings of Council may be held at any time. s82(3)

278. Where practicable, the Chief Executive Officer will endeavour to ensure that special meetings of Council, Committee, CEO Briefings and Council Member Training Sessions will not be held prior to 5.00pm, taking into consideration the following:

- Urgency of business
- Expected length of meeting
- Quorum requirements and availability of Council Members.

279. If a request with an agenda for a special meeting of Council is given to the Chief Executive Officer, the Chief Executive Officer must call a special meeting of Council at the request of: s82(1) s82(2)

- the Lord Mayor, or
- at least three members of the Council, or
- a request through resolution of a Council Committee at which at least three Members of Council voted in favour of the request.

280. The Chief Executive Officer is unable to call a special meeting of Council if the request is given without an agenda. s82(2)
281. A Member of Council must receive notice of a special meeting at least 4 hours prior to the commencement of the special meeting, and wherever possible with at least 24 hours' notice. s83(2)
282. Public notice with an agenda for a special meeting of Council will be given as soon as practicable after the time notice is given to Council Member, and wherever possible, be published with at least 24 hours' notice of the meeting. s84(2)(b)

Code of Practice - Discretionary Procedures

283. Procedures in a meeting of the Council that must be observed are detailed in the *Local Government Act 1999 (SA)* and *Local Government (Procedures at Meetings) Regulations 2013 (SA)*. S86(8)
284. Several mandatory meeting regulations containing discretionary procedure of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* referenced in this Code of Practice have been varied through a resolution of Council, with two thirds of the Council in support. r6
r6(3)
285. The operation of the following mandatory regulations (with discretionary procedures) that Council has resolved to vary are shown in **blue text** below: 6(1)
- Petitions - Regulation 10 (2)
 - Motions - Regulation 12 (9), 12 (10), 12 (11)
 - Amendments to motions - Regulation 13 (1), 13 (3), 13 (4) and 13 (5)
 - Addresses by Members – Regulation 15 (1), 15 (2)
 - Voting - Regulation 16 (3)
 - Divisions - Regulation 17 (3)
 - Adjourned Business – Regulation 19, 19 (1), 19(2), 19(3)
 - Chief Executive Officer may submit report recommending revocation or amendment of council decision- Regulation 21 (1), 21 (2).
286. Through resolution at any time, supported by at least two-thirds of the Members of Council entitled to vote, may alter, or substitute or revoke the provisions identified in paragraph 285. r6(3)
- The Guiding Principles must be considered when varying a mandatory meeting regulation. r6(4)
- A motion to alter, or substitute or revoke the varied mandatory meeting regulations identified in paragraph 285 if lost, does not have to wait until after the expiration of 12 months or until after the next general election to be considered again. r6(7)

9. REVIEW

287. 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.
288. The operation of any variation made by the Council to the *Local Government (Procedures at Meetings) Regulations 2013 (SA)* mandatory meeting regulations identified in paragraph 285 must be reviewed annually. r6(2)

Review History

289. In the event of:

- statutory provisions enacted by the Parliament of the State of South Australia being amended;
- resolution of the Council;

the Code of Practice will automatically be updated and a description of the edit included in the review history table below.

Trim Reference	Authorising Body	Date	Description of Edits
ACC2023/148536	Council	24/9/2023	Code of Practice adopted by Council
ACC2023/148536	Council	28/11/2023	Amendment to section 4.4 regarding use of mobile phones
	Council	##/09/2024	Code of Practice revised to reflect Council only operation, include legislative provisions, include mandatory meeting procedures, identify practices or protocols that support meeting procedures in plain language wherever possible. References to Committee operation removed and to be included in Core Committee Terms of Reference aligned with governance structure adopted in March 2024

Contact:

For further information contact the Governance Program

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

Terms of Reference Review

Strategic Alignment - Our Corporation

Public

Tuesday, 17 September 2024
City Finance and Governance
Committee

Program Contact:
Kathryn Goldy, Acting Manager
Governance

Approving Officer:
Anthony Spartalis, Acting Chief
Operating Officer

EXECUTIVE SUMMARY

At its meeting on 26 March 2024, Council adopted the Committee Structure for 2024 and committed to a review of the Terms of Reference (ToR) for each of the Council's core committees (committees to which all Council Members are appointed). The core committees are the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and the Infrastructure and Public Works Committee.

A full review of the ToR for each core committee has been undertaken, with several points of improvement identified. The previously separate ToR for each Committee have been consolidated into a single document (Attachment A), which now incorporates detailed meeting procedures taken from the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). The revised ToR better reflect current Committee structure and practices, and provide clarity in the operation and purpose of the core committees for all stakeholders (Council Members, Administration and members of the public).

RECOMMENDATION

The following recommendation will be presented to Council on 24 September 2024 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the *Terms of Reference and Meeting Procedures* for the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and the Infrastructure and Public Works Committee as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 September 2024.
2. Authorises the Chief Executive Officer to make any typographical or syntactical updates as required to finalise the *Terms of Reference and Meeting Procedures* for the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and the Infrastructure and Public Works Committee as contained in Attachment A to Item 7.4 on the Agenda for the meeting of the City Finance and Governance Committee held on 17 September 2024

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation <i>“Enable effective governance, risk management, accountability and transparency at all times in decision making”</i>
Policy	Code of Practice for Meeting Procedures (Link 1) Terms of Reference for the City Community Services and Culture Committee (Link 2) Terms of Reference for the City Planning, Development and Business Affairs Committee (Link 3) Terms of Reference for the City Finance and Governance Committee (Link 4) Terms of Reference for the Infrastructure and Public Works Committee (Link 5)
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Local Government Act 1999 (SA) Local Government (Procedures at Meetings) Regulations 2013
Opportunities	Not as a result of this report
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
24/25 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

1. At its 26 March 2024 meeting Council resolved in part that Council:

“Notes that the Terms of Reference for the City Community Services and Culture Committee, City Finance and Governance Committee, City Planning, Development and Business Affairs Committee and Infrastructure and Public Works Committee will be reviewed and presented to the relevant committee meeting by June 2024.”
2. The in-depth review of the Terms of Reference (ToR) began in May 2024 including meeting procedures for each core committee (the committees) and has now been completed. This work is aligned with the Governance actions arising from the City of Adelaide Strategic Plan 2024-2028.
3. The committees are established under Section 41 of the *Local Government Act 1999 (SA)* (the Act) and are currently subject to the meeting procedures set out under Parts 1, 2 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013* (Regulations).
4. The draft document contained in **Attachment A** is a largely new document which sets out revised ToR for all the core committees in a single document, and includes comprehensive meeting procedures taken directly from Parts 1, 3 and 4 of the Regulations and several procedures observed for a meeting of Council.
5. The draft document outlines the preamble and purpose for each Committee (adopted largely unchanged from each Committee’s previous individual ToR), and additionally details all relevant meeting procedures and process as they apply to the committees (adopted from the Regulations). Relevant sections of the Regulations are noted in the document.
6. Part 3 of the Regulations has been substituted for Part 2 for the committees. Part 2 essentially requires meetings to be run in a formal manner akin to a meeting of Council, while Part 3 enables the committees to engage in robust and informal discussion prior to making recommendations to Council.
7. This change is intended to better align the committees’ ToR with the purpose, operation and current practice of the committees, whilst incorporating discretionary processes to enable formal procedures as necessary.
8. The proposed document is structured to enhance Council Member, Administration and public accessibility by incorporating directly in the ToR each Committee’s purpose and relevant procedures from the Regulations.
9. The proposed document incorporates a structure that guides the user through the full ToR and meeting procedures process, including:
 - 9.1. Purpose of the Core Committees
 - 9.2. Before the Meeting
 - 9.3. During the Meeting
 - 9.4. After the Meeting
10. Alongside the ToR review, Administration will separately present a revised draft Code of Practice for Meeting Procedures in which the specific Council Meeting procedures under Part 2 of the Regulations are likewise prescribed.
11. Together the two reports, revised ToR and revised Code of Practise will delineate the formal regulatory requirements of a Council meeting under Part 2 of the Regulations and the practices of the committees under Part 3 of the Regulations.
12. The updates made in the revised consolidated ToR are summarised below and a marked example of the previous ToR format is available here for comparison ([Link 6](#)):

Committee	Current ToR	Updates
General Update	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Inclusion of provision that where practicable, special meetings of Committees will not be held prior to 5:00pm.
City Community Services and Culture Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations

		<ul style="list-style-type: none"> • Inclusion of several procedures observed for a meeting of Council • Removal of requirements under Part 2 of the Regulations
City Planning, Development and Business Affairs Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations • Removal of requirements under Part 2 of the regulations • Inclusion of several procedures observed for a meeting of Council
City Finance and Governance Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations • Removal of requirements under Part 2 of the regulations • Inclusion of several procedures observed for a meeting of Council
Infrastructure and Public Works Committee	<ul style="list-style-type: none"> • Subject to Parts 1, 2 and 4 of the Regulations 	<ul style="list-style-type: none"> • Subject to Parts 1,3 and 4 of the regulations • Inclusion of relevant procedures from the Regulations • Removal of requirements under Part 2 of the regulations • Inclusion of several procedures observed for a meeting of Council

Next Steps

13. The Terms of Reference and Meeting Procedures for the City of Adelaide Reconciliation Committee has been updated and aligned with the proposed document and has been endorsed by the Reconciliation Committee for adoption by Council at its meeting on 24 September 2024. Administration will continue to assist City of Adelaide Committees to review and update their Terms of Reference documents for consistency and best practice governance.
14. Should Council adopt the draft Terms of Reference for each core committee, the updated Terms of Reference will be in effect for core committee meetings after 24 September 2024.

DATA AND SUPPORTING INFORMATION

Link 1 - Code of Practice for Meeting Procedures

Link 2 - Current Terms of Reference for the City Community Services and Culture Committee

Link 3 - Current Terms of Reference for the City Planning, Development and Business Affairs Committee

Link 4 - Current Terms of Reference for the City Finance and Governance Committee

Link 5 - Current Terms of Reference for the Infrastructure and Public Works Committee

Link 6 – Marked up example of the previous ToR format

ATTACHMENTS

Attachment A – Draft Core Committee Terms of Reference and Meeting Procedures for the City Community Services and Culture Committee, City Planning, Development and Business Affairs Committee, City Finance and Governance Committee and Infrastructure and Public Works Committee.

- END OF REPORT -

DRAFT

CORE COMMITTEE

- CITY COMMUNITY SERVICES AND CULTURE COMMITTEE
- CITY FINANCE AND GOVERNANCE COMMITTEE
- CITY PLANNING, DEVELOPMENT AND BUSINESS AFFAIRS COMMITTEE
- INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

TERMS OF REFERENCE AND MEETING PROCEDURES

2024

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 acknowledge that they are of continuing importance to the Kaurna people living today.

And we also extend that respect to visitors of other Aboriginal Language Groups and other First Nations.

DRAFT

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1. PREAMBLE

1. On 26 March 2024 Council established and appointed the Lord Mayor and all Council Members to each of the following Core Committees to assist and support Council in the delivery of the City of Adelaide Strategic Plan 2024-2028:
 - City Community Services and Culture Committee
 - City Finance and Governance Committee
 - City Planning, Development and Business Affairs Committee
 - Infrastructure and Public Works Committee.
2. The Core Committees may be wound up at any time by resolution of the Council.
3. The establishment of the Core Committees (the committees) does not derogate from the power of the Council to act in a matter.
4. The Core Committees will operate until the end of the 2022-2026 term of office unless Council resolves otherwise.

s41(1)
s41(3)

s41(10)

2. CORE COMMITTEES

Purpose of the City Community Services and Culture Committee

5. The City Community Services and Culture Committee will make recommendations to Council on strategies, services, policies, and programs that assist Council to create a beautiful, diverse city that celebrates its natural, cultural and built heritage.
6. The City Community Services and Culture Committee will discuss matters, shape strategy, and make recommendations to Council to assist in the achievement of:
 - Aboriginal and Torres Strait Islander peoples and cultures strongly represented in City life
 - A healthy and resilient community
 - Community development and quality community services
 - Functional zero homelessness
 - A safe, affordable, accessible, well-connected city for all
 - Community use and access to the Adelaide Park Lands
 - Celebration of diverse community, culture and creativity
 - Beautiful, surprising places
 - New cultural and civic infrastructure
 - Protection, preservation, and promotion of our unique built, natural and cultural heritage
 - Global connections and collaborations
 - Housing Policy.

s41(2)

Purpose of the City Finance and Governance Committee

7. The City Finance and Governance Committee will make recommendations to assist Council in undertaking strategic planning and monitoring.
8. The City Finance and Governance Committee will discuss matters and make recommendations to assist Council to:
 - Guide the development and regular review of Council's Long Term Financial Plan, and each annual budget and corporate business plan in alignment with the long-term financial plan and relevant strategies and policies.
 - Monitor the performance of Council's financial and administrative activities, including undertaking the statutory quarterly budget review.

s41(2)

- Recommend to Council new or desired changes to its policies relating to financial and revenue matters, including budgets and rating.
- Undertake the review of Council's policies and recommend any changes which are considered necessary.
- Identify any gaps in Council's Governance and Policy framework and work with other Council committees to identify areas where policy support is required.
- Undertake the annual review of Council's Delegations, Register and recommend any changes which are considered necessary.
- Monitor the City of Adelaide's performance through the receipt of assurance reports on programs, projects and services.
- Monitor and report on the performance of Council owned subsidiaries, against their respective charters with which they have been established.
- Review as required relevant legislation affecting Local Government and recommend appropriate policy responses.

Purpose of the City Planning, Development and Business Affairs Committee

9. The City Planning, Development and Business Affairs Committee will make recommendations to assist Council in relation to strategic, planning development policy issues. s41(2)
10. The City Planning, Development and Business Affairs Committee will discuss matters and make recommendations to assist Council to:
 - Review and, if necessary, guide the development of a city-wide economic development strategy and a local heritage strategy and policy.
 - Guide and oversee the implementation of major projects within the City.
 - Review and consider specific changes to the Development Plan as identified in Council's Plans and/or as initiated by State Government.
 - Advise Council in formulating and delivering appropriate strategies in relation to its strategic property holdings.
 - Review as required, relevant legislation affecting Local Government and recommending appropriate course(s) of action.

Purpose of the Infrastructure and Public Works Committee

11. The Infrastructure and Public Works Committee will make recommendations to assist Council in relation to asset management. s41(2)
12. The Infrastructure and Public Works Committee will discuss matters and make recommendations to assist Council to:
 - Guide the development of an asset management policy framework for the City and make recommendations for consideration in forward financial estimates, and to deal with matters in respect of Council's asset management programs.
 - Oversee the regular evaluation of asset management and programs and the review of relevant service levels.

3. CORE COMMITTEE RESPONSIBILITIES AND REPORTING

13. Whilst the Core Committee format is less structured and seeks less formality than a Council meeting, several procedures emulate those procedures observed by and mandated by Regulation for a meeting of Council. S41(8)
The Core Committees and meetings of the Core Committees will observe the provisions contained in Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*, along with the provisions of this Terms of Reference and Meeting Procedures document.
14. The Core Committees will report directly to Council, presenting recommendations for Council determination.

15. The Core Committees may:
 - Hear deputations.
 - Receive and facilitate a discussion forum for Workshop topics.
 - Receive and consider reports to resolve a recommendation for Council determination.
 - Receive reports for noting.
 - Determine their own procedure provided it is not inconsistent with the Act, Regulations, or this document.
 - Provide advice to each other as necessary.

4. GUIDING PRINCIPLES

16. Procedures in a Core Committee meeting that must be observed are detailed in the *Local Government Act 1999 (SA)* and *Local Government (Procedures at Meetings) Regulations 2013 (SA)*.
17. Council has resolved to apply the provisions of Parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*.
18. Procedures within:
 - The *Local Government Act 1999 (SA)* (the Act)
 - Parts 1, 3 & 4 of the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*
 - The *Local Government (General) Regulations 2013 (SA)*
 - Behavioural Standards for Council Members

have informed the drafting of the Terms of Reference and Meeting Procedures for the Core Committees.
19. This document includes any Council specific requirements, identifies practices or protocols that support meeting procedures, is in plain language and is a summary of the legislation wherever possible. The following references to the right of text identify legislative requirements:
 - s - A section within the *Local Government Act 1999 (SA)*
 - r – A meeting regulation within the *Local Government (Procedures at Meetings) Regulations 2013 (SA)*
20. Where a procedure is not prescribed, each Core Committee can determine their own procedure provided it is not inconsistent with the Act, Regulations, or this document. Note – several procedures emulate those procedures observed by and mandated by Regulation for a meeting of the Council.
21. This document is drafted to support the guiding principles that the procedures to be observed at meetings of a Core Committee will:
 - contribute to open, transparent, and informed decision making.
 - encourage appropriate public participation in the affairs of the Council.
 - reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting.
 - be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.
22. This document is written for the information of the public, Council Members and staff of the City of Adelaide and applies to ordinary and special meetings of a Core Committee.

s89

s89(1)

r4

5. BEHAVIOURS

23. Council Members are required to observe the Behavioural Standards as determined by the Minister. The Behavioural Standards published in the Government Gazette on 22 November 2022 are a public declaration of the principles of good conduct and standards of behaviour that the Lord Mayor and Members of Council are expected to demonstrate in the performance of their responsibilities as elected community representatives and within decision-making forums.

s75E

Behavioural Standards

24. Council has adopted a Council Member Behavioural Support Policy, within which Council Members have also committed to the following values and supporting behaviours:
- Value & Respect – We engage with each other respectfully in robust debate. We listen to others' views and speak to the issue and not the person/s.
 - Optimism – We are positive, constructive and creative in our problem solving. We are open-minded and are willing to learn from each other and from staff input.
 - Integrity – We are well prepared and stay focused on agreed strategic priorities. We uphold decisions of Council. Where it is not a unanimous decision, we respectfully communicate the decision to others.
 - Connected – We ensure we provide a safe, supportive environment where people thrive, are listened to and communication is open and transparent.
 - Excellence – We value leading toward clear strategic and inspiring goals and implement outcomes that benefit the community as a whole.
 - Accountability – We value accepting responsibility for our actions.
25. A Presiding Member may determine to exclude a Council Member from a meeting room for a period of up to 15 minutes in the event of:
- an improper or disorderly manner or
 - behaviour that causes interruption to the meeting or a person speaking
26. If a Presiding Member considers that a Council Member has behaved improperly, disorderly, or is causing interruption or interrupts another who is speaking, the meeting will consider the matter and the remaining Council Members may resolve to censure or suspend the Council Member for a part or the remainder of the meeting.

s75F

s86(6b)
r28A

r29

Members of the Public

27. Public access to meetings underpins a key aim of the Act for transparency and accountability of Council and Council Committee decision making.
28. Any person attending a meeting of the committees is required to:
- not intentionally obstruct or hinder proceedings
 - not behave in a disorderly manner
 - not disrupt or interrupt the meeting
 - be respectful in their language and behaviour
 - reserve discussion and conversation for before or after the meeting
 - observe the protocol for electronic devices to be switched off or switched to silent
 - limit the number of distracting activities.

s90

s95
r30

29. The Presiding Member may remind any person attending a meeting of a Core Committee (as a participant or an observer) of the expectation of behaviour standards at the beginning of the meeting.
30. The Presiding Member may request any participant or observer to not behave or continue to behave in a disorderly or disruptive manner.
31. In the event that a participant or person attending a meeting refuses the request of a Presiding Member, that person may be escorted from the meeting or the meeting may be adjourned.
32. A member of the public who behaves in a disorderly manner or causes interruption at a meeting may incur a maximum penalty of \$500.

r30

6. MEETINGS

Core Committees

33. All meetings and Information or briefing sessions (focused on a matter to be presented to a meeting of Council or Council Committee) are open to the public.
34. The public may be excluded from attendance at part of a meeting if the meeting determines that the receipt, discussion and consideration in confidence is necessary and appropriate.
35. An up-to-date schedule of dates, times and places set for ordinary meetings of each Core Committee can be found on www.cityofadelaide.com.au
36. Special meetings may be held at any time. The date, time and place will be published on www.cityofadelaide.com.au

s90(1)
s90A(3)

s90(2)

sch5

s87(5)
s87(6)

Information or briefing session

37. The Council or the Chief Executive Officer may hold an information or briefing session. This session is not a formal meeting and will not indicate a collective view or make decisions.
38. An information or briefing session may be closed to the public if the Council or Chief Executive Officer considers it to be necessary and appropriate for the receipt, discussion, and consideration of a matter in confidence.
39. Information or briefing sessions convened by the Chief Executive Officer will generally be held in the Colonel Light Room, Town Hall, King William Street, Adelaide, or at a place open to the public unless the discussion is one that the Council or the Chief Executive Officer has declared may be held in confidence.
40. An information or briefing session does not require an agenda.
41. The place, date and time, the matter discussed and whether or not the information or briefing session was open to the public will also be made available on the Council's website. If the session was closed to the public, the reasoning for consideration in confidence will also be identified.

s90A(1)
s90A(2)

s90A(4)

s90A(3)

s90A(7)
rg8AB

Frequency, Times, and Locations of Meetings

42. Council has determined that:
 - Ordinary meetings of Council will be held twice in each calendar month (except January and December) on the 2nd and 4th Tuesday commencing at 5.30pm.
 - Ordinary meetings of the four Core Committees, each making recommendations to Council for determination will generally meet once per calendar month (except January and December) on either the first or third Tuesday as follows:
 - City Community Services and Culture Committee (1st at 5.30pm).
 - City Finance and Governance Committee (3rd at 5.30pm).
 - City Planning, Development and Business Affairs Committee (1st at 7.00pm).

s81(1)

s87(1)

- Infrastructure and Public Works Committee (3rd at 7.00pm).

*Note – One ordinary meeting of Council will be held in January and December

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|-----|--|------------------|
| 43. | Ordinary meetings of Council will be held in the Council Chamber, Town Hall, King William Street, Adelaide, unless determined otherwise by Council. | s81(1) |
| 44. | Ordinary meetings of the Core Committees will be held in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless otherwise determined by Council or the Chief Executive Officer. | s87(1) |
| 45. | All special meetings of Council and Core Committees will take place in the Colonel Light Room, Town Hall, King William Street, Adelaide, unless determined otherwise by the Council, or the Chief Executive Officer (subject to any prevailing decision of the Council). | s81(1)
s87(1) |

7. BEFORE THE MEETING

Public Notice of Meeting and Agenda

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|-----|--|-------------------|
| 46. | Notice to the public of the times and places of all Core Committee meetings will be published on www.cityofadelaide.com.au | s88(1) |
| 47. | Public notice with an Agenda will be displayed at 25 Pirie Street, Adelaide until the completion of the relevant meeting. | s88(1a) |
| 48. | An Agenda is the list of items of business to be considered at a meeting. | s4(1) |
| 49. | The agenda for every meeting will identify any items of business and the basis for any matter recommended to be received, discussed and considered in confidence. | S87(9)
s87(10) |
| 50. | The Notice of meeting and agenda for an ordinary Core Committee meeting will be distributed to Core Committee Members and published on the Council website by Friday 12:00 pm of the week before the meeting. | s88 |
| 51. | Public notice for an ordinary meeting of a Core Committee will be at least 3 days before the meeting. | |
| 52. | One hard copy of the agenda for a Core Committee, including reports or workshop/discussion items and excluding any items recommended to be received and discussed in confidence, will be displayed at 25 Pirie Street, Adelaide until completion of the relevant meeting and made accessible to the public via, the City of Adelaide website at www.cityofadelaide.com.au . | s88
r23
r24 |
| 53. | If the nature of a matter requires that it remains confidential, the matter will be marked 'Confidential' by the Chief Executive in agendas, reports and any other meeting papers dealing with the matter prior to distribution to meeting participants. | s88(5)
s88(6) |
| 54. | Public notice with an agenda for a special meeting of a Core Committee will, wherever possible, be published with at least 24 hours' notice of the meeting. | s88(2) |

Committee Member Notice of Meeting and Agenda

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|-----|---|------------------|
| 55. | A notice of meeting setting out the date, time, place of meeting and accompanied by the agenda with reports for each Core Committee will be distributed to Core Committee Members and published on the Council website by Friday 12:00 pm of the week before the meeting. | s87(8)
s87(9) |
| 56. | A notice of meeting and agenda with reports for an ordinary meeting of a Core Committee will be at least 3 days before the meeting. | s87(4) |
| 57. | Noting the minimum notice to be given of four hours prior to a special meeting, an agenda with reports for a special meeting will, wherever possible, be distributed with at least 24 hours' notice of the meeting. | s87(7) |
| 58. | If the nature of a matter requires that it remains confidential, the matter will be marked 'Confidential' by the Chief Executive Officer in agendas, reports and any | s87(10) |

other meeting papers dealing with the matter prior to distribution to meeting participants.

59. A person receiving a meeting paper marked 'Confidential' must not provide that paper to any other person or discuss or disseminate information in that paper unless the meeting has resolved that the matter is not treated confidentially.

Agenda Structure for Core Committees

60. The Chief Executive Officer may change the structure of the agenda at any time.
61. The Presiding Member (Chair) with the consent of the meeting may change the order of consideration of an item listed on the agenda.
62. Agenda structures for the Core Committees are provided below.

Ordinary Meeting Agenda

1. Acknowledgement of Country
2. Apologies and Leave of Absence
3. Confirmation of the Minutes
4. Declaration of Conflict of Interest
5. Deputations
6. Workshops
7. Reports for recommendation to Council
8. Reports for noting
9. Exclusion of the Public (if required) *
10. Confidential workshops (if required) *
11. Confidential reports for Recommendation to Council (if required) *
12. Confidential reports for noting (if required) *
13. Closure

*Note - Items 9, 10, 11 and 12 will only be listed on the agenda when an Item is presented with a request for consideration in a meeting closed to the public

Special Meeting Agenda

1. Acknowledgement of Country
2. Apologies and Leave of Absence
3. Declaration of Conflict of Interest
4. Deputations (must relate to the purpose of the special meeting)
5. Reports (Chief Executive Officer Reports) (or purpose of the special meeting)
6. Closure

*Note – An item to exclude the public will only be listed on the agenda when an Item is presented with a request for consideration in a meeting closed to the public

Developing the Agenda

63. The Chief Executive Officer is responsible for Agenda development and publication for Council and Committee meetings.
64. The Chief Executive Officer may change the structure of the agenda at any time.
65. The public may contribute to an agenda via a request to speak as a deputation.
66. To enable effective decision-making at the meetings of the Core Committees, Council Members must commit to reading agendas in advance of the meetings and addressing any questions or concerns about the content to the relevant Director or to the Chief Executive Officer.

s87(9)

s87(9)

Contribution to Committee Agenda by a member of the public**Deputation**

67. The public can be heard in a meeting via a deputation request. r11
68. A deputation request must identify who will be speaking and the purpose for seeking (topic) to be heard by one of the Core Committees in a meeting.
69. A person, or persons, wishing to appear via a deputation at a meeting must complete a Registration Form and forward it to the Council by email to COAGovernanceTeam@cityofadelaide.com.au. Or lodge the form in person at the Customer Centre 25 Pirie Street, Adelaide. r11(1)
70. For a matter not on the agenda, the request for a deputation must be received by 5:00 pm Wednesday in the week prior to a scheduled meeting prior to allow for publication in the agenda.
71. A deputation request for a matter on the agenda must be received by 12:00 pm on the business day before the meeting.
72. A deputation to a special meeting must relate to the purpose of the special meeting. The registration form for a deputation request to a special meeting must be lodged no later than two hours prior to the commencement of the special meeting.
73. Any person(s) wishing to appear via a deputation on behalf of an organisation must provide evidence that the organisation and/or body they represent has approved the deputation.
74. Deputation requests will be provided to the Chair of the meeting who will determine if the deputation will be heard at the meeting or refused. r11(2)
r11(3)
75. If the request for a deputation is granted or refused, the person requesting the deputation will be advised and provided with attendance details. r11(4)
76. If the Chair refuses to allow a deputation to appear at a meeting, they will provide a verbal report explaining the decision to the meeting. The meeting may overrule the decision of the Chair and resolve to hear the deputation. r11(5)
r11(6)
77. The Chair will allow a maximum of three deputations unless the meeting determines otherwise.
Note – Council may refer the hearing of a deputation to a Core Committee. r11(7)
78. If three deputation requests have been granted, the person requesting the deputation will be advised that the request will be put to the meeting. At this point the person requesting the deputation will also be given the option to put their request to the next meeting.

Conditions in Accepting a Deputation Request

79. Each request to be heard as a deputation in a meeting will be considered on a case-by-case basis by the Chair.
80. The Chair will take the following considerations into account:
- the subject matter of the proposed deputation
 - whether the subject matter is within the power of a Council
 - relevance to the agenda for that meeting – and if not, relevance to the Council's powers, functions or role
 - the size and extent of the agenda for the meeting
 - whether the subject matter has previously been the basis of a deputation at another meeting
 - the benefit to the Council of receiving the deputation

- the history of deputations from the person, i.e. the way the person or organisation has approached deputations previously, the behaviour displayed, the relevance of information presented, or the way information has been presented.

81. A deputation request granted prior to publication of an agenda will list the name of the speaker and the topic.
82. Members of a Core Committee will be advised on the day of a meeting of a deputation request granted after the publication of an agenda.

Reports listed requesting consideration in Confidence

83. To support transparency and accountability, Council endeavors to receive reports in public wherever possible and any reports proposed to be considered in confidence will be in line with relevant legislation.
84. Confidential items are listed toward the end of the agenda to minimise disruption to the meeting and public gallery.
85. The matter will be listed with the basis for consideration in confidence.
86. A Council Member must not disclose information, or a document identified for consideration in confidence.
87. Staff must not disclose information, or a document identified for consideration in confidence.

s91

s62(4a)

s110A

Late Reports

88. From time to time, a report will be prepared for the consideration of a Core Committee after the compilation of reports for the preparation of the agenda. This will only occur when there is a matter of urgency that requires a timely decision by the Council.
89. A late report will be listed on the agenda with a notation advising the report will be distributed separately. It will then be circulated to Council Members via email and published on Council's website at the earliest opportunity prior to the meeting.
90. A late report not circulated with an agenda for a meeting will be attached to the minutes of the meeting.

Attendance at Meetings

Leave of Absence

91. Whilst absence from a meeting may, on occasion, be unavoidable, it is recommended practice to request a 'leave of absence' when a Council Member knows in advance that they will be unable to attend two or more Council meetings. Council has given delegation to the Chief Executive Officer to grant leave of absence requests.
92. A Council Member who stands as a candidate for election as a member of Parliament in South Australia is granted leave of absence from the office of a member of the council from the date on which nominations for the election close until the result of the election is publicly declared.

s55A

Apologies

93. Apologies for non-attendance at a Core Committee meeting must be forwarded to the Chair and Chief Executive Officer before the scheduled start time of the meeting. Apologies will be recorded in the minutes, and time permitting, in the agenda.

Non-Attendance at Meetings

94. A Council Member who does not attend a Core Committee meeting without a formal leave of absence or an apology will be recorded in the minutes as absent.

Leaving during a Meeting

95. If a Council Member needs to leave the Colonel Light Room, they should indicate this to the Chair (e.g. by standing, facing the chair and making eye contact before leaving the meeting).
96. This will also provide the minute taker the opportunity to record the movement from the Colonel Light Room. Council Members should be aware that as soon as they leave their seats, they are considered to have left the meeting.

Identifying Conflict of Interest

Committee Members

97. The Act outlines material and general conflicts of interest and disclosure. It is the responsibility of all Council Members to be aware themselves with these Sections to inform them of the considerations and behavior required.
98. Council Members should review the agenda and supporting papers and reports prior to attending a Core Committee meeting and have considered their potential interest in the matters to be discussed at the meeting. A copy of the Conflict-of-Interest form will be circulated with the agenda.
99. A Council Member will complete a Conflict-of-Interest form prior to the meeting to outline their conflict and how they intend to manage it. This will be submitted to COAGovernanceTeam@cityofadelaide.com.au who will also provide it to the Chair no later than 12:00 pm on the day of the meeting.
100. If a Council Member wishes to seek advice about a possible conflict of interest before a meeting, they should contact the Manager Governance or Team Leader Council Governance. If necessary, staff will refer the matter to the Council's lawyers for advice.
101. Council Members are required to inform the meeting of a conflict of interest.
At the beginning of each meeting, the Chair will ask all Council Members present to identify any conflict of interest with any matter listed on the agenda.
The Council Member is required to describe the nature of the interest and indicate whether they plan to participate in deliberation on the matter.
Prior to the Core Committee commencing consideration of the matter, the Council Member who identified a conflict of interest, is required to declare the conflict, describe the nature of the interest and advise how they will manage the conflict of interest.

Staff

102. It is a condition of employment and the responsibility of all staff to acquaint themselves with relevant sections of the Act to inform them of the considerations and behaviour required.
103. The Chief Executive Officer must inform the Core Committee and staff must inform the Chief Executive Officer.
104. Staff providing advice or making recommendations are also required to inform the meeting.

8. AT THE MEETING

105. The Chair and all present at a meeting are required to observe the provisions in this Terms of Reference and Meeting Procedures document.
106. The Chair must be fair and impartial to all in a meeting to maintain order and to ensure that the conduct of the meeting adheres to this document.
The Chair is not excluded from debate and may add to the debate nearing its end (so as to not lead whilst presiding).

s73
s74
s75
s75A
s75B
s75C
s75D

s109
s120

s120(1)
s120(2)

s120(4)

107. To support shared values and supporting behaviours Council Members have resolved to responsibly lead in demonstrating and supporting constructive and positive behaviour in effective decision-making. S75F
108. In the event a procedure is not prescribed, by the Act, regulation or determined in this document, for a circumstance that occurs in a meeting, the Chair and/or a meeting may determine a procedure to manage the circumstance having considered the following Guiding Principles: r4
s89(1)
- to be fair and contribute to open transparent and informed decision-making,
 - to encourage appropriate participation by people present at the meeting,
 - to reflect levels of formality appropriate to the nature and scope of the responsibilities exercised at the meeting, and
 - to demonstrate certainty to give Council Members and other key stakeholders confidence in the deliberation undertaken at the meeting.
109. The Chief Executive Officer is responsible for ensuring that minutes are kept of the proceedings at every Council or Council Committee meeting. s91(1)

Recording of Meetings and Use of Mobile Phones

110. Recording of meetings (including audio, photographs and/or video) by Council Members or third parties will only be allowed with the prior approval of the Chair.
111. If the public session of the meeting is being recorded and/or streamed live to the internet, the Chair or the Chief Executive Officer will announce this at the start of the meeting.
112. Mobile telephones (including other devices capable of emitting sound), must be switched off or in vibration or silent mode during Committee Meetings, workshops and Chief Executive Officer Briefings. Members of Council shall not send text messages or emails, or make or receive telephone calls, during Committee meetings when present in the Colonel Light Room.
If the meeting is or goes 'in-camera' mobiles are to be removed from access, with tablets to be used to access meeting papers only.
113. Council Members should limit their use of mobile phones during Core Committee meetings, workshops and Chief Executive Officer Briefings. If Council Members need access to their phone, Council Members are required to leave the Colonel Light Room to take a call without disruption to the meeting.

Quorum to start Core Committee meeting

114. A meeting is not able to conduct any business until a quorum is present. s85(1)
r26(1)
115. The quorum for a meeting is ascertained by dividing the total number of members by two, ignoring any fraction resulting from the division, and adding one. Council has not determined a minimum number for the quorum of a Core Committees. s85(1)
r26(2)
116. A Council Member who is suspended from office or granted leave because of standing for Parliament is not counted in the total number of members when ascertaining quorum. s85(2)
s55A(1)
117. When the total number of members is 12, quorum for a meeting of a Core Committee to proceed is seven.

Adjournment of meeting prior to start time

118. If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to an alternative specified day and time. r7(2)

119. If a meeting is adjourned by the Chief Executive Officer to another day notice will be given to each Council Member and a notice displayed at 25 Pirie Street, Adelaide.

r7(5)

Presiding at a Core Committee meeting

120. When the Chair is present, the Chair must preside.
In the absence of the Chair, the Deputy Chair will preside.
121. The Chair and Deputy Chair of Core Committees are appointed by the Council on an annual basis.
122. In the absence of the Chair and the Deputy Chair, a Council Member selected via nomination is chosen to preside, by resolution of the members present. The Council Member chosen may preside until the Chair or Deputy Chair is present.

s41(4)

Appointing a Chair for a meeting

123. In the absence of the Chair and Deputy Chair, the process to appoint a Chair for the meeting is as follows:
- Nominations sought.
 - A secret ballot for selection if required.
 - Appointment through resolution
124. With a quorum present, the Chief Executive Officer, Manager Governance or Governance officer will ask for nominations for a Council Member to preside.
125. Nominations do not require a seconder, nor do they need to be in writing.
126. To proceed to an appointment a Council Member will be requested to indicate acceptance of their nomination.
127. If there is only one nomination, a mover and seconder will be sought to appoint the Council Member to the role of Chair for the meeting.
128. If there is more than one nomination, a ballot will be conducted. The ballot may be conducted electronically or via a paper ballot. A record of individual votes in a secret ballot is not retained.

Ballot Process

129. The Chief Executive Officer, Manager Governance or Governance officer will identify the name of each nominee and request each Council Member to vote by marking their ballot with an X for their preferred nominee.
130. All Council Members present will indicate which Member(s) they wish to vote for via their ballot. A Governance officer will distribute and collect the ballot and conducts the count.
131. The Council Member with the most votes will be declared the winner.
132. The Chief Executive Officer confirms the count and reports the numbers to the Chair.
133. In the case of a tied ballot, another ballot will be conducted where Council Members are to cast a vote for their preferred candidate from the tied candidates. If a revote cannot determine a clear winner and there is a continuing tie, then lots must be drawn to determine which candidate(s) will be excluded.
134. The Manager Governance or Governance officer will place the name of the nominees tied into a voting box. The name of the candidate/s withdrawn are excluded from the ballot. After lots are drawn the remaining candidate is the winner.
135. The successful candidate is announced.
136. The meeting makes the appointment by resolution, namely a mover/seconder for a motion to appoint and a majority vote in favour by show of hands.

Starting the Core Committee Meeting

137. The Chair will seek the attention of all Council Members present and start an ordinary or special meeting at the time given in the Notice for the meeting or soon thereafter when a quorum is present.

r7(1)

Adjournment for want of a quorum

138. If, after 30 minutes from the start time given in the notice for the meeting, a quorum is not present, the Chair or, in the absence of a Chair, the Chief Executive Officer, will adjourn the meeting to an alternative specified day and time.

r7(3)

139. If the meeting is adjourned after 30 minutes, the minutes of the meeting will identify the meeting adjourned for want of a quorum, the names of the Council Members present and the date and time the meeting is expected to reconvene.

r7(4)

140. If debate is interrupted for want of a quorum and the meeting is then adjourned the debate, on resumption of the meeting, will continue from the point at which it was interrupted unless otherwise determined by the Chief Executive Officer to re-present the matter.

r19(2)

141. A meeting can be adjourned from time to time and from place to place, on another day or the same day as the notice for the meeting.

s89(2)

142. If a meeting is adjourned to another day notice will be given to each Council Member and a notice displayed at 25 Pirie Street, Adelaide.

r7(5)

Decision making by Resolution

143. A matter for decision at a meeting will be decided by a majority of the votes cast by the Council Members present at the meeting and entitled to vote.

r27(1)

By Resolution

144. The decision-making process for meetings is by resolution ie

- A motion,
- That is moved, seconded and
- voted on by show of hand in favour or against.
- A majority in favour becomes a decision and the resolution.

The process also includes debate (speaking), possible amendment or variation and final voting by the Council Members present and entitled to vote.

145. The outcome of a majority vote in favour of a motion is referred to as the resolution. The phrase 'by resolution' is used to refer to the decisions of Council and a Core Committee.

146. The resolutions of the Core Committee decision-making process are for the purpose of recommendation to Council for determination, except for several matters that relate to the operation of the meeting.

147. Resolutions of the Core Committee requiring Council determination are presented in a report from the Core Committee by the Chief Executive Officer.

Voting

148. The Chair, or Deputy Chair or another Council Member presiding in a meeting of a Core Committee has a deliberative vote with no casting vote in the event of an equality of votes.

r27(3)

149. Subject to Conflict-of-Interest provisions, each member of a Core Committee has a deliberative vote and must vote whilst present in the meeting.

s75B(3)
r27(2)

150. Prior to a vote, the Chair, or any other Council Member, may ask the Chief Executive Officer to read out a motion to be voted upon.

r16(1)

151. To vote, the Chair will ask for the votes of those Council Members in favour and then for the votes of those members against. r16(2)
152. Those Council Members present and entitled to vote must vote and clearly indicate by show of hands when asked to vote by the Chair. r27(2)
153. This process can be repeated as often as is necessary to enable the Chair to determine the result of the voting and then declare the outcome. r16(2)
154. A Council Member who is not in their seat is not permitted to vote. r16(3)
155. The outcome of a vote will be declared by the Chair in a meeting of a Core Committee to be:
- Carried (majority in favour) (decision made)
 - Lost (majority against) (no decision)
 - Lost due to an equality of votes (no decision).

Leave of the meeting

156. Leave of the meeting may be sought by a Council Member to:
- Extend their three-minute speaking time by an additional two minutes r15(1)
 - Vary, alter or withdraw the motion or amendment r14(1)
 - Make a personal explanation. r15(3)
157. Leave of the meeting may be sought by the Chair to assist in the conduct of the meeting.
158. When sought by the Chair, in the absence of objection, leave of the meeting is granted.
159. Where there is an objection, the Chair, will put the matter to the meeting to vote by a majority show of hands and declare leave granted or declined. r3(4)
160. A division may be called on whether leave of the meeting is granted. r3(4)

Division

161. If the meeting has moved on to the next agenda item, a division cannot be called.
162. Immediately after the outcome of a vote has been declared, a division can be requested and will occur. r17(1)
163. A division may be requested on the outcome of a vote for a motion, formal motion, amendment, variation or leave of the meeting.
164. The action of each Council Member in a division and the outcome of the division will be recorded and published in the minutes. r17(4)
165. A division may alter the outcome of the vote for which the division has been called.
166. If a division is called for, it must be taken immediately, and the previous decision declared by the Chair as to whether the matter was carried or lost is set aside. r17(2)
167. There is no obligation upon a Council Member to vote in a division in the same manner that they voted on the immediately preceding decision.
168. The division will be taken as follows: r17(3)
- the Council Members voting in favour will, stand in their places until the name of all the Council Members standing are identified out loud to the meeting and the vote is recorded.
 - the Council Members voting against will, until the vote is recorded, sit in their seats.
 - the Chair will count the number of votes and then declare the outcome.

169. Each Council Member of the Core Committee, including the Chair, participates in a division requested at the meeting.

Speaking, Motion/Amendments/Variations in Decision-making

Addressing each other

170. When the Lord Mayor is present at a meeting, the Lord Mayor is to be addressed as 'Lord Mayor'.
171. At a meeting of a Core Committee, the Presiding Member is to be addressed as 'Chair'.
172. At a meeting a Council Member should address the Chair and the meeting not the public gallery.

Speaking

173. To support shared values and supporting behaviours Council Members have resolved to:
- engage with each other respectfully in robust debate.
 - listen to others' views and speak to the issue and not the person/s.
 - be positive, constructive and creative in our problem solving.
 - be open minded and willing to learn from each other and from staff input.
174. A Council Member must not speak for longer than three minutes at any one time without the leave of the meeting.
If leave is granted, a Council Member may speak for an additional two minutes only.
175. Following the moving/seconding of a motion or amendment, that is accepted by the Chair and before the meeting for determination, a member may speak:
- Once to a motion (including the Chair, immediately prior to the mover in reply who will be summing up).
 - Once to each amendment to a motion.
 - With leave of the meeting, provide a personal explanation, but not introduce any new matter.
 - As the mover in response to a question seeking clarity on the motion or amendment, but not introduce any new matter.
 - As the mover requesting leave of the meeting to vary, alter or withdraw a motion or amendment.
 - As the mover of a motion or amendment to sum up.
176. Following the moving/seconding of a motion, that is accepted by the Chair and before the meeting for determination, speaking once to a motion is an opportunity to
- Speak in favour or against the motion OR
 - Speak to move an amendment OR
 - Speak requesting the mover/seconded to consider a variation OR
 - Speak to move a formal motion.
177. Following the moving/seconding of an amendment, that is accepted by the Chair and before the meeting for determination, speaking once to an amendment is an opportunity to
- Speak in favour or against the amendment OR
 - Speak requesting the mover/seconded to consider a variation OR
 - Speak to move a formal motion
177. The subject matter of a personal explanation may not be debated.
178. The contribution of a Council Member must be relevant to the subject matter of the debate.

s51(9)

s75F

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|---|---------------------------------|
| 179. A Council Member whilst speaking or through their behaviour must not behave in an improper or disorderly manner. | s86(6a)(a)
)
r29(1)(a) |
| 180. It is at the discretion of the Chair, whether to control improper and/or disorderly behaviour by way of a few warnings before imposing regulation. | |
| 181. A Council Member whilst speaking or through their behaviour must not speak to cause interruption or interrupt another Council Member who is speaking, unless they are: <ul style="list-style-type: none"> • Objecting to words being used by the Council Member speaking • Raising a point of order • Advising of a loss of a quorum. | s86(6a)(b)
r28A(3)
r29(2) |

Speaking to raise a Point of Order

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|--|-----------|
| 182. A point of order is raised to draw attention to and must relate to an alleged breach of the Act, a meeting regulation or this document in relation to the proceedings of the meeting. | r3
r28 |
| 183. The Chair may call to order a Council Member who is in breach. | r28(1) |
| 184. A Council Member may raise a point of order and must identify the nature of the breach. | r28(2) |
| 185. A point of order takes precedence in the meeting until determined. | r28(3) |
| 186. Discussion in the meeting is to cease whilst the Chair considers and then rules on the point of order raised. | r28(4) |
| 187. If the ruling is accepted, the meeting continues in accordance with the direction in the ruling and discussion in the meeting resumes from where it was before the point of order was raised. | |
| 188. The meeting may resolve to not agree with the ruling and in so doing the ruling will have no effect and the point of order is annulled. | r28(7) |
| 189. If the ruling is objected to, a motion that the ruling is not agreed must be moved and seconded immediately. | r28(5) |
| 190. Prior to the motion to not agree with the ruling being put to a vote, the Chair may make a statement in support of the ruling. | r28(6) |
| 191. If the motion to not agree with the ruling is lost, the ruling of the Chair stands, and the meeting continues in accordance with the direction in the ruling. | |
| 192. If the motion to not agree with the ruling is carried, the resolution binds the meeting and the ruling will have no effect, the Point of Order is annulled and the meeting continues. | r28(7) |

Speaking to ask a Question in a meeting

- | | |
|--|--|
| 193. During consideration of an item of business Council Members may direct a question in a respectful manner through the Chair and the Chief Executive Officer in relation to the item of business. | |
| 194. A question raised in relation to an item of business is not an opportunity to debate or express an opinion on the matter the subject of the question. | |
| 195. Staff will respond to questions from the floor at the invitation of the Chair and will acknowledge the Chair. | |
| 196. The Chair may: <ul style="list-style-type: none"> • Allow a reply to a question to be given at the next meeting. • Rule that a question not be answered if the Chair considers that the question is vague, irrelevant, insulting or improper. | |

197. A question raised during an item of business and the reply will not be included in the minutes of the meeting unless a motion is moved/seconded and carried to do so, at the time the reply is given.

Motion, Amendments and Variations

198. The following is a precis of the decision-making process:
- Motion (moved/seconded)
 - Motion accepted/refused by Chair
 - Debate on motion
 - Leave of the meeting to vary, alter or withdraw motion
 - Amendment – 2 only
 - Amendment (moved/seconded by Council Members who have not spoken in the debate)
 - Debate on an amendment
 - Leave of the meeting to vary, alter or withdraw an amendment
 - Mover of amendment (or amendment as varied) to sum up.
 - Vote on an amendment (or amendment as varied) and outcome declared by Chair
 - Division called on the vote for amendment (or amendment as varied) and outcome declared
 - Debate continues on motion (motion as varied or as amended)
 - Mover of the motion (or motion as varied or motion as amended) afforded the opportunity to sum up prior to a vote.
 - Vote on the motion or motion as amended and outcome declared by Chair.
 - Division called on a vote for the motion (or motion as varied or motion as amended and outcome declared.
 - A formal motion, in addition to a motion, is a procedural way to determine how a meeting will proceed, during a decision-making process. A formal motion, shown below, may be moved by a member who has not spoken:
 - The meeting proceed to the next business
 - The question (amendment or motion) be put
 - The question (item or motion) lie on the table
 - The meeting be adjourned

199. The following outlines in more detail the decision-making process:

Motion

The Chair may refuse to accept a motion if:

- In their opinion the motion is beyond the power of the Council or Core Committee.

A motion requires a mover and seconder.

If there is no seconder there is no motion and it lapses.

The mover of a motion:

- may speak to the motion at the time of moving the motion, or
- seek a seconder and then speak to the motion moved, or
- may reserve their right to speak at a later stage in the debate.

The seconder of a motion:

- may speak to the motion at the time of seconding the motion, or
- may speak after the mover, or
- may reserve the right to speak later in the debate on the motion.

Debate (each member speaking once only to the motion).

A Council Member who has spoken to a motion may not move or second an amendment to the motion at a later stage of the debate.

Amendments – 2

Each amendment can be either carried or lost.

An amendment to a motion is an alteration to the wording of a motion, it is not a motion.

The amendment should not substantially change the intent of the motion nor contradict it (a direct negative). An amendment that goes beyond this is not an amendment and must be rejected by the Chair.

Amendment moved/seconded by a Council Member who has not already spoken to the motion.

If there is no seconder there is no amendment and it lapses.

The mover and seconder of an amendment will have spoken to the motion and may not speak again to the motion.

The mover of an amendment:

- may speak to the amendment at the time of moving the amendment, or
- seek a seconder and then speak to the amendment moved, or
- may reserve their right to speak at a later stage in the debate.

The seconder of an amendment:

- may speak to the amendment at the time of seconding the amendment, or
- may speak after the mover, or
- may reserve the right to speak later in the debate on the amendment.

Each Council Member may speak once to each amendment to address the content of the amendment and its effect on the motion.

The Chair may speak or make a statement relevant to the debate prior to the mover of the amendment summing up.

Variation to an Amendment or Motion

The mover of the amendment or motion with the consent of the seconder, may seek leave of the meeting to vary, alter or withdraw the amendment or motion.

Without the consent of both the mover and seconder a request to vary cannot proceed.

No debate on content of a variation.

The Chair must seek leave to vary immediately by show of hands.

A division may be called on the outcome of the vote.

Amendment or Amendment as varied

Debate

The mover of the amendment is afforded the opportunity to sum up after all speakers have been heard prior to a vote on the amendment.

The mover, in summing up closes debate on the amendment.

Vote on the amendment (as is or as varied) and outcome declared.

A division may be called on the vote for the amendment (as is or as varied) and outcome declared.

Motion or Motion as amended or Motion as varied

Debate by a member who has not already spoken to the motion.

The mover of the motion is afforded the opportunity to sum up after all speakers have been heard and any or all amendments have been dealt with prior to a vote on the motion.

The mover in summing up closes debate on the motion.

The Chair may speak or make a statement relevant to the debate prior to the mover of the motion summing up on a motion.

Vote on the motion (as is, or as amended or as varied) and outcome declared.

A division may be called on the vote for the motion (as is, or as amended or as varied) and outcome declared.

Formal Motions

There are five formal motions, the following apply to each:

Only a Council Member who has yet to speak in debate on the motion may move a formal motion.

A Council Member who has spoken in the debate may second a formal motion.

A formal motion moved/seconded takes precedence over the item, an amendment or motion before the meeting.

No debate unless an adjournment is sought.

No summing up by the mover.

Vote taken immediately by the Chair.

A division may be called on the outcome of the vote.

If a formal motion is lost:

- The meeting will resume at the point it was interrupted.
- During debate, a similar formal motion cannot be moved until at least one Council Member has spoken.

The five formal motions are:

1. The meeting proceed to the next item of business

If the formal motion is carried during debate on a motion the motion lapses and the meeting proceeds to the next item of business.

If the formal motion is carried during debate on an amendment, the amendment lapses and the meeting resumes debate on the motion without further reference to the amendment.

2. The question be put

If the formal motion is carried during debate on a motion the motion must be put to the vote without further debate.

If the formal motion is carried during debate on an amendment the amendment must be put to the vote without further debate.

3. The question lie on the table

If carried the meeting moves to the next item of business.

Resumption of debate (at the point of interruption) on the matter can only occur later through resolution.

Any question that lies on the table lapses at the next general election and will be reported to the council at the first ordinary meeting.

4. The question be adjourned

Formal motion must include the reason for adjournment and the details for resumption.

Debate may only occur on the details for resumption.

If carried the motion is disposed of but debate can resume at the later time.

The adjournment can be to a later hour of the same day, to another day or to another place and debate will continue from the point it was adjourned.

5. [The meeting be adjourned](#)

Formal motion must include the reason for adjournment and the details for resumption.

Details for resumption may include a specific time or place or a time and place to be determined by the Chief Executive Officer.

Debate may only occur on the details for resumption.

If carried the meeting ends without the consideration of any further business.

If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was adjourned unless the Chief Executive Officer determines to re-present the matter.

The adjournment of the meeting can be to a later hour of the same day, to another day or to another place and debate will continue from the point it was adjourned.

s89(2)

Business not dealt with because of an adjournment must be dealt with before any new business at a subsequent meeting.

r19(3)

[Resolutions](#)

200. Once debated, the Chair puts the motion to a vote and if carried by a majority of votes, it becomes a resolution of the meeting. Resolutions of the Core Committees are implemented by the Chief Executive Officer.

r27(1)

201 A Core Committee cannot make decisions except by resolution.

202. In the meeting, the Chair will facilitate a motion being moved, seconded, debated and voted upon by the Council Members present.

Core Committee Agenda Order of Business

203. With a minimum of seven Council Members present, the Chair will open/commence the meeting and introduce the business of the meeting in the order as listed in the agenda, unless otherwise determined.

[Protocol](#)

Acknowledgement of Country

The Chair will state:

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

[Apologies and Leave of Absence](#)

The Chair will advise the meeting of any known apologies or leave.

[Confirmation of Minutes](#)

The Chair will seek a mover/seconded for a motion to confirm the minutes of a previous meeting. In the absence of any discussion the motion will be put to the vote and the outcome declared.

r8
r25

Discussion on the minutes must only relate to the accuracy as a record of proceedings.

At or after the meeting, once the minutes have been confirmed, the Chair will initial each page of the minutes and place their signature and the date of confirmation at the foot of the last page of the minutes.

[Declaration of Conflict of Interest](#)

The Chair will ask Council Members to declare and identify the item to which there is a conflict at the beginning of the meeting.

When the conflict occurs during the meeting, the Council Member will need to ensure that they declare and describe the interest in accordance with the requirements of the Act. Council Members will also need to complete the Conflict-of-Interest form and provide it to Council Governance staff.

s75B(1)
s75C(1)

A disclosure made at a Core Committee meeting will be recorded in the minutes, including the details of whether the Council Member remained in the meeting, and if the member remained, the way all members voted.

s75B(3)
s75C(5)

The Chief Executive Officer will also inform the Core Committee of any conflict of interest as will staff providing advice or making recommendations.

s120

Deputations

Council may refer the hearing of a deputation to a Core Committee.

r11

The agenda lists deputations granted as at the date of Agenda Publication.

The Chair will advise the meeting of any deputation not listed and any request declined.

The meeting may overrule the decision of the Chair and resolve to hear the deputation or refer the hearing of the requested deputation to a meeting of a committee.

If the meeting grants a deputation the Chair will invite the deputation to speak at the conclusion of deputations listed to be heard.

The Chair will invite each deputation to speak for up to five minutes. An additional two minutes may be granted with leave of the meeting.

The identity of the person making the deputation, the subject, and the purpose of the address, will be recorded in the Minutes of the meeting.

Material distributed to a meeting and referenced as part of the address may be attached to the Minutes for reference if the speaker agrees; this must be done through a resolution of the Core Committee.

The inclusion of material in the Minutes is subject to an assessment by the Chief Executive Officer as to whether the material is to be disallowed based on it being defamatory, offensive or insulting in content.

Council Members can ask questions about the deputation provided they observe the guiding principles described in Part Four of this document.

The Chair may rule the speaker ineligible to continue in a deputation if in their opinion, the subject matter is:

- not one in which the Council has a direct interest or responsibility.
- not the topic outlined in the request to make a deputation.
- one which relates to the prosecution of expiation notices, summonses or any other litigation.
- more appropriately addressed by other means.
- vague, irrelevant, insulting or improper.

Workshops

No decision making will occur in response to a Workshop item.

The report in this section is intended to be taken as read, to enable the Chair to facilitate a discussion and exchange of information on each item.

The Chair will ensure that each Council Member has an opportunity to participate in discussion and no new information is being discussed to call the meeting to order to move on to the next workshop or report.

Reports for recommendation to Council

Reports provide information and advice to assist in decision-making.

Reports in this section contain a recommendation based on expertise and provide a starting point for deliberation and resolution by the Core Committee.

The recommendation in the report may be moved as a motion, moved with alteration, or not moved at all and a different motion moved.

The decision of the Core Committee will be presented as a recommendation to Council for determination.

The Core Committee may resolve to defer a matter to another meeting or another Core Committee.

Reports for noting

The meeting will be requested to resolve that the report be received and noted.

Exclusion of the Public

An order to exclude the public will be sought for each item with a request for consideration in confidence.

s90(2)

When a resolution is passed to consider an item in confidence:

- members of the public gallery and administration not required to be present are asked to leave the meeting room and move to a location where the meeting cannot be overheard or viewed.
- the doors of the meeting room are closed.

The Core Committee will disconnect any live stream of a meeting for the period that the meeting is closed to the public.

Confidential items

All confidential items on the agenda are clearly identified as confidential.

Each report in this section includes a recommendation that incorporates a confidentiality order.

s91(7)
s91(9)

The Chair will seek a resolution for the recommendation/s listed in the reports in this section.

The confidentiality order within a resolution of a Core Committee is included in the public minutes of the meeting to inform the community of the confidential status of the matter.

s91(9)

Council Members who wish to retain confidential papers for reference are required to keep them in a secure location.

Closure

In the absence of Items to be considered in confidence the Chair will formally close the meeting at the conclusion of Reports for noting.

At the conclusion of deliberation in confidence the meeting will re-open for the Chair to formally close the meeting.

Core Committees will aim to determine all matters within the agenda before the close of the meeting. The Core Committee meeting will finish once all items have been dealt with, or at 8.30 pm, whichever is met sooner.

Tabling of Information

204. A Council Member may require the Chief Executive Officer to table any documents of the Council relating to a motion that is before a meeting.
205. The Chief Executive Officer must then table the documents within a reasonable time or at a time determined by the Presiding Member after considering the wishes of the meeting.
206. If the Council Member who has required the tabling indicates that they are unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled.

r18

207. If the document sought is not able to be tabled, a formal motion may be sought to enable the meeting to proceed with other items on the agenda.
208. In making the request a Council Member must:
- specify the document or documents that they are seeking with reasonable particularity to enable them to be identified and located; and
 - explain how the document or documents are relevant to the motion that is before the meeting; and
 - the request must be reasonable in all the circumstances.
209. The Chief Executive Officer may, in tabling a document, indicate that the document should be dealt with confidentially.

Facilitating informal discussion with a short-term suspension of meeting procedures

210. If the Chair considers that the conduct of a meeting would benefit from allowing or facilitating informal discussions, the Chair may, with the approval of at least two thirds of the members present at the meeting, suspend the operation of meeting provisions for a period determined by the Chair.
211. The Chair will apply the Guiding principles prior to seeking a suspension and will identify the reason and time frame of the suspension when seeking at least 2/3rds approval by show of hands.
212. If a suspension occurs, it should be limited to achieving the purpose for which it was declared and:
- the suspension, including the reasons and period of suspension, will be entered in the minutes.
 - the meeting may proceed provided that a quorum is maintained, but during the period of suspension:
 - the provisions of the Act must continue to be observed
 - no act or discussion will have any status or significance under the meeting provisions which have been suspended
 - no motion may be moved, seconded, amended or voted on other than a motion that the period of suspension should be ended.
213. The period of suspension will come to an end if:
- the Chair determines that the period should be ended,
- OR
- at least two thirds of the Council Members present at the meeting resolve that the period should be ended.
214. If a suspension occurs the provisions of Part 4 of Chapter 5 and Chapter 6 of the Act, must continue to be observed (Member integrity and behaviour and Meetings)

Provisions to manage interruptions or improper/disorderly behaviour

215. The Chair may make a statement at the beginning of each meeting that sets out their expectations and/or the behavioural standards expected at a Council or Council Committee meeting, which may include their views about what amounts to improper or disorderly behaviour:

For these purposes, the Macquarie Dictionary definitions are used. The adjective 'proper' is defined as 'conforming to established standards of behaviour or manners, correct or decorous', and the adjective 'improper' is defined as 'not in accordance with propriety or behaviour, manners etc' or 'unsuitable, inappropriate, as for the purpose of the occasion'.

The adjective 'orderly' is defined as 'observant of system or method, as persons, the mind, etc., characterized by or observant of order, rule or discipline' and the adjective

'disorderly' is defined as 'law violating, or opposed to, constituted order, contrary to public order or morality'.

216. It is at the discretion of the Chair, whether to control improper and/or disorderly behaviour by way of a few warnings before resorting to reliance upon a procedure that could result in a Council Member being excluded, suspended from part or the remainder of a meeting or being censured.
217. It is expected that Council Members will support the Chair, in their endeavours to maintain appropriate standards of behaviour during meetings, without the need to implement a provision that would result in exclusion or could result in censure or suspension.
218. A Council Member must not, while at a Council or Core Committee meeting—
- behave in an improper or disorderly manner; or
 - cause an interruption or interrupt another Council Member who is speaking.
- It is not an interruption if the Council Member is:
- objecting to words used by a Council Member who is speaking; or
 - calling attention to a point of order; or
 - calling attention to want of a quorum.
219. The Chair may implement one of two formal options in response to improper and/or disorderly behaviour:
- exclude the Council Member from the meeting for improper and/or disorderly behaviour for up to 15 minutes
- OR**
- having identified the improper and/or disorderly behaviour request the meeting to consider the conduct identified and determine if it wishes to take action against the Council Member.
- If the option to exclude is implemented, the Chair cannot then request the meeting to consider the conduct and determine if it wishes to take any action against the Council Member.
- Exclusion of a member from the meeting by the Chair**
220. The Chair may direct a Council Member to leave the meeting for a period of up to 15 minutes, if the Chair considers that a Council Member has behaved improperly, in a disorderly manner or caused interruption to the meeting or a person speaking. The direction of the Chair is absolute and if disagreed with cannot be reversed through resolution of the meeting.
221. Prior to leaving the meeting, the Council Member must be allowed to make a personal explanation.
222. Whilst the Council Member who has been directed to leave by the Chair is excluded from the meeting room, no matter (including formal motions or amendments to motions) may be put to the vote, however motions or amendments may be moved and seconded and discussion on any matter before the meeting may continue.
223. If the Council Member refuses the direction of the Chair, or re-enters the meeting during the period of exclusion set by the Chair, the meeting through resolution may censure or suspend the Council Member for part or the remainder of the meeting.
- Meeting to consider conduct and action in response to interruption of meeting**
224. A Council Member whilst in a meeting must not:
- behave in an improper or disorderly manner; or

s86(6a)
r29(1)

r29(2)

r28A(1)
s86(6b)

r29

r28A(2)

s86(6a)
s86(6b)

r28A(1)

s86(6d)

r28A(4)

r29(1)

- cause an interruption or interrupt another Council Member who is speaking.

It is not an interruption if the Council Member is:

- objecting to words used by a Council member who is speaking; or
- calling attention to a point of order; or
- calling attention to want of a quorum.

r29(2)

225. The Chair may indicate to the meeting that they consider that a Council Member is behaving improperly, in a disorderly manner or caused interruption to the meeting or a person speaking.

r29(3)

This indication may be in response to observation or a ruling in response to a Point of Order.

In so doing, the Chair will ask the Council Member to make a personal explanation about their behaviour prior to leaving the room for the meeting to consider the matter. The relevant Council Member must leave the meeting while the matter is considered.

r29(4)

226. The meeting will then consider the conduct and determine if it wishes to take any action against the Council Member.

r29(5)

If the remaining Council Members resolve that the Council Member has behaved in the manner indicated by the Chair, those Council Members may, by resolution:

- censure the relevant Council Member; or
- suspend the Council Member for a part, or for the remainder, of the meeting

227. A resolution to censure the Council Member is an expression or statement of dissatisfaction with the Council Member's performance, conduct and/or behaviours. Such a resolution has no further effect other than as a formal, public reprimand that is expressed publicly and recorded in the Minutes of the meeting.

228. Suspension of the Council Member by resolution will be reserved for the most serious behaviours.

229. A Council Member who refuses to leave a meeting, or enters a meeting in contravention of a suspension, is guilty of an offence and a maximum penalty of \$1250 may apply.

r29(6)

Closure of a Core Committee Meeting

230. Core Committees will aim to determine all matters within the agenda before the close of the meeting.

231. Core Committee meetings will finish once all items have been dealt with, or at 8:30 pm, whichever is met sooner.

232. The Chair may seek leave of the meeting to extend the time of closure of the meeting past 8:30 pm until all business has been dealt with.

233. Any items not dealt with at the meeting by midnight of that date will be adjourned until the next meeting of Council (if time critical) or Core Committee (Ordinary or Special).

9. AFTER THE MEETING

Minutes of Core Committees

234. If the meeting is adjourned after 30 minutes, for want of a quorum, the minutes of the meeting will identify the meeting adjourned for want of a quorum, the names of the Council Members present and the date and time the meeting is expected to reconvene.

r7(4)

235. The minutes of the proceedings of a meeting will include—

- the names of the Council Members present at the meeting.
- the name of any Council Member who is not present because the Council Member is suspended or taken to have been granted leave of absence from the

r25
r8

office of Member of the Council.

- in relation to each Council member present—
 - the time at which the person entered or left the meeting; and
 - unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - if, during the meeting, the Council Member is excluded, a statement that the Council Member was excluded and the period for which the member was excluded.
- each motion or amendment, and the names of the mover and seconder.
- any variation, alteration or withdrawal of a motion or amendment.
- whether a motion or amendment is carried or lost.
- any disclosure of interest made by a Council Member

If a Member of the Council discloses a general conflict of interest in a matter to be discussed at a meeting of a Core Committee, the following details must be recorded in the minutes of the meeting:

s75B(3)

- the Council Member's name.
- the nature of the interest, as described by the Council Member.
- the way the Council Member dealt with the general conflict of interest.
- if the Council Member voted on the matter, the way the Council Member voted.
- the way the majority of persons who were entitled to vote at the meeting voted on the matter.

If a Member of the Council discloses a material conflict of interest in a matter to be discussed at a meeting of a Core Committee, the following details must be recorded in the minutes of the meeting:

s75C(5)

- the Council Member's name.
- the nature of the interest, as described by the Council Member.
- if the Council Member took part in the meeting under Ministerial approval, the fact that the member took part in the meeting.

- an account of any personal explanation given by a Council Member.
 - details of the making of an order to exclude the public from the meeting
- If an order is made to exclude the public, a note must be made in the minutes of the making of the order specifying -

s90(2)
s90(7)

- the grounds on which the order was made; and
- the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
- if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.

- a note of the making of an order to keep a matter confidential

s91(9)

If through resolution there is an order to keep a matter confidential, a note must be made in the minutes specifying -

- the grounds on which the order was made.
- the duration of the order or the circumstances in which the order will cease to apply.
- a period after which the order will be reviewed.

- details of any adjournment of business.

- a record of any request for documents to be tabled at the meeting.
- a record of any documents tabled at the meeting.
- a description of any oral briefing given to the meeting on a matter of council business.
- any other matter required by or under the Act or any regulation.
 - Upon resolution of the meeting a Question without notice and reply
 - A Division (names of who voted in favour, names of who voted against and the result of the vote)
 - Suspension of meeting procedures (including reason for, period of suspension, time commenced and time ended).

AND

- Carried unanimously (as directed by the Chair).
 - The opening and closing time of the meeting.
 - The names of Council Members with Apologies and approved leave of absence.
 - The names of Council Members who have not provided an apology or been granted a leave, as being absent.
 - A record of any undertaking given by the Chief Executive Officer.
 - In relation to a deputation, the identity of the speaker and the subject and purpose of the deputation.
 - Acknowledgment of Country.
 - The topic of each Workshop, Discussion Facilitator and Precis of Topic presented.
236. The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is not possible, at a subsequent meeting. r25(2)
237. On confirmation of the minutes, the Chair must, on hardcopy or electronically: r8(3)
- initial each page of the minutes, which are to be consecutively numbered.
 - place their signature and the date of confirmation at the foot of the last page of the minutes
238. The Chair may initial/date/sign the minutes at or after the meeting.
239. Council Members will receive a copy of all minutes of proceedings within 5 days of the meeting. s91(3)
240. Minutes excluding proceedings retained in confidence, will be available on the City of Adelaide website www.cityofadelaide.com.au following distribution to Council Members. s132
Sch5

Deputation Speakers

241. Council resolved on 29 November 2022 that the Office of Lord Mayor during the 2022-2026 Term of Office will write to all deputation speakers thanking them for making their deputation.

Live streamed meetings

242. If an audio and or visual recording of a meeting for live streaming (excluding any portion of the meeting closed to the public) is produced, it will be available via the City of Adelaide YouTube channel, accessible on the City of Adelaide website www.cityofadelaide.com.au

In addition, the Chair or the Chief Executive Officer, upon opening the meeting will advise if the public session of the meeting is being recorded and/or streamed live to the internet. The recording and/or streaming of a meeting shall be determined on a case by case basis by the Chief Executive Officer.

10. OTHER MATTERS

Special meetings of Core Committees

243. Special meetings may be held at any time. s87(6)

Where practicable, the Chief Executive Officer will endeavour to ensure that special meetings of Core Committee, will not be held prior to 5.00pm, taking into consideration the following:

- Urgency of business
- Expected length of meeting
- Quorum requirements and availability of Council Members.

244. If a request with an agenda for a special meeting is given to the Chief Executive Officer, the Chief Executive Officer must call a special meeting of a Core Committee at the request of: s87(5)

- the relevant Chair, or
- at least two Council Members of the relevant Core Committee.

245. A Council Member of the Core Committee must receive notice of a special meeting at least four hours prior to the commencement of the special meeting. s87(7)

246. Public notice with an agenda for a special meeting of the Core Committee will, wherever possible, be published with at least 24 hours' notice of the meeting.

Provisions that Apply to Core Committees

247. The Terms of Reference and meeting provisions contained in the Core Committee Terms of Reference were resolved by Council on ## September 2024. s41(8)

Review

248. As part of Council's commitment to deliver the City of Adelaide Strategic Plan 2024-2028, 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.

249. The Core Committee Terms of Reference will cease to operate if the Core Committee is wound up through Council resolution or at the conclusion of the 2022-2026 Term of Office.

Review History

250. In the event of:

- statutory provisions enacted by the Parliament of the State of South Australia being amended; or
- resolution of the Council;

the Terms of Reference will automatically be updated and a description of the edit included in the review history table below.

Trim Reference	Authorising Body	Date	Description of Edits
	Council	##/09/2024	Determined by Council

Contact:

For further information contact the Governance Program

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

Integrated Community Engagement Framework Update – End of year report

Strategic Alignment - Our Corporation

Public

Tuesday, 17 September 2024
City Finance and Governance Committee

Program Contact:
Michelle Arbon, Acting Manager
Strategy & Insights

Approving Officer:
Anthony Spartalis, Chief
Operating Officer

EXECUTIVE SUMMARY

On 26 September 2023 Council endorsed the Integrated Community Engagement Framework (the Framework). Administration has been providing regular updates to Council on how this framework has been implemented since its endorsement.

The purpose of this report is to provide an update on the progress of the Framework and recap the activities undertaken between July 2023 and June 2024. This period included the transition to the new community engagement platform and identity, 'Our Adelaide'.

This report provides an update on next steps in relation to the Community Consultation Policy and outlines how Administration will provide future updates on the progress of the Integrated Community Engagement Framework.

This report will be the last in this format to update Council members on the progress of the Framework and other key community engagement activities. Future updates to Council members on this matter will be via regular E-News articles.

RECOMMENDATION

The following recommendation will be presented to Council on 24 September 2024 for consideration

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

1. Notes the update on the progress of the Integrated Community Engagement Framework, and the activities undertaken between July 2023 to June 2024.
 2. Notes that further updates on the progress of the Integrated Community Engagement Framework will be provided quarterly to Council Members via E-News.
-

IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Corporation
Policy	Council’s Community Consultation Policy is relevant to the consideration of information within this report (Link 4).
Consultation	There is no consultation required as a result of the decision of this report, however, the report contains information about consultation activities that are occurring, or will occur as a result of Council considering other decision-making reports.
Resource	Activities outlined in this report will be conducted using existing resources or approved budgets. There are no additional resources required as a result of this report.
Risk / Legal / Legislative	There are no additional risks identified as a result of this report.
Opportunities	Not as a result of this report.
23/24 Budget Allocation	There is no additional budget required as a result of this report.
Proposed 24/25 Budget Allocation	There is no additional budget required as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report.
23/24 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

DISCUSSION

Background

1. In April 2023, a workshop was undertaken with Council Members to enable Council to shape how they wish to see the City of Adelaide consult and engage with the community.
2. A summary of the feedback was included in the Integrated Strategic Community Engagement report to the City Finance and Governance Committee meeting on 19 September 2023 and an Integrated Community Engagement Framework (the Framework) was proposed. The framework was endorsed by Council on 26 September 2023 ([Link 1](#)).
3. At the 21 November 2023 ([Link 2](#)) and the 16 April 2024 ([Link 3](#)) meetings of the City Finance and Governance Committee, an update was provided on the progress on the Framework for noting.
4. On 1 July 2024, the City of Adelaide went 'live' with the new community engagement platform 'Our Adelaide'. This is the first time in 13 years that the City of Adelaide has changed to a different community engagement platform provider. The new branding is aligned to the City of Adelaide Strategic Plan 2024-2028 vision 'Our Adelaide. Bold. Aspirational. Innovative.'

Update on the progress of the Framework

5. The Framework has a focus on three key strategic projects; Strategic Plan 2024-2028, City Plan - Adelaide 2036, and Integrated Transport Strategy. Further details on these key activities are available below.
6. Consistent with the Integrated Community Engagement Framework, Administration continues to share insights from these projects across the organisation to help inform future projects.

Strategic Plan 2024 - 2028

7. Since adoption of the Strategic Plan, administration has provided a range of updates to help staff, Council Members and our community understand our vision and how we are delivering against the actions and measures. This has included:
 - 7.1. An update to Council reporting templates for internal use
 - 7.2. The development of a range of internal branding resources
 - 7.3. An update to our public website
 - 7.4. A "one page" summary version of the Strategic Plan
 - 7.5. Translating the summary version into Mandarin
 - 7.6. Development of an 'easy read/access' version
 - 7.7. Integration of the Strategic Plan into newly adopted Strategies and Plans - including Asset Management Plans, Integrated Climate Strategy, Housing Strategy, City Plan and draft Economic Development Strategy

City Plan – Adelaide 2036

8. The City Plan was developed with extensive stakeholder and community engagement through a 2 week City Plan Studio and focus in September 2023, the pin drop survey and focus groups in March and April 2024 and the open consultation from June to July 2024. These engagements resulted in:
 - 8.1. 5661 'aware' participants
 - 8.2. 666 'engaged' visitors who contributed feedback to one of the processes.
9. In particular, the open consultation that ran from 18 June to 16 July 2024 was an opportunity for community members and stakeholders from previous City Plan engagements to provide feedback via an online survey or via email. This engagement resulted in:
 - 9.1. 51 members providing feedback on the draft City Plan – Adelaide 2036.
 - 9.2. 4,411 members viewed the draft City Plan engagement webpage,
 - 9.3. 926 downloads of the draft City Plan summary, and 768 downloads of the draft City Plan report.
10. Key themes that arose from the consultation included:
 - 10.1. Positive support for the draft City Plan – Adelaide 2036
 - 10.2. Overwhelming support for the proposed priorities and strategies

- 10.3. Strengthening of the Local Area Framework to include references to local and state heritage places, role of mainstreets and precincts, role of students and visitors, role of small businesses, and the night-time economy.
11. There was also significant commentary related to the Integrated Transport Strategy. Feedback was also received in relation to the details around the data and indices used in the City Plan, alignment of population target with Australian Bureau of Statistics projections and conservation of the Adelaide Park Lands.

Integrated Transport Strategy

12. The Integrated Transport Strategy will provide evidence-based strategic direction for transport networks and systems in the city. It will facilitate effective decision-making and ongoing action and evaluation to drive change and provide clear information about transport policies and desired street and transport network outcomes.
- 12.1. There will be two phases of community engagement. The first focuses on the strategy framework and discussion papers to set out the development of the strategy, baseline information, and issues and opportunities. It will test best practice examples and key strategic moves to build confidence and buy in on the Strategy.
- 12.2. The second phase focuses on the draft strategy, including draft transport network maps, outlining how streets will change to achieve the desired place and movement outcomes for people, and will include an implementation plan.
- 12.3. The first stage of work is underway with internal and external stakeholder engagement.

Community Engagement Platform

13. The previous 'Your Say Adelaide' community engagement platform hosted over 590 projects since 2011. Feedback from the April 2023 workshop with Council Members highlighted concerns regarding brand confusion and the effectiveness of the 'Your Say' platform.
14. An opportunity to renew our community engagement platform arose with the expiration of the 'Your Say' (Granicus platform) contract on 1 July 2024.
15. Following a competitive tender process, 'Social Pinpoint' was selected as the City of Adelaide's new engagement platform for its extended functionality and alignment with organisational objectives.
16. To align with the vision in the City of Adelaide Strategic Plan 2024-2028, 'Our Adelaide. Bold. Aspirational. Innovative.', a new name and identity 'Our Adelaide' has been introduced as part of the new platform. The purpose of this branding is to refresh our community engagement communications and assist in developing stronger connections with our community. The refreshed branding demonstrates Council's commitment to listening and elevating the voices of our community by taking a bold new approach and ensuring accessibility and inclusiveness.
17. To further Council's 'place' approach, 'Our Adelaide' has specific webpages dedicated to North Adelaide, City South-East, City South-West, East End, and West End. Each neighbourhood presents an opportunity for the community to provide feedback at a time that is convenient for them and 'join the community' to maintain an ongoing dialogue. Insights gathered from these neighbourhood pages will be distributed throughout the organisation and will guide future projects.

Community Engagement Update

18. Between July 2023 and June 2024, there were 71 projects incorporating online engagement, 3 of which were research projects.
19. The projects with the top online engagements were:

Top Projects	Highest Performing Tool	No. of Contributions	Engaged	Informed	Aware
Resident survey	Survey	317	317	580	2065
Flinders Street Streetscape	Survey	260	260	682	1401
Adelaide Central Market Shopping Cart Feasibility Survey	Survey (business, customer, intercept)	248	248	646	947
Draft Victoria Park/ Pakapakanthi (Park 16) Master Plan	Survey	198	202	783	3093

Top Projects	Highest Performing Tool	No. of Contributions	Engaged	Informed	Aware
Hindley Street – Main Street Revitalisation	Quick poll	195	269	581	1228
Park Lands Community Buildings Policy	Quick poll	123	185	339	857
Gouger Street Revitalisation	Ideas	187	89	263	541

20. Over the year 2,348 participants were engaged (contributed), 33,249 were informed (took an action) and 84,010 were aware (visited a project page).
21. Since July 2023, there were 131,254 visits to the previous online engagement platform ‘Your Say Adelaide’ and 3,444 contributions resulting in an engagement rate of 2.6%. 1,316 (9.6%) new community members registered to join the online community engagement portal.

Community Events Update

22. The City of Adelaide is committed to taking a hybrid approach to community engagement, ensuring our community members are given opportunities to provide feedback in person and online.
23. The following provides an overview of the in-person activities undertaken between July 2023 and June 2024.

Event	Dates	Engagements
University of Adelaide Welcome Day	17 July 2023	200+
Strategic Plan	27 October 2023 to 20 November 2023	70+
University of Adelaide Welcome Day	19 February 2024	200+
Fringe Vibes on Hutt Street	2 March 2024	200+
Meander Market – Melbourne Street	27 April 2024	45+
Business Plan and Budget	6 April 2024 to 19 May 2024	70+

24. The numbers above are an indication of the number of community members who engaged with staff for the purposes of community consultation and are not reflective of the total number of attendees at the event.
25. Opportunities to provide in-person feedback were also available for the following projects – Disability, Access and Inclusion Plan, Draft Integrated Climate Strategy 2030, City Plan 2036, Business Plan and Budget 2024-25, draft Economic Development Strategy, draft Asset Management Plans, Place Activations /events.
26. Insights from these in-person activities have been shared across the organisation to help inform future projects.

Next steps / Related Legislative Amendments

27. Since the endorsement of the Integrated Community Engagement Framework in September 2023, Administration has provided two updates to Council on the progress of the integrated approach. This report will be the third and final report to Council via the City Finance and Governance Committee. Future updates to Council Members on community engagement activity will be provided via E-News articles.
28. The change in format is to ensure that Council Members are provided with more timely information on community engagement activities given the shorter lead times for E-News articles compared to formal Committee/Council reports.
29. The legislated Community Engagement Charter is being developed as part of the South Australian Office of Local Government’s ‘Local Government Participation and Elections Review’. Consultation on this concluded on 28 March 2024. At the time of writing, no updates have been received on the progress of the Charter.
30. The legislated final Community Engagement Charter will inform the work undertaken by the City of Adelaide in the community engagement space. Administration is committed to progressing a revised framework and consultation policy aligned to the endorsed Community Engagement Charter, once it becomes available.

31. With the launch of the new 'Our Adelaide' brand through the new community engagement platform, Administration will continue to undertake continuous improvement activities to ensure every member of our community can contribute to the conversation about our city's future.

DATA AND SUPPORTING INFORMATION

Link 1 – Integrated Community Engagement Framework

Link 2 – 21 November 2023 update

Link 3 – 16 April 2024 update

Link 4 – Community Consultation Policy

ATTACHMENTS

Nil

- END OF REPORT -

Exclusion of the Public

Tuesday, 17 September
2024

City Finance and
Governance Committee

Program Contact:
Anthony Spartalis, Chief
Operating Officer

Public

Approving Officer:
Michael Sedgman, 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 City Finance and Governance Committee meeting for the consideration of information and matters contained in the Agenda.

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

10.1 Capital City Committee Update [section 90(3) (j) and (g) of the Act]

The Order to Exclude for Item 10.1:

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

ORDER TO EXCLUDE FOR ITEM 10.1

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE:

1. Having taken into account the relevant consideration contained in section 90(3) (j) and (g) and section 90(2) & (7) of the *Local Government Act 1999 (SA)*, this meeting of the City Finance and Governance Committee dated 17 September 2024 resolves that it is necessary and appropriate to act in a meeting closed to the public as the consideration of Item 10.1 [Capital City Committee Update] listed on the Agenda in a meeting open to the public would on balance be contrary to the public interest.

Grounds and Basis

The disclosure of information in this report would breach 'Cabinet in confidence' information presented to the Capital City Committee (CCC) established under the *City of Adelaide Act 1998* which has provided for a State/Capital City inter-governmental forum (the CCC) to operate and the associated duty of confidence and duty as a member of the inter-governmental forum.

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 would divulge information provided on a confidential basis, and would be acting contrary to the CCC operational provisions, and could undermine the CCC operations and prejudice the position of the State Government and/or Council in relation to current/future proposals prior to State Government and/or City of Adelaide evaluation and deliberation.

2. Pursuant to section 90(2) of the *Local Government Act 1999 (SA)* (the Act), this meeting of the City Finance and Governance Committee dated 17 September 2024 orders that the public (with the exception of members of Corporation staff and any person permitted to remain) be excluded from this meeting to enable this meeting to receive, discuss or consider in confidence Item 10.1 [Capital City Committee Update] 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) (j) and (g) of the Act.
-

DISCUSSION

1. Section 90(1) of the *Local Government Act 1999 (SA)* (the Act) directs that a meeting of Council must be conducted in a place open to the public.
2. Section 90(2) of the Act, states that a Council may order that the public be excluded from attendance at a meeting if Council considers it to be necessary and appropriate to act in a meeting closed to the public to receive, discuss or consider in confidence any information or matter listed in section 90(3) of the Act.
3. Section 90(3) of the Act prescribes the information and matters that a Council may order that the public be excluded from.
4. Section 90(4) of the Act, advises that in considering whether an order should be made to exclude the public under section 90(2) of the Act, it is irrelevant that discussion of a matter in public may -
 - (a) *cause embarrassment to the council or council committee concerned, or to members or employees of the council; or*
 - (b) *cause a loss of confidence in the council or council committee; or*
 - (c) *involve discussion of a matter that is controversial within the council area; or*
 - (d) *make the council susceptible to adverse criticism.*
5. Section 90(7) of the Act requires that an order to exclude the public:
 - 5.1 Identify the information and matters (grounds) from section 90(3) of the Act utilised to request consideration in confidence.
 - 5.2 Identify the basis – how the information falls within the grounds identified and why it is necessary and appropriate to act in a meeting closed to the public.
 - 5.3 In addition identify for the following grounds – section 90(3) (b), (d) or (j) of the Act - how information open to the public would be contrary to the public interest.
6. Section 83(5) of the Act has been utilised to identify in the Agenda and on the Report for the meeting, that the following report is submitted seeking consideration in confidence.
 - 6.1 Information contained in Item 10.1 – Capital City Committee Update
 - 6.1.1 Is not subject to an existing Confidentiality Order.
 - 6.1.2 The grounds utilised to request consideration in confidence is section 90(3) (j) and (g) of the Act
 - (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.
 - (g) matters that must be considered in confidence 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.

ATTACHMENTS

Nil

- END OF REPORT -

Document is Restricted