



ORDINARY COUNCIL MEETING

NOTICE OF MEETING

To: Mayor Nathan Daniell

Councillor Kirrilee Boyd
Councillor Adrian Cheater
Councillor Chris Grant
Councillor Malcolm Herrmann
Councillor Lucy Huxter
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Alex Trescowthick
Councillor Lisa Clare Woolcock
Councillor Richard Gladigau

Notice is given pursuant to the provisions under Section 83 of the *Local Government Act 1999* that the next meeting of the Council will be held on:

Tuesday 24 March 2026
6.30pm
63 Mt Barker Road Stirling

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

A handwritten signature in black ink, appearing to read 'GG', is written over a light blue circular stamp.

Greg Georgopoulos
Chief Executive Officer



ORDINARY COUNCIL MEETING

AGENDA FOR MEETING
Tuesday 24 March 2026
6.30pm
63 Mt Barker Road Stirling

ORDER OF BUSINESS

1. COMMENCEMENT

2. OPENING STATEMENT

2.1. *Acknowledgement of Country*

Council acknowledges that we meet on the traditional Country of the Peramangk and Kurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land.

2.2. Together we will care for this place for the generations to come and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children's ability to live on this land.

3. APOLOGIES/LEAVE OF ABSENCE

3.1. Apology

3.2. Leave of Absence

3.3. Absent

4. MINUTES OF PREVIOUS MEETINGS

Council Meeting – 10 March 2026

That the minutes of the ordinary meeting held on 10 March 2026 as supplied, be confirmed as an accurate record of the proceedings of that meeting.

5. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

6. MAYOR'S OPENING REMARKS

7. QUESTIONS ADJOURNED/LYING ON THE TABLE

7.1. Questions Adjourned

Frequency and duration of Elected Member Leave of Absences until 28 April 2026
Advertising and Promotion of Oil and Gas Companies until June 2026

- 7.2. Questions Lying on the Table
Nil

8. PETITIONS / DEPUTATIONS / PUBLIC FORUM

- 8.1. Petitions
8.2. Deputations
8.2.1. Lobethal Community Association - David Baker, Chair
8.2.2. Woodside Recreation Grounds - Craig Medlow
8.3. Public Forum

9. PRESENTATIONS (by exception)
Nil

10. QUESTIONS ON NOTICE

11. MOTIONS ON NOTICE

12. ADMINISTRATION REPORTS – DECISION ITEMS

- 12.1. Composition and operation of the CEO Performance Review Panel
1. *That the composition and operation of the CEO Performance Review Panel report be received and noted.*
 2. *Any other decision of Council*
- 12.2. Gawler River Floodplain Management Authority – Approval of the 2026-27 Budget and update on Council’s withdrawal request
1. *That the Gawler River Floodplain Management Authority – Approval of the Draft 2026-27 Budget and Update on Council’s Withdrawal Request report be received and noted.*
 2. *To note the draft 2026-27 Annual Business Plan of the Gawler River Floodplain Management Authority.*
 3. *To approve the draft 2026-27 Budget of the Gawler River Floodplain Management Authority, including Council’s contribution of approximately \$31,000.*
 4. *To note the update on Council’s withdrawal request from the Gawler River Floodplain Management Authority, including the Minister’s refusal of the request and the GRFMA’s advice that the State Government will be leading the Business Case for the Bruce Eastick North Para Flood Mitigation Dam.*
 5. *To not continue to pursue withdrawal from the Gawler River Floodplain Management Authority at this time.*

6. *That the Chief Executive Officer advises the Gawler River Floodplain Management Authority of Councils resolution.*

12.3. Draft Community Engagement Policy

1. *That the Draft Community Engagement Policy report be received and noted.*
2. *To approve the commencement of community engagement on the Draft Community Engagement Policy (Appendix 1).*

12.4. Elected Members Access to Legal Advice

1. *That the report be received and noted.*
2. *To revoke the Elected Members Access to Legal Advice Policy and adopt the revised Elected Members Access to Legal Advice Policy at Appendix 1.*
3. *That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the policy.*

13. ADMINISTRATION REPORTS – INFORMATION ITEMS

Nil

14. CORRESPONDENCE FOR NOTING

- 14.1. The Hon. Peter Malinauskas, Premier of South Australia – response to recent correspondence
- 14.2. Electoral Commission of South Australia – casual vacancy in the Ranges Ward
- 14.3. The Hon. Robert Simms MLC – response to the Southern Hills Local Government

15. QUESTIONS WITHOUT NOTICE

16. MOTIONS WITHOUT NOTICE

17. REPORTS

- 17.1. Council Member Function or Activity on the Business of Council
- 17.2. Reports of Members/Officers as Council Representatives on External Organisations
- 17.3. CEO Report

18. REPORTS OF COMMITTEES

- 18.1. Council Assessment Panel – 11 March 2026
That the minutes of the meeting held on 11 March 2026 as supplied, be confirmed as an accurate record of the proceedings of that meeting.
- 18.2. Audit and Risk Committee
Nil
- 18.3. CEO Performance Review Panel

Nil

- 18.4. Boundary Change Committee
Nil

19. CONFIDENTIAL ITEMS

- 19.1 Aged Care Services
19.2 Adelaide Hills Regions Waste Management Authority (AHRWMA) Charter Review
19.3 Mayor Seeking Legal Advice (late report)

20. NEXT MEETING

Tuesday 14 April 2026, 6.30pm, 63 Mt Barker Road, Stirling

21. CLOSE MEETING

Council Meetings, Information and Briefing Sessions, CAP and Committee Meetings for 2026

DATE	TYPE	LOCATION	MINUTE TAKER
JANUARY 2026			
Tuesday 27 January	Ordinary Council	Stirling	Skye Ludzay
Wednesday 28 January	CEO PRP	Stirling	Zoë Gill
FEBRUARY 2026			
Monday 2 February	Workshop	Woodside	N/A
Tuesday 10 February	Ordinary Council	Stirling	Lauren Jak
Wednesday 11 February	CAP	Stirling	TBA
Monday 16 February	Audit and Risk Committee	Stirling	Lauren Jak
Tuesday 17 February	Professional Development	Stirling	N/A
Monday 23 February	Workshop	Stirling	N/A
Tuesday 24 February	Ordinary Council	Stirling	Skye Ludzay
MARCH 2026			
Monday 2 March	Workshop	Woodside	N/A
Tuesday 10 March	Ordinary Council	Stirling	Skye Ludzay
Wednesday 11 March	CAP	Stirling	TBA
Tuesday 17 March	Professional Development	Stirling	N/A
Tuesday 24 March	Ordinary Council	Stirling	Georgie McKeon
Saturday 28 March	Workshop	Stirling	N/A
APRIL 2026			
Tuesday 7 April (Due to public holiday on Monday 6)	Workshop	Woodside	N/A
Tuesday 14 April	Ordinary Council	Stirling	Georgie McKeon
Wednesday 8 April	CAP	Stirling	TBA
Monday 20 April	Audit and Risk Committee	Stirling	Lauren Jak
Tuesday 21 April	Professional Development	Stirling	N/A
Wednesday 22 April	CEO PRP	Stirling	Zoë Gill
Tuesday 28 April	Ordinary Council	Stirling	Skye Ludzay
MAY 2026			
Monday 4 May	Workshop	Woodside	N/A
Tuesday 12 May	Ordinary Council	Stirling	Skye Ludzay
Wednesday 13 May	CAP	Stirling	TBA
Monday 18 May	Audit and Risk Committee	Stirling	Lauren Jak
Tuesday 19 May	Professional Development	Stirling	N/A
Tuesday 26 May	Ordinary Council	Stirling	Georgie McKeon
JUNE 2026			
Monday 1 June	Workshop	Woodside	N/A
Tuesday 9 June	Ordinary Council	Stirling	Georgie McKeon
Wednesday 10 June	CAP	Stirling	TBA
Tuesday 16 June	Professional Development	Stirling	N/A
Tuesday 23 June	Ordinary Council	Stirling	Skye Ludzay
JULY 2026			
Monday 6 July	Workshop	Woodside	N/A
Wednesday 8 July	CAP	Stirling	TBA

DATE	TYPE	LOCATION	MINUTE TAKER
Tuesday 14 July	Ordinary Council	Stirling	Skye Ludzay
Wednesday 15 July	CEO PRP	Stirling	Zoë Gill
Tuesday 21 July	Professional Development	Stirling	N/A
Tuesday 28 July	Ordinary Council	Stirling	Georgie Mckeon
AUGUST 2026			
Monday 3 August	Workshop	Woodside	N/A
Tuesday 11 August	Ordinary Council	Stirling	Skye Ludzay
Wednesday 12 August	CAP	Stirling	TBA
Monday 17 August	Audit and Risk Committee	Stirling	TBA
Tuesday 18 August	Professional Development	Stirling	N/A
Tuesday 25 August	Ordinary Council	Stirling	Georgie McKeon
SEPTEMBER 2026			
Monday 7 September	Workshop	Woodside	N/A
Tuesday 8 September	Ordinary Council	Stirling	Skye Ludzay
Wednesday 9 September	CAP	Stirling	TBA
Tuesday 15 September	Professional Development	Stirling	N/A
Tuesday 22 September	Ordinary Council	Stirling	Georgie McKeon
OCTOBER 2026			
Tuesday 6 October (Public Holiday)	Workshop	Woodside	N/A
Tuesday 13 October	Ordinary Council	Stirling	Skye Ludzay
Wednesday 14 October	CAP	Stirling	TBA
Monday 19 October	Audit and Risk Committee	Stirling	TBA
Tuesday 20 October	Professional Development	Stirling	N/A
Wednesday 21 October	CEO PRP	Stirling	Zoë Gill
Tuesday 27 October	Ordinary Council	Stirling	Georgie Mckeon
NOVEMBER 2026			
Monday 2 November	Workshop	Woodside	N/A
Tuesday 10 November	Ordinary Council	Stirling	Skye Ludzay
Monday 16 November	Audit and Risk Committee	Stirling	TBA
Tuesday 17 November	Professional Development	Stirling	N/A
Tuesday 24 November	Ordinary Council	Stirling	Georgie McKeon
DECEMBER 2026			
Monday 7 December	Workshop	Woodside	N/A
Tuesday 8 December	Ordinary Council	Stirling	Skye Ludzay
Wednesday 9 December	CAP	Stirling	N/A

Meetings are subject to change, please check agendas for times and venues. All meetings (except Council Member Professional Development) are open to the public.

Community Forums 2026

6.00 for 6.30pm

(dates and venues to be confirmed)

DATE	LOCATION
30 March 2026	Lenswood
30 June 2026	Mylor Community Forum
24 August 2026	Birdwood Community Forum

Council Member Attendance 2026

Information or Briefing Sessions

Meeting Date	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Richard Gladigau	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Leith Mudge	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Alex Trescowthick	Cr Lisa Woolcock	-
2 Feb 2026	F	P	F	F	AP	F	AP	F	AP	LOA	F	F	
17 Feb 2026	F	P	F	F	F	F	F	F	A	LOA	F	F	
23 Feb 2026	A	F	P	F	LOA	P	P	F	F	LOA	F	A	
2 Mar 2026	F	F	F	F	LOA	F	AP	F	A	LOA	F	P	
10 March 2026	A	LOA	F	F	LOA	F	F	F	P	F	F	AP	
17 March 2026	F	P	F	F	F	AP	P	F	AP	F	F	P	

Council Member Attendance 2026

Council Meetings (including Special Council Meetings)

Meeting Date	Cr Kirrilee Boyd	Cr Adrian Cheater	Cr Nathan Daniell	Cr Richard Gladigau	Cr Chris Grant	Cr Malcolm Herrmann	Cr Lucy Huxter	Cr Leith Mudge	Cr Mark Osterstock	Cr Kirsty Parkin	Cr Alex Trescowthick	Cr Lisa Woolcock	-
27 Jan 2026	F	F	F	F	F	F	F	F	F	F	F	F	
10 Feb 2026	F	AP	F	F	F	F	F	F	F	AP	F	F	
24 Feb 2026	F	F	F	F	LOA	F	F	F	F	LOA	F	F	
10 Mar 2026	F	LOA	F	F	LOA	F	F	F	F	F	F	AP	

Conflict of Interest Disclosure Form

CONFLICTS MUST BE DECLARED VERBALLY DURING MEETINGS

Date: _____

Meeting Name (please tick one)

- | | | | |
|------------------------------|--------------------------|---------------------------|--------------------------|
| Ordinary Council | <input type="checkbox"/> | Audit Committee | <input type="checkbox"/> |
| Special Council | <input type="checkbox"/> | Boundary Change Committee | <input type="checkbox"/> |
| CEO Performance Review Panel | <input type="checkbox"/> | Other: _____ | <input type="checkbox"/> |

Item No **Item Name:**

(Only one conflict of interest entry per form)

I, Mayor / Cr _____ have identified a conflict of interest as:

GENERAL

MATERIAL

GENERAL

In considering a General Conflict of Interest (COI), an impartial, fair-minded person might consider that the Council Member’s private interests might result in the Member acting in a manner that is contrary to their public duty.

MATERIAL

In considering a Material Conflict of Interest (COI), a member of a council has a material conflict of interest in a matter to be discussed at a meeting of the council if a class of persons as defined in s75(1)(a-l) in the Act would gain a benefit, or suffer a loss, (whether directly or indirectly and whether of a personal or pecuniary nature) depending on the outcome of the consideration of the matter at the meeting.

The nature of my conflict of interest is as follows:

(Describe the nature of the interest, including whether the interest is direct or indirect and personal or pecuniary)

I intend to deal with my conflict of interest in the following transparent and accountable way:

- I intend to **stay** in the meeting (please complete details below)
- I intend to **stay** in the meeting as exempt under s75A (please complete details below)
- I intend to **leave** the meeting (*mandatory if you intend to declare a Material conflict of interest*)

The reason I intend to stay in the meeting and consider this matter is as follows:

(This section must be completed and ensure sufficient detail is recorded of the specific circumstances of your interest.)

Office use only: Council Member voted FOR / AGAINST the motion.

8. DEPUTATIONS

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. A request to make a deputation should be made by submitting a Deputation Request Form, (available on Council's website <http://www.ahc.sa.gov.au/> and at Service and Community Centres) to the CEO seven clear days prior to the Council meeting for inclusion in the agenda.
2. Each deputation is to be no longer than ten (10) minutes, excluding questions from Members.
3. Deputations will be limited to a maximum of two per meeting.
4. In determining whether a deputation is allowed, the following considerations will be taken into account:
 - the number of deputations that have already been granted for the meeting
 - the subject matter of the proposed deputation
 - relevance to the Council agenda nominated – and if not, relevance to the Council's powers or purpose
 - the integrity of the request (i.e. whether it is considered to be frivolous and/or vexatious)
 - the size and extent of the agenda for the particular meeting and
 - the number of times the deputee has addressed Council (either in a deputation or public forum) on the subject matter or a similar subject matter.

8.3 PUBLIC FORUM

For full details, see Code of Practice for Meeting Procedures on www.ahc.sa.gov.au

1. The public may be permitted to address or ask questions of the Council on a relevant and/or timely topic.
2. The Presiding Member will determine if an answer is to be provided.
3. People wishing to speak in the public forum must advise the Presiding Member of their intention at the beginning of this section of the meeting.
4. Each presentation in the Public Forum is to be no longer than five (5) minutes (including questions), except with leave from the Council.
5. The total time allocation for the Public Forum will be ten (10) minutes, except with leave from the Council.
6. If a large number of presentations have been requested, with leave from the Council, the time allocation of five (5) minutes may be reduced.
7. Any comments that may amount to a criticism of individual Council Members or staff must not be made. As identified in the Deputation Conduct section above, the normal laws of defamation will apply to statements made during the Public Forum.
8. Members may ask questions of all persons appearing relating to the subject of their presentation.

Administration Reports Decision Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 24 MARCH 2026
AGENDA BUSINESS ITEM**

Item:	12.1
Responsible Officer:	Zoë Gill Executive Governance Officer Office of the CEO
Subject:	Composition and operation of the CEO Performance Review Panel
For:	Decision

SUMMARY

The purpose of this report is to respond to a motion on notice requesting a report that provides options for the composition and operation of the CEO Performance Review Panel (the Panel).

RECOMMENDATION

Council resolves:

- 1. That the composition and operation of the CEO Performance Review Panel report be received and noted.**
 - 2. Any other decision of Council.**
-

1. BACKGROUND

Under s102A of the *Local Government Act 1999* (the Act) the Council must review the performance of the CEO at least once a year. In doing so, the Council must obtain and consider the advice of a Qualified Independent Person.

Under its Terms of Reference, the role of the CEO Performance Review Panel (the Panel) is to “facilitate, manage and report to Council on the review process in accordance with section 102A of the Act, as well as to provide advice to Council on matters relating to the performance and development of the CEO”.

The Panel, under its TOR, currently has five members, namely the Mayor, three Council members and one independent member who “is not an employee or the qualified independent person engaged pursuant to section 102A of the [*Local Government*] Act”. Council is currently recruiting for the independent member role. The selection panel has deferred making a recommendation to Council pending the outcome of this report.

Council engaged Michael Kelledy, Kelledy Jones Lawyers, as the Qualified Independent Person under s102A of the *Local Government Act 1999* to provide advice on the CEO performance review.

Council also engaged a HR consultant to assist in the development of KPIs and to develop the performance review process, including conducting the end of year review.

At its 27 January 2026 meeting, Council requested a report be prepared on the composition and operation of the CEO Performance Review Panel:

MOTION AS VARIED

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

3/26

That:

1. A report be prepared for Council's consideration by the 28th of February, 2026, providing options for the composition and operation of the CEO PRP ("the Panel") with input sought from the current qualified independent person.
2. The report should amongst other things, consider the practice of other Councils and also the existing Local Government Association guidance to determine:
 - a. What role the Qualified Independent Person ("QIP") has to play in the workings of the Panel;
 - b. What qualifications the Qualified Independent Person should possess in order to best discharge that role;
 - c. How often the QIP needs to attend CEO PRP meetings;
 - d. The role of the independent member on the CEO PRP;
 - e. How the Terms of Reference of the CEO PRP should be updated to recognise the need for, manner of selection and appointment, and role of, a QIP;
 - f. Financial implications of the various options;
 - g. Any other factors that may be relevant to the matters raised herein.

7:44pm Cr Lisa Clare Woolcock returned to the meeting.

Carried Unanimously

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal 4	Organisation
Objective 02	Operate with integrity using best practice governance processes
Priority 02.1	Demonstrate accountable and transparent decision making.
Priority 02.3	Enhance governance structures and systems to be agile and support our legislative obligations.

➤ Legal Implications

Under s102A of the *Local Government Act* (the Act), Council must review the performance of its CEO at least once in each year that the chief executive officer holds office and, if

relevant, before reappointment of the CEO. Council must also obtain and consider the advice of a qualified independent person on the CEO performance review:

102A—Chief executive officer—performance review

- (1) A council must review the performance of its chief executive officer—
 - (a) at least once in each year that the chief executive officer holds office as chief executive officer; and
 - (b) if relevant, before reappointment of the chief executive officer.
- (2) The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).
- (3) In this section—

qualified independent person means a person who is—

 - (a) not a member or employee of the council; and
 - (b) determined by the council to have appropriate qualifications or experience in human resource management.

The CEO Performance Review Panel is a section 41 Committee. Section 41 of the *Local Government Act 1999* (the “LG Act”) sets out the processes for the establishment of council committees. Section 41 committees may contain members as determined by Council and can contain members who are not members of council.

As indicated, under its Terms of Reference, the role of the CEO Performance Review Panel (the Panel) is to “facilitate, manage and report to Council on the review process in accordance with section 102A of the Act, as well as to provide advice to Council on matters relating to the performance and development of the CEO”.

➤ **Risk Management Implications**

Ensuring legally compliant composition and operation of the CEO PRP will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low(3E)	Low(3E)

There are many other controls in place to mitigate this risk.

➤ **Financial and Resource Implications**

This report was developed primarily within the resources of the Governance budget.

The input sought from the Qualified Independent Person for this report cost \$1,225.00 + GST.

The costs associated with the various inputs to the CEO review process are discussed in the “further analysis” section of this report.

➤ **Customer Service and Community/Cultural Implications**

No specific customer service or cultural impacts arise from this report. However, there is an overarching community expectation that Council will maintain transparent and consistent governance processes.

➤ **Sustainability Implications**

Not Applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not Applicable
Council Workshops: Not Applicable
Advisory Groups: Not Applicable
External Agencies: Local Government Association, Kelledy Jones Lawyers
Community: Not Applicable

➤ **Additional Analysis**

This section of the report addresses the individual factors the motion requested be given consideration.

Qualified Independent Person input

The motion requested that input be sought from the current qualified independent person (QIP), Michael Kelledy. This input is provided at **Appendix 1**.

The advice provided by Michael Kelledy places emphasis on governance principles, administrative law requirements, as well as legislative requirements. It emphasises the importance of maintaining clear separation between decision making, advisory and oversight roles within the CEO performance review process. In particular, the advice highlights the need to avoid real or perceived conflicts of interest and to ensure procedural fairness for all parties.

Michael Kelledy has advised that the role of the QIP should remain distinct from the role of the CEO PRP and from any independent HR adviser engaged to support the Panel. The advice suggests that the QIP's primary function is to provide independent oversight and advice to Council, rather than to participate directly in PRP deliberations or influence PRP decisions that may later be the subject of independent advice to Council.

Local Government Association Guidance material

The motion requested consideration of existing Local Government Association (LGA) guidance.

The LGA has developed guidance material to support councils in implementing legislative changes arising from the *Statutes Amendment (Local Government Review) Act 2021*. This guidance includes information on the role and definition of a QIP. The relevant LGA information sheet was last updated in 2024 to incorporate advice on the QIP and was developed by the LGA in consultation with its legal partner, Norman Waterhouse Lawyers (refer **Appendix 2**).

The LGA guidance explains that, for the purposes of the Act, a QIP is a person who:

- is not a member or employee of the relevant council; and
- is determined by the council to have appropriate qualifications or experience in human resource management.

The guidance notes that the Act does not prescribe the specific nature or scope of the advice to be provided by a QIP, nor does it require the QIP to be independent from the performance review process itself, beyond meeting the statutory definition of independence.

The guidance further indicates that a QIP may be engaged in a range of ways, including as an external HR consultant, and that councils have discretion to determine how the role is applied in practice, provided the legislative requirements to “obtain and consider” QIP advice are met. It also outlines that there are no specific conflict of interest provisions that apply to QIPs under the Act, although councils are encouraged to manage potential conflicts through contractual arrangements and role clarity.

CEO Report on composition and operation of the CEO Performance Review Panel

The composition and operation of the CEO Performance Review Panel, as well as the role of the qualified independent person under the *Local Government Act 1999* (the **Act**), are relevant to Council’s considerations. The CEO’s perspective can be found at **Appendix 3**.

In summary, the CEO outlines the roles of a Qualified Independent Person in the termination of the CEO, the appointment of a CEO, and in the performance review of the CEO under the *Local Government Act 1999*. He concludes:

The importance of the appointment and role of a QIP should not be underestimated. It is a legislative requirement in the employment space, where any failure by the Council maybe adverse to the interests of the Council as an employer.

*It is also important to note that the role of the QIP is not to support the CEO in this process, but rather, **the Council**, as recipient of the advice.*

The requirements on the QIP is to provide objective and at ‘arm’s length’ advice on process and procedure, being particularly illustrated by the legal requirement for the QIP to, independently, advise and provide guidance to the Panel and/or the Council, in a process even where there may be an ‘independent’ panel member.

It is of note that this position is supported by not only Kelledy Jones Lawyers, but also, by Ms Felicie D’Agostino, who attended at a Special Council meeting in November 2023 to discuss the CEO performance review process.

Local Government Sector Practice

The motion requested that this report consider the practice of other Councils.

Administration undertook a desktop review of Councils geographically adjacent to Adelaide Hills Council and Group 4 Councils (as identified by the Remuneration Tribunal of SA in their Determination *Minimum and Maximum Chief Executive Officer Remuneration*).

The review involved:

- Reviewing publicly accessible documents including websites, Terms of References for CEO Panels, Council and Committee Agendas and Minutes.
- Information requests to each Council for more detailed information about their practices.
- Not all Councils responded to request for further information.

The results of this review are provided in the table 1.

Table 1 – Councils and their CEO Review Process

Council	Summary
Mitcham Council	<ul style="list-style-type: none"> • CEO PRP Panel • No Independent Member • QIP is a HR Consultant, the QIP coordinates the Annual Review Process including 360 feedback process and mid-term review. • QIP attends two Panel meetings each year (KPI setting and Annual Review) • No legal advice received
City of Unley	<ul style="list-style-type: none"> • No separate Panel/Committee
Mount Barker Council	<ul style="list-style-type: none"> • CEO PRP Panel • No Independent Member • QIP is a HR Consultant, appointed for three years • Current QIP employed through a Tender Process • \$10,000 annual budget to undertake CEO Review • The HR Consultant prepares the following deliverables: <ol style="list-style-type: none"> 1. KPIs and Position Description 2. Summary Report on CEO Performance review (de-identified) – (for future public release)

	<p>3. Strategic Performance Objectives – for the year ahead</p> <p>4. Remuneration Review Report – including salary advice and recommendation</p>
Campbelltown City Council	<ul style="list-style-type: none"> • CEO Performance Review Committee • Independent Member who is also the QIP • Independent Member/QIP is a HR Consultant and coordinates and implements the Annual Review Process including benchmarking, feedback review, KPI's and annual report. • Independent Member attendance at quarterly reviews is not compulsory. • QIP Advice received from current Independent Member • Legal advice received on Terms of Reference. • Current QIP employed through a Tender Process
City of Norwood, Payneham & St Peters	<ul style="list-style-type: none"> • CEO Performance Review Committee • Independent Member • The Independent Member of the Review Panel shall in addition to participating as an equal member of the Panel, provide relevant professional advice to the Panel and be responsible for fully supporting the Panel and preparing the report as required by the Panel after consultation with the Chief Executive Officer.
City of Burnside	<ul style="list-style-type: none"> • CEO PRP Panel • No Independent Member • qualified independent person to assist with the Performance Plan, Performance Appraisal and Remuneration Review of the CEO in accordance with section 102A of the Act. • process of appointing a qualified independent person must be in line with Council's Procurement Policy,
City of Mt Gambier	<ul style="list-style-type: none"> • CEO PRP Panel • No Independent Member

	<ul style="list-style-type: none"> • Council will appoint independent human resource management specialist support (including a Qualified Independent Person) to assist with undertaking performance reviews and/or recruitment, to provide advice as required by ss 98 and 102A of the Act • Uses the services of a Qualified Independent Person and (if determined appropriate by the Committee) specialist consulting services to support the Committee in fulfilling its purpose, role and responsibilities.
Yorke Peninsula Council	<ul style="list-style-type: none"> • No CEO Review Committee
City of Gawler	<ul style="list-style-type: none"> • Chief Executive Officer Performance Management Panel • QIP is an HR Professional • QIP attends all meetings in advisory capacity and manages review process • A suitably qualified independent person must be engaged to provide advice to the Panel and will be an ex-officio Member of the Panel, with no voting rights.
Victor Harbour	<ul style="list-style-type: none"> • Chief Executive Officer Performance Review Committee • No Independent Member • QIP holds a Master of Psychology (Organisational and Human Factors) • Qualified Independent Person to assist the Committee with the performance review process and/or other functions relevant to the position
Light Regional Council	<ul style="list-style-type: none"> • CEO Review Panel was discontinued
Whyalla Council	<ul style="list-style-type: none"> • Chief Executive Officer's Review Panel • No Independent Member • The Panel, in consultation with the qualified independent person is responsible for: <ol style="list-style-type: none"> 1 providing advice to Council during the conduct of the Chief Executive Officer's performance review; 2 providing advice to the Council on any review of the Chief Executive Officer's Employment Agreement,

	<p>including any review of the Chief Executive Officer’s job description;</p> <p>3. providing advice to the Council on the recruitment process for a Chief Executive Officer or the appointment of an Acting Chief Executive Officer should the Chief Executive Officer position become vacant;</p> <p>4 providing advice to the Council on the termination of the Chief Executive Officer’s Employment Agreement; and</p> <p>5 providing advice to Council on any matters relating to the health, safety and wellbeing of the Chief Executive Officer.</p>
Kangaroo Island Council	<ul style="list-style-type: none"> • CEO Performance Review Committee • May appoint an Independent Member under TOR, currently all members are Council members. • Committee will appoint a qualified independent organisation / person to assist with the conduct the performance reviews of the CEO

In addition to the above, the involvement of the QIP is typically referenced within Council or committee reports in general terms (for example, noting that “the Panel obtained and considered advice from a QIP”).

In summary, of the South Australian Councils reviewed, they manage the CEO Performance Review in a variety of different ways.

Role of the QIP within the Panel

The motion requests that the report consider what role the QIP has to play in the workings of the Panel.

Under s102A of the Act, the role of the QIP is to give advice on the review of the performance of the CEO. The LGA’s advice is that there are no further requirements for the QIP beyond this statutory requirement, particularly noting that “The person is **not** required to be ‘independent from the process’. They are part of the process”. The LGA guidance also states:

The qualified independent person is not required to perform an audit role. It is not necessary for them to comment on probity of process and procedure, and indeed they might not have appropriate qualifications or experience to comment on such matters. They are engaged because they are independent from the council and have the requisite human resource management expertise.

.....

When advising on termination or performance review, there are no specific matters which the qualified independent person must provide advice upon. The nature of the advice which the qualified independent person provides in such cases will be guided by their own expertise, the specific circumstances of the case (including relevant employment contract provisions), and any roles and responsibilities agreed with the council in advance.

Michael Kelledy's advice is in contrast to this advice, noting particularly that:

The QIP cannot, in my opinion, perform the functions of their responsibilities and be seen to be doing so, if there are circumstances where he/she has either a real or perceived conflict of interest, or a conflict of roles, or any bias, whether actual or apprehended.

.....

My position is that the role of the QIP is to remove even a suggestion of any power imbalance, to ensure that an independent member of the PRP and/or an independent HR adviser are able to perform their functions without the prospect of later being asked to self-certify by way of a report which (in terms of administrative law, particularly procedural fairness) must be independent and transcend any influences in the decision-making processes and the decisions of the PRP.

QIP Qualifications

The motion requests that the report consider what qualification the QIP should possess.

The Act provides that the Council must determine that the person has the appropriate qualifications or experience in human resource management. A wide variety of qualifications or experience may satisfy this legislative requirement and Council should assess whether this requirement is met on a case-by-case basis.

The LGA guidance offer the following examples of appropriate qualifications:

- *Diploma in Human Resource Management or a related field;*
- *Certificate in Human Resource Management or a related field;*
- *Bachelors Undergraduate Degree in Human Resource Management or a related field;*
- *Master's Degree in Human Resource Management or a related field;*
- *PhD in Human Resource Management or a related field;*
- *Related fields may include business, industrial relations, psychology or law.*

The Council may also determine that the person has the appropriate experience irrespective of qualifications.

The LGA guidance material provides examples of appropriate experience:

- *A person might have "appropriate experience" if they have worked for several years in a human resources or people and culture role, ideally:*
 - *in more than one organisation;*
 - *with an understanding of the strategic needs of organisations; and*

- *with particular experience dealing with senior managers of an organisation.*
- *Examples of roles that a council might determine constitutes ‘appropriate experience’ include:*
 - *Human Resources Practitioner (eg HR Manager, HR Consultant, HR Director, Deputy HR Director, Chief People Officer, HR Advisor, and other similar HR related roles);*
 - *Employment lawyer;*
 - *Operations manager (those with significant experience in people management practices);*
 - *Recruitment Consultant (for CEO appointments only);*
 - *Organisational psychologist.*

QIP Meeting Attendance

The motion requests that the report consider how often the QIP needs to attend Panel meetings.

There is no legislative requirement for QIP attendance at meetings.

Michael Kelleedy advices that:

The QIP need only attend the formal annual review meetings. As members of the QIP will be aware, whilst I was requested to attend the various PRP meetings when the Council was going through difficult times (including when the PRP was without an independent member and/or the services of Perks People - Collette Ordish – and the setting of the KPIs was in its infancy), when things settled down I voluntarily suggested that I not attend the quarterly meetings, that the PRP decide whether it wished me to attend the half-year meeting and my attendance otherwise be limited to the full, annual, formal review meeting – but in the context of professionalism, independence and oversight for my annual report to the Council, that I be provided with agendas and minutes for the PRP meetings at which I was not present.

Role of the Panel and Independent Member

The motion requests consideration of the role of the independent member of the panel on the Panel.

Under the Panel’s Terms of Reference, there must be one independent member on the Panel. The role of the independent member is the same as the role of the other members of the Panel, to fulfill the roles and functions of the Panel.

The LGA guidance material advices that it is unlikely that this person can be the QIP:

it is unlikely that mere inclusion of a suitably qualified independent person on a CEO performance review committee means the council has ‘obtained and considered the advice’ of that person in sense required by section 102A of the Act. There would also likely be challenges in attempting to have the same person both be a member of the committee and to separately provide advice in an individual capacity, including the potential for conflicts of interest in the consideration of their own advice by the

committee and in relation to any proposed decision which may or may not be consistent with their own advice.

Rather, in circumstances where a CEO performance review committee assists with the annual performance review of the CEO (which, again, is not mandatory), councils should also obtain and consider advice from a separate qualified independent person in relation to the annual performance review for the purposes of section 102A of the Act.

Many Councils do not include an Independent Member on their Performance Review Panel and this is a discretionary position that Council has determined to include in the membership of the Panel.

Some Councils choose to have their Independent Member also fulfil the QIP role, however as discussed above this may not satisfy the requirements of the Act. This is specifically precluded in the current Terms of Reference.

Whilst the Independent Member has traditionally been a HR practitioner at this Council, the current requirements of the Terms of Reference are simply that the individual has recent and relevant skills and experience related to the role.

While it is not a mandatory requirement, Council may determine that the diversity of opinion and skillset of the Independent Member brings sufficient value to warrant their inclusion on the Panel in addition to the use of a QIP.

Terms Of Reference Updates

Administration has not proposed specific updates to the Terms of Reference as the necessary amendments will be different depending on how the Council responds to this report. Should Council elect to retain the current approach, there need not be any change to the terms of reference although Council could consider changing the terms to enable the Panel to engage a HR consultant to assist with undertaking its functions.

Financial implications

The motion requests that the report consider the financial implications of various options.

As indicated, currently in undertaking the CEO Review Process Council engages:

- The Independent Member
- The QIP
- The HR Consultant

The current fees related to the operation and role of the Panel and the review process are provided below to inform Council.

It should be noted that the fees charged by different providers are per meeting or per unit (of time) and therefore the cost will vary depending on the amount of meetings, length/complexity of meetings/agendas/minutes. It should be noted that the Panel meets between 5-6 times a year.

Table 2 - Changes to Independent Member sitting fees

	Independent Member (2025)	Presiding Member (2025)	Independent Member (2026)	Presiding Member (2026)
Fee per CEO PRP meeting	\$450	\$575	\$542	\$692
Training	\$75	\$75	\$90	\$90
IOBS	-	-	\$100	\$100

Table 3 – actual independent member fees 2024-2025

	Sitting Fee (CEO PRP/Workshop)	Advice
8 February 2024	\$450	
21 March 2024	\$450	
28 March 2024	\$450	
2 April 2024	\$450	
12 August 2024	\$450	
10 December 2024	\$450	
21 February 2025		\$575
3 March 2025	\$575	
10 April 2025		\$575
22 April 2025		\$575
16 April 2025	\$575	
19 June 2025	\$575	
9 July 2025	\$575	
Total		\$6725

QIP fees

Michael Kelledy charges Council a discounted rate of \$350 per hour for QIP related advice.

Table 4 - Actual Qualified Independent Person fees 2025

	Attendance at CEO PRP meeting	Attendance to review Agenda and reports	Total (excluding GST)
28 Jan 2026	\$770	\$280	\$1050
15 October 2025	\$335		\$335
27 August 2025	\$980	\$490	\$1470
9 July 2025	\$1015		\$1015
18 June 2025	\$1330	\$210	\$1540
Total			\$5410

Table 5 - HR Consultant (KPIs and review process developed by Perks)

	HR Costs (GST included)
Attendance at Panel meetings 2/4/25 and 10/4/25	\$1302
Facilitation of CEO Performance Review Process – March 2025	\$9410
CEO Performance Review Progress and ad hoc HR advice	\$3410
Total	\$14,122

Analysis of Advice and Councils Practices

The LGA guidance and the advice of Council’s appointed Qualified Independent Person (Michael Kelledy from Kelledy Jones Lawyers) present differing perspectives on the application of the statutory QIP role.

Some advice emphasises a clear separation between the roles of the CEO Performance Review Panel, any independent HR adviser, and the QIP, particularly to support governance, independence and role clarity. Other advice suggests that a single suitably qualified independent person may undertake multiple aspects of the CEO performance review process, provided the legislative requirements are met.

As outlined in this report, these differing approaches are reflected across the local government sector, and there is no single, uniform or industry-wide practice for managing compliance with section 102A of the Act. Councils adopt a range of models based on governance preferences, risk appetite, resourcing considerations and local context, while seeking to ensure that the statutory requirement to obtain and consider advice from a Qualified Independent Person is satisfied.

Accordingly, Council is required to consider the available advice and determine an approach to the composition and operation of the CEO Performance Review Panel that aligns with legislative requirements, supports good governance, and is appropriate to Council’s unique circumstances. Some options are provided in the following section.

3. OPTIONS

Option 1 – retain current arrangements

To retain current membership of the CEO Review Panel, retain QIP, retain Independent Member, retain HR advice.

Option 2 – remove the Independent Member

To amend the membership of the CEO Review Panel to remove the Independent Member and otherwise retain the current process including the QIP and HR advice and make minor amendments to the Terms of Reference as required.

Option 3 – combine HR consultant and QIP roles

To retain the current membership of the CEO Review Panel, disengage the current QIP and recruit a HR consultant to also be the QIP.

Option 4 – remove the independent member and combine the HR consultant and QIP roles

To amend the membership of the CEO Review Panel to remove the Independent Member, disengage the current QIP, and recruit a HR consultant to also be the QIP.

4. APPENDICES

- (1) Advice from current QIP – Michael Kelledy
- (2) LGA guidance material
- (3) CEO's perspective
- (4) CEO Performance Review Panel Terms of Reference

Appendix 1

Advice from current QIP – Michael Kelledy

17 February 2026

Kelley Jones

Zoe Gill
Adelaide Hills Council
PO Box 44
WOODSIDE SA 5244

T. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723
kelleyjones.com.au

VIA EMAIL: zgill@ahc.sa.gov.au

Dear Zoe

QUALIFIED INDEPENDENT PERSON

I refer to your letter dated 29 January 2026, received by my office on Thursday last and considered by me yesterday, on my return to the office.

Your letter is an invitation to provide comment, in my role as the qualified independent person ('**QIP**') appointed by the Council to assist it in relation to the operations of the CEO Performance Review Panel ('**the PRP**'). Your request arises from part 2 of the resolution of the Council at its ordinary meeting on 27 January 2026, seeking information 'on the composition and operation of the PRP'.

Under section 102A of the *Local Government Act 1999* ('the **Act**'), the Council is required to undertake an annual review of the performance of its CEO and in doing so, must obtain and consider the advice of a QIP on the performance review.

At the outset, it is to be noted that, for the QIP to be independent in the context of the provisions of the Act, he / she must not be an elected member or employee of the Council.

However, from an administrative law perspective, being truly independent requires independence in both the process and the outcomes, to ensure there are no risks in terms of the procedural fairness obligations that apply to the Council as the employer. It is also relevant, in terms of protections for the CEO. This is why the QIP must also be wholly 'independent' in the true sense of that adjective, namely free from outside control, not subject to the authority of another, not dependent on another and without any conflict or bias.

The QIP cannot, in my opinion, perform the functions of their responsibilities and be seen to be doing so, if there are circumstances where he/she has either a real or perceived conflict of interest, or a conflict of roles, or any bias, whether actual or apprehended.

In relation to the above considerations and contrary to the very general, initial, advice that the LGA distributed in relation to the role and functions of a QIP and stated that there are no specific conflict of interest provisions which apply to a QIP, this is plainly wrong. Not only in this specific context but in relation to the many other considerations, both of a legal and fiduciary nature, as demonstrated by section 120(8) of the Act, where the definition of 'employee' is sufficiently broad to capture a QIP and, hence, to apply additional obligations to the role.

In not wanting to provide advice of an unnecessarily lengthy and legal nature, I do still need to draw your attention to the origins of the QIP requirements in the Act. These have their genesis in the

Government Consultation Paper ‘*Council Member Conduct and Capacity*’ as part of the 2019 ‘Proposals for Local Government Reform’. In particular:

“Feedback received raised concerns about a perceived imbalance of power in local government in South Australia.....Concerns have also been raised that there is insufficient oversight in their (CEOs) performance. Conversely, other feedback argued that CEOs can be vulnerable to poor assessments of their performance, and poor decisions regarding their future employment. The role of a CEO in a council is of critical importance, and therefore, so is their performance. However, council members do not always have the expertise to set performance standards, contractual conditions, and appropriate remuneration, or to conduct effective and timely performance monitoring and management..... Further, the review of a CEO’s performance can be particularly difficult where relationships between the council and its CEO are not professional – both hostile and overly friendly relationships between a council and its CEO can be equally problematic.”

The Paper recognised that there might be a link between a performance review committee and a council’s governance committee or separate independent advice. Clearly, it recognised the need for true independence as part of the performance review process.

My advice is that the role and function of a QIP must be considered in the context of the above, foundation, commentary.

There are three (3) directly relevant considerations:

- the first is whether the performance review mechanism is to include an independent member as a member of the review committee. This is a position of full membership, with voting rights and legal/fiduciary obligations and subject to the application of provisions of the Act. This includes the conflict-of-interest provisions, as if the independent person is an elected member and the committee is the council.
- In this regard, the inclusion of an independent member is not a legal requirement, it is an option for any council. Whilst it is not a widespread inclusion in such committees, in my experience, it is usually dependant on whether the services of an independent HR advisor are utilised by the review committee or council. The result is usually that a council has one or the other but not both;
- secondly, is the role of an HR consultant, as a guide and expert professional adviser to the review committee. This person attends on a strictly advisory basis (i.e. without any voting entitlements and without rights of contribution) and does not have any greater privileges than any other consultant attending at a council or council committee meeting. This is and had been for many years, the most widespread model utilised by councils and review committees in CEO performance review processes; and
- thirdly, the QIP, a statutory requirement more recently introduced by the Act, together with the obligation to undertake the CEO review on an annual basis. The role of the QIP, as set out in the Act is subject to limited prescription and, therefore, it is left to each council to determine, with appropriate guidance in relation to both administrative law requirements/expectations and best practice governance advice, how the role is to operate.

Relevant to the above is the guidance and commentary set out in the confidential Council report of 21 March 2024. This guidance raises the fundamental issues of the respective and complementary roles of an independent HR adviser to the PRP and those of the QIP. This is in the context of conflict of interest and conflict of roles and how neither (i) an independent member of the PRP can participate in debate and vote and/or (ii) an independent HR adviser to the PRP can provide their advice and recommendations and guidance to the PRP, and then subsequently, author/prepare an allegedly independent report to the Council for it to consider in dealing with recommendations from the PRP.

It would be tantamount to a decision-maker and/or an adviser certifying that their contributions were appropriate and valid and that the procedure and merits of the PRP decisions were acceptable, reasonable, and appropriate. This is an obvious conflict where he/she had been influential in the decision-making. This approach would amount to a self-certification process and raise considerations of '*Quis custodiet ipsos custodes*' being who will guard the guards, where the guards are the PRP en route to the Council. The answer to that question is, the QIP.

My position is that the role of the QIP is to remove even a suggestion of any power imbalance, to ensure that an independent member of the PRP and/or an independent HR adviser are able to perform their functions without the prospect of later being asked to self-certify by way of a report which (in terms of administrative law, particularly procedural fairness) must be independent and transcend any influences in the decision-making processes and the decisions of the PRP.

It is in this context that I am unable to concur with the initial, general, guidance put out by the LGA. That guidance is, in my view, wrong in parts as identified above, is very narrow and is misguided in its apparent public policy efforts of cost minimisation rather than legal compliance and best corporate governance practice.

Indeed, Members may recall at a confidential meeting prior to the expiration of the CEOs probationary period, a time of much angst and division for the Council, that one of the LGA's retained legal advisors provided commentary to the Council, contrary to the LGA documented understanding of the QIP and in support of the position set out in this response.

In specifically responding to the issues raised in part 2 of the Council resolution of 26 January 2026, my further comments, utilising the same chronology, are:

- a. the role of the QIP is as above;
- b. the qualifications are as simple as set out in the Act and the ability to satisfy that legislative criteria may be achieved through a wide variety of qualifications and/or experience;
- c. many councils do not have a running calendar of review committee meetings throughout the course of the year. Meetings of the review committee are often focussed on a meeting or two at review time with periodic reporting by the CEO directly to the council. The QIP need only attend the formal annual review meetings. As members of the QIP will be aware, whilst I was requested to attend the various PRP meetings when the Council was going through difficult times (including when the PRP was without an independent member and/or the services of Perks People - Collette Ordish – and the setting of the KPIs was in its infancy), when things settled down I voluntarily suggested that I not attend the quarterly meetings, that the PRP decide whether it wished me to attend the half-year meeting and my attendance otherwise be limited to the full, annual, formal review meeting – but in the context of professionalism, independence and oversight for my annual report

to the Council, that I be provided with agendas and minutes for the PRP meetings at which I was not present;

- d. this repeats a. above;
- e. the ToR do not need to be updated but if they are, it is no more than to recognise this statutory impost. This is because the QIP is appointed by, and reports to, the Council and is not a member of the PRP;
- f. not relevant for my comment
- g. only, as above.

This response and advice have the potential to be significantly longer in raising and considering the many relevant issues in a professional, expert, legal and informed manner. However, I have chosen, instead, to focus on just the key considerations given the brevity of section 102A of the Act and the necessity to have regard to the basis and public policy objective of it. This is in the context of the balance of power considerations and issues of administrative law, procedural fairness and best practice corporate governance, without overwhelming the Elected Members.

Consequently, if there are any questions arising, I would be pleased to respond further.

Yours sincerely

KELLEDY JONES LAWYERS

A handwritten signature in black ink, appearing to read 'M J Kelleedy', with a long, sweeping underline that extends to the right.

MICHAEL KELLEDY

Direct Line: 08 8113 7103

Mobile: 0417 653 417

Email: mkelleedy@kelleedyjones.com.au

Appendix 2

LGA guidance material

CEO Appointment, Performance Review and Termination

This information sheet relates to the commencement of section 57, 58, 60 and 61 of the Statutes Amendment (Local Government Review) Act 2021 (the Review Act), amending/inserting sections 97, 98, 99A and 102A of the Local Government Act 1999.

A number of changes were made to sections of the *Local Government Act 1999* (the Local Government Act) relating to the appointment, performance review and termination of the Chief Executive Officer (CEO). These changes are summarised below.

1. Section 97—Vacancy in office

Section 97 provides that before terminating the appointment of a CEO (other than on grounds that he or she has been convicted of an indictable offence punishable by imprisonment, has become bankrupt, or has applied to take the benefit of a law for insolvent debtors) council must have regard to advice from a qualified independent person.

2. Section 98—Appointment procedures

Section 98 provides that a council must ensure that *either or both* of the following apply to the process of appointing a CEO:

- (a) council appoints at least 1 person who is not a member or employee of council to the selection panel;
- (b) before making the appointment, council obtains and considers the advice of a qualified independent person on the assessment of applications and recommendations on the appointment.

Section 98 of the Act does not apply in circumstances involving the reappointment of a CEO following the completion of a term of office (s 98(6)).

3. Section 99A—Remuneration of chief executive officer

Section 99A provides that the remuneration of a CEO will be determined by the council, subject to the minimum and maximum remuneration determination made by the Remuneration Tribunal SA (RTSA). That determination first came into effect on 1 July 2023 and is subject to further determinations.

4. Section 102A—Chief executive officer—performance review

Section 102A provides that a council must review the performance of its CEO at least once in each year and, if relevant, before reappointment. The council must obtain and consider the advice of a qualified independent person on any such review.

Importantly, whilst the conduct of a performance review process for the CEO is not a new concept, it is now a legislative obligation that this occurs.

5. Definition of qualified independent person

For each of the circumstances outlined above, the definition of a **qualified independent person** is a person who is:

- (a) not a member or employee of the council; and
- (b) determined by the council to have the appropriate qualifications or experience in human resource management.

6. Qualified independent person FAQs

1. *Who is a qualified independent person?*

A qualified independent person is, simply, a person who meets the legislative definition for that term. They can be any person who is:

- (a) not a member or employee of *the* council (i.e. the relevant council in question), and
- (b) determined by the council to have appropriate qualifications or experience in human resource management.

Note, a member or employee of *another* council is not precluded from the role, subject to them having the appropriate qualifications or experience in human resource management.

2. *What makes a qualified independent person ‘independent’?*

A qualified independent person does not need to have any particular qualities apart from meeting the legislative definition. All that is meant by the term ‘independent’ in this context is that the person is not a member or employee of the council.

The person is **not** required to be ‘independent from the process’. They are part of the process.

3. *What are ‘appropriate qualifications or experience in human resources management’?*

It is a matter for the council to determine whether a person has appropriate qualifications or experience in human resource management. Note, it is only necessary for the council to determine that person has appropriate qualifications *or* experience; it is not necessary for the person to have both (though this may be desirable).

- Examples of appropriate tertiary and/or other qualifications include:
 - Diploma in Human Resource Management or a related field;
 - Certificate in Human Resource Management or a related field;
 - Bachelors Undergraduate Degree in Human Resource Management or a related field;
 - Master’s Degree in Human Resource Management or a related field;
 - PhD in Human Resource Management or a related field;
 - Related fields may include business, industrial relations, psychology or law.

- A person might have “appropriate experience” if they have worked for several years in a human resources or people and culture role, ideally:
 - in more than one organisation;
 - with an understanding of the strategic needs of organisations; and
 - with particular experience dealing with senior managers of an organisation.
- Examples of roles that a council might determine constitutes ‘appropriate experience’ include:
 - Human Resources Practitioner (eg HR Manager, HR Consultant, HR Director, Deputy HR Director, Chief People Officer, HR Advisor, and other similar HR related roles);
 - Employment lawyer;
 - Operations manager (those with significant experience in people management practices);
 - Recruitment Consultant (for CEO appointments only);
 - Organisational psychologist.

In relation to professionals with no formal qualifications, the length of experience deemed ‘appropriate’ is at the discretion of the council, but it can be reasonable to expect at least 36 months given the seniority of the role under consideration.

4. *How can the council source an appropriately qualified independent person?*

- Applying a standard procurement process (eg advertise, select, and appoint).
- Sharing resources with other councils (eg an agreement between councils to provide access to appropriately qualified and independent people if available).
- Requesting support through the LGA’s HR Service.
- Using human resource management professionals the council has existing arrangements with.

5. *How will the council know if the person is appropriately qualified?*

Examples of ways this can be determined include:

- Checking credentials/qualifications.
- Checking employment history (resumes).
- Requesting professional references.
- Requesting samples of similar work undertaken.

6. *How much will a qualified independent person cost the council?*

The cost will vary depending on who is appointed and the role they will undertake. An externally sourced HR practitioner, for example, could cost in the region of \$125 - \$200¹ per hour plus GST.

7. *Is the role of the qualified independent person strictly limited to auditing probity, process and/or procedure?*

No.

The qualified independent person is not required to perform an audit role. It is not necessary for them to comment on probity of process and procedure, and indeed they might not have

¹ Indicative hourly rate amounts derived from market survey conducted mid 2021

appropriate qualifications or experience to comment on such matters. They are engaged because they are independent from the council and have the requisite human resource management expertise.

Any comments on probity or process and procedure which a qualified independent person might be able to provide (if they have appropriate qualifications and experience to do so) would be in addition to contributing their human resource management skills.

8. *What are the roles and responsibilities of the qualified independent person?*

The roles and responsibilities of those involved in the process should be clarified before any work is undertaken, by way of a written agreement.

When advising on termination or performance review, there are no specific matters which the qualified independent person must provide advice upon. The nature of the advice which the qualified independent person provides in such cases will be guided by their own expertise, the specific circumstances of the case (including relevant employment contract provisions), and any roles and responsibilities agreed with the council in advance.

If the council chooses to seek the advice of a qualified independent person with respect to the appointment of the CEO (noting that this is optional if an independent person is appointed to the selection panel—this is discussed further below), the advice must relate the selection panel's assessment of applications and recommendations on the appointment, and may include the qualified independent person's own recommendations to the council on the appointment.

9. *What documentation should the council provide the qualified independent person?*

The qualified independent person (or the independent person appointed to the selection panel) should receive all documentation necessary to enable them to undertake their statutory role.

By way of example, if an independent person is appointed as a member of the selection panel, they should receive the same documentation as the other members of the panel (e.g. resumes and selection records, a proposed contract of employment and remuneration package, and relevant KPIs).

If a qualified independent person is appointed separately from the selection panel to provide advice regarding appointment, they should receive all information provided to the selection panel plus all records of the selection panel's deliberations.

If the qualified independent person is providing advice in relation to a possible termination, they should receive a management pack containing relevant investigation details and the CEO's current contract of employment.

If the qualified independent is providing advice in respect of a performance review, they should as a minimum receive the CEO's current contract of employment, relevant KPIs, the outcomes of previous performance reviews (if applicable) and the Terms of Reference of the CEO Performance Review Committee (if applicable).

10. What should the council consider in relation to confidentiality?

The council should arrange for a confidentiality agreement to be signed by the independent person, which may form part of the overall terms of engagement.

The council's agreement with the independent person should clearly set out who the person should communicate with (e.g. the Mayor, or the selection panel).

The council should determine who will have access to the advice of the independent person. This decision should be incorporated into the agreement with the independent person.

When the council comes to consider the advice of the qualified independent person in a council meeting, it will in many cases be open to the council to exclude the public from the meeting and to keep the advice or any other documents confidential on the basis that the advice includes information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the CEO. However, whether this ground is available in any particular case, and whether the Council does indeed wish to rely on that ground to exclude the public or keep documents confidential, is ultimately a matter for the council.

11. Can a qualified independent person have conflict of interest?

There are no specific conflict of interest provisions which apply to qualified independent persons.

Nevertheless, it would be appropriate to secure acknowledgement from the qualified independent person (such as in their terms of engagement) that they do not have any interest which may affect the performance of their role. Securing such acknowledgment reduces the risk of challenge to any decision which the council may make in reliance upon advice from the qualified independent person.

12. For CEO appointments, the Act requires that either or both of the following apply:

- (i) a council appoints at least one person who is not a member or employee of the council to the selection panel, or**
- (ii) before making the appointment, the council should obtain and consider the advice of a qualified independent person on the assessment of applications and recommendations.**

Does this mean that the council can have an “unqualified” person on the selection panel provided they are “independent”?

Yes. However, when determining the composition of the selection panel inclusion of one or more members with suitable experience in recruitment and selection is encouraged. Alternatively, training could be provided to selection panel members as part of the establishment of the panel, to ensure meaningful participation by all members.

Any independent person appointed to the selection panel will be as involved in the decision-making process as the other members of the panel. This may include reviewing written applications, participating in interviews, and conducting reference checks.

The operation of the new section 98(4a) means that if the council does not appoint an independent panel member to the selection panel, it must obtain and consider the advice of a qualified independent person before appointing a CEO. Accordingly, a panel may comprise entirely of council members, provided this advice is obtained.

If a person who is not a member or employee of the council is on the selection panel there is no need to obtain / consider advice from a qualified independent person. Section 98(4a) clearly states it can be either.

13. *If the council engages a HR consultant to provide advice regarding a CEO recruitment or annual review process, can that consultant be the qualified independent person in relation to that *same* CEO recruitment or annual review process?*

Yes. Where a council engages a HR consultant in relation to a CEO recruitment or annual review process, there is no need to find some other person to be the qualified independent person for that process. The role of the qualified independent is to contribute human resources management expertise, which is precisely what a HR consultant does.

Further, in relation to the CEO recruitment process, if the HR consultant is a member of the selection panel, there is no need to have a qualified independent person separate from the panel, as explained above.

14. *If the council engages a HR consultant to provide advice regarding a CEO recruitment process, can that consultant be the qualified independent person in relation to a *later* annual review process?*

Generally, yes. The council may choose any person who is not an employee or member of council and who has suitable qualifications or experience to be the council's qualified independent person, with respect to any process which requires a qualified independent person. This is so regardless of whether that person has participated in any prior processes. There is no rule against a person being the qualified independent person for a performance review of a CEO just because they were involved in the recruitment process for that CEO.

However, it is possible that, in some cases (depending on the specific facts of the case), the person who was the qualified independent person in relation to CEO recruitment may have some financial or other incentive with respect to the outcome of, in particular, the first annual performance review. For example, if the person is a professional recruiter and received a fee with respect to the recruitment of the CEO, they might be required (under their contract with the council) to forfeit that fee if the employment concludes within some initial time period. This could conceivably influence the way in which the qualified independent person discharges their responsibility and might potentially affect the validity of the process.

Accordingly, in such cases, it would generally be preferable that the person who was the qualified independent person in relation to CEO recruitment is not the qualified independent person for, in particular, the first annual performance review.

15. Can the council satisfy the requirement to have a qualified independent person with respect to an annual performance review, by appointing a suitably qualified independent person as a member of its CEO performance review committee?

It is important to note that although the council is required to have a CEO selection panel by virtue of section 98(4) of the Act, the council is not required under the Act to have a committee for the purpose of the annual performance review under section 102A of the Act.

Thus, while the Act has a specific mechanism (namely section 98(4a) of the Act) whereby an independent person may be appointed to the CEO selection panel, removing the requirement to obtain and consider the advice of a qualified independent person with respect to CEO recruitment, there is no similar mechanism which removes the requirement to obtain and consider the advice of a qualified independent person with respect to an annual performance review through the appointment an independent person to a CEO performance review committee.

With that in mind, it is unlikely that mere inclusion of a suitably qualified independent person on a CEO performance review committee means the council has 'obtained and considered the advice' of that person in sense required by section 102A of the Act. There would also likely be challenges in attempting to have the same person both be a member of the committee and to separately provide advice in an individual capacity, including the potential for conflicts of interest in the consideration of their own advice by the committee and in relation to any proposed decision which may or may not be consistent with their own advice.

Rather, in circumstances where a CEO performance review committee assists with the annual performance review of the CEO (which, again, is not mandatory), councils should also obtain and consider advice from a separate qualified independent person in relation to the annual performance review for the purposes of section 102A of the Act.

16. What support is there for councils to implement these changes in practice?

If required, the LGA HR Service and HR-IR Library (delivered in partnership with Norman Waterhouse Lawyers) can support councils by:

- Assisting with sourcing qualified independent persons.
- Providing councils with pre-selected profiles of qualified independent persons for approval.
- Providing updated and lawful policies, procedures, and training in relation to all CEO appointment, performance review and termination processes.
- Providing updated and lawful policies and procedures in relation to CEO inductions.
- Providing a helpline and dedicated email address to answer any human resources related questions and/or concerns.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse, for the guidance of and use by member councils.

Last Updated: 06/08/2024

Appendix 3

CEO's perspective

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 24 MARCH 2026
AGENDA BUSINESS ITEM**

Item:	12.1
Responsible Officer:	Greg Georgopoulos Chief Executive Officer
Subject:	Composition and operation of the CEO Performance Review Panel
For:	Decision

SUMMARY

The purpose of this report is to provide the CEO perspective with respect the issue of the composition and operation of the CEO Performance Review Panel as well as the role of the Qualified Independent Person (QIP) under the *Local Government Act 1999* (the **Act**).

The importance of the appointment and role of a QIP should not be underestimated. It is a legislative requirement in the employment space, where any failure by the Council maybe adverse to the interests of the Council as an employer.

It is also important to note that the role of the QIP is not to support the CEO in this process, but rather, **the Council**, as recipient of the advice.

The requirements on the QIP is to provide objective and at ‘arm’s length’ advice on process and procedure, being particularly illustrated by the legal requirement for the QIP to, independently, advise and provide guidance to the Panel and/or the Council, in a process even where there may be an ‘independent’ panel member.

It is of note that this position is supported by not only Kelledy Jones Lawyers, but also, Ms Felicie D’Agostino, who attended at a Special Council meeting in November 2023 to discuss the CEO performance review process.

BACKGROUND

Amendments made to the Act as part of the broader Local Government Reform process, saw the introduction of a new ‘person’ into the legislative framework, being that of the Qualified Independent Person (the QIP).

Sections 97 – 102A of the Act were amended to make provision for the role of the QIP, by Gazette notice published on 10 November 2021.

Importantly, understanding the role of the QIP must, necessarily, take into account the role of that 'person' as part of the termination, recruitment **and** performance review of a CEO.

That is, understanding the role of the QIP necessarily require a review of their role for each of these three (3) processes under the Act.

THE QIP

The QIP has functions and responsibilities in respect of:

- the termination of the CEO's employment on grounds of misconduct, failure to carry out duties satisfactorily or to specified performance standards or on grounds specified in the contract of employment (section 97(3a) of the Act); and
- where relevant, the appointment of a CEO (section 98(4a) of the Act); and
- the (now) annual performance review of the CEO (section 102A of the Act).

In all of the above instances the QIP is defined as a person who is:

- not a member or employee of the council and;
- determined by the council to have appropriate qualification or experience in HR management.

In a CEO termination situation, the council **MUST** have regard to advice from a QIP.

In the circumstances of a CEO appointment, where the Council has appointed a QIP, the council **MUST** obtain and consider the advice of the QIP on the assessment of applications and recommendations from the recruitment panel on the appointment. It is to be noted that in a recruitment, the Council has a discretion under section 98(4a) to appoint an independent person to the panel and/or a QIP.

In the now mandated annual CEO performance review, the council **MUST** obtain and consider the advice of a QIP.

Importantly, therefore, the Council has a duty, whether it is to have regard to, or to obtain and consider, the advice of a QIP in each of the prescribed circumstances set out above.

I explain further below.

CEO TERMINATION

It is now a requirement under section 97(1) of the Act that before a Council terminates the appointment of its CEO for:

- failing to carry out duties of the office satisfactorily or to any performance standards specified by the council or in any contract relating to his or her appointment; or
- breaching in any other manner any contract relating to his or her appointment; or
- on a ground or in circumstances specified in any contract relating to his or her appointment;

it MUST have regard to advice from a QIP, before that decision can be made.

APPOINTMENT PROCEDURES

Section 98(4a) of the Act then provides with respect to an appointment process:

...

(4a) *The council must ensure that **either or both** of the following applies to the process for appointing a chief executive officer under this section:*

(a) *the council appoints **at least 1 person who is not a member or employee of the council to the selection panel;***

(b) ***before making the appointment to the office of chief executive officer, the council obtains and considers the advice of a qualified independent person on the assessment of applications and recommendations on the appointment under subsection (4) (and that advice may include recommendations to the council on the appointment).***

That is, **the Act** makes it clear there is a very a sperate and distinct difference between:

- an independent ‘panel member’; and
- a QIP.

Importantly, the QIP’s advice may include separate recommendations to the Council on an appointment that may differ from the recommendations of the selection panel.

Whereas an independent panel members vote on the matter, becomes part of the recommendation of the Panel ‘proper’.

That is, the role of the QIP is truly ‘independent’, and the QIP can make alterative recommendations to what the selection panel may make. The QIP **is not** a member of the Panel and does not vote on items. It is an advisory role, to provide advice to the Council.

The only ‘independence’ for an ‘independent’ panel member is simply that they are not an employee or elected member of the Council. They are not otherwise ‘independent’ from the process or decision making and have no power to make a separate decision.

Section 98(4a) of the Act is clear and unequivocal in that there is **no scope** for an independent panel member to provide sperate and distinct advice to the Council. The role of an independent panel member concludes on the participation in the discussion, debate and voting, irrespective as to how the independent Panel member may vote on the item.

All of which leads to the inescapable conclusion that the role of an ‘independent’ panel member, is not to provide ‘independent’ advice, but rather, to participate as part of the Panel process.

These roles should not be confused, simply because they each have the term ‘independent’ in the name.

CEO PERFORMANCE REVIEW

Lastly then, section 102A imposes a requirement upon the Council to obtain and consider the advice of a QIP in relation to the CEO performance review process.

- (1) *A council must review the performance of its chief executive officer -
 - (a) *at least once in each year that the chief executive officer holds office as chief executive officer; and*
 - (b) *if relevant, before reappointment of the chief executive officer.**
- (2) ***The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).***

As above, noting the very separate and clear distinction made in section 98(4a) of the Act, the QIP is not, and cannot be, the independent Panel member.

They are two (2) very separate and distinct roles and section 102A of the Act provides that for the purposes of a CEO performance review, the Council **must receive and consider the advice of the QIP.**

Appendix 4

CEO Performance Review Panel Terms of Reference

ADELAIDE HILLS COUNCIL
CEO Performance Review Panel

TERMS OF REFERENCE

1. ESTABLISHMENT

- 1.1. The CEO Performance Review Panel (the Panel) is a Panel established by the Council under Section 41 of the Local Government Act 1999 (the Act).
- 1.2. The Panel has no power or authority to make delegated decisions on behalf of the Council, nor does it have any financial delegations. The Panel performs an advisory role to the Council, as a governing body.

2. ROLE

- 2.1. In accordance with section 102A(1) of the Act, Council must review the performance of the Chief Executive Officer (CEO) at least once per year.
- 2.2. In accordance with section 102A(2) of the Act, Council must obtain and consider the advice of a qualified independent person on a review. The qualified independent person must not be a member or employee of the Council and is to be a person determined by the Council (evidenced by resolution) to have appropriate qualifications or experience in human resource management.
- 2.3. The Council is responsible for the selection, remuneration and performance management of the CEO. The role of the Panel is to facilitate, manage and report to Council on the review process in accordance with section 102A of the Act, as well as to provide advice to Council on matters relating to the performance and development of the CEO.

3. SPECIFIC FUNCTIONS

- 3.1 The Panel is to provide advice to Council on the CEO's performance and development, including, but not limited to, the following matters:
 - 3.1.1 Determining the Performance Targets for the forthcoming 12 month performance period;
 - 3.1.2 Monitoring the progress on the CEO's agreed Performance Targets for the current 12 month performance period;
 - 3.1.3 Reviewing the CEO's performance over the preceding 12 month performance period, in particular assessing performance against the agreed Performance Targets and Position Description requirements;

- 3.1.4 Identifying development opportunities for the CEO;
- 3.1.5 Reviewing the remuneration and conditions of employment of the CEO in accordance with Section 99A of the Act, as well as any Determination made by the Remuneration Tribunal; and
- 3.1.6 Making recommendations to Council on the conclusion of the review, including with respect to the Employment Agreement as between Council and the CEO.

4. OTHER MATTERS

The Panel shall:

- 4.1 Have access to reasonable resources in order to carry out its duties and functions, within Council's budgetary constraints;
- 4.2 Be provided with appropriate and timely training, both in the form of an induction program for new members, as well as on an ongoing basis for all members;
- 4.3 Comply with all relevant legislation, including the Act;
- 4.4 Where the Panel is required to act jointly with, or to obtain the concurrence of, the CEO in the performance of its functions, the expectation of the Council is that both parties will negotiate and consult in good faith to achieve the necessary objectives; and
- 4.5 At least once in its term, undertake a review its own performance, including these Terms of Reference, to ensure it is operating at maximum effectiveness, and recommend changes it considers necessary to the Council for its consideration, and adoption.

5. MEMBERSHIP

- 5.1 The Panel will be comprised of five (5) members as follows:
 - 5.1.1 Mayor;
 - 5.1.2 Three (3) Council Members; and
 - 5.1.3 One (1) Independent Member, who is not an employee or the qualified independent person engaged pursuant to section 102A of the Act.
- 5.2 All members of the Panel will be appointed by the Council.
- 5.3 The Independent Member of the Panel shall have recent and relevant skills and experience in fields related to the role and functions of the Panel, as determined by the Council.
- 5.4 It is desirable for the Council Members appointed to the Panel to have a sound understanding of the role and functions of the Panel.

- 5.5 In considering appointments to the Panel, Council will give consideration to the diversity of its membership.
- 5.6 Appointments to the Panel shall be for a period of up to three (3) years, as determined by the Council.
- 5.7 Members of the Panel are eligible for reappointment at the expiration of any term of office.

6. SITTING FEES

- 6.1 The applicable Determination of the Remuneration Tribunal (or its successor) outlines the applicable allowances for Council Members on the Panel.
- 6.2 The Independent Member is to be paid a sitting fee for attendance at meetings and authorised training sessions, as determined by resolution of the Council.
- 6.3 Council may determine by resolution a higher sitting fee will apply for the Presiding Member.

7. PRESIDING MEMBER

- 7.1 The Council will appoint the Presiding Member of the Panel.
- 7.2 The Mayor is ineligible to be appointed as Presiding Member.
- 7.3 The Council authorises the Panel to determine if there will be a Deputy Presiding Member of the Panel and, if so, authorises the Panel to make the appointment to that position for a term determined by the Panel.
- 7.4 If the Presiding Member of the Panel is absent from a meeting, the Deputy Presiding Member (if such position exists) will preside at that meeting. If no appointment to the position of Deputy Presiding Member has been made, or in the event that both the Presiding Member and the Deputy Presiding Member of the Panel are absent from a meeting of the Panel, then a member of the Panel chosen from those present will preside at the meeting, until the Presiding Member or Deputy Presiding Member, (if relevant) is present.
- 7.5 The role of the Presiding Member includes:
- 7.5.1 overseeing and facilitating the conduct of meetings in accordance with the Act and the Local Government {Procedures at Meetings} Regulations 2013 (the Regulations); and
 - 7.5.2 Ensuring all Panel members have an opportunity to participate in discussions in an open, transparent and informed manner.

8. REPORTING RESPONSIBILITIES

- 8.1 For the purposes of Section 41(8) of the Act, the Panel's reporting and accountability requirements are:
- 8.1.1 The minutes of each Panel meeting will be included in the agenda papers for the next ordinary meeting of the Council;
 - 8.1.2 The Presiding Member will attend a meeting of the Council at least once per annum, to present a report on the activities of the Panel;
 - 8.1.3 The Panel shall make whatever recommendations to the Council it deems appropriate, on any area within its role and functions, as set out under these Terms of Reference; and
 - 8.1.4 The Presiding Member may attend a Council meeting at any time the Presiding Member sees fit, to discuss any issue or concern relating to the Panel's functions. Subject to the nature of the matter, this briefing may be held in confidence in accordance with Section 90 of the Act and staff may be excluded from attendance.

9. MEETING PROCEDURE

- 9.1 Meeting procedures for the Panel are set out under the Act, as well as Parts 1, 3 and 4 of the Regulations. Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe the procedure to be observed in relation to the conduct of a meeting of the Panel, the Panel may determine its own procedure.
- 9.2 In accordance with Section 90(7a), one or more Panel members may participate in the meeting by telephone or other electronic means, provided that members of the public can hear the discussion between all Panel members.
- 9.3 Only members of the Panel are entitled to vote in Panel meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter before the Panel for decision.
- 9.4 A quorum for the Panel shall constitute half the membership, ignoring any fraction from the division, plus one (1).

10. SECRETARIAL RESOURCES

- 10.1 Sufficient administrative resources will be provided by Administration to the Panel for the purposes of coordination and preparation of reports, agendas and minutes, as well as a point of contact for all Panel Members and any external consultants.

11. FREQUENCY OF MEETINGS

- 11.1 The Panel shall meet at appropriate times and places as determined by the Panel. A special meeting of the Panel may be called in accordance with the Act.
- 11.2 If it is determined there is no business to transact for a designated meeting, the Presiding Member of the Panel may cancel the respective Panel meeting.

12. NOTICE OF MEETINGS

- 12.1 Notice of the meetings of the Panel will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:
- 12.1.1 To members of the Panel by email or as otherwise agreed by Panel members at least 3 clear days before the date of the meeting; and
- 12.1.2 To the public as soon as practicable after the time that notice of the meeting is given to members, by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website.

13. PUBLIC ACCESS TO MEETINGS & DOCUMENTS

- 13.1 Meetings of the Panel will be conducted in a place open to the public, and members of the public are invited to attend, unless the Panel makes an order under Section 90(2) and (3) of the Act for any particular item of business.
- 13.2 Members of the public have access to minutes and reports presented to the Panel, unless prohibited by section 83(5) of the Act, or by resolution of the Panel under Section 91(7) of the Act.

14. MINUTES OF MEETINGS

- 14.1 All proceedings and resolutions on items of business at all meetings of the Panel, including recording the names of those present are minuted and the minutes will otherwise comply with the requirements of the Regulations.
- 14.2 Minutes of Panel meetings shall be circulated within five days after a meeting to all members of the Panel and will (in accordance with legislative requirements) be available to the public.
- 14.3 The minutes shall be confirmed at the next meeting of the Panel.

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 24 March 2026
AGENDA BUSINESS ITEM**

Item:	12.2
Responsible Officer:	Zoë Gill Executive Governance Officer Office of the CEO
Subject:	Gawler River Floodplain Management Authority – Approval of the Draft 2026-27 Budget and Update on Council’s Withdrawal Request
For:	Decision

SUMMARY

This report seeks Council’s approval of the Gawler River Floodplain Management Authority’s (GRFMA) 2026–27 Budget, in accordance with Council’s obligations as a Constituent Council under the *Local Government Act 1999*.

Under the GRFMA Charter, the GRFMA must prepare an Annual Business Plan and Annual Budget and submit them in draft form to the Constituent Councils before 31 March each year for approval. While the Annual Business Plan itself does not strictly require formal approval, adoption of the Annual Budget cannot occur without approval from each Constituent Council, as this confirms each Council’s financial contribution.

Under the proposed 2026–27 Budget, Council’s contribution increases by \$3,505 for operational costs and \$1,558 for maintenance costs, representing an overall increase of \$5,063 (19.4 per cent).

This report also provides an update on Council’s withdrawal request from the GRFMA and outlines the outcomes of subsequent correspondence with the Minister for Local Government.

RECOMMENDATION

Council resolves:

- 1. That the *Gawler River Floodplain Management Authority – Approval of the Draft 2026-27 Budget and Update on Council’s Withdrawal Request* report be received and noted.**
- 2. To note the draft 2026-27 Annual Business Plan of the Gawler River Floodplain Management Authority.**

3. **To approve the draft 2026-27 Budget of the Gawler River Floodplain Management Authority, including Council’s contribution of approximately \$31,000.**
4. **To note the update on Council’s withdrawal request from the Gawler River Floodplain Management Authority, including the Minister’s refusal of the request and the GRFMA’s advice that the State Government will be leading the Business Case for the Bruce Eastick North Para Flood Mitigation Dam.**
5. **To not continue to pursue withdrawal from the Gawler River Floodplain Management Authority at this time.**
6. **That the Chief Executive Officer advises the Gawler River Floodplain Management Authority of Councils resolution.**

1. BACKGROUND

The GRFMA is a regional subsidiary established under section 43 of and Schedule 2 to the *Local Government Act 1999* by the Constituent Councils of Adelaide Hills Council, Adelaide Plains Council, The Barossa Council, Town of Gawler, the Light Regional Council, and the City of Playford.

Approval of the draft 2026-27 Budget of the GRFMA

Under the GRFMA Charter, the GRFMA must prepare an Annual Business Plan and Annual Budget and submit them in draft form to the Constituent Councils before 31 March each year for approval. While the Annual Business Plan itself does not strictly require formal approval, adoption of the Annual Budget cannot occur without approval from each Constituent Council, as this confirms each Council’s financial contribution.

On 12 February 2026, Council received correspondence (**Appendix 1**) from the GRFMA enclosing the draft 2026–27 Annual Business Plan (**Appendix 2**) and draft 2026–27 Budget (**Appendix 3**) for consideration. Consistent with the Charter requirements, the GRFMA is now seeking approval from each Constituent Council to enable adoption of its 2026–27 Budget.

Under the proposed 2026–27 Budget, Council’s contribution increases by \$3,505 for operational costs and \$1,558 for maintenance costs, representing an overall increase of \$5,063 (19.4 per cent). See the additional analysis section for further information.

At its meeting on 10 June 2025, Council resolved to approve the 2025-26 GRFMA Annual Business Plan and Annual Budget (see snip below), despite a pending application to the Minister to withdraw from the GRFMA.

12.4 Gawler River Floodplain Management Authority (GRFMA) – Draft 2025-26 Annual Business Plan and Budget

Under section 75B of the Local Government Act 1999 Cr Malcolm Herrmann disclosed a General (section 74) Conflict of Interest in Item 12.4.

- I am the Council Representative on the GRFMA Board

Cr Malcolm Herrmann declared that he would stay and vote as he believed he could approach the item in a neutral manner.

Moved Cr Adrian Cheater
S/- Cr Chris Grant

202/25

Council resolves:

- 1. To note and receive the report.**
- 2. To note that Council's request to withdraw from the Gawler River Floodplain Management Authority (GRFMA) is currently under consideration by the Minister for Local Government.**
- 3. To note that under clause 19 of the GRFMA Charter Council has a responsibility to ensure the proper conduct of the affairs of the GRFMA until a withdrawal becomes effective.**
- 4. To approve the 2025-26 GRFMA Annual Business Plan and Annual Budget in light of this responsibility.**
- 5. To notify the Authority that should the Minister approve Council's request to withdraw from the GRFMA before 30 June 2025, Council will not be liable to pay its contribution of approximately \$27,000 to the annual business plan and budget.**
- 6. That the Chief Executive Officer advises the Gawler River Floodplain Management Authority of Councils resolution.**

Carried Unanimously Cr Malcolm Herrmann voted in favour of the motion
--

Update on the request to withdraw from the GRFMA

At its meeting on 28 November 2024, Council resolved (resolution 419/24) to formally withdraw from the GRFMA, directing the administration to write to the Minister seeking approval to withdraw, and notifying the GRFMA Constituent Councils:

12.5 Gawler River Floodplain Management Authority Membership

Moved Cr Nathan Daniell
S/- Cr Mark Osterstock

419/24

Council resolves:

- 1. That the report be received and noted.**
- 2. That the CEO formally write to the Minister, by 31 December 2024, seeking approval to withdraw from the GRFMA, as required by Clause 19 of the Charter.**

3. That the CEO write to the GRFMA and Constituent Councils, by 31 December 2024, to officially advise of its intention to withdraw from the GRFMA, as required by Clause 19 of the Charter.
4. That the Council approve an initial budget allocation of \$20,000 for consultant fees, enabling Council to obtain expert advice and effectively manage the negotiations required to exit the GRFMA.

Carried Unanimously

Written notice of Council's decision to withdraw from the GRFMA was provided to the Minister for Local Government, the GRFMA, and the Constituent Councils in early December 2024, in accordance with the GRFMA Charter.

The GRFMA responded on 18 December 2024, advising against withdrawal and requesting that the Council defer its application to the Minister until the Business Case for proposed flood mitigation strategies were finalised. The letter suggested that the GRFMA is not opposed to the Council's withdrawal in principle but had requested a delay in the application until the Business Case was finalised.

The Minister for Local Government responded on 21 January 2025 to advise that he would consult with each of the other five Constituent Councils regarding the effect of the Council's withdrawal. In addition, given the State Government's investment in the Gawler River Flood Management Program, the Minister advised that he would also seek the views of the Minister for Climate, Environment and Water, to assist in consideration of this matter.

Subsequently, on 19 March 2025, Council wrote to the Minister for Climate, Environment and Water to request a meeting to discuss the proposed withdrawal. The letter provided background on the decision and advised that Council would provide the Minister for Local Government with a submission to support its request for withdrawal. The Minister for Climate, Environment and Water declined to meet as the Minister felt that the matter fell within the portfolio interests of the Minister for Local Government.

A follow-up letter was sent to the Minister for Local Government on 29 April 2025 to reaffirm Council's intention to provide a submission to ensure the Minister's office had sufficient information to make a determination before 30 June 2025, in line with Council's request to avoid incurring further financial obligations in the 2025–26 financial year.

At its meeting on 27 May 2025, Council resolved (resolution 180/25) to approve to send a submission to the Minister for Local Government and the Minister for Climate, Environment and Water, to support the request to withdraw from the GRFMA.

12.6 Submission to support Council's request to withdraw from the Gawler River Floodplain Management Authority

Moved Cr Chris Grant
S/- Cr Kirsty Parkin

180/25

Council resolves:

1. **That the report be received and noted.**
2. **To approve that the draft submission at Appendix 1 be provided to the Minister for Local Government to support Council's request to withdrawal from the Gawler River Flood Management Authority.**
3. **To approve that the draft submission at Appendix 1 be provided to the Minister for Climate, Environment and Water, the GRFMA and the Constituent Councils.**
4. **To authorise the Chief Executive Officer to make any formatting, nomenclature or other minor changes to the draft submission prior to providing it to the Minister.**

Carried Unanimously

Subsequently, on 3 June 2025, Council wrote to the Minister for Local Government providing a formal submission to support its request to withdraw from the GRFMA. Corresponding letters and a copy of the submission were also sent to the Minister for Climate, Environment and Water, the GRFMA, and all Constituent Councils for their information.

On 10 July 2025, the Minister for Local Government advised that Council's request to withdraw from the GRFMA had been denied (**Appendix 4**). In his correspondence, the Minister noted that he had considered Council's submission, as well as submissions from other Constituent Councils and relevant government agencies. While acknowledging Council's concerns regarding geographic and operational relevance, financial equity, and alignment with Council's strategic priorities, the Minister determined that all councils within the Gawler River catchment have a responsibility to contribute to flood mitigation and participate in the GRFMA. The Minister further advised that Council's withdrawal would adversely impact the delivery of the GRFMA Business Case and the Authority's ability to attract future State and Commonwealth co-investment. The correspondence was tabled at the Council meeting on 9 September 2025 for the information of elected members and the community.

Following receipt of this decision, Council wrote again to the Minister on 28 August 2025 seeking further information regarding the basis of the refusal (**Appendix 5**). In particular, Council sought clarification on the weight given to its concerns regarding geographic and operational relevance, financial equity, the role of the GRFMA Business Case and Stormwater Management Plan, and the influence of submissions from other Constituent Councils and government departments. The correspondence was tabled at the meeting on 9 September 2025.

In the absence of a response, Council again wrote to the Minister on 9 December 2025 (**Appendix 6**), seeking a response to concerns raised in the correspondence dated 28 August 2025. The correspondence was tabled at the Council meeting on 27 January 2026.

The Minister responded on 18 December 2025 (**Appendix 7**), reaffirming his earlier decision and reiterating that councils within the Gawler River catchment share responsibility for flood mitigation outcomes. The Minister also indicated that concerns regarding the GRFMA

cost-sharing model are matters to be addressed collectively by the Constituent Councils through the GRFMA governance framework, rather than through withdrawal. The correspondence was also tabled at the Council meeting on 27 January 2025.

The GRFMA has advised that the State Government, through the Department of Housing and Urban Development (DHUD), will now take the lead role in completing the GRFMA Business Case, with the GRFMA continuing to participate as the Disaster Ready Fund project proponent. This approach was formally endorsed by the GRFMA Board at its meeting on 12 February 2026.

The GRFMA has reported that DHUD's leadership is intended to provide access to State Government resources, support engagement with State Cabinet and the Commonwealth, and reduce delivery and funding risks associated with the Business Case. DHUD has also indicated that it may provide additional support should funding or cash-flow risks arise during completion of the Business Case.

The GRFMA has further advised that discussions have commenced between DHUD, the Department for Environment and Water and the GRFMA regarding governance and delivery arrangements for the Business Case, including consideration of alternative governance structures. These discussions may inform future options for flood mitigation delivery and the ongoing role of the GRFMA once the Business Case is finalised.

Given these recent developments in the leadership by State Government of the Business Case, along with the Minister's refusal of the withdrawal request, Administration advises that Council should resolve to discontinue its efforts to withdraw from the GRFMA at this time. Alternatively, Council could resolve to seek legal advice on whether any further action is available to Council in relation to the Minister for Local Government's decision regarding withdrawal from the GRFMA.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation

Objective 02 Operate with integrity using best practice governance processes

Priority 02.1 Demonstrate accountable and transparent decision making

➤ Legal Implications

GRFMA is a Regional Subsidiary established under Section 43 and Schedule 2 of the *Local Government Act 1999*.

Approval of the draft 2026-27 Budget of the GRFMA

Schedule 2 requires that a regional subsidiary must prepare and adopt a business plan. The Plan must set out the performance targets, a statement of the financial and other resources, and the performance measures to be used to monitor and assess performance against the performance targets. The plan can be a multi-year plan, but the regional subsidiary must review its business plan on an annual basis in consultation with its Constituent Councils. It does not however, require approval from the Constituent Councils.

Schedule 2 also requires the regional subsidiary to prepare a budget for each financial year.

This budget must deal with each principal activity of the subsidiary, be consistent with the business plan, comply with the regulations and must be provided to the Constituent Councils within five days after adoption.

The GRFMA’s Charter states that the Authority must prepare an Annual Business Plan and Budget for the forthcoming financial year. Further the Charter states that the budget must be submitted in draft form to each Constituent Council before 31 March for approval.

The GRFMA has satisfied these requirements.

Request to withdraw from the GRFMA

Clause 29 of Schedule 2 to the *Local Government Act 1999*, reflected in clause 19 of the GRFMA Charter, allows councils to leave the GRFMA with Ministerial approval.

➤ **Risk Management Implications**

Approving the GRFMA 2025-26 Annual Business Plan and Budget will assist in mitigating the risk of:

Failure to approve the AHC contribution to GRFMA leading to reduced ability of the Authority to discharge its role as set out in the GRFMA Charter.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low(2D)	Low (2D)

➤ **Financial and Resource Implications**

The GRFMA’s key sources of revenue are the contributions from Constituent Councils and are outlined below (Table 1) and include a comparison between the approved 2025–26 contributions and the proposed contributions for 2026–27.

Table 1

Constituent Council shares proposed as per draft 2026/2027 GRFMA Budget – Refer 1.1 Member Subscriptions (\$161,952) and 3.1 Council Subscriptions (\$239,810).

Council	2025/2026 Operation	2025/2026 Maint	2025/2026 TOTAL	2026 2027 Operations	2026 2027 Maint	2026 2027 TOTAL
Adelaide Plains Council	\$ 23,486	43,293	\$ 66,779	\$ 26,991	\$ 69,329	\$ 96,320
Adelaide Hills Council	\$ 23,486	2,591	\$ 26,077	\$ 26,991	\$ 4,149	\$ 31,140
The Barossa Council	\$ 23,486	12,983	\$ 36,469	\$ 26,991	\$ 20,792	\$ 47,783
Town of Gawler	\$ 23,486	25,967	\$ 49,453	\$ 26,991	\$ 41,583	\$ 68,574
Light Regional Council	\$ 23,486	12,983	\$ 36,469	\$ 26,991	\$ 20,792	\$ 47,783
City of Playford	\$ 23,490	51,933	\$ 75,423	\$ 26,997	\$ 83,166	\$ 110,163
Total	140,920	149,750	\$290,670	\$ 161,952	\$ 239,810	\$ 401,762

Source: GRFMA letter of 12 February 2026 to Adelaide Hills Council

As shown, under the proposed 2026–27 Budget, Council’s contribution increases by \$3,505 for operational costs and \$1,558 for maintenance costs, representing an overall increase of \$5,063 (19.4 per cent).

Operational costs are shared equally between the Constituent Councils, with each contributing 16.66%, as illustrated below (Table 2).

Table 2 Percentage Share

Constituent Council	Capital Works Percentage Share	Maintenance of Assets Percentage Share	Operational Costs Percentage Share
Adelaide Plains Council	28.91%	28.91%	16.66%
Adelaide Hills Council	1.73%	1.73%	16.66%
The Barossa Council	8.67%	8.67%	16.66%
Town of Gawler	17.34%	17.34%	16.66%
Light Regional Council	8.67%	8.67%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

Source: GRFMA letter of 12 February 2026 to Adelaide Hills Council

The GRFMA has advised that the increase in constituent council contributions is primarily driven by the allocation of \$100,000 to undertake a Dam Safety Review of the Bruce Eastick North Para Flood Mitigation Dam. The Dam Safety Review is a material addition to the 2026–27 Budget and has been recommended by an independent dam engineer to ensure the dam is being maintained and operated in accordance with contemporary Australian dam safety standards.

In addition, the 2026–27 Budget includes ongoing annual commitments of \$69,550 towards the programmed 10-year dam maintenance program and \$70,000 for the annual repayment of the existing Cash Advance Debenture established to fund capital repairs to the dam in 2022. These commitments have been incorporated into the revenue requirements for Constituent Council contributions.

➤ **Customer Service and Community/Cultural Implications**

There is an expectation from ratepayers that Council will consider the annual business plan and budget from its subsidiaries.

There is also an expectation from ratepayers that Council will prioritise funding for activities that directly benefit the Adelaide Hills community, and continued membership of the GRFMA is not aligned with this expectation.

➤ **Sustainability Implications**

While GRFMA’s flood mitigation efforts address environmental concerns in the lower Gawler River floodplain, they have no direct impact on the Adelaide Hills Council district.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Not Applicable
<i>Advisory Groups:</i>	Not Applicable
<i>External Agencies:</i>	Not Applicable
<i>Community:</i>	Not Applicable

3. OPTIONS

Approval of the draft 2026-27 Budget of the GRFMA

Council has the following options:

- I. Approve the GRFMA 2025-26 Annual Business Plan and Budget as presented in this Report.
- II. Not approve the GRFMA 2025-26 Annual Business Plan and Budget as presented in this report.

Request to withdraw from the GRFMA

Council has the following options:

- I. Resolve to seek legal advice on whether any further action is available to Council in relation to the Minister for Local Government's decision regarding withdrawal from the Gawler River Floodplain Management Authority.
- II. Resolve not to pursue any further action, including seeking legal advice, in relation to the Minister for Local Government's decision regarding withdrawal from the Gawler River Floodplain Management Authority.

4. APPENDICES

- (1) Correspondence of 12 February 2026 from the GRFMA
- (2) Draft 2026-27 GRFMA Annual Business Plan
- (3) Draft 2026-27 GRFMA Annual Budget
- (4) Correspondence of 10 July 2025 from the Minister for Local Government
- (5) Correspondence of 28 August 2025 to the Minister for Local Government
- (6) Correspondence of 9 December 2025 to the Minister for Local Government
- (7) Correspondence of 18 December 2025 from the Minister for Local Government

Appendix 1

Correspondence of 12 February 2026 from the GRFMA

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

PO Box 366 Seacliff Park, SA 5049

P: 0407 717 368

E: eo@grfma.com

W: www.gawler.sa.gov.au/grfma

Mr. Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council
63 Mount Barker Road
Stirling SA 5152
By email governanceandperformance@ahc.sa.gov.au.
CC mail@ahc.sa.gov.au
12/02/2026

Dear Greg,

Draft 2026/2027 GRFMA Annual Business Plan and Draft Budget.

I am writing to seek Council's consideration of the draft 2026/2027 GRFMA Annual Business Plan and Budget.

I would be pleased if this matter could be included in the next available council meeting agenda and subsequent indication of Councils approval or otherwise of the draft 2026/2027 GRFMA Annual Business Plan and Draft Budget being provided to eo@grfma.com by Monday 15th June 2026.

The GRFMA Charter requires the Authority to prepare an Annual Business Plan and Budget for the upcoming financial year. The plan and budget format reference the GRFMA Strategic Plan 2021-2026, the Long-Term Financial Plan 2022/23 - 2031/32, and the Asset Management Plan 2023-2032.

Each year, the Authority must review its annual business plan with the constituent councils before setting the draft budget. The annual budget must align with the Authority's business plan and be submitted in draft to each constituent council by 31 March for approval.

The Authority may adopt the budget between 31 May and 30 September and must provide a copy to each council within five business days of adoption.

The 2026/2027 Annual Business Plan and draft Budget were endorsed by the GRFMA Audit and Risk Committee on 2 February 2026 and the GRFMA on 12 February 2026.

2026-2027 GRFMA Draft Annual Business Plan

The format of the Annual Business Plan has been constructed referencing the GRFMA Strategic Plan 2021-2026, the GRFMA Long Term Financial Plan 2022/23 – 2031/32 and the GRFMA Asset Management Plan 2023-2032. It also refers to anticipated options identified by the Gawler River Stormwater Management Plan.

Priority actions for 2026/27 will focus on completion of the Gawler River Flood Management Business Case, review of the Authority's Strategic Management Framework and Maintenance and Operations of the Bruce Eastick North Para Flood Mitigation Dam



The Barossa Council

Gawler



Gawler River Flood Management Business Case

The State Government, through the Department of Environment and Water working with the GRFMA, delivered a business case on flood management strategies for the Gawler River environs.

The business case was presented to the GRFMA and other stakeholders in December 2023 and recommended a preferred strategy to cope with a 1:100-year flood event. The recommended option includes four elements:

- The raising by 10 metres of the Bruce Eastick North Para Dam
- A levee upgrade
- A community awareness program
- Planning Control amendments

The business case had been reviewed by a State agency, Infrastructure South Australia (ISA), and its report highlighted several areas that required further work before it could be recommended to State Cabinet for funding approval.

The key shortcomings of the business case were identified as:

- The need to confirm that a 10-metre raise is feasible considering the structural integrity of the dam
- The lack of a funding model to fund the works (with capital works estimated at \$227 million)

The GRFMA endorsed the recommended option and agreed to lead the work required to complete the business case so that it could be presented to the State and Federal governments for a funding decision.

Completion of the business case has been the focus of the GRFMA over the last 18 months or so with several matters raised by the ISA already dealt with, such as undertaking further flood mapping investigations.

The GRFMA has recently received funding of a \$774k grant from the Federal Government's Disaster Ready Fund (DRF), which, together with GRFMA resources, of around \$290k, will assist the business case to be finalised.

The GRFMA will now work collaboratively with the SA Department of Housing and Urban Development, who have offered leadership in finalising the business case including resources that the State Government could offer as completion of the business case requires.

The key issue to ultimately resolve is funding of the infrastructure works.

There are multiple potential funding sources for the capital works that need to be considered such as:

- Federal and State Government grants.
- Property developer contributions who benefit from flood mitigation.
- Local beneficiaries such as residents and businesses.

The GRFMA will continue to engage with all stakeholders, including members of parliament, industry representatives and key State Government agencies to work through the funding options.

GRFMA Strategic Management Framework.

The GRFMA Charter provides

13.2.1 The Authority must prepare and adopt in consultation with the Constituent Councils a Strategic Plan for the conduct of its business which will identify the Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives.

13.2.2 The Authority must review its Strategic Plan in consultation with the Constituent Councils.

13.2.3 The Authority must undertake a comprehensive review of its Strategic Plan every four years.

Recognising the imminent and strategic importance of finalising the Gawler River Flood Management Business Case review of the GRFMA Strategic Management Framework will be undertaken in the latter part of the 2026/2027 financial year. The recommendations outlined in the Gawler River Stormwater Management Plan (2025) will be considered during the review of other relevant framework plans.

The GRFMA Strategic Management Framework consists of:

- GRFMA Strategic Plan 2021-2026
- GRFMA Long Term Financial Plan 2022/23 – 2031/32
- GRFMA Asset Management Plan 2023-2032.
- Gawler River Stormwater Management Plan (2025)

Maintenance and Operations of the Scheme during 2026 to 2027

- Work identified in the previously established, Bruce Eastick North Para Flood Mitigation Dam Maintenance Cost Analysis 2023-2032.
- Action recommendations from the *Intermediate Surveillance Report North Para Dam Gawler River Floodplain Management Authority 23 December 2025(GHD)*

Principally.

- Facilitate a Dam Safety Review*, which will document the overall performance of the dam assessed against contemporary dams guidance for Australia and summarise recommended actions to address any potential deficiencies.
- Develop a Dam Safety Management Plan
- Undertake a comprehensive update to the Dam Safety Emergency Plan (DSEP).
- Undertake a comprehensive update the to the Operations Maintenance Manual (OMM)
- Scheduled inspections and environmental management of land associated with the Dam location. Routine (monthly), Intermediate (annually), Comprehensive (every 5 years due 2028/2029).
- In partnership with the Landscape SA Northern and York, implement year 3(of 3) of the revegetation program upon land associated with the Bruce Eastick North Para Flood Mitigation Dam.

*A Safety Review is typically completed at 20-year intervals after construction, which is timely for the Bruce Eastick North Para Flood Mitigation Dam which was constructed approximately 20 years ago. The completion of a Safety Review progresses toward GRFMA demonstrating that works are being undertaken to maintain and operate the dam in accordance with ANCOLD (2003). In South Australia, other dam owners (like SA Water) complete Safety Reviews for their dams at 20-year intervals.

2026/2027 Draft Budget

The scope of the GRFMA annual budget is small in comparison to the extensive undertakings by Constituent Councils and the 2026/2027 GRFMA Budget has been constructed by referencing the GRFMA Strategic Management Framework.

Revenue

The budget revenue is sourced from predetermined “formula based” financial contributions by the six Constituent Councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

The GRFMA has recently received funding of a \$774k grant from the Federal Government’s Disaster Ready Fund (DRF), which, together with GRFMA cash resources, of around \$290k, will assist the business case to be finalised.

Revenues of, Council Subscriptions \$401,762, Grants \$780,600 and Interest \$1,000 = Total \$1,183,362

Expenditure

Expenditure is budgeted on estimated costs of Executive Management and administrative and governance requirements of the Authority; and actions to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River.

Other costs are incurred with maintenance of the Bruce Eastick North Para River Flood Mitigation Dam site and access

Cost escalator

The basic assumptions in relation to the major drivers of GRFMA expenditure include inflation (Consumer Price Index), as well as several expenditure influencers and capital expenditure projections.

The underlying assumption is that the levels of service being provided are relatively unchanged. As indicated above some of these levels are externally determined. Others depend on GRFMA policy. For instance, if GRFMA wishes to increase the level of expenditure on renewal of assets or to construct new assets then that is an increase in service level. This increase must be accompanied by an increase in funding either from an increase in income such as constituent council contributions, state or federal government funding or borrowings.

The Consumer Price Index (CPI) is regarded as Australia’s key measure of inflation. It is designed to provide a general measure of price inflation for the Australian household sector. The CPI measures change over time in a wide range of consumer goods and services acquired by Australian metropolitan households and is measured quarterly.

The CPI rose 3.4% in the 12 months to November 2025, down from a 3.8% rise in the 12 months to October 2025.

For the GRFMA budget, an operational cost escalator of 3.4% has been applied, with separate specified increases for certain items.

Significantly, \$100,000 was allocated for a Dam Safety Review, \$7,000 for Cyber Insurance, and the forward estimate for costs associated with the Gawler River Flood Management Business Case increased from \$20,000 to \$30,000

Operational Contributions (Member Subscriptions)

Operational contributions are calculated to include the costs reflective of Administration of the GRFMA, plus general costs for the provision of consultancies to pursue outcomes envisaged in flood mitigation strategies (Business Case, Stormwater Management Plan) and does not include

- Continuation of the partnership with Landscape SA Northern and York, of year 3 (of 3) of the revegetation program upon land associated with the Bruce Eastick North Para Flood Mitigation Dam. \$10,000
- Repayment of \$70,000 (Principal and Interest) of the Cash Advance Debenture previously raised to fund Dam repairs in 2022.
- Rates and Levies \$200
- Less the \$6,600 grant funding from Landscape SA Northern and York

Total Maintenance \$246,410 - \$6,600 = \$239,810(Council Subscriptions)

Depreciation of Assets

URS Australia Pty Ltd, Dam Designers, have previously advised that a concrete RCC dam wall (as per the Bruce Eastick North Para Flood Mitigation Dam) can be expected to have a life of 80 years after completion.

On that basis the Bruce Eastick North Para Flood Mitigation Dam wall has been depreciated at the rate of 1.25% annually.

The GRFMA Asset Management Plan 2023-2032 provides:

Funding (cash allocation) of annual depreciation calculations is not undertaken, rather the policy is ensuring the GRFMA is provided with sufficient cash flow to maintain the Dam at required service provision levels.

This plan covers the infrastructure assets that provide Flood Mitigation comprising of: • Bruce Eastick North Para Flood Mitigation Dam • Associated land • Road Access

The projected outlays necessary to provide the services covered by this Asset Management Plan (AM Plan) includes operations, maintenance, renewal and upgrade of existing assets over the 10-year planning period is \$1,233,642.

The Current Valuation for the Bruce Eastick North Para Flood Mitigation Dam is \$53,559,054 based on 2023/2024 market conditions and the Written Down Value at 30/6/2025 is \$41,423,845.

Annual depreciation of the Dam, land and road access is \$706,098.

The net equity share (of annual depreciation costs) of each Constituent Council is subsequently reflected in the (Financial Statements) Schedule of Constituent Councils interest in net assets as at 30 June each year and a statement is prepared to meet the requirements of clause 16.6 of the GRFMA Charter.

Summary

The 2026/2027 draft Budget has been constructed referencing the GRFMA Strategic Plan 2021-2026, the GRFMA Long Term Financial Plan 2022/23-2031/32, the GRFMA Asset Management Plan 2023-2032 and the 2025/2026 GRFMA draft Annual Business Plan.

The draft Budget proposal has been formulated with an inclusive approach to identified service and project requirements for 2026/2027. This has been achieved through allocation of capital and maintenance expense estimates.

The Authority has endeavoured to minimise cost increases in delivering the functions, operations and project management required.

However, allocation(expense) of \$100,000 to facilitate a Dam Safety Review, is a material addition. The completion of a Safety Review (as recommended by independent consulting dams engineer) progresses toward GRFMA demonstrating that works are being undertaken to maintain and operate the dam in accordance with ANCOLD (2003). In South Australia, other dam owners (like SA Water) complete Safety Reviews for their dams at 20-year intervals.

There are ongoing annual commitment costs of \$69,550 towards the 10-year Bruce Eastick North Para Flood Mitigation Dam maintenance program and \$70,00 for annual payback reduction of the existing Cash Advance Debenture which was secured to facilitate capital repair to the Bruce Eastick North Para Mitigation Dam in 2022.

Revenue requirement calculations for Constituent Council contributions, shown at Table 1, have been based on this inclusive approach. Any budget amendments directed by meeting considerations will subsequently be reflected in the quantum of revenue to be sought from Constituent Councils.

Constituent Council contributions will rise to \$401,762 in 2026/2027, up \$111,092 (38%) from \$290,670 in 2025/2026. The main reason is a \$100,000 allocation for a Dam Safety Review.

A net Operating Loss of (\$941,098), as per the uniform presentation of finances, is forecast for 2026/2027. This is from use of cash reserves for the Business Case contribution and unfunded depreciation of \$706,098.

Reconciliation with the MYOB presentation is a net operating loss of (\$941,098) less \$55,000 repayment of borrowings for CAD = (\$996,098).

See below Table 1 – Constituent Council shares proposed as per draft 2026/2027 GRFMA Budget and further copy of details (MYOB format) of the GRFMA Budget functions which identifies the current 2025/2026 Budget BR2 against Year to Date (20/01/2026) income and expenditure and the 2026/2027 Draft Budget income and expenditure proposals.

See separate attachment copies of GRFMA 2026/2027 budgeted financial statements presented, in a manner consistent with the uniform presentation of finances, pursuant to section 123(10)(b) of the Local Government Act 1999.

Table 1

Constituent Council shares proposed as per draft 2026/2027 GRFMA Budget – Refer 1.1 Member Subscriptions (\$161,952) and 3.1 Council Subscriptions (\$239,810).

Council	2025/2026		2025/2026	2026 2027		2026 2027
	Operation	Maint	TOTAL	Operation	Maint	TOTAL
Adelaide Plains Council	\$ 23,486	43,293	\$ 66,779	\$ 26,991	\$ 69,329	\$ 96,320
Adelaide Hills Council	\$ 23,486	2,591	\$ 26,077	\$ 26,991	\$ 4,149	\$ 31,140
The Barossa Council	\$ 23,486	12,983	\$ 36,469	\$ 26,991	\$ 20,792	\$ 47,783
Town of Gawler	\$ 23,486	25,967	\$ 49,453	\$ 26,991	\$ 41,583	\$ 68,574
Light Regional Council	\$ 23,486	12,983	\$ 36,469	\$ 26,991	\$ 20,792	\$ 47,783
City of Playford	\$ 23,490	51,933	\$ 75,423	\$ 26,997	\$ 83,166	\$ 110,163
Total	140,920	149,750	\$290,670	\$ 161,952	\$ 239,810	\$ 401,762

Table 2 Percentage Share

Constituent Council	Capital Works	Maintenance of Assets	Operational Costs
	Percentage Share	Percentage Share	Percentage Share
Adelaide Plains Council	28.91%	28.91%	16.66%
Adelaide Hills Council	1.73%	1.73%	16.66%
The Barossa Council	8.67%	8.67%	16.66%
Town of Gawler	17.34%	17.34%	16.66%
Light Regional Council	8.67%	8.67%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

Gawler River Floodplain Management Authority Budget - Functions & Items 2025/2026 BR2 and 2025/2026 Budget

Code		2025/2026		2026/2027
		Budget	BR2 YTD	Budget
	REVENUE			
	Administration of the GRFMA			
1,1	Member Subscriptions	149,750	149,750	161,952
1,3	Interest LGFA	1,000	802	1,000
1,4	Interest BankSA			
1,5	Other		-75	
	Operations Flood Mitigation Scheme			
2,1	Council Subscriptions			
2,3	State Grant	10,000	10,000	6,600
2,4	Commonwealth Grant			774,000
2,5	Sale of Land			
2,6	Other			
	Maintenance Flood Mitigation Scheme			
3,1	Council Subscriptions	140,920	140,920	239,810
3,3	Other			
	Total			
	TOTAL INCOME	301,670	301,398	1,183,362
	EXPENDITURE	2025/2026		2026/2027
		Budget	YTD	Budget
	Administration of the GRFMA			
6,1	Executive Officer Contract	62,000	32,017	64,000
6,2	Advt, Print, Stat, Postage	1,000	269	1,000
6,3	Travelling Expenses	4,200		4,200
6,4	Insurance - PL & PI	16,000	13,499	17,500
6,41	Audit Committee	2,600	1,950	3,250
6,5	Audit Fees	6,500	6,005	6,700
6,6	Bank Fees	120	102	102
6,7	Legal Advice	2,000	0	2,000
6,8	Honorarium Chairperson	20,000	10,589	20,800
6,10	Other	13,000	2,905	13,400
	Total	127,420	67,336	132,952

	Business Case			
9,7	Consultancies	20,000	0	30,000
9,8	EO Supervision			
9.9	Business Case			1,064,000
	Maintenance Flood Mitigation Scheme			
10,2	Maintenance Contractors	0	0	100,000
10,3	BENPFM Dam Maintenance	79,550	37,782	76,210
10,31	Rates - GST Free	200	134	200
10,4	Depreciation Dam	706,098		706,098
	Other Expense Finance **	70,000	137	70,000
	ALL EXPENDITURE	\$1,003,268	\$105,388	2,179,460
	SURPLUS/DEFICIT	-706,096	196,010	996,098

** MYOB cash format representing Interest and principal payments.

Local Government Model Financial Statements represent interest payments of \$15,000 as operational expenditure and finance repayment \$55,000, CAD, as reduction in liability (Balance Sheet).

*Rounding

Yours Sincerely



David Hitchcock, Executive Officer

Executive Officer

Appendix 2

Draft 2026-27 GRFMA Annual Business Plan



GRFMA ANNUAL BUSINESS PLAN

2026-2027

Draft February 2026

Gawler River Floodplain Management Authority

Constituent Councils:

Adelaide Hills Council

Adelaide Plains Council

The Barossa Council

Town of Gawler

Light Regional Council

City of Playford

Gawler



Business Plan 2026-2027

Gawler River Floodplain Management Authority (GRFMA)

The Gawler River

The Gawler River is formed by the confluence of the North Para and South Para in the town of Gawler and is located in the Adelaide Plains district of South Australia. The district surrounding the river produces cereal crops and sheep for both meat and wool, as well as market gardens, almond orchards and vineyards. The farm gate output of the Gawler River floodplain horticultural areas is estimated to be at least \$500 million.

History

The river is subject to periodic flood events.



Desirable Levels of Protection Cost of Flooding

Flood Frequency (ARI)	Total Estimated Damages Direct and Indirect
1 in 20	\$66.7m
1 in 50	\$189m
1 in 100	\$439.2m
1 in 200	\$627.1m
Average Annual Damage	\$14.7m

GRUMP Mitigation Options Analysis Report, Table7 January 2022

Properties at Risk

Flood Frequency (ARI)	Number of residential properties within each hazard rating			
	Low	Medium	High	Extreme
1 in 50	1056	785	483	236
1 in 100	1559	1451	1179	457
1 in 200	1814	1652	1419	615

Purpose of the GRFMA

The Gawler River Floodplain Management Authority (GRFMA) was formed as a Regional Subsidiary under Section 43 and Schedule 2 of the Local Government Act 1999 on 22 August 2002. The Constituent Councils are the Adelaide Hills Council, The Adelaide Plains Council, The Barossa Council, The Town of Gawler, Light Regional Council, and the City of Playford.

The Authority has been established for the following purposes:

- to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;
- to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;
- to provide a forum for the discussion and consideration of topics relating to the Constituent Council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River; and
- upon application of one or more Constituent Councils pursuant to clause 12.4:
 - to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and
 - to enter into agreements with one or more of the Constituent Councils for the purpose of managing and developing the Gawler River.

Numerous factors have a significant influence on the operations of the Authority. These include arrangements for managing stormwater in South Australia are very complicated, reflecting incremental changes over time in legislation, guidelines, structures, and funding arrangements.

For the Authority, specific concerns are:

- There is no clear definition of the responsibilities of levels of government for managing stormwater.
- Floodplain management is not well recognised in the current framework for stormwater management.
- Responsibilities for different aspects of managing the Gawler River sit with various (mostly SA Government) agencies, yet there is no overarching structure, body, or plan to ensure an integrated approach to managing it.
- Most of the Gawler River is located on private land (a common situation in South Australia) which restricts the ability of the Authority (and other bodies) to carry out its functions.
- Most flood management initiatives within the Gawler River catchment and floodplain are beyond the capacity of Constituent Councils to fund and State and Federal Government engagement and funding support will be required before any such initiatives are to be realised.
- The effects of flooding on intensive food production and residential properties on the Northern Adelaide Plains.
- Impacts of climate change on the timing, frequency, and volumes of flows into the river.
- Changes in stormwater flows and the risks of flooding associated with new residential development in the Gawler River catchment.

- The level of community understanding of the risks of flooding within the entire catchment and how individuals can reduce the risks.
- Signs of growing interest in the concept of water cycle management with greater integration of different aspects of water management, including stormwater and floodwater.
- Differences in perspectives and priorities between upstream and downstream Constituent Councils in relation to beneficiaries, funding arrangements, and priorities.
- The limited resource base of the Authority, which is supplemented on an ad-hoc basis through partnering with Constituent Councils.

Governance

The Authority is governed by the Board of Management. The Board comprises of:

- One independent person, who is not an officer, employee or elected member of a Constituent Council, to be appointed as the Chairperson of the Board of Management of the GRFMA for a term of two years.
- Two persons appointed from each of the six Constituent Councils (12 members in total). Council appointees comprise of the Council CEO, or delegate and one Elected Member.
- Deputy Board members as appointed by each Constituent Council.

The Board

The Members of the Board are:

Council	Board Members	Deputy Board Members
Chairperson and Independent Member	Mr Lino Dilernia	
Adelaide Hills Council	Cr Malcolm Herrmann Ms Jade Valentine	Cr Leith Mudge Ms Sharon Leith
Adelaide Plains Council	Cr Terry Anne Keen Mr James Miller	Cr Mel Lawrence Mr Tom Jones
The Barossa Council	Cr Tony Hurn Mr Jake Mc Vicar	Mr Ben Clark
Town of Gawler	Cr Brian Sambell Mr Ashley Curtis	
Light Regional Council	Cr Bill Close Mr Mark Mc Shane	
City of Playford	Cr Clinton Marsh Mr Greg Pattinson	Cr Peter Rentoulis Mr Dale Welsh

A Technical Assessment Panel has been appointed to support the decision-making processes of the Board with delegated powers to provide advice and manage the technical aspects of the design, assessment and construction of the various parts of the Scheme.

The Members of the Panel are:

- Mr Lino Di Lernia , Independent Chair
- Ms Ingrid Franssen, Manager Flood Management, DEW
- *Vacant, SA Water*
- 1 Constituent Council representative Philip Kuhn , City of Playford
- 1 Constituent Council representative, Mr. Ben Clark, The Barossa Council
- Mr David Hitchcock, Executive Officer

An Audit and Risk Committee has been appointed to review:

- The annual financial statements to ensure that they present fairly the financial state of affairs of the Board; and
- The adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Authority and reporting to the Board on a regular basis.

The Members of the Audit and Risk Committee are:

- Mr. Peter Brass, Independent Member and Chair
- Cr Malcolm Herrmann, Adelaide Hills Council
- Mr. Greg Pattinson, City of Playford

A suite of Policies has been adopted to provide management guidelines for the day-to-day business of the GRFMA.

Policies include.

- Fraud, Corruption, Misconduct and Maladministration Prevention
- Public Consultation
- Procurement and Procedures
- Code of Practice for Meeting Procedures
- Internal Review of Decisions
- Freedom of Information Statement
- Work Health and Safety
- Anti-Discrimination/Fair Treatment
- Dam Valuation
- Treasury Management
- Internal Review of Decisions
- Information Asset Management Manual and Policy



To meet the statutory and operational responsibilities the Authority maintains appointment of a part time Executive Officer, and External Auditor, on a contract basis.

The GRFMA has engaged LUVROK Pty Ltd to undertake GRFMA Executive Officer services, in accordance with the agreed contract for service, for the term 1 July 2025 to 31 December 2027. Mr David Hitchcock is identified as the key person providing the services pursuant to agreed terms.

Dean & Newbery Pty Ltd was appointed as GRFMA External Auditor for a term of three plus two years, effective 1 July 2024.

The Authority has also facilitated the appointment of a part time administrative assistant on a contract basis.

The Authority is required to hold a minimum of 6 meetings per year and to provide the required Business Plans, Budgets Reports and Audited Statements to its Constituent Councils required by the Charter and Local Government 1999.

The format of the Annual Business Plan has been constructed referencing the GRFMA Strategic Plan 2021-2026, the GRFMA Long Term Financial Plan 2022/23 – 2031/32 and the GRFMA Asset Management Plan 2023-2032.

The Authority will conduct two reviews each year of its performance against the targets set in this Annual Business Plan that will form part of the report to its Constituent Councils and will be included in its Annual Report.

Cost of Operations

The budget revenue is sourced from predetermined “formula based” financial contributions by the six Constituent Councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

Expenditure is budgeted on estimated costs of executive management and administrative and governance requirements of the Authority according to its charter. Other costs are incurred with maintenance of the Bruce Eastick North Para River Flood Mitigation Dam site and access.

Work, in partnership with the Department for Environment and Water, to facilitate the Gawler River Flood Mitigation Business Case continues to progress. This is an important and complementary project to the Gawler River Stormwater Management Plan and collaborative approaches will be of benefit to all parties. There is an expectation by the state Government that the GRFMA (including Constituent Councils) will contribute to the development and completion of the business case.

The contributions of the Constituent Councils are based on the following percentage shares for capital works, maintenance of Scheme assets and operational costs of the Authority. (GRFMA Charter Clause 10).

Constituent Council Shares for Contributions

Constituent Council	Capital Works	Maintenance of Assets	Operational Costs
	Percentage Share	Percentage Share	Percentage Share
Adelaide Hills Council	1.73%	1.73%	16.66%
Adelaide Plains Council	28.91%	28.91%	16.66%
The Barossa Council	8.67%	8.67%	16.66%
Town of Gawler	17.34%	17.34%	16.66%
Light Regional Council	8.67%	8.67%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

Priority Actions 2026/2027

Priority actions for 2026/27 will focus on completion of the Gawler River Flood Management Business Case and review of the Authority's strategic management framework,

Gawler River Flood Management Business Case

The State Government, through the Department of Environment and Water working with the GRFMA, delivered a business case on flood management strategies for the Gawler River environs.

The business case was presented to the GRFMA and other stakeholders in December 2023 and recommended a preferred strategy to cope with a 1:100-year flood event. The recommended option includes four elements:

- The raising by 10 metres of the Bruce Eastick North Para Dam
- A levee upgrade
- A community awareness program
- Planning Control amendments

The business case had been reviewed by a State agency, Infrastructure South Australia (ISA), and its report highlighted a number of areas that required further work before it could be recommended to State Cabinet for funding approval.

The key shortcomings of the business case were identified as:

- The need to confirm that a 10-metre raise is feasible considering the structural integrity of the dam
- The lack of a funding model to fund the works (with capital works estimated at \$227 million)

The GRFMA endorsed the recommended option and agreed to lead the work required to complete the business case so that it could be presented to the State and Federal governments for a funding decision.

Completion of the business case has indeed been the focus of the GRFMA over the last 18 months or so with several matters raised by the ISA already dealt with, such as undertaking further flood mapping investigations.

The GRFMA has recently received funding of a \$774k grant from the Federal Government's Disaster Ready Fund (DRF), which, together with GRFMA resources, of around \$290k, will assist the business case to be finalised.

The GRFMA will now work collaboratively with the SA Department of Housing and Urban Development, who have offered leadership in finalising the business case including resources that the State Government could offer as completion of the business case requires.

The key issue to ultimately resolve is funding of the infrastructure works.

There are multiple potential funding sources that need to be considered such as:

- Federal and State Government grants.
- Property developer contributions who benefit from flood mitigation.
- Local beneficiaries such as residents and businesses.

The GRFMA will continue to engage with all stakeholders, including members of parliament, industry representatives and key State Government agencies to work through the funding options.

GRFMA Strategic Management Framework

Recognising the imminent and strategic importance of finalising the Gawler River Flood Management Business Case review of the GRFMA Strategic Management Framework will be undertaken in the latter part of the 2026/2027 financial year. The recommendations outlined in the Gawler River Stormwater Management Plan (2025) will be taken into account during the review of other relevant framework plans.

The GRFMA Strategic Management Framework consists of:

- GRFMA Strategic Plan 2021-2026,
- GRFMA Long Term Financial Plan 2022/23 – 2031/32
- GRFMA Asset Management Plan 2023-2032.
- Gawler River Stormwater Management Plan (2025)

GRFMA Strategic Plan 2021-2026 is arranged under three themes, each with its own objective, related to the outcomes to be pursued.

- Theme 1: Design, build, and maintain physical flood mitigation infrastructure.
Objective: To have in place an agreed extent of physical flood mitigation infrastructure that is fit for purpose and achieves the targeted levels of performance.
- Theme 2: Develop and evolve key relationships.
Objective: To maintain key relationships that are most important to the Authority achieving its purpose.
- Theme 3: Ensure good governance and ongoing financial sustainability.

Objective: To ensure that the Authority meets legislative requirements and contemporary standards of governance and is financially sustainable for the long term.

GRFMA Long Term Financial Plan 2022/23 – 2031/32

The purpose of the long-term financial plan (LTFP) is to guide the future direction of Gawler River Floodplain Management Authority (GRFMA) in a sustainable manner. It describes the way that GRFMA is responding to requirements of its charter and flood mitigation investment. The Long-Term Financial Plan is linked with GRFMA’s strategic objectives, goals and desired outcomes and is expressed in financial terms.

The GRFMA Asset Management Plan 2023-2032 is a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner. This plan covers the infrastructure assets that provide Flood Mitigation comprising of:

- Bruce Eastick North Para Flood Mitigation Dam
- Associated land
- Road Access

Gawler River Stormwater Management Plan (2025)

The main findings and recommendations from the development of the Gawler River SMP are:

- The flood risk remains and the recommended approach to mitigate that flood risk is to repair / reinstate the existing levees (and ensure ongoing maintenance) and raise the height of the Bruce Eastick Flood North Para Mitigation Dam.
- Revisit and determine the most effective way forward regarding the complicated land ownership and
- responsibility arrangements along the length of the Gawler River including the channel itself and the
- associated levee banks.
- The communities are continually changing within the catchment area and there are many opportunities (and needs) for ongoing community education and awareness programs covering many topics including flooding, climate change, benefits of river systems and opportunities to be involved in the protection and enhancement of the local environment.

Maintenance and operations of the scheme during 2026 to 2027

- Work identified in the previously established, Bruce Eastick North Para Flood Mitigation Dam Maintenance Cost Analysis 2023-2032.
- Action recommendations from the *Intermediate Surveillance Report North Para Dam Gawler River Floodplain Management Authority 23 December 2025(GHD)*

Principally

- Facilitate a Dam Safety Review, which will document the overall performance of the dam assessed against contemporary dams guidance for Australia and summarise recommended actions to address any potential deficiencies. A Safety Review is typically completed at 20-year intervals after construction.
- Develop a Dam Safety Management Plan
- Undertake a comprehensive update to the Dam Safety Emergency Plan (DSEP).



- Undertake a comprehensive update the to the Operations Maintenance Manual (OMM)
- Scheduled inspections and environmental management of land associated with the Dam location. Routine (monthly), Intermediate (annually), Comprehensive (every 5 years due 2028/2029).
- In partnership with the Landscape SA Northern and York, implement year 3(of 3) of the revegetation program upon land associated with the Bruce Eastick North Para Flood Mitigation Dam.

Appendix 3
Draft 2026-27 GRFMA Budget

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
CONSOLIDATED DRAFT BUDGET 2026/2027**

STATEMENT OF COMPREHENSIVE INCOME

2025/2026 FULL YEAR REVISED ESTIMATE		2026/2027 DRAFT BUDGET
\$	INCOME	\$
290,670	Subscriptions	401,762
10,000	Grants Subsidies and Contributions	780,600
1,000	Investment Income	1,000
-	Other	-
<hr/>		
301,670	TOTAL REVENUES	1,183,362
EXPENSES		
227,170	Materials, Contracts and Other Expenses	1,403,362
15,000	Finance Costs	15,000
706,098	Depreciation, amortisation & impairment	706,098
<hr/>		
948,268	Total Expenses	2,124,460
(646,598)	OPERATING SURPLUS/(DEFICIT) BEFORE CAPITAL AMOUNTS	(941,098)
-	Net gain (loss) on disposal or revaluation of assets	-
-	Amounts specifically for new or upgraded assets	-
-	Physical resources received free of charge	-
(646,598)	TOTAL COMPREHENSIVE INCOME	(941,098)
<hr/> <hr/>		

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
CONSOLIDATED DRAFT BUDGET 2026/2027**

CASH FLOW STATEMENT

2025/2026 FULL YEAR REVISED ESTIMATE		2026/2027 DRAFT BUDGET
\$		\$
Inflows (Outflows)		Inflows (Outflows)
	CASHFLOWS FROM OPERATING ACTIVITIES	
	RECEIPTS	
300,670	Operating Receipts	1,182,362
1,000	Investment Receipts	1,000
	PAYMENTS	
(309,170)	Operating payments to suppliers & employees	(1,403,362)
(15,000)	Finance Payments	(15,000)
(22,500)	Net Cash provided by (or used in) Operating Activities	(235,000)
	CASH FLOWS FROM INVESTING ACTIVITIES	
	RECEIPTS	
-	Grants specifically for new or upgraded assets	-
0	Sale of Assets	0
	PAYMENTS	
-	Capital Expenditure on renewal/replacement of assets	-
-	Capital Expenditure on new/upgraded assets	-
-	Net Cash provided by (or used in) Investing Activities	-
	CASH FLOWS FROM FINANCING ACTIVITIES	
	RECEIPTS	
-	Proceeds from Borrowings	300,000
	PAYMENTS	
27,000	Repayment of Borrowings	(55,000)
27,000	NET CASH USED IN FINANCING ACTIVITIES	245,000
4,500	NET INCREASE (DECREASE) IN CASH HELD	10,000
24,685	CASH AT BEGINNING OF YEAR	29,185
29,185	CASH AT END OF YEAR	39,185

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
CONSOLIDATED DRAFT BUDGET 2026/2027**

BALANCE SHEET

2025/2026 FULL YEAR REVISED ESTIMATE		2026/2027 DRAFT BUDGET
	ASSETS	
	CURRENT ASSETS	
\$		\$
29,185	Cash and cash equivalents	39,185
53,432	Trade & other receivables	53,432
-	Inventories	-
<u>82,617</u>	TOTAL CURRENT ASSETS	<u>92,617</u>
	NON-CURRENT ASSETS	
-	Financial Assets	-
41,194,747	Infrastructure, Property, Plant & Equipment	40,488,649
<u>41,194,747</u>	TOTAL NON-CURRENT ASSETS	<u>40,488,649</u>
<u>41,277,365</u>	TOTAL ASSETS	<u>40,581,267</u>
	LIABILITIES	
	CURRENT LIABILITIES	
17,486	Trade & Other Payables	17,486
32,404	Borrowings	277,404
-	Short-term Provisions	-
<u>49,890</u>	TOTAL CURRENT LIABILITIES	<u>294,890</u>
	NON-CURRENT LIABILITIES	
-	Long-term Borrowings	-
-	Long-term Provisions	-
<u>49,890</u>	TOTAL NON-CURRENT LIABILITIES	<u>-</u>
	TOTAL LIABILITIES	<u>294,890</u>
<u>41,227,475</u>	NET ASSETS	<u>40,286,377</u>
	EQUITY	
10,863,155	Accumulated Surplus	9,922,057
30,364,320	Asset Revaluation	30,364,320
-	Other Reserves	-
<u>41,227,475</u>	TOTAL EQUITY	<u>40,286,377</u>

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
CONSOLIDATED DRAFT BUDGET 2026/2027**

STATEMENT OF CHANGES IN EQUITY

2025/2026 FULL YEAR REVISED ESTIMATE \$		2026/2027 DRAFT BUDGET \$
	ACCUMULATED SURPLUS	
11,509,753	Balance at end of previous reporting period	10,863,155
-646,598	Net Result for Year	-941,098
0	Transfer From Reserves	0
0	Transfer To Reserves	0
<u>10,863,155</u>	BALANCE AT END OF PERIOD	<u>9,922,057</u>
	ASSET REVALUATION RESERVE	
30,364,320	Balance at end of previous reporting period	30,364,320
0	Gain on revaluation of infrastructure, property, plant & equipment	0.00
0.00	Transfer to Accumulated Surplus on sale of infrastructure, property, plant & equipment	0.00
<u>30,364,320</u>	BALANCE AT END OF PERIOD	<u>30,364,320</u>
<u>41,227,475</u>	TOTAL EQUITY AT END OF REPORTING PERIOD	<u>40,286,377</u>

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
CONSOLIDATED DRAFT BUDGET 2026/2027**

UNIFORM PRESENTATION OF FINANCES

2025/2026 FULL YEAR REVISED ESTIMATE		2026/2027 DRAFT BUDGET
\$		\$
301,670	Operating Revenues	1,183,362
(948,268)	less Operating Expenses	(2,124,460)
<u>(646,598)</u>	Operating Surplus / (Deficit) before Capital Amounts	<u>(941,098)</u>
	Less Net Outlays in Existing Assets	
	Capital Expenditure on renewal and replacement of Existing Assets	-
-	less Depreciation, Amortisation and Impairment	(706,098)
(706,098)	less Proceeds from Sale of Replaced Assets	-
<u>-</u>		<u>-</u>
(706,098)		(706,098)
	Less Net Outlays on New and Upgraded Assets	
-	Capital Expenditure on New and Upgraded Assets	-
-	less Amounts received specifically for New and Upgraded Assets	-
-	less Proceeds from Sale of Surplus Assets	-
<u>-</u>		<u>-</u>
-		-
59,500	Net Lending / (Borrowing) for Financial Year	(235,000)

Appendix 4

*Correspondence of 10 July 2025 from the Minister for
Local Government*

Hon Joe Szakacs MP



**Government
of South Australia**

**Minister for Trade and
Investment**

**Minister for Local
Government**

**Minister for Veterans'
Affairs**

GPO Box 1533
ADELAIDE SA 5000

T: (08) 7133 2070

E: minister.szakacs@sa.gov.au

24MINLG-0591
LG25/00100

Mr Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council
63 Mount Barker Road
STIRLING SA 5152

By email: mail@ahc.sa.gov.au

Dear Mr Georgopoulos

Thank you for writing to seek my approval for the Adelaide Hills Council (the Council) to withdraw from the Gawler River Floodplain Management Authority (GRFMA) under clause 29(b) of Schedule 2 to the *Local Government Act 1999*.

I have carefully considered the information provided by the Council, in particular the submission provided by the Council by letter dated 3 June 2025. I note that you have also provided this submission to the Minister for Climate, Environment and Water, the Hon Dr Susan Close MP, and I am responding also on behalf of Minister Close.

I have also taken into account the submissions I have received from GRFMA's other constituent councils.

I note the Council's concerns regarding its involvement with GRFMA, including the Council's views regarding geographic and operational relevance, financial inequity and lack of benefit and misalignment with the Council's strategic priorities.

However, I am of the view that all councils in the Gawler River catchment have a responsibility to contribute towards flood mitigation and participate in GRFMA to achieve its functions and objectives.

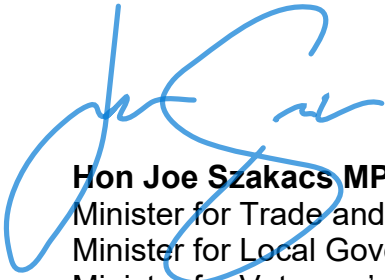
As you are aware, the State Government, through the Department for Environment and Water, has worked with GRFMA on the development of a Business Case to establish a long-term strategy in respect to Gawler River flood management. The withdrawal of a council from GRFMA would not only negatively impact the delivery of this Business Case but also impact the ability for GRFMA to attract future co-investment from both the South Australian and Australian governments.



OFFICIAL

Therefore, I do not approve the Council's application to withdraw from GRFMA. Protecting communities from natural disasters is a core function of councils and therefore I encourage GRFMA's constituent councils to engage constructively to determine how they can all contribute to flood mitigation in the Gawler River catchment.

Yours sincerely



Hon Joe Szakacs MP
Minister for Trade and Investment
Minister for Local Government
Minister for Veterans' Affairs

10 / 7 / 2025

cc: Hon Dr Susan Close MP, Minister for Climate, Environment and Water

Appendix 5

*Correspondence of 28 August 2025 to the Minister for
Local Government*



63 Mount Barker Road
Stirling SA 5152
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

28 August 2025

The Hon Joe Szakacs MP
Minister for Local Government
GPO Box 1533
Adelaide SA 5000

Via email: minister.szakacs@sa.gov.au

Dear Minister

A handwritten signature in blue ink that reads 'Joe,'.

**Request for Further Information – Gawler River Floodplain Management Authority
Withdrawal Decision**

Thank you for your correspondence dated 10 July 2025 (LG25/00100 refers), by which you have advised that the Adelaide Hills Council's request to withdraw from the Gawler River Floodplain Management Authority (GRFMA) has not been approved.

Council appreciates your consideration of its submission and acknowledges the broader strategic context in which your decision was made. However, given the significance of the matter and its implications for both Council and the community, we seek a clearer understanding of the basis for the refusal. In this context, we respectfully request a clear articulation of the reasons underlying the decision.

Without detracting from our general request to understand your reasons, we would particularly appreciate feedback on matters including, but not limited to:

1. what, if any, weight was given to the Council's geographic and operational irrelevance within the catchment;
2. financial equity, including the current cost-sharing model and Council's lack of any benefit from GRFMA infrastructure;
3. the relevance and role of the GRFMA's Business Case and Stormwater Management Plan; and
4. the influence and weight of submissions received from other Constituent Councils and government departments.

Council believes that a clear explanation of the Ministerial reasoning will help inform our next steps in considering the provisions of the Charter, negotiating with the other Constituent



63 Mount Barker Road
Stirling SA 5152
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Councils, and ensuring the levels of transparency and accountability to our community that you would expect.

Please note that Council remains committed to working constructively with all stakeholders and, after hearing from you further, would welcome the opportunity to meet with you or your office to discuss and better understand this matter.

Thank you again for your consideration.

Yours sincerely

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke, positioned above the printed name.

Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council

Appendix 6

*Correspondence of 9 December 2025 to the Minister for
Local Government*

9 December 2025

The Hon Joe Szakacs
Minister for Local Government
GPO Box 1533
Adelaide SA 5000

Via email: minister.szakacs@sa.gov.au

Dear Minister

Joe,

Follow-Up: Request for Further Information – Gawler River Floodplain Management Authority Withdrawal Decision

I am writing to follow up on correspondence dated 28 August 2025, in which Adelaide Hills Council sought further information regarding your 10 July 2025 decision (LG25/00100 refers) not to approve Council's request to withdraw from the Gawler River Floodplain Management Authority (GRFMA).

To date, Council has not received a response to this request. Given the significance of the matter and its implications for both Council and our community, I respectfully reiterate the request for further information regarding the decision. In particular, feedback would be appreciated on the following points:

1. The weight given to Council's geographic and operational irrelevance within the catchment;
2. Considerations of financial equity, including the current cost-sharing model and Council's lack of benefit from GRFMA infrastructure;
3. The relevance and role of the GRFMA's Business Case and Stormwater Management Plan; and
4. The influence and weight of submissions received from other Constituent Councils and government departments.

A clear explanation of the Ministerial reasoning will assist Council in determining its next steps, including consideration of the Charter's provisions and ongoing engagement with other Constituent Councils. Council remains committed to transparency and accountability to the community and to working constructively with all stakeholders.

We note that since our correspondence to you in August, it has become apparent that the GRFMA may have public liability exposure in relation to the Bruce Eastwick Dam. The flow on implications for Council are concerning, particularly in the context of the residents of Adelaide Hills Council receiving minimal benefit from the Dam. This further context makes the reasoning behind your decision even more important.

Thank you for your attention to this matter. I look forward to your response.



63 Mount Barker Road
Stirling SA 5152
Phone: 08 8408 0400
Fax: 08 8389 7440
mail@ahc.sa.gov.au
www.ahc.sa.gov.au

Yours sincerely

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned to the right of the printed name.

Greg Georgopoulos
Chief Executive Officer

Appendix 7

*Correspondence of 18 December 2025 from the
Minister for Local Government*

Hon Joe Szakacs MP

LG25/00100

Mr Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council
63 Mount Barker Road
STIRLING SA 5152

By email: officeoftheceo@ahc.sa.gov.au

Dear Mr Georgopoulos

Thank you for writing to me about my decision not to approve the Adelaide Hills Council's (Council) request to withdraw from the Gawler River Floodplain Management Authority (GRFMA).

As I indicated in my response, I gave careful consideration to the information provided by the Council, in addition to the submissions from the then Minister for Climate, Environment and Water and GRFMA's other constituent councils.

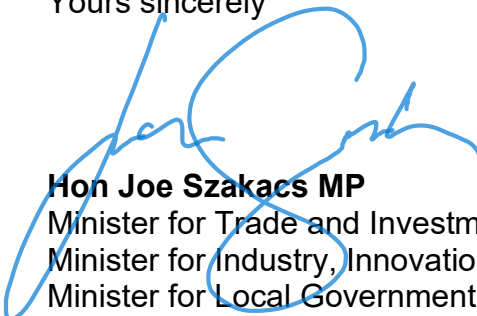
This included consideration of the Council's views regarding its geographic and operational relevance, financial equity and the relevance of GRFMA's Business Case and Stormwater Management Plan. However, as I advised previously, I am of the view that—

- All councils in the Gawler River catchment have a responsibility to contribute towards flood mitigation and participate in GRFMA to achieve its functions and objectives.
- The withdrawal of a council from GRFMA would impact the delivery of the GRFMA Business Case and the ability for GRFMA to attract future co-investment from both the South Australian and Australian governments.

In relation to the Council's concerns regarding the cost-sharing model provided for in the GRFMA Charter, these are matters which should be discussed directly with GRFMA and its constituent councils. Therefore, I encourage the constituent councils to work together to resolve these matters and ensure the GRFMA Charter provides for appropriate financial contributions.

I trust this information is of assistance.

Yours sincerely


Hon Joe Szakacs MP
Minister for Trade and Investment
Minister for Industry, Innovation and Science
Minister for Local Government
Minister for Veterans' Affairs

18/2/2025



**Government
of South Australia**

**Minister for Trade and
Investment**

**Minister for Industry,
Innovation and Science**

**Minister for Local
Government**

**Minister for Veterans'
Affairs**

GPO Box 1533
ADELAIDE SA 5001

T: (08) 7133 2070

E: minister.szakacs@sa.gov.au



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 March 2026
AGENDA BUSINESS ITEM**

Item: 12.3

Responsible Officer: Gary Lewis
Director Corporate Services
Corporate Services

Subject: Draft Community Engagement Policy

For: Decision

SUMMARY

The purpose of this Report is to seek approval to commence community engagement in relation to our draft Community Engagement Policy (provided at **Appendix 1**).

The Minister for Local Government's Community Engagement Charter (the Charter) and related amendments to the *Local Government Act 1999* (the Act), were release in the South Australian Government Gazette on Thursday 11 December 2025. The Charter is provided at **Appendix 3**.

Local Councils have a period of 9 months from the release of the Act amendments to review and endorse their Community Engagement Policies by 11 September 2026.

The Community Engagement Policy, once endorsed, will supersede our existing Public Consultation Policy adopted on 28 January 2020.

If approved by Council, community engagement for the draft Community Engagement Policy, will be undertaken between 25 March to 26 April 2026. This overlaps with the consultation for the Community Engagement Framework, which was approved by Council at the 10 March 2026 meeting. The communications with the public will clarify the relationship between the two documents.

Following community engagement findings, the Policy will be finalised and presented to Council for endorsement in June 2026.

RECOMMENDATION

Council resolves:

1. That the Draft Community Engagement Policy report be received and noted.
 2. To approve the commencement of community engagement on the Draft Community Engagement Policy (Appendix 1).
-

1. BACKGROUND

Council's Public Consultation Policy was adopted on 28 January 2020.

12.3 Draft Public Consultation Policy

**Moved Cr Leith Mudge
S/- Cr Mark Osterstock**

10/20

Council resolves:

- 1. That the report be received and noted.**
- 2. With an effective date of 10 February 2020, to revoke the 8 September 2015 Public Consultation Policy and to approve the Public Consultation Policy as contained in *Appendix 1*.**
- 3. That the Chief Executive Officer, or delegate, be authorised to make any formatting, nomenclature or other minor changes to the Policy prior to coming into effect.**

Carried Unanimously

A revised version of the Policy was adopted on 21 April 2020 in response to the Covid-19 Public Health Emergency. The revised Policy included an addendum added to provide consistency with Public Access and Public Consultation (Notice 2/2020). The relevant sections from the resolution at this 21 April meeting are copied below:

6.2 Public Access and Public Consultation (Notice 2/2020) – proposed compliance arrangements

Moved Cr Linda Green

S/- Cr Pauline Gill

64/20

Decision 1

Council resolves the report be received and noted.

Decision 2

....

}

- 1.7. the power pursuant to Section 50(5a) of the LG Act to alter the Council's Public Consultation Policy or substitute a new policy without undertaking public consultation, even if the Council's existing Public Consultation Policy requires the Council to conduct public consultation;
- 1.8. the power pursuant to Section 123(5) of the LG Act to ensure that copies of the draft annual business plan are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) and on the website at least 21 days before the end of the period for providing written submissions;
- 1.9. the power pursuant to Section 151(8) of the LG Act to ensure that copies of the report required under Section 151(5)(d) are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) at least 21 days before the end of the period for public consultation;
- 1.10. the power pursuant to Section 156(14e) of the LG Act to ensure that copies of the report required under section 156(14a)(a) of the LG Act are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the LG Act) at least 21 days before the end of the period for public consultation.

....

4. Pursuant to Section 50(5a) of the Local Government Act 1999, as inserted under the Public Access and Public Consultation Notice (No 2) 2020, the Council alters its Public Consultation Policy by including in the Policy, the Public Consultation Policy Addendum as detailed in Appendix 2.

Council's Public Consultation Policy was due to be reviewed in January 2023. This review was delayed due to the impending release of the Office of Local Government / Minister for Local Government's draft Community Engagement Charter.

In October, the Office of Local Government launched community engagement around the Local Government Participation and Elections Review. This process involved a statewide engagement where community members and councils could provide feedback on ideas and

suggestions on how communities can better engage with their councils through a council term and, particularly, at election time.

Adelaide Hills Council provided a feedback submission as part of this engagement.

12.3 Local Government Participation and Elections Review Report

7:55pm Cr Louise Pascale left the meeting room and did not return.

7:57pm Cr Pauline Gill left the meeting room and did not return.

Moved Cr Adrian Cheater

S/- Cr Leith Mudge

45/24

Council resolves:

1. That the report be received and noted.
2. That Council endorse the Adelaide Hills Council Local Government Participation and Election Review Final Submission be issued to the Office for Local Government with a copy provided to the Local Government Authority for their information.

VARIATION

Through the presiding member, with the consent of the Mover and Seconder, leave of the meeting was sought and granted to vary the motion by adding Point 3.

Council resolves:

1. **That the report be received and noted.**
2. **That Council endorse the Adelaide Hills Council Local Government Participation and Election Review Final Submission be issued to the Office for Local Government with a copy provided to the Local Government Authority for their information.**
3. **That the CEO is authorised to make administrative changes that do not substantively change the content of the submission.**

Carried Unanimously

The Local Government Participation and Elections Review Engagement Outcomes Report was released in June 2024.

On Friday 30 May 2025, the Office of Local Government released their draft Local Government Community Engagement Charter for public consultation. This charter was drafted utilising feedback from the Local Government Participation and Election Review and incorporating elements of the Local Government Association of South Australia community engagement charter that was drafted and presented to the Office of Local Government / Minister for Local Government in early 2021.

The Adelaide Hills Council Local Government Community Engagement Charter submission was endorsed for submission to the Office of Local Government at the Council Meeting on 8 July 2025.

12.4 Local Government Community Engagement Charter

Moved Cr Chris Grant
S/- Cr Leith Mudge

236/25

Council resolves:

1. That the Local Government Community Engagement Charter report be received and noted.
2. That Council endorse the Adelaide Hills Council's draft Local Government Community Engagement Charter Final Submission be issued to the Office of Local Government with a copy provided to the Local Government Authority for their information.
3. That the CEO is authorised to make administrative changes that do not substantively change the content of the submission.

Carried Unanimously

The Charter and related amendments to the Act, were released in the South Australian Government Gazette on Thursday 11 December 2025.

Local Councils have a period of nine months from the release of the Act amendments to review and endorse their Community Engagement Policies by 11 September 2026.

Council's existing Public Consultation Policy has been reviewed and updated in line with the Charter and amendments to Section 50A of the Act.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal 4	Organisation
Objective 2	Operate with integrity using best practise governance processes.
Priority 2.1	Demonstrate accountable and transparent decision making.
Objective 4	Engage and advocate for our communities.
Priority 4.1	Develop a robust Community Engagement Framework including exploring opportunities for community to participate in decision making.
Priority 4.2	Advocate on behalf of the community to represent its needs and views with relevant stakeholders and decision makers.

➤ Legal Implications

Under the *Local Government Act 1999* Council is required to maintain a Community Engagement Policy. The policy must comply with the Community Engagement Charter. Before Council adopts, alters, or substitutes a community engagement policy, they are

required to undertake public consultation on the community engagement policy (Section 50A (6)):

50A—Council community engagement policy

- (1) A council must prepare and adopt a policy relating to community engagement for the purposes of this Act (a *community engagement policy*).
 - (2) The policy may—
 - (a) in relation to any decision, activity or process in respect of which the community engagement charter prescribes requirements, principles or performance outcomes applying to community consultation and participation (relating to the decision, activity or process), make additional provision (not inconsistent with the charter) specifying how the council will—
 - (i) comply with the requirements in a relevant case; or
 - (ii) seek to achieve the principles or performance outcomes in a relevant case; and
 - (b) in relation to any other decision, activity or process of the council, provide for community consultation and participation in relation to the decision, activity or process.
-
- (3) The policy must be consistent with, and comply with any requirements specified by, the community engagement charter.
 - (4) The policy may—
 - (a) be of general or limited application; and
 - (b) vary in operation according to factors stated in the policy; and
 - (c) provide for, or for the granting by the council of, exemptions (conditional or unconditional) from specified provisions of the policy.
 - (5) A council may from time to time alter a community engagement policy, or substitute a new policy.
 - (6) Before a council—
 - (a) adopts a community engagement policy; or
 - (b) alters, or substitutes, a community engagement policy,
 the council must undertake public consultation on the community engagement policy, alteration or substituted policy (as the case may be).

Under Part 5 of the *Local Government (Transitional Provisions) Regulations 2021* Council has 9 months from 11 December 2025 to ensure that Council’s policy is consistent with the Charter and relevant amendments to the Act.

➤ **Risk Management Implications**

The approval of the draft Community Engagement Policy for community engagement will assist in mitigating the risk of:

Lack of community and stakeholder input into the development of the draft Community Engagement Policy leading to a Policy that doesn’t represent the community’s priorities or expectations.

Inherent Risk	Residual Risk	Target Risk
High (3B)	Low (2D)	Low

Modified existing issue.

Failure to comply with legislative requirements leading to liability and punitive action against Council.

Inherent Risk	Residual Risk	Target Risk
High (4C)	Low (2D)	Low

Modified existing issue.

➤ **Financial and Resource Implications**

Not applicable.

➤ **Customer Service and Community/Cultural Implications**

It is a community expectation that Council will facilitate community members to have a voice in Council decision making and to be kept informed of Council decisions.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

<i>Council Committees:</i>	Not Applicable
<i>Council Workshops:</i>	Project Plan for development of the Community Engagement Framework and Policy, presented on 19 August 2025. Update on Minister for Local Government’s Community Engagement Charter and Policy review timeline, presented on 1 December 2025.
<i>Advisory Groups:</i>	Not applicable.
<i>External Agencies:</i>	Local Government Community Engagement officers Office of Local Government Local Government Association
<i>Community:</i>	Not applicable.

➤ **Additional Analysis**

If the draft Community Engagement Policy is approved for consultation, community engagement will commence on 25 March and will seek the community’s feedback around their level of support for the draft Community Engagement Policy.

Community engagement will involve:

- Online feedback opportunities available via Adelaide Hills Engagement Hub.
- Information and hardcopy feedback opportunities at council service centres and libraries.
- Direct engagement with key stakeholders including community groups and staff.
- Emails to engagement subscribers and community and resident groups.

- Promotion of feedback opportunities in council’s social media, e-newsletters, the local newspaper, and in service centres.

Amendments to 2026 Policy

There have been significant amendments made to the 2020 Public Consultation Policy to bring the 2026 draft Community Engagement Policy in line with the requirements of the Charter released in December 2025, and related amendments to the Act.

These amendments include:

- Updated Policy name.
- Updated references to the Act and additional references to the Charter.
- Alignment of Policy Statement and Objectives with the Principles of the Charter.
- Updates to Policy Definitions to meet engagement best practise.
- Addition of Public Consultation Categories from the Charter.
- Removal of existing tables and replacement with Charter mandatory community engagement requirements table.
- Removal of public consultation steps and inclusion of information within the mandatory requirements table.
- Removal of Public Access and Public Consultation Notice 2020 Addendum.

These changes have been tracked and are provided at **Appendix 2**. A clean copy of the revised policy is provided at **Appendix 1**.

3. OPTIONS

Council has the following options:

- Approve commencement of community engagement on the draft Community Engagement Policy.
- Not approve commencement of community engagement on the draft Community Engagement Policy.

Should the Council identify the need for substantial amendments to the draft Policy, it is recommended that they be referred to staff for review to allow for analysis of the implications of the amendments, prior to the matter being brought back to the Council for further consideration.

4. APPENDICES

- (1) Draft Community Engagement Policy (clean)
- (2) Draft Community Engagement Policy (track changed)
- (3) Minister for Local Government’s Community Engagement Charter

Appendix 1

Draft Community Engagement Policy (clean)

Community Engagement Policy



Policy Number: COM-01

Responsible Department(s): Communications, Engagement and Events

Other Relevant Policies: None

Other Relevant Procedure(s): None

Policies superseded by this procedure Public Consultation Policy 2020 adopted on 28 January 2020

Approved by: Council

Date of Approval

Effective From:

Next Review:

Version Control

Version:	Effect Date:	Description of Changes:	Approver:
1.0	28/01/2020	Code adopted	Council - Res 10/20
1.1	21/04/2020	Addendum added to provide consistency with Public Access and Public Consultation (Notice 2/2020)	Council - Res 47/24
2.0	TBD	Policy Review in line with release of Minister for Local Government's Community Engagement Charter and subsequent changes to the Local Government Act 1999 (SA)	Council - TBD

1. INTRODUCTION

- 1.1 The Council is committed to giving people across the Adelaide Hills the opportunity to meaningfully take part in open conversations about initiatives and decisions that matter to them, and to making sure Council decisions reflect the voices of our community.
- 1.2 Community engagement undertaken by Adelaide Hills Council is informed by legislative and regulatory requirements, including the *Local Government Act 1999 (SA)* (the Act) and the Minister for Local Government's Community Engagement Charter (the Charter). These requirements are given effect through Council's Community Engagement Policy.
- 1.3 *Section 50A of the Act* provides that the Council must prepare and adopt a community engagement policy.
- 1.4 This policy applies to all legislated community engagement undertaken by council outlined in the Act and the Charter.
- 1.5 This policy is intended for use by all council employees, elected members, contractors and volunteers involved in the design, delivery, or evaluation of community engagement activities.
- 1.6 This Policy is a guide to staff and should not be read as mandatory, except where there is a legislated obligation. Staff should always use their discretion and judgement when conducting consultation and ensure the consultation is appropriate in the circumstances.

2. OBJECTIVES

- 2.1 The objectives of this policy are:
 - 2.1.1 To demonstrate the accountability and responsibility of the Adelaide Hills Council to its community and stakeholders.
 - 2.1.2 Ensure that the Council meets its legislative obligations regarding public consultation by:
 - Meeting mandatory requirements in the Act and the Charter.
 - Using appropriate and cost-effective engagement methods which are relevant to the specific circumstances of each decision, activity or process.
 - Providing for participation by the local community, key stakeholders and interested parties, wherever possible and appropriate.
 - Using feedback to enhance decision making.
 - Insofar as is reasonable, providing information to our community about how community views have been taken into account and reasons for decisions or actions of council.

3. DEFINITIONS

- 3.1 **“Communication”** the imparting or exchange of information between the Council and the community to produce a greater understanding.
- 3.2 **“Community”** a general term for the people who live, work, study, own property, conduct private or government business, visit or use the services, facilities and public spaces and places of the Adelaide Hills Council. A community may be a geographic location (community of place), a community of similar interest (community of interest), or a community of affiliation or identify (such as an industry or sporting club).
- 3.3 **“Stakeholders”** are recognised as individuals and organised groups that have an interest in a decision or proposal or may be directly or indirectly affected by a decision that has been made or is being proposed. Business owners, retail outlets, State and Federal Governments, community groups, Local Government and not for profit organisations are all considered stakeholders. Stakeholders may also be individuals, groups or organisations who have a role to play in policy development and program or service delivery.
- 3.4 **“Community engagement”** is the process of seeking input or feedback from the community or stakeholders regarding a decision that may affect them. This includes any activity where council provides information on a decision or invites comment on a matter. For the purposes of this policy, community engagement and public consultation are one and the same.
- 3.5 **“Public consultation”** see community engagement above.
- 3.6 **“The Act”** is the Local Government Act 1999 (SA).
- 3.7 **“The Charter”** is the Minister for Local Government’s Community Engagement Charter published in the South Australian Government Gazette on 11 December 2025.

4. SCOPE

- 4.1 The purpose of this Policy is to fulfill council’s statutory obligations under section 50 and 50A of the Act and the Minister for Local Government’s Community Engagement Charter published in the South Australian Gazette on 11 December 2025.
- 4.2 This Policy does not apply to public consultations or notification requirements of the Planning, Development and Infrastructure Act 2016.
- 4.3 Council recognises that there may be occasions where community engagement may be desirable, but there is no statutory requirement to undertake consultation. For these occasions this Policy does not apply.
- 4.4 Local Government Act 1999

- 4.4.1 Under Section 6 of the Act a council is established to provide for the governance and management of its area at the local level and, in particular:
- a. To act as a representative, informed and responsible decision-maker in the interests of its community; and
 - b. To provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and
 - c. To encourage and develop initiatives within its community for improving the quality of life of the community; and
 - d. To represent the interests of its community to the wider community; and
 - e. To exercise, perform and discharge the powers, functions and duties of local government under [the Local Government Act 1999] and other Acts in relation to the area for which it is constituted.

- 4.4.2 Section 8 of the Act (Principles to be observed by a council) outlines the performance of its roles and function including but not limited to:
- a. Provide open, responsive and accountable government;
 - b. Be responsive to the needs, interests and aspirations of individuals and groups within its community;
 - e. Seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
 - f. Seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs.

- 4.4.3 The Council recognises that community engagement can result in diverse views in relation to a particular matter or proposal. The Council will endeavour to consider relevant facts and circumstances, weighing and balancing competing considerations were necessary, before making a determination. The final decision in matters will rest with the Council, as the collective elected representatives of the community.

5. POLICY STATEMENT

- 5.1 The preparation and adoption of this policy fulfil the council's obligations to prepare and adopt a policy under section 50(A) of the Act. The following principles in the Charter have been considered in the preparation of this policy:

- Community members should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposed decisions, activities, processes of councils and to participate in relevant processes.
- Information about issues should be in plain language, readily accessible and in a form that facilitates community participation.

- Participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils.
- Participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes.
- Insofar as is reasonable, communities should be provided with information about how community views have been taken into account and reasons for decisions or actions of councils.

5.2 The Act requires council, in certain cases , to follow specific steps by way of public consultation, also known as community engagement.

5.3 In relation to the matters listed below under Public Consultation Categories, the Council will comply with its legislative obligations under the Act and the Charter. For each of the matters listed, refer to the mandatory minimum community engagement steps to be undertaken shown in Table 1 in Part 6 of this Policy.

5.4 Council may, in its absolute discretion, determine in relation to a matter for which it is required by the Act and/or the Charter to follow its community engagement policy, to undertake a step or steps in addition to those set out in this policy. However, council is not required to consider and/or determine whether or not to undertake any additional step or steps in relation to such a matter before taking any action or making any decision in relation to such a matter.

5.5 Council may, from time to time, alter or substitute a new policy, following public consultation.

6. PUBLIC CONSULTATION CATEGORIES

6.1 The Charter addresses minimum mandatory community engagement activities for matters where the Act requires public consultation to be undertaken.

6.2 The Charter establishes different public consultation categories which apply to different types of Council decisions:

- **Significant – Annual business plan and rating policy**
 - o Adopting an Annual Business Plan - section 123(3)(b) of the Act.
 - o Changes to basis of rating, declaring differential rates, imposing a separate rate, service rate or service charge, or changing the basis on which land is valued for the purpose of rating - section 151(5)(e) of the Act.
- **Significant**
 - o Representation reviews - section 12(7) of the Act.

- o Consider a change of status of council or name change – section 13(2) of the Act.
- o Development and review of Strategic Management Plans - section 122(6) of the Act.
- o Changing use of differential rates and special adjustments - section 156(4a)(b) of the Act.
- o Revocation of classification of land as community land - sections 194(2)(b) of the Act.
- o Community Land Management Plans - adoption - section 197(1) of the Act.
- o Community Land Management Plans – significant amendments - section 198(3) of the Act.
- o Alienation of community land by lease or license - section 202(2) the Act.
- o Making of By-laws – section 249(1) of the Act.
- **Standard**
 - o Opening hours and place of principal office - substantial changes - section 45(3) of the Act.
 - o Community Engagement Policy - section 50A(6)(b) of the Act.
 - o Council behavioural support policies - section 75F(6) of the Act.
 - o Access to meetings and documents - section 92(5) of the Act.
 - o Power to make orders - section 259(2)(b) of the Act.
- **Local**
 - o Carrying out commercial activities – Prudential Agreements – section 48 of the Act.
 - o Proposed permit or authorisation for alteration or use of a road for business purposes when there are works and traffic impeded for more than 48 hours (with a detour in place) or where no detour will be available - section 223(1) of the Act.
 - o Proposed planting of vegetation on a road – significant impact - section 232(b) of the Act.
- **Inform**
 - o Opening hours and place of principal office – minor changes - section 45(3) of the Act.
 - o Proposed permit or authorisation for alteration or use of a road for business purposes when there are works and traffic impeded for less than 48 hours and the council ensures that a detour is in place - section 223(1) of the Act.
 - o Election information - section 13A (2) of the Local Government (Elections) Act 1999 of the Act.

6.3 The table in Part 6 of this policy sets out the engagement activities that Council will generally undertake to meet the requirements of each public consultation category in the Charter.

7. CHARTER ENGAGEMENT REQUIREMENT

- 7.1 Council will comply with the minimum mandatory public consultation requirements for each category of matters set out in the Charter.
- 7.2 The following table sets out the engagement activities that Council will generally undertake to meet the public consultation requirements in the Act and the Charter.
- 7.3 There is no obligation on Council to utilise all engagement activities in respect of each Charter requirement.
- 7.4 The examples provided in the below table are non-exhaustive and Council may, but is under no obligation to, consider or determine to utilise different approaches that are not specified in the table depending on the particular matter Council is engaging on.

Table 1: Mandatory community engagement requirements

Charter requirement	Mandatory minimum actions to achieve Charter requirements	Charter Category					General engagement activities
		Significant - ABP and Rating Policy	Significant	Standard	Local	Inform	
Website	Publish information about the matter that can be easily found on a council website.	X	X	X	X	X	<ul style="list-style-type: none"> Information published on a website maintained by Council.
News publication	Publish information about the matter in a local news publication (print where available, but otherwise digital) that circulates in the council area and is not produced by the council.	X	X				<ul style="list-style-type: none"> Information published in a print or digital newspaper, community newsletter or other (non-council) publication circulating in the area of Council.

Consult with the whole council area	Consider appropriate forms of notifications to the council area. Consider whether additional information or notification should be made available to the community to bring their attention to the matter and to support participation.	X	X	X			<ul style="list-style-type: none"> Information published on a social media platform maintained by Council. Information available at council customer service centres / libraries at Stirling, Gumeracha and Woodside. Consider if roadside and/or site-specific signage would be suitable for this engagement.
Invite submissions	Provide information about how the community can make a submission, including timeframe.	X	X				<ul style="list-style-type: none"> Written submissions (email or letter). Completion of a survey or feedback form. Attendance at Council or public meeting, workshop or community forum.
Explain decision-making process	In material prepared explain what the council proposes to do, why it proposes to do it, and what it seeks to achieve. Explain how community feedback will inform the council's decision.	X	X				<ul style="list-style-type: none"> Information published on a website maintained by Council. Consider making information available at council service centres / libraries at Stirling, Gumeracha and Woodside.
Seek and consider feedback from the community – significant matters	Consider how best to invite feedback from the community. Provide a minimum community engagement period of 21 days to enable the community to provide feedback. Include a summary of community engagement	X	X				<ul style="list-style-type: none"> Written submissions (email or letter). Completion of a survey or feedback form. Attendance at Council or public meeting, workshop or community forum. Promote opportunities to make submissions at a pop-up engagement activity or community event. Report presented to a Council meeting for consideration by Council members. Submissions considered by the person or body with delegated authority to make the proposed decision or undertake the proposed

	feedback to the council ahead of the decision.						activity or process (if delegable).
Public meetings	Hold a public meeting where the community is invited to provide submissions (written or verbal) on the matter. The public meeting may be part of a council meeting or a separate event.	X					<ul style="list-style-type: none"> • Invite community to a public meeting to provide submissions on matter.
Council meeting invitation	Invite people who have made a written submission to attend a council meeting to speak to their submission before the decision is made.		X				<ul style="list-style-type: none"> • Invite community to a council meeting to speak to their written submission (email, letter or feedback form) before decision is made.
Seek and consider feedback from the community	Consider how best to invite feedback from the community. Provide information about how community feedback will inform the council's decision. Ensure an appropriate period of time is provided to enable communities to provide feedback.			X	X		<ul style="list-style-type: none"> • Written submissions (email or letter). • Completion of a survey or feedback form. • Attendance at Council or public meeting, workshop or community forum. • Promote opportunities to make submissions at a pop-up engagement activity or community event. • Report presented to a Council meeting for consideration by Council members. • Submissions considered by the person or body with delegated authority to make the proposed decision or undertake the proposed activity or process (if delegable).
Consult with local	Consider appropriate forms of notifications to the area within				X		<ul style="list-style-type: none"> • Consider information published on a social media platform maintained by Council.

community	the council affected by the council decision or action. Consider whether additional information or notification should be made available to the local community to bring their attention to the matter and to support participation.						<ul style="list-style-type: none"> • Consider information published in targeted letters or leaflet drops for effected residents. • Consider signage in a local location e.g. reserve, shopping centre, library or community centre. • Consider pop-up / drop-in engagement activities at a local venue or reserve.
Information to the whole council area	Provide information to the whole of the council's community if it may be directly affected by the council decision or action.					X	<ul style="list-style-type: none"> • Information published on a social media platform maintained by Council. • Council e-newsletter and/or Courier newsletter column.
Information to local community	Provide information to the local community that may be directly affected by the council decision or action.					X	<ul style="list-style-type: none"> • Consider Information published on a social media platform maintained by Council • Consider information published in targeted letters or leaflet drops for effected residents. • Consider signage in a local location e.g. reserve, shopping centre, library or community centre.

8. DELEGATION

8.1 The community engagement activities in this policy are general in nature, to meet the minimum mandatory requirements in the Act and Charter.

8.2 Specific engagement activities to be undertaken in relation to any particular decision, activity or processes shall be determined on a case-by-case basis, by:

- Council;
- The CEO; or
- A delegate with power to make the relevant decision or undertake the relevant activity or process.

8.3 Council, the CEO or a delegate is not required by this policy to undertake, or to consider or determine whether to undertake, any optional or additional engagement steps or employ optional or additional engagement methods. Such a decision is at the absolute discretion of the decision maker, such as for projects involving expenditure deemed 'significant' by the CEO; or matters likely to be of significant community interest.

8.4 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any legislative, formatting, nomenclature or other minor changes to the Policy during the period of its currency.

9. AVAILABILITY OF THE POLICY

9.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Appendix 2

Draft Community Engagement Policy (track changed)

COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<p><u>PUBLIC CONSULTATION</u> <u>COMMUNITY</u> <u>ENGAGEMENT</u></p>
---	---

Policy Number:	COM-01
Responsible Department(s):	Communications, Engagement and Events
Relevant Delegations:	As per the delegations schedule and as included in this Policy
Other Relevant Policies:	None
Relevant Procedure(s):	None
Relevant Legislation:	<p><i>Local Government Act 1999 <u>sections 50 and 50A</u></i> <i>Minister for Local Government's Community Engagement Charter</i> <i>Local Government (Elections) Act 1999 section 13A</i></p>
Policies and Procedures Superseded by this Policy on its Adoption:	Public Consultation Policy 20 2015 adopted on <u>28 September 2015</u> <u>January 2020</u> , Item <u>12.4,46</u>
Adoption Authority:	Council
Date of Adoption:	<p>Full Policy v1.0 – 28 January 2020 Revised Policy v1.1 – 21 April 2020</p>
Effective From:	<p>Full Policy v1.0 – 10 February 2020 Revised Policy v1.1 – 21 April 2020</p>
Minute Reference for Adoption:	<p>Full Policy v1.0 – 28 January 2020, Item 12.3, 10/20 Revised Policy v1.1 – 21 April 2020, Item 6.2, 674/20</p>
Next Review:	<p>No later than January 2023 or as required by legislation or changed circumstances</p>

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	28 January 2020	Code adopted	Council – Res 10/20
1.1	21 April 2020	Addendum added to provide consistency with Public Access and Public Consultation (Notice 2/2020)	Council - Res 64/20
<u>2.0</u>	<u>TBD</u>	<u>Policy Review in line with release of Minister for Local Government's Community Engagement Charter and subsequent changes to the Local Government Act 1999 (SA)</u>	<u>Council - TBD</u>

~~PUBLIC CONSULTATION~~ COMMUNITY ENGAGEMENT POLICY

1. INTRODUCTION

Council is committed to giving people across the Adelaide Hills the opportunity to meaningfully take part in open conversations about initiatives and decisions that matter to them, and to making sure Council decisions reflect the voices of our community.

Community engagement undertaken by Adelaide Hills Council is informed by legislative and regulatory requirements, including the *Local Government Act 1999 (SA)* (the Act) and the Minister for Local Government's Community Engagement Charter (the Charter). These requirements are given effect through Council's Community Engagement Policy.

Section 50A of the *Local Government Act 1999 (SA)* (the Act) provides that the Council must prepare and adopt a ~~public consultation~~ community engagement policy.

This Policy applies to all legislated community engagement undertaken by council outlined in the Act and the Charter.

This Policy is intended for use by all council employees, elected members, contractors and volunteers involved in the design, delivery, or evaluation of community engagement activities.

This Policy is a guide to staff and should not be read as mandatory, except where there is a legislated obligation. Staff should always use their discretion and judgement when conducting consultation and ensure the consultation is appropriate in the circumstances.

1.1 Purpose

1.1.1 The purpose of this Policy is to fulfill council's statutory obligations under section 50 and 50A of the Act and the Minister for Local Government's Community Engagement Charter published in the South Australian Gazette on 11 December 2025. is to set out the steps that Council intends to take under the Act in relation to public consultation. This Policy only applies to matters relating to the Act.]

1.1.2 ~~Community consultation prescribed under other legislation will be undertaken in accordance with the requirements of that legislation, rather than this Policy. This Policy does not apply to public consultations or notification requirements of the *Planning, Development and Infrastructure Act 2016*.~~

1.1.3 Council recognises that there are occasions where community engagement may be desirable, but there is no statutory requirement to undertake consultationthe same. Although the Council acknowledges the importance of

~~these occasions, they are not covered by the requirements of this Policy. For these occasions this Policy does not apply.~~

1.2 Local Government Act 1999

1.2.1 Under Chapter ~~62~~ of the Act a council is established to provide for the governance and management of its area at the local level and, in particular:

- (a) *to act as a representative, informed and responsible decision-maker in the interests of its community; and*
- (b) *to provide and co-ordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and*
- (c) *to encourage and develop initiatives within its community for improving the quality of life of the community; and*
- (d) *to represent the interests of its community to the wider community; and*
- (e) *to exercise, perform and discharge the powers, functions and duties of local government under ~~this and other Acts~~ [the Local Government Act 1999] and other Acts in relation to the area for which it is constituted.*

1.2.2 Section 8 of the Act (Principles to be observed by a council) outlines the performance of its roles and function including but not limited to:

- (a) *provide open, responsive and accountable government;*
- (b) *be responsive to the needs, interests and aspirations of individuals and groups within its community;*
- (e) *seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;*
- (f) *seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;*

1.2.3 The Council recognises that ~~community engagement~~ ~~consultation~~ can result in diverse views being expressed in relation to a particular matter or proposal. ~~†~~ ~~all cases, †~~ The Council will endeavour to consider all relevant facts and circumstances, weighing and balancing competing considerations where necessary, before making a determination. The final decision in matters will rest with the Council as the collective elected representatives of the community.

2. POLICY OBJECTIVE

The objectives of this Policy are:

2.1 To demonstrate the accountability and responsibility of the Adelaide Hills Council to its community and stakeholders.

2.2 Ensure that the Council meets its legislative obligations regarding public consultation by:

- Meeting minimum requirements in the Act and the Charter.
- Using appropriate and cost effective engagement methods which are relevant to the specific circumstances of each decision, activity or process.
- Providing for participation by the local community, key stakeholders and interested parties
- Using feedback to enhance decision making.
- Insofar as is reasonable, providing information to our community about how community views have been taken into account and reasons for decisions or actions of council.

~~complies with the mandatory consultation steps prescribed by the Act and the Charter (type 1 decisions Table ?).~~

~~2.2—Outline the standard consultation steps that the Council will follow in cases where the Council must comply with its Public Consultation Policy as required by the Act (type 2 decisions).~~

~~2.3—Ensure that the Council complies with the standard consultation steps contained in its Public Consultation Policy as required by the Act (type 2 decisions).~~

3. DEFINITIONS

Communication the imparting or exchange of information between the Council and the community to produce a greater understanding.

Community a general term for the people who live, work, study, own property, conduct private or government business, visit or use the services, facilities and public spaces and places of the Adelaide Hills Council. ~~The community are often referred to as “stakeholders” in the affairs of Council.~~ A community may be a geographic location (community of place), a community of similar interest (community of interest), or a community of affiliation or identify (such as an industry or sporting club).

Stakeholders are recognised as individuals and organised groups that have an interest in a decision or proposal, or may be directly or indirectly affected by a decision that has been made or is being proposed. Business owners, retail outlets, State and Federal Governments, community groups, Local Government and not for profit organisations are all considered stakeholders. Stakeholders may also be individuals, groups or organisations who have a role to play in policy development and program or service delivery.

Community Engagement is a generic term to describe the broad range of interactions between Council and the community. Engagement can include a variety of approaches, such as communication, and consultation. the process of seeking input or feedback from the community regarding a decision that may affect them. This includes any activity where council provides information on a decision or invites comment on a matter. For the purpose of this Policy, community engagement and public consultation are one and the same.

Public Consultation is a planned process of engagement where information is provided and community and stakeholders are formally invited, as per the relevant requirements in the Act, in particular s50 (3) of the Act, to comment about matters on which Council will deliberate. See community engagement above.

The Act is the *Local Government Act 1999 (SA)*.

The Charter is the Minister for Local Government's Community Engagement Charter published in the South Australian Government Gazette on 11 December 2025.

4. POLICY STATEMENT

The preparation and adoption of this Policy fulfil the council's obligations to prepare and adopt a policy under section 50(A) of the Act. The following principles in the Charter have been considered in the preparation of this Policy:

- Community members should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposed decisions, activities, processes of councils and to participate in relevant processes.
- information about issues should be in plain language, readily accessible and in a form that facilitates community participation.
- participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils.
- participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes.
- insofar as is reasonable, communities should be provided with information about how community views have been taken into account and reasons for decisions or actions of councils.

~~Section 50 of the Act requires that a council must prepare and adopt a public consultation policy, which may be altered from time to time or substituted with a new policy.~~

The Act requires council in certain cases, to follow specific steps by way of public consultation, also known as community engagement.

In relation to the matters listed below under Public Consultation Categories, the Council will comply with its legislative obligations under the Act and the Charter. For each of the matters listed, refer to the mandatory minimum community engagement steps to be undertaken shown in Table 1 in Part 6 of this Policy.

Council may, in its absolute discretion, determine in relation to a matter for which it is required by the Act and/or the Charter to follow its community engagement policy, to undertake a step or steps in addition to those set out in this Policy. However, council is not required to consider and/or determine whether or not to undertake any additional step or steps in relation to such a matter before taking any action or making any decision in relation to such a matter.

Council may, from time to time, alter or substitute a new policy, following public consultation.

~~Elsewhere, the Act makes reference to public consultation in various sections.~~

~~In some cases, the Act prescribes that public consultation be undertaken in accordance with the minimum requirements of the Act. Refer Part 1 below.~~

~~In other cases, the Act prescribes that public consultation be undertaken in accordance with Council's public consultation policy. Refer Part 2 below.~~

~~In other cases, the Act does not require that public consultation be undertaken.~~

~~4.1 — Part 1: Council decisions where the Act prescribes specific public consultation requirements (Type 1 decisions)~~

~~The matters listed below require Council to follow the public consultation steps prescribed in the relevant parts of the Act. Refer **Table 1**.~~

5. Public Consultation Categories

The Charter addresses minimum mandatory community engagement activities for matters where the Act requires public consultation to be undertaken.

The Charter establishes different public consultation categories which apply to different types of Council decisions:

- **Significant – Annual Business Plan and Rating Policy**
 - Adopting an Annual Business Plan - section 123(3)(b) of the Act.
 - Changes to basis of rating, declaring differential rates, imposing a separate rate, service rate or service charge, or changing the basis on which land is valued for the purpose of rating - section 151(5)(e) of the Act.
- **Significant**
 - Representation reviews - section 12(7) of the Act.
 - Development and review of Strategic Management Plans - section 122(6) of the Act.
 - Changing use of differential rates and special adjustments - section 156(4a)(b) of the Act.
 - Revocation of classification of land as community land - sections 194(2)(b) of the Act.
 - Community Land Management Plans - adoption - section 197(1) of the Act
 - Community Land Management Plans – significant amendments - section 198(3) of the Act.
 - Alienation of community land by lease or license - section 202(2) of the Act.
 - Making of By-laws – section 249(1) of the Act.
- **Standard**
 - Opening hours and place of principal office - substantial changes - section 45(3) of the Act.
 - Consider a change of status of council or name change – section 13(2) of the Act.
 - Community Engagement Policy - section 50A(6)(b) of the Act.
 - Council behavioural support policies - section 75F(6) of the Act.
 - Access to meetings and documents - section 92(5) of the Act.
 - Power to make orders - section 259(2)(b) of the Act.
- **Local**
 - Carrying out commercial activities – Prudential Agreements – section 48 of the Act.
 - Proposed permit or authorisation for alteration or use of a road for business purposes when there are works and traffic impeded for more than 48 hours (with a detour in place) or where no detour will be available - section 223(1) of the Act.
 - Proposed planting of vegetation on a road – significant impact - section 232(b) of the Act.
- **Inform**
 - Opening hours and place of principal office – minor changes - section

45(3) of the Act.

- Proposed permit or authorisation for alteration or use of a road for business purposes when there are works and traffic impeded for less than 48 hours and the council ensures that a detour is in place - section 223(1) of the Act.
- Election information - section 13A (2) of the Local Government (Elections) Act 1999.

The table in Part 6 of this Policy sets out the engagement activities that Council will generally undertake to meet the requirements of each public consultation category in the Charter.

Table 1: Matters requiring public consultation in accordance with the Act

	Matter	Act Section reference
	Representation Reviews	Section 12
	Status of a council/change of names	Section 13
	Commercial Activities – Prudential Requirements	Section 48
	Public Consultation Policy	Section 50
	Strategic Management Plans	Section 122(6)
	Applying to vary certain trusts	Section 141
	Conversion of Private Road to Public Road	Section 210
	Impounding of vehicles	Section 237
	Passing By laws	Section 249
	Policies on Orders	Section 259
	Stormwater Management Plans	Schedule 1A, Clause 16(2)(c)

In relation to Type 1 decisions as set out in Table 1, the Council will comply with its legislative obligations under the Act. For each of the matters set out in Table 1 refer to the Local Government Act 1999 for the minimum steps to be undertaken.

4.2 — Part 2: Council decisions where the Act requires that Council follow its Public Consultation Policy (Type 2 decisions)

The matters listed below require Council to follow public consultation steps prescribed in the Council's Public Consultation Policy. Refer **Table 2**.

Table 2: Matters requiring public consultation in accordance with Council's Public Consultation Policy

Matter	Act Section reference
Principal Office — Opening hours	Section 45(3)
Code of Practice — Access to meetings and documents	Section 92(5)(b)
Annual Business Plan	Section 123(3) and (4)
Changes to Basis of Rating	Section 151(5),(7) and (8)
Rating — Differential Rates	Section 156(14a) and (14d)
Community Land — Revocation of Classification	Section 194(2)(b)
Community Land — Adoption of a Management Plans	Section 197(1)
Community Land — Amendment or Revocation of a Management Plan	Section 198 (2)
Community Land — Alienation by lease or licence	Section 202(2)
Roads — Permits that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree or for use or activity requiring	Section 223

public consultation under regulations	
Trees—Planting of vegetation if the vegetation may have a significant impact on residents, the proprietors of nearby businesses or advertisers in the area	Section 232,

6. Charter Engagement Requirements

Council will comply with the minimum mandatory public consultation requirements for each category of matters set out in the Charter.

The following table sets out the engagement activities that Council will generally undertake to meet the public consultation requirements in the Act and the Charter.

There is no obligation on Council to utilise all engagement activities in respect of each Charter requirement.

The examples provided in the below table are non-exhaustive and Council may, but is under no obligation to, consider or determine to, utilise different approaches that are not specified in the table depending on the particular matter Council is engaging on.

Table 1: Mandatory community engagement requirements

<u>Charter requirement</u>	<u>Mandatory minimum actions to achieve Charter requirements</u>	<u>Charter Category</u>					<u>General engagement activities</u>
		<u>Significant – ABP and Rating Policy</u>	<u>Significant</u>	<u>Standard</u>	<u>Local</u>	<u>Inform</u>	
<u>Website</u>	<u>Publish information about the matter that can be easily found on a council website.</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>• Information published on a website maintained by Council</u>
<u>News publication</u>	<u>Publish information about the matter in a local news publication (print where available, but otherwise digital) that circulates in the council area and is not</u>	<u>X</u>	<u>X</u>				<u>• Information published in a print or digital newspaper, community newsletter or other (non-council) publication circulating in the area of Council</u>

	<u>produced by the council.</u>						
<u>Consult with the whole council area</u>	<u>Consider appropriate forms of notifications to the council area. Consider whether additional information or notification should be made available to the community to bring their attention to the matter and to support participation.</u>	<u>X</u>	<u>X</u>	<u>X</u>			<ul style="list-style-type: none"> <u>Information published on a social media platform maintained by Council.</u> <u>Information available at council customer service centres / libraries at Stirling, Gumeracha and Woodside.</u> <u>Consider if roadside and/or site-specific signage would be suitable for this engagement.</u>
<u>Invite submissions</u>	<u>Provide information about how the community can make a submission, including timeframe.</u>	<u>X</u>	<u>X</u>				<ul style="list-style-type: none"> <u>Written submissions (email or letter).</u> <u>Completion of a survey or feedback form.</u> <u>Attendance at Council or public meeting, workshop or community forum.</u>
<u>Explain decision-making process</u>	<u>In material prepared explain what the council proposes to do, why it proposes to do it, and what it seeks to achieve. Explain how community feedback will inform the council's decision.</u>	<u>X</u>	<u>X</u>				<ul style="list-style-type: none"> <u>Information published on a website maintained by Council.</u> <u>Consider making information available at council service centres / libraries at Stirling, Gumeracha and Woodside.</u>
<u>Seek and consider feedback from the</u>	<u>Consider how best to invite feedback from the community. Provide a minimum</u>	<u>X</u>	<u>X</u>				<ul style="list-style-type: none"> <u>Written submissions (email or letter).</u> <u>Completion of a survey or feedback form.</u> <u>Attendance at Council or public meeting, workshop or community forum.</u>

<u>community – significant matters</u>	<u>community engagement period of 21 days to enable the community to provide feedback.</u> <u>Include a summary of community engagement feedback to the council ahead of the decision.</u>						<ul style="list-style-type: none"> <u>Promote opportunities to make submissions at a pop-up engagement activity or community event.</u> <u>Report presented to a Council meeting for consideration by Council members.</u> <u>Submissions considered by the person or body with delegated authority to make the proposed decision or undertake the proposed activity or process (if delegable).</u>
<u>Public meetings</u>	<u>Hold a public meeting where the community is invited to provide submissions (written or verbal) on the matter.</u> <u>The public meeting may be part of a council meeting or a separate event.</u>	<u>X</u>					<ul style="list-style-type: none"> <u>Invite community to a public meeting to provide submissions on matter.</u>
<u>Council meeting invitation</u>	<u>Invite people who have made a written submission to attend a council meeting to speak to their submission before the decision is made.</u>		<u>X</u>				<ul style="list-style-type: none"> <u>Invite community to a council meeting to speak to their written submission (email, letter or feedback form) before decision is made.</u>
<u>Seek and consider</u>	<u>Consider how best to invite feedback from the community</u>			<u>X</u>	<u>X</u>		<ul style="list-style-type: none"> <u>Written submissions (email or letter).</u> <u>Completion of a survey or feedback form.</u>

<p><u>feedback from the community</u></p>	<p><u>Provide information about how community feedback will inform the council’s decision. Ensure an appropriate period of time is provided to enable communities to provide feedback.</u></p>						<ul style="list-style-type: none"> • <u>Attendance at Council or public meeting, workshop or community forum.</u> • <u>Promote opportunities to make submissions at a pop-up engagement activity or community event.</u> • <u>Report presented to a Council meeting for consideration by Council members.</u> • <u>Submissions considered by the person or body with delegated authority to make the proposed decision or undertake the proposed activity or process (if delegable).</u>
<p><u>Consult with local community</u></p>	<p><u>Consider appropriate forms of notifications to the area within the council affected by the council decision or action. Consider whether additional information or notification should be made available to the local community to bring their attention to the matter and to support participation.</u></p>				<p><u>X</u></p>		<ul style="list-style-type: none"> • <u>Consider information published on a social media platform maintained by Council.</u> • <u>Consider information published in targeted letters or leaflet drops for effected residents.</u> • <u>Consider signage in a local location e.g. reserve, shopping centre, library or community centre.</u> • <u>Consider pop-up / drop-in engagement activities at a local venue or reserve.</u>
<p><u>Information to the whole</u></p>	<p><u>Provide information to the whole of the council’s community if it may be</u></p>					<p><u>X</u></p>	<ul style="list-style-type: none"> • <u>Information published on a social media platform maintained by Council.</u> • <u>Council e-newsletter or Courier</u>

<u>council area</u>	<u>directly affected by the council decision or action.</u>						<u>newsletter column.</u>
<u>Information to local community</u>	<u>Provide information to the local community that may be directly affected by the council decision or action.</u>					X	<ul style="list-style-type: none"> <u>Consider Information published on a social media platform maintained by Council</u> <u>Consider information published in targeted letters or leaflet drops for effected residents.</u> <u>Consider signage in a local location e.g. reserve, shopping centre, library or community centre.</u>

4.3 — Public Consultation Steps

~~4.3.1~~ In relation to matters set out in Table 2, the Council will consult in accordance with the steps set out below, together with any other requirements under the Act.

~~Step 1:~~ Prepare a public consultation plan in relation to the matter having regard to the requirements of the Act, in particular s 50 (3) of the Act, and public consultation policy.

~~Step 2:~~ Obtain approval of the proposed public consultation plan from the CEO or delegate.

~~Step 3:~~ Conduct (plan, deliver and manage) consultation activities in accordance with the approved public consultation plan. The consultation activities will provide for, at least the following:

~~Step 3.1)~~ — The publication of a notice:

~~a) — in a newspaper or newspapers circulating within the area of the council and~~

~~b) — the Adelaide Hills Council website or such other website as may be determined by the CEO describing the matter under consideration and inviting interested persons to make submissions in relation to it within a period (which must be at least 21 calendar days) stated in the notice; and~~

~~Step 3.2) — Copies of the proposal being made available for inspection and purchase at the council's service centres and available for inspection at council service centres and on the Adelaide Hills Council website or a website determined by the CEO; and—~~

~~Step 3.3) — The consideration by the council of any submissions made in response to an invitation made in relation to sub-step (1) above; and—~~

~~Step 3.4) — Implementation of any other public consultation requirements (if any) prescribed in the relevant parts of the Act; and—~~

~~Step 3.5) — In addition to Steps 3.1, 3.2, 3.3, 3.4 above; in circumstances where Council is conducting a public consultation process to which Sections 123(4)(a), 151(7)(a) and (b), and 156(14d)(a) of the Act apply, inviting interested persons to attend a public meeting to be held at least 21 calendar days after publication of the notice regarding that meeting.—~~

~~Step 4: At the conclusion of the public consultation activities, responsible staff will collate and analyse community contributions and responses.~~

~~Step 5: Responsible staff will then prepare a report which:~~

~~I. — Summarises the public consultation process and activities undertaken.~~

~~II. — Presents a summary of submissions received (excluding personal identifying details).~~

~~III. — Recommends changes (if applicable) to the proposal in response to the submissions made.~~

~~**Step 6:** Obtain a Council determination on the proposal (noting that, if there has been a material change to a proposal in response to submissions made, the Council may determine to undertake the standard consultation steps again in relation to the amended proposal).~~

~~**Step 7:** Communicate Council determination and how the consultation impacted the decision on Adelaide Hills Council website and/or website determined by the CEO.~~

~~**Note:** where the Policy refers to consideration or determination by the Council, this may in fact be done by staff acting under delegation or sub-delegation when applicable.~~

5. DELEGATIONS

The community engagement activities in this Policy are general in nature, to meet the minimum mandatory requirements in the Act and Charter.

Specific engagement activities to be undertaken in relation to any particular decision, activity or processes shall be determined on a case by case basis, by:

- Council;
- The CEO; or
- A delegate with power to make the relevant decision or undertake the relevant activity or process.

Council, the CEO or a delegate is not required by this Policy to undertake, or to consider or determine whether to undertake, any optional or additional engagement steps or employ optional or additional engagement methods. Such a decision is at the absolute discretion of the decision maker, such as for projects involving expenditure deemed 'significant' by the CEO; or matters likely to be of significant community interest.

5.1 The Chief Executive Officer has the delegation to:

- 5.1.1** Approve, amend and review any procedures that shall be consistent with this Policy.
- 5.1.2** Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

6. AVAILABILITY OF THE POLICY

6.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

PUBLIC CONSULTATION POLICY

ADDENDUM

(For purposes of Public Access and Public Consultation Notice (No 2) 2020)

Public Health Emergency: Public Access and Public Consultation

~~On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.~~

~~On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.~~

~~On 8 April 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999*, the *Public Access and Public Consultation Notice (No 2) 2020 (Notice No 2)* varying or suspending the operation of the specified provisions of the *Local Government Act 1999* as set out in Schedule 1 to Notice No 2. Notice No 2 commenced operation on 8 April 2020.~~

~~For the period Notice No 2 has effect (as provided for in Notice No 2), this Public Consultation Policy is altered as set out below and those alterations have effect notwithstanding any other provision in this Policy to the contrary.~~

~~For the avoidance of doubt, save for the alterations to the Policy as set out below, the Policy otherwise applies to public consultation undertaken by the Council for the purposes of the *Local Government Act 1999*.~~

Alterations to Public Consultation Policy

A. Definitions

~~For the purposes of these alterations **the Council** includes an officer or employee of the Council acting within the scope of that person's ordinary functions and duties except in circumstances where these alterations expressly require a matter to be considered at a meeting of the Council.~~

B. Statutory Requirement to Hold Public Meetings Suspended

~~The Council will not publish a notice in a newspaper circulating in the area of the Council inviting interested persons to attend a public meeting or meeting of the Council in relation to any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will not hold such a public meeting or invite persons to attend a meeting of the Council to ask questions or make submissions on the matter.~~

~~The Council will publish a notice in a newspaper circulating in the area of the Council inviting interested persons to make written submissions within the period stated in the notice (which will not be less than 21 days after the publication of the notice) in relation any matter within the scope of Sections 123, 151 or 156 of the *Local Government Act 1999* for which public consultation is required under the *Local Government Act 1999*. The Council will consider the submissions at a meeting of the Council.~~

C. Other Requirement to Hold Public Meeting Suspended

PUBLIC CONSULTATION POLICY

ADDENDUM

(For purposes of Public Access and Public Consultation Notice (No 2) 2020)

~~The Council will not hold a public meeting in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.~~

~~The Council will not hold a public meeting in relation to any matter for which this Policy would, but for this provision, require the Council to hold a public meeting.~~

~~To the extent this Policy would otherwise require the Council to hold a public meeting in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation to any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.~~

~~D. Other Requirement to undertake in Person Consultation Activity Suspended~~

~~The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which the *Local Government Act 1999* requires the Council to follow the steps set out in its public consultation policy.~~

~~The Council will not undertake any form of face-to-face or in person public consultation activity (including without limitation a door knock, focus group, forum, briefing session, workshop, open house, citizen panel, conversation café, citizen jury, round table or symposium) in relation to any matter for which this Policy would, but for this provision, require the Council to hold such an activity.~~

~~To the extent this Policy would otherwise require the Council to hold a face-to-face or in person public consultation activity in relation to a matter, the Council will instead publish a notice on its website or in a newspaper circulating in the area of the Council inviting interested persons to make written submissions in relation any matter within the period stated in the notice (which will not be less than 21 days after the publication of the notice, unless the matter is considered by the Council to require urgent consideration and it is not otherwise contrary to the *Local Government Act 1999* to consult for a lesser period). The Council will consider the submissions.~~

~~E. Suspension of Other Inconsistent Provisions~~

~~To the extent that any other provision of this Policy could be read as requiring the Council to undertake public consultation with a person face-to-face or in person, the provision is suspended while these provisions are in effect and the provisions of paragraph D operate in their stead.~~

Appendix 3

*Minister for Local Government's Community
Engagement Charter*

LOCAL GOVERNMENT ACT 1999

Section 50 Community Engagement Charter

The Community Engagement Charter (the Charter) is established by the Minister for Local Government pursuant to Section 50 of the *Local Government Act 1999* (the Act) for the purposes of this Act.

Principles

This charter has been prepared taking into account the following principles contained in Section 50(2) of the *Local Government Act 1999*—

- (a) members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposed decisions, activities and processes of councils and to participate in relevant processes;
- (b) information about issues should be in plain language, readily accessible and in a form that facilitates community participation;
- (c) participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils;
- (d) participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes;
- (e) insofar as is reasonable, communities should be provided with information about how community views have been taken into account and reasons for decisions or actions of councils.

Categories

In recognition of the fact that the matters included for community engagement in this Charter have differing levels of impact on councils' communities, this Charter establishes the following categories of engagement and requirements that are appropriate to each group—

- **Significant—annual business plan and rating policy:** decisions related to a council's adoption of its annual business plan or proposed changes to the basis of its council rates.
- **Significant:** decisions that a council makes that have a significant impact on most or all ratepayers and residents, or the wider community or area.
- **Standard:** decisions that a council makes that benefit from community input across the council area.
- **Local:** decisions that impact an identifiable smaller group of residents/ratepayers or a local area.
- **Inform:** matters where councils provide information to a community impacted by a decision.

Mandatory Requirements Definitions

Where the Charter includes a mandatory requirement, the following table provides more information about actions that must be taken at a minimum to meet that requirement for community engagement.

While these actions are mandatory, councils should actively consider all activities that should be undertaken for each matter that it is consulting on to give community members the best chance to make their views known. In particular, councils should undertake additional engagement for matters that have greater significance, greater community interest or a greater impact on communities.

In this Charter 'community' means individuals, groups or stakeholders that are impacted by or interested in a particular council decision or action. Councils should seek broad, diverse and representative views across its community.

Whenever a council is preparing information to support engagement, it should be in plain language, readily accessible and in a form that facilitates community participation.

Categories

Mandatory Requirement	Mandatory Minimum Actions to Achieve the Mandatory Requirements	Mandatory Requirement that Applies to Matters Categorised as: (X indicates that the mandatory requirement applies)				
		Significant— Annual Business Plan and Rating Policy	Significant	Standard	Local	Inform
Website	Publish information about the matter that can be easily found on a council website.	X	X	X	X	X
News publication	Publish information about the matter in a local news publication (print where available, but otherwise digital) that circulates in the council area and is not produced by the council.	X	X			
Consult with the whole council area	Consider appropriate forms of notifications to the council area. Consider whether additional information or notification should be made available to the community to bring their attention to the matter and to support participation.	X	X	X		

Mandatory Requirement	Mandatory Minimum Actions to Achieve the Mandatory Requirements	Mandatory Requirement that Applies to Matters Categorised as: (X indicates that the mandatory requirement applies)				
		Significant— Annual Business Plan and Rating Policy	Significant	Standard	Local	Inform
Invite submissions	Provide information about how the community can make a submission, including timeframe.	X	X			
Explain decision-making process	In material prepared explain what the council proposes to do, why it proposes to do it, and what it seeks to achieve. Explain how community feedback will inform the council's decision.	X	X			
Seek and consider feedback from the community—significant matters	Consider how best to invite feedback from the community. Provide a minimum community engagement period of 21 days to enable the community to provide feedback. Include a summary of community engagement feedback to the council ahead of the decision.	X	X			
Public meeting	Hold a public meeting where the community is invited to provide submissions (written or verbal) on the matter. The public meeting may be part of a council meeting or a separate event.	X				
Council meeting invitation	Invite people who have made a written submission to attend a council meeting to speak to their submission before the decision is made.		X			
Seek and consider feedback from the community	Consider how best to invite feedback from the community Provide information about how community feedback will inform the council's decision. Ensure an appropriate period of time is provided to enable communities to provide feedback.			X	X	
Consult with local community	Consider appropriate forms of notifications to the area within the council affected by the council decision or action. Consider whether additional information or notification should be made available to the local community to bring their attention to the matter and to support participation.				X	
Information to the whole council area	Provide information to the whole of the council's community if it may be directly affected by the council decision or action.					X

Mandatory Requirement	Mandatory Minimum Actions to Achieve the Mandatory Requirements	Mandatory Requirement that Applies to Matters Categorised as: (X indicates that the mandatory requirement applies)				
		Significant— Annual Business Plan and Rating Policy	Significant	Standard	Local	Inform
Information to local community	Provide information to the local community that may be directly affected by the council decision or action.					X

Matters (in Legislative Order)

Category	Matter	Act Reference	Description
Significant	Representation reviews	Section 12(7) of the <i>Local Government Act 1999</i>	Consultation that a council undertakes when it is doing a review of its internal representation (including possible changes to its ward structure, number of council members, change of council or ward names).
Inform	Minor changes to opening hours and place of council offices	Section 45(3) of the <i>Local Government Act 1999</i>	A council's decision about the manner, places and times at which its offices will be open to the public, where the impact of the decision would be minor.
Standard	Substantial changes to the opening hours and place of council offices	Section 45(3) of the <i>Local Government Act 1999</i>	A council's decision about the manner, places and times at which its offices will be open to the public, where the impact of the decision would be substantial.
Standard	Community engagement policy	Section 50A(6)(b) of the <i>Local Government Act 1999</i>	Councils must consult before adopting its community engagement policy, which is the document that demonstrated how the council will consult in accordance with this charter and on other matters.
Standard	Council behavioural support policies	Section 75(F)(6) of the <i>Local Government Act 1999</i>	Consultation that a council undertakes when it is proposing to adopt behavioural support policies.
Standard	Access to meetings and documents	Section 92(5) of the <i>Local Government Act 1999</i>	How councils ensure that council documents are made available and accessible to community members.
Significant	Strategic Management Plans	Section 122(6) of the <i>Local Government Act 1999</i>	The development and review of a council's strategic management plan. Strategic management plans lay out the council's strategic directions for a future ten-year period, including council's long-term financial plan and infrastructure and asset management plan.
Significant— annual business plan and rating policy	Annual Business Plan	Section 123(3)(b) of the <i>Local Government Act 1999</i>	Adopting an annual business plan. Annual business plans set out the decisions a council makes each year on the rates and income they will receive and how they will spend these funds.
Significant— annual business plan and rating policy	Basis of rating	Section 151(5)(e) of the <i>Local Government Act 1999</i>	Consultation that a council takes when it is proposing changes to the basis of its council rates, including declaring differential rates; imposing a separate rate, service rate or service charge; changing the basis on which land is valued for the purposes of rating.
Significant	Differential rating and special adjustments	Section 156 (14a)(b) of the <i>Local Government Act 1999</i>	Consultation that a council takes when it is proposing changes to its use of differential rating.
Significant	Revocation of classification of land as community land—in all other cases	Section 194(2)(b) of the <i>Local Government Act 1999</i>	Consultation that councils must undertake before revoking the community land status of any land that is community land.

Category	Matter	Act Reference	Description
Significant	Community Land Management Plans—adoption	Section 197(1) of the <i>Local Government Act 1999</i>	Before a council adopts a community land management plan, it must undertake consultation.
Significant	Community Land Management Plans—significant amendments	Section 198(3) of the <i>Local Government Act 1999</i>	If a council amends a community land management plan, and the amendment has a significant impact on the community, it must undertake consultation.
Significant	Alienation of community land by lease or licence	Section 202(2) of the <i>Local Government Act 1999</i>	Consultation that a council undertakes when it is proposing to lease or licence community land.
Inform	Council is proposing a permit or authorisation for alternation of a road or use of roads for business purposes	Section 223(1) of the <i>Local Government Act 1999</i>	Consultation that a council takes when there are works on a road that require the council's permit and authorisation, and where traffic will be impeded for less than 48 hours and the council ensures that a detour is in place.
Local	Council is proposing a permit or authorisation for alternation of a road or use of roads for business purposes	Section 223(1) of the <i>Local Government Act 1999</i>	Consultation that a council takes when there are works on a road that require the council's permit and authorisation, and where traffic will be impeded for more than 48 hours (with a detour in place) or where no detour will be available.
Local	Consultation on proposed planting of vegetation on a road	Section 232(b) of the <i>Local Government Act 1999</i>	Consultation that a council takes when it proposes or authorises or permits for planting street trees or other vegetation on council roads, if the planting may have a significant impact on residents, nearby business or advertisers in the area.
Standard	Power to make orders	Section 259(2)(b) of the <i>Local Government Act 1999</i>	Councils must have policies in place on how they make orders relating to hazards on land adjoining a public place and the inappropriate use of a caravan or vehicle as a place of habitation and must consult before they adopt these policies.
Inform	Election information	Section 13A(2) of the <i>Local Government (Elections) Act 1999</i>	Councils must provide information, education and publicity for local government elections.

Commencement

The Community Engagement Charter comes into operation on the day on which it is published in the Gazette.

Dated: 2 December 2025

HON JOE SZAKACS MP
Minister for Local Government

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
TUESDAY 24 MARCH 2026
AGENDA BUSINESS ITEM**

Item:	12.4
Responsible Officer:	Zoë Gill Executive Governance Officer Office of the CEO
Subject:	Amendment of the Elected Members Access to Legal Advice Policy
For:	Decision

SUMMARY

This report seeks Council’s approval of amendments to the *Elected Members Access to Legal Advice Policy* at **Appendix 1**.

RECOMMENDATION

Council resolves:

- 1. That the report be received and noted.**
 - 2. To revoke the *Elected Members Access to Legal Advice Policy* and adopt the revised *Elected Members Access to Legal Advice Policy* at Appendix 1.**
 - 3. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the policy.**
-

1. BACKGROUND

On 25 November 2025, Council resolved to revoke a number of resolutions, including part 3(h) of resolution 430/24 of 26 November 2024, and in doing so amended a number of Council policies to replace references to the “Deputy Mayor” with the “Mayor”.

12. OFFICER REPORTS – DECISION ITEMS

12.1 Revocation of Selected Resolutions Regarding the Mayor

Moved Cr Chris Grant
S/- Cr Mark Osterstock

402/25

Council resolves:

1. That the report be received and noted.
2. To revoke Resolution 317/24 of 27 August 2024 in its entirety.
3. To revoke Parts 3(h), 3(i), 3(k), 3(m), and 3(n) of Resolution 430/24 of 26 November 2024.
4. To note that, as a consequence of the revocation of part 3(h) of Resolution 430/24 of 26 November 2024, amendments to the following Council policies are required:
 - Complaint Handling Policy
 - Council Members Allowance and Support Policy
 - Council Member Training and Development Policy
 - Caretaker Policy
 - Internal Review of Council Decision Policy
 - Internal Audit Policy
 - Behavioural Management Policy
 - Advisory Group Operation Conduct Policy
5. With an effective date of 26 November 2025, to revoke the Complaint Handling Policy and to adopt the revised Complaint Handling Policy at Appendix 1.
6. With an effective date of 26 November 2025, to revoke the Council Members Allowance and Support Policy and to adopt the revised Council Member Allowance and Support Policy at Appendix 2.
7. With an effective date of 26 November 2025, to revoke the Council Member Training and Development Policy and to adopt the revised Council Member Training and Development Policy at Appendix 3.
8. With an effective date of 26 November 2025, to revoke the Caretaker Policy and to adopt the revised Caretaker Policy at Appendix 4.
9. With an effective date of 26 November 2025, to revoke the Internal Review of Council Decision Policy and to adopt the revised Internal Review of Council Decision Policy at Appendix 5.
10. With an effective date of 26 November 2025, to revoke the Internal Audit Policy and to adopt the revised Internal Audit Policy at Appendix 6.
11. With an effective date of 26 November 2025, to revoke the Behavioural Management Policy and to adopt the revised Behavioural Management Policy at Appendix 7.
12. With an effective date of 26 November 2025, to revoke the Advisory Group Operation Conduct Policy and to adopt the revised Advisory Group Operation Conduct Policy at Appendix 8.
13. That the Chief Executive Officer be authorised to make any formatting, nomenclature or other minor changes to the above policies, including transferring them into the current Council policy template.

Carried Unanimously

These amendments were necessary because several policies contained specific references to the Deputy Mayor which, if left unamended, would have been inconsistent with the revocation of part 3(h) of Resolution 430/24.

The *Elected Members Access to Legal Advice Policy* was not captured as part of those amendments and is now presented to Council for approval at **Appendix 1** (clean copy) and **Appendix 2** (tracked changes). The proposed changes merely align the policy with the intent of resolution 402/25 (25 November 2025) and provide clarity to the reader of the policy.

2. ANALYSIS

➤ Strategic Management Plan/Functional Strategy/Council Policy Alignment

Strategic Plan 2024 – Your Place, Your Space

Goal 4 Organisation
 Objective 02 Operate with integrity using best practice governance processes.
 Priority 02.01 Demonstrate accountable and transparent decision making.

➤ Legal Implications

There are no identified legal implications arising from the proposed policy amendments. The revised policies have been reviewed for consistency with the *Local Government Act 1999*, and no provisions have been identified that would contravene legislative requirements.

➤ Risk Management Implications

The amendment of the *Elected Members Access to Legal Advice Policy* will assist in mitigating the risk of:

Poor governance practices occur which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Low (3E)	Low (3E)

➤ Financial and Resource Implications

Not applicable

➤ Customer Service and Community/Cultural Implications

Not applicable

➤ Sustainability Implications

Not applicable

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

Council Committees: Not applicable
Council Workshops: Not applicable
Advisory Groups: Not applicable
External Agencies: Not applicable
Community: Not applicable

➤ **Additional Analysis**

Not applicable

3. OPTIONS

Council has the following options:

- I. Receive and note the report and revoke and adopt the proposed amendments to the *Elected Members Access to Legal Advice Policy* at **Appendix 1**.
- III. Receive and note the report and seek to propose further amendments to the *Elected Members Access to Legal Advice Policy* at **Appendix 1**.

Should the Council identify the need to further amend the policy, the administration will propose draft amendments for Council's consideration and endorsement at the next available Ordinary Council meeting.

4. APPENDICES

- (1) Elected Members Access to Legal Advice Policy (clean version)
- (2) Elected Members Access to Legal Advice (track change version)

Appendix 1

*Elected Members Access to Legal Advice Policy (clean
version)*

Elected Members Access to Legal Advice

Policy Number: CM-03

Responsible Department(s): Governance

Other Relevant Policies: Behavioural Management
Council Member Allowances & Support
Procurement

Other Relevant Procedure(s): Nil

Relevant Legislation: *Local Government Act 1999*

Policies superseded by this procedure 25 February 2025, Item 19.2

Approved by: Council

Date of Approval

Effective From:

Next Review: April 2029 or as required by legislation or changed circumstances

Version Control

Version:	Effect Date:	Description of Changes:	Approver:
1.0	28/6/2011	Initial Policy	Council - Res 205
1.1	8/9/2015	Nomenclature and legislative updates and creation of a procurement Delegation to the Mayor (for procuring legal advice only)	SPDPC – Res 44

Elected Members Access to Legal Advice

1.2	28/9/2021	Policy Review with minor amendments	Council – Res 209/21
1.2	13/02/2024	Policy review with amendments	Council – Res 18/24
1.3	25/02/2025	<ol style="list-style-type: none">1. Full policy review to satisfy the requirements of resolution 430/24.2. Insertion of a cover page	Council – Res 87/25
2.	24/03/2026	<ol style="list-style-type: none">1. Replacement of “Mayor” with 2.0 25/11/2025 “Mayor” in clause 4.5, as per the revocation of Part 3(h) of Resolution 430/24 as provided for by Resolution 402/25.2. New template.	Council – Res xx/26

1. PURPOSE

- 1.1 At times, Elected Members may require access to legal advice in order to perform their functions and duties.
- 1.2 The Chief Executive Officer (or their delegate) is responsible for the administration and budget management of the Council, including seeking legal advice. Accordingly, subject to the provisions of this Policy, legal advice obtained on behalf of Council will be obtained by the Chief Executive Officer and/or their delegate.
- 1.3 In general, when an Elected Member requires legal advice, they should speak to the Chief Executive Officer, the Executive Governance Officer or their delegates who may progress the matter in the normal course of their administrative roles.
- 1.4 On rare occasions, situations could arise where the involvement of the Chief Executive Officer, Executive Governance Officer and/or their delegate is (a) not possible, and/or (b) otherwise inappropriate. In such instances, the Council authorises the Mayor to seek legal advice on its behalf (independently of the Chief Executive Officer) but only in the following circumstances:
 - (a) Where the matter is urgent and the legal advice is needed for an imminent Council (or Committee) meeting, and the Chief Executive Officer and the Executive Governance Officer are unavailable; or
 - (b) Where legal advice is required, as an administrative necessity, in relation to the Chief Executive Officer or the exercise of the Chief Executive Officer's powers (or the failure by the Chief Executive Officer to exercise his/her powers);
 - (c) In both instances, the Mayor is required to discuss the matter, and gain agreement in writing, from the Deputy Mayor, or if the matter relates to a Committee, the Presiding Member of that particular Committee.
- 1.5 In all other circumstances Elected Members should seek Council's approval to access legal advice through a Motion with or without Notice.
- 1.6 Where legal advice has been accessed in relation to a matter that is in accordance with sections 6 to 8 of the *Local Government Act 1999* ("The Act") and this Policy, Elected Members will be provided the full text of any written legal advice,
- 1.7 In summary, this Policy defines those situations in which:
 - an Elected Member, including the Mayor, may seek independent legal advice;
 - the Council will fund the costs of the legal advice obtained by the Elected Member, including the Mayor; and

- the limits of that funding.

2. SCOPE

2.1 This Policy applies to all Elected Members, including the Mayor. This policy does not apply to employees of the Council.

3. LEGISLATION

3.1 Sections 6 to 8 inclusive of the Act sets out the role, functions and objectives of a council.

3.2 Sections 58 and 59 of the Act set out the specific roles of a principal member (Mayor) and the roles of all Elected Members.

3.3 Section 99 of the Act sets out the specific role of the Chief Executive Officer of a Council.

3.4 Section 39 of the Act describes the level of legal protection afforded to Elected Members, and provides that:

- *No civil liability attaches to a member of a Council for an honest act or omission in the exercise, performance or discharge, or the purported exercise, performance or discharge, of the member's or the Council's powers, functions or duties under this or other Acts.*
- *A liability that would, but for this section, attach to a member of a Council attaches instead to the Council.*

3.5 Section 78 of the Act provides that a council may provide facilities and other forms of support to its Elected Members at the discretion of the Council.

3.6 Section 137 of the Act authorises a Council to expend its funds as follows:

"Subject to this or another Act, a council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts."

4. POLICY STATEMENT

4.1 The objectives of this Policy are:

- a) To ensure the availability of appropriate facilities and services to Elected Members;
- b) To identify the situations where Elected Members can seek legal advice; and
- c) To identify situations where the Mayor can obtain legal advice independent of the Elected Members or the Chief Executive Officer.

5. CIRCUMSTANCES IN WHICH AN ELECTED MEMBER MAY OBTAIN LEGAL ADVICE

- 5.1 When an Elected Member requires legal advice, they should speak to the Chief Executive Officer, the Executive Governance Officer or their delegates who may, at their discretion, progress the matter in the normal course of their administrative roles.
- 5.2 Where the Chief Executive Officer, the Executive Governance Officer or their delegates provide access to legal advice for an Elected Member:
- a) The Chief Executive Officer, the Executive Governance Officer or their delegate, not the Elected Member, are responsible for instructing the legal provider.
 - b) The request for advice and the advice must be put in writing, noting that verbal advice may have been provided.
 - c) The advice should be treated confidentially and only provided to those who require access to the advice to perform their roles, functions and duties.
- 5.3 The CEO must ensure that all Elected Members have equal access to legal advice under this provision and that decisions regarding access to legal advice are made consistently and in the best interest of Council.
- 5.4 The Council will not provide access to legal advice or pay for or reimburse the legal costs of individual Elected Members in relation to the initiation or defence of defamation proceedings by an Elected Member.
- 5.5 The Council will not provide access to legal advice or pay for or reimburse the legal costs of individual Elected Members in relation to a behaviour standard complaint, once it has been lodged.
- 5.6 If an Elected Member is unable to make a request for legal advice to the Chief Executive Officer or Executive Governance Officer for reasons described in clause 1.4, the Elected Member may make their request to the Mayor (or the Deputy Mayor in circumstances where the Mayor may be absent or conflicted), who may, if applicable, seek legal advice independently of the Chief Executive Officer as set out below.

6. CIRCUMSTANCES IN WHICH A MAYOR MAY OBTAIN LEGAL ADVICE

- 6.1 There are limited circumstances in which it is (a) not possible, and/or (b) not appropriate for the Chief Executive Officer, the Executive Governance Officer and/or their delegates to obtain the required legal advice. In this regard, the Council authorises the Mayor to seek legal advice on its behalf (independently of the Chief Executive Officer) but only in the following circumstances:
- a) Where the matter is urgent and the legal advice is needed for an imminent Council (or Committee) meeting, and the Chief Executive

- b) Officer and the Executive Governance Officer are unavailable; or
Where legal advice is required, as an administrative necessity, in relation to the Chief Executive Officer or the exercise of the Chief Executive Officer's powers (or the failure by the Chief Executive Officer to exercise his/her powers).
- c) In both instances, the Mayor is required to either:
 - i. discuss the matter, and gain agreement in writing, from the Deputy Mayor, or
 - ii. Where the advice being sought relates to a committee, the Mayor must discuss the need for the advice with, and gain agreement in writing from, the Presiding Member of the Committee.

6.2 Where the matter does not satisfy the requirements in 6.1, the Mayor must seek the support of Council through a motion (with or without notice), for legal advice to be obtained in this matter.

6.3 Where the Mayor obtains legal advice relating to the Chief Executive Officer or the exercise of the Chief Executive Officer's powers, and it is not appropriate to provide that advice to the Chief Executive Officer, the advice must be placed in the records management system in such a way as to ensure that it cannot be accessed by the Chief Executive Officer. This procedure will also apply to other documents relevant to the matter which, in the opinion of the Council, should be kept confidential.

6.4 Legal advice obtained by Council must be kept in the Council's records management system in such a way as to ensure it can only be accessed by authorised personnel.

7. DELEGATION

7.1 Council makes the following delegations:

- a. The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy; and
- b. The Chief Executive Officer has the delegation to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

8. LIMITATIONS

8.1 The Mayor has the delegation to procure legal services to the value of \$10,000 (GST exclusive) per matter. If additional costs are anticipated beyond this limit for any single matter, separate approval must be sought from Council.

8.2 The Mayor must inform the legal provider that their delegation to procure legal services is limited to \$10,000 (GST exclusive) per matter, and that any expenditure beyond this limit requires separate Council approval.

- 8.3 Where an ongoing engagement with a legal provider addresses multiple related issues, the combined cost of the advice should not exceed the \$10,000 limit.
- 8.4 Where an ongoing engagement with a legal provider addresses multiple unrelated issues, each distinct issue will be considered a separate matter. The financial delegation of \$10,000 applies to each matter individually.

9. AVAILABILITY OF THE POLICY

- 9.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Appendix 2

Elected Members Access to Legal Advice Policy (track changes version)




Council Policy

ELECTED MEMBERS ACCESS TO LEGAL ADVICE



COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>ELECTED MEMBERS ACCESS TO LEGAL ADVICE</h2>
--	---

Policy Number:	CM-03
Responsible Department(s):	Governance & Performance
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Behavioural Management Council Member Allowances & Support Procurement
Relevant Procedure(s):	Nil
Relevant Legislation:	<i>Local Government Act 1999</i>
Policies and Procedures Superseded by this policy on its Adoption:	<u>25 February 2025, Item 19.2 & September 2015, SPDPC, Item 12.2, 44</u>
Adoption Authority:	Council
Date of Adoption:	<u>25 February 2025</u>
Effective From:	<u>4 March 2025</u>
Minute Reference for Adoption:	<u>87/25</u>
Next Review:	<u>April 2029 At the end of the Council term (November 2026)</u> or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	28/6/2011	Initial Policy	Council - Res 205
1.1	8/9/2015	Nomenclature and legislative updates and creation of a procurement delegation to the Mayor (for procuring legal advice only)	SPDPC – Res 44
1.2	28/9/2021	Policy Review with minor amendments	Council – Res 209/21
1.2	13/02/2024	Policy review with amendments	Council – Res 18/24
1.3	25/02/2025	<ol style="list-style-type: none"> 1. Full policy review to satisfy the requirements of resolution 430/24. 2. Insertion of a cover page 	Council – Res 87/25
2.	24/03/2026	<ol style="list-style-type: none"> 1. <u>Replacement of “Mayor” with 2.0 25/11/2025 “Mayor” in clause 4.5, as per the revocation of Part 3(h) of Resolution 430/24 as provided for by Resolution 402/25.</u> 1. <u>2. New template.</u> 	<u>Council – Res xx/26</u>

ELECTED MEMBERS ACCESS TO LEGAL ADVICE POLICY

1. PURPOSE

- 1.1 At times, Elected Members may require access to legal advice in order to perform their functions and duties.
- 1.2 The Chief Executive Officer (or their delegate) is responsible for the administration and budget management of the Council, including seeking legal advice. Accordingly, subject to the provisions of this Policy, legal advice obtained on behalf of Council will be obtained by the Chief Executive Officer and/or their delegate.
- 1.3 In general, when an Elected Member requires legal advice, they should speak to the Chief Executive Officer, the Executive Governance Officer or their delegates who may progress the matter in the normal course of their administrative roles.
- 1.4 On rare occasions, situations could arise where the involvement of the Chief Executive Officer, Executive Governance Officer and/or their delegate is (a) not possible, and/or (b) otherwise inappropriate. In such instances, the Council authorises the ~~Deputy Mayor~~ Mayor to seek legal advice on its behalf (independently of the Chief Executive Officer) but only in the following circumstances:
 - (a) Where the matter is urgent and the legal advice is needed for an imminent Council (or Committee) meeting, and the Chief Executive Officer and the Executive Governance Officer are unavailable; or
 - (b) Where legal advice is required, as an administrative necessity, in relation to the Chief Executive Officer or the exercise of the Chief Executive Officer's powers (or the failure by the Chief Executive Officer to exercise his/her powers);
 - (c) In both instances, the ~~Deputy Mayor~~ Mayor is required to discuss the matter, and gain agreement in writing, from ~~a Presiding Member of a Committee~~ the Deputy Mayor, or if the matter relates to a Committee, the Presiding Member of that particular Committee.
- 1.5 In all other circumstances Elected Members should seek Council's approval to access legal advice through a Motion with or without Notice.
- 1.6 Where legal advice has been accessed in relation to a matter that is in accordance with sections 6 to 8 of the *Local Government Act 1999* ("The Act") and this Policy, Elected Members will be provided the full text of any written legal advice,
- 1.7 In summary, this Policy defines those situations in which:
 - an Elected Member, including the ~~Deputy Mayor~~ Mayor, may seek independent legal advice;
 - the Council will fund the costs of the legal advice obtained by the Elected Member, including the ~~Deputy Mayor~~ Mayor; and
 - the limits of that funding.

2. SCOPE

- 2.1 This Policy applies to all Elected Members, including the ~~Deputy Mayor~~Mayor. This policy does not apply to employees of the Council.

3. LEGISLATION

- 3.1 Sections 6 to 8 inclusive of the Act sets out the role, functions and objectives of a council.
- 3.2 Sections 58 and 59 of the Act set out the specific roles of a principal member (Mayor) and the roles of all Elected Members.
- 3.3 Section 99 of the Act sets out the specific role of the Chief Executive Officer of a Council.
- 3.4 Section 39 of the Act describes the level of legal protection afforded to Elected Members, and provides that:
- *No civil liability attaches to a member of a Council for an honest act or omission in the exercise, performance or discharge, or the purported exercise, performance or discharge, of the member's or the Council's powers, functions or duties under this or other Acts.*
 - *A liability that would, but for this section, attached to a member of a Council attaches instead to the Council.*
- 3.5 Section 78 of the Act provides that a council may provide facilities and other forms of support to its Elected Members at the discretion of the Council.
- 3.6 Section 137 of the Act authorises a Council to expend its funds as follows:
- "Subject to this or another Act, a council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts."*

4. POLICY STATEMENT

- 4.1 The objectives of this Policy are:
- a) To ensure the availability of appropriate facilities and services to Elected Members;
 - b) To identify the situations where Elected Members can seek legal advice; and
 - c) To identify situations where the ~~Deputy Mayor~~Mayor can obtain legal advice independent of the Elected Members or the Chief Executive Officer.

5. CIRCUMSTANCES IN WHICH AN ELECTED MEMBER MAY OBTAIN LEGAL ADVICE

- 5.1 When an Elected Member requires legal advice, they should speak to the Chief Executive Officer, the Executive Governance Officer or their delegates who may, at their discretion, progress the matter in the normal course of their administrative roles.
- 5.2 Where the Chief Executive Officer, the Executive Governance Officer or their delegates provide access to legal advice for an Elected Member:

- a) The Chief Executive Officer, the Executive Governance Officer or their delegate, not the Elected Member, are responsible for instructing the legal provider.
 - b) The request for advice and the advice must be put in writing, noting that verbal advice may have been provided.
 - c) The advice should be treated confidentially and only provided to those who require access to the advice to perform their roles, functions and duties.
- 5.4 The CEO must ensure that all Elected Members have equal access to legal advice under this provision and that decisions regarding access to legal advice are made consistently and in the best interest of Council.
- 5.6 The Council will not provide access to legal advice or pay for or reimburse the legal costs of individual Elected Members in relation to the initiation or defence of defamation proceedings by an Elected Member.
- 5.7 The Council will not provide access to legal advice or pay for or reimburse the legal costs of individual Elected Members in relation to a behaviour standard complaint, once it has been lodged.
- 5.8 If an Elected Member is unable to make a request for legal advice to the Chief Executive Officer or Executive Governance Officer for reasons described in clause 1.4, the Elected Member may make their request to the ~~Deputy Mayor~~Mayor (or ~~the Deputy Mayor a Presiding Member of a Committee~~ in circumstances where the ~~Deputy Mayor~~Mayor may be absent or conflicted), who may, if applicable, seek legal advice independently of the Chief Executive Officer as set out below.

6. CIRCUMSTANCES IN WHICH A ~~DEPUTY MAYOR~~MAYOR MAY OBTAIN LEGAL ADVICE

- 6.1 There are limited circumstances in which it is (a) not possible, and/or (b) not appropriate for the Chief Executive Officer, the Executive Governance Officer and/or their delegates to obtain the required legal advice. In this regard, the Council authorises the ~~Deputy Mayor~~Mayor to seek legal advice on its behalf (independently of the Chief Executive Officer) but only in the following circumstances:
- a) Where the matter is urgent and the legal advice is needed for an imminent Council (or Committee) meeting, and the Chief Executive Officer and the Executive Governance Officer are unavailable; or
 - b) Where legal advice is required, as an administrative necessity, in relation to the Chief Executive Officer or the exercise of the Chief Executive Officer's powers (or the failure by the Chief Executive Officer to exercise his/her powers).
 - c) In both instances, the ~~Deputy Mayor~~Mayor is required to either:
 - i. discuss the matter, and gain agreement in writing, from ~~the Deputy Mayor,~~ or a Presiding Member of a Committee.
 - ii. Where the advice being sought relates to a committee, the ~~Deputy Mayor~~Mayor must discuss the need for the advice with, and gain agreement in writing from, the Presiding Member of the Committee.
- 6.2 Where the matter does not satisfy the requirements in 6.1, the ~~Deputy Mayor~~Mayor must seek the support of Council through a motion (with or without notice), for legal advice to be obtained in this matter.

6.3 Where the ~~Deputy Mayor~~Mayor obtains legal advice relating to the Chief Executive Officer or the exercise of the Chief Executive Officer's powers, and it is not appropriate to provide that advice to the ~~Chief Executive Officer~~OfficerCEO, the advice must be placed in the records management system in such a way as to ensure that it cannot be accessed by the Chief Executive Officer. This procedure will also apply to other documents relevant to the matter which, in the opinion of the Council, should be kept confidential.

8.2 Legal advice obtained by Council must be kept in the Council's records management system in such a way as to ensure it can only be accessed by authorised personnel.

7. DELEGATION

99.1 Council makes the following delegations:

- a. The Chief Executive Officer has the delegation to approve, amend and review any procedures that shall be consistent with this Policy; and
- b. The Chief Executive Officer has the delegation to make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

8. LIMITATIONS

8.1 The ~~Deputy Mayor~~Mayor has the delegation to procure legal services to the value of \$10,000 (GST exclusive) per matter. If additional costs are anticipated beyond this limit for any single matter, separate approval must be sought from Council.

8.2 The ~~Deputy Mayor~~Mayor must inform the legal provider that their delegation to procure legal services is limited to \$10,000 (GST exclusive) per matter, and that any expenditure beyond this limit requires separate Council approval.

8.3 Where an ongoing engagement with a legal provider addresses multiple related issues, the combined cost of the advice should not exceed the \$10,000 limit.

8.4 Where an ongoing engagement with a legal provider addresses multiple unrelated issues, each distinct issue will be considered a separate matter. The financial delegation of \$10,000 applies to each matter individually.

9. AVAILABILITY OF THE POLICY

9.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Correspondence for Noting

Mr Greg Georgopoulos
Chief Executive Officer
Adelaide Hills Council

Via email: ggeorgopoulos@ahc.sa.gov.au

Dear Mr Georgopoulos

Greg,

Thank you for your correspondence ahead of the 2026 March State Election.

I want to take this opportunity to acknowledge the important work undertaken by the Adelaide Hills Council and thank you for your advocacy for a stronger future for South Australia.

Greater Adelaide Freight Bypass

Labor is committed to real funding to progress the Greater Adelaide Freight Bypass – a nationally significant project strengthening South Australia’s connection to Victoria and Western Australia.

Stage One is a \$1.05 billion investment, with more than \$650 million already committed by the State and Commonwealth Governments.

We are working to secure a stronger funding outcome for South Australia, because a nationally significant freight corridor should attract nationally significant investment.

Work is underway on the business case to ensure South Australia gets its fair share.

Adelaide Hills Public Transport

My government has invested over \$19 million in public transport in the Hills - making the on-demand bus service permanent in Mount Barker, Nairne and Littlehampton, upgrading the Mount Barker bus depot, purchasing six brand new electric buses and adding an extra 590 bus trips per week. This has seen weekly bus boardings in the area increase by over 260 per cent since 2023.

The new Go Zone from Mount Barker has express buses running every 6 minutes in peak periods, every 15 minutes weekdays (from 7am-7pm), and half-hourly on nights and weekends.

My government also committed \$6 million to deliver the additional parking at the Crafers Park 'n' Ride. Completed in 2024, the project supported approximately 25 full-time equivalent jobs during the construction period and makes more parking options available during the morning peak, with 85 additional parking spaces – including accessible bays and motorcycle parking.

Peter Malinauskas
Premier of South Australia

peter.malinauskas@salabor.org.au | [f](#) [@](#) PMalinauskasMP



Bushfire Detection

My government has pioneered AI-enabled fire detection cameras in the south-east.

Noting that there may be some potential application in limited circumstances for topographically significant locations such as the Adelaide Hills, a re-elected Malinauskas Labor Government will continue to engage in discussions around bushfire preparedness, safety and prevention.

Women and Girls Sporting Facilities

I am pleased to confirm that following advocacy from Labor's candidate for Heysen, Marissa Bell, the Malinauskas Labor Government will commit \$1.45 million to upgrade the Heathfield High School Oval. This upgrade will transform the oval into a community sporting hub by expanding year-round usability, upgrading lighting, improving drainage and increasing accessibility.

The Office for Recreation, Sport and Racing (ORSR) also has several grant programs that support the development of sport and recreation facilities. Further information on grants is available on the ORSR website at www.orsr.sa.gov.au/grants or by contacting Funding Services by email at ORSR.Grants@sa.gov.au or by telephone on 1300 714 990.

Township Redevelopments and Housing

As part of the Greater Adelaide Regional Plan, all local governments are required to develop local housing plans. If re-elected, my government looks forward to supporting the work of the Adelaide Hills Council in developing a local housing strategy.

The Adelaide Hills Council may wish to consider the Commonwealth's *Urban Precincts and Partnerships Program* and *Power Line Environment Committee* as potential avenues to progress additional planning matters.

Regional Arts

On 31 March 2025 the Malinauskas Labor Government released *A Place to Create*, the state's first 10-year cultural policy aimed at strengthening our arts, cultural and creative industries sector. To support the ambitions of this landmark policy, we committed approximately \$81 million for the policy to be realised through a series of short-term delivery plans.

We also introduced the Arts, Culture and Creative Industries Bill 2025 into the Parliament this term to enshrine the value of arts in South Australia. This was a landmark moment for our state, and I hope to see this legislation pass through Parliament over the next sitting term.

Cycling Infrastructure

We have been pleased to partner with the Adelaide Hills Council to extend the Amy Gillett Bikeway from Mount Torrens through to Birdwood, adding 5.7 kilometres to achieve an overall length of 22km along the old railway trail.

The trail extension includes two new creek bridges and an innovative truss bridge over the heritage Burford Hills Rail Bridge. The bikeway extension will be a major economic boost the region and promote walking and cycling in the area.

My government has made it a priority to get people off their screens and is investing in infrastructure to encourage more people to be active in the local community.

For example, the \$2 million State Bicycle Fund enables local councils the pedal-power to build more bike paths and lanes as well as improving existing ones, helping keep communities in gear with healthy, active lifestyles, and more cycling options.

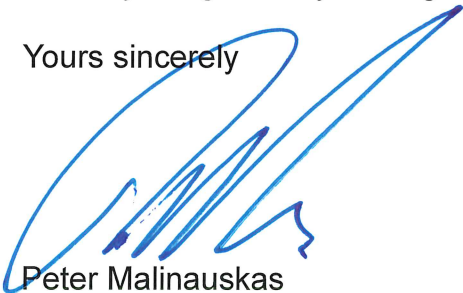
The latest round will fast-track 12 projects worth \$1.9 million that are ready for construction, while \$100,000 will help six councils get the wheels turning on plans to make new projects shovel-ready and eligible for future rounds of funding.

Should my government be re-elected for a second term, I look forward to continuing these important conversations with you.

You may like to keep up to date with our 2026 State Election Policy Commitments here: <https://www.sa.alp.org.au>.

Thank you again for your ongoing contribution to the state.

Yours sincerely



Peter Malinauskas
PREMIER

11 / 3 / 2026

11 March 2026

Greg Georgopoulos
63 Mount Barker Rd
Stirling SA 5152

Level 6, 60 Light Square
Adelaide SA 5000
GPO Box 646
Adelaide SA 5001
T +61 8 7424 7400
W ecsa.sa.gov.au
ABN 99 891 752 468

By email: ggeorgopoulos@ahc.sa.gov.au

Dear Greg,

I am writing to advise that a casual vacancy has arisen in the office of Councillor for Ranges Ward at Adelaide Hills Council.

As the vacancy has occurred within 12 months of a supplementary election, it must be filled in accordance with section 6A of the *Local Government (Elections) Act 1999*. Under this process, unsuccessful candidates from the most recent supplementary election are contacted to confirm their eligibility and willingness to be considered. A recount is then conducted including those candidates who indicate they wish to proceed.

The supplementary election for Mayor held on 10 February 2026 resulted in Nathan Daniell being elected, creating a further vacancy in Ranges Ward. A supplementary election for Ranges Ward was previously held on 23 September 2025, in which Lisa Clare Woolcock was elected. Candidates from that election may be eligible to fill the current vacancy. If more than one candidate confirms eligibility, ECSA will conduct a recount of the votes in accordance with Regulation 4 of the *Local Government (Elections) Regulations 2025*.

Eligible candidates must submit a declaration of eligibility by 5:00 pm on Wednesday, 18 March 2026. Once responses are received, we will determine whether a recount under section 6A is required and will advise you of the next steps.

If you have any questions, please contact my office by email or on 0401 149 169.

Yours sincerely



Leeanne Redpath
Project Manager for Local Government

ROBERT SIMMS**MEMBER OF THE LEGISLATIVE COUNCIL**

Mayor Moira Jenkins
President
Southern & Hills Local Government Association

12 March 2026

Via email: admin@shlga.sa.gov.au

Dear Mayor Jenkins,

RE: Letter from the Southern and Hills LGA – State Election Policies

Thank you for the opportunity to respond to the Southern & Hills Local Government Association election priorities in advance of the 2026 State Election. The Greens SA welcome the opportunity to provide a response to the issues that matter most to the communities across the Southern and Hills regions. Please find our responses to your request below:

Community-ready growth funding to ensure new housing is supported by essential infrastructure and services

The Greens are strong proponents of investing in infrastructure in our high growth communities in conjunction with housing supply, rather than merely as an afterthought. Our plan would see 20,000 new public homes built by bringing the SA Housing Trust back to its original intent as a public builder. This would be supported by energy and water infrastructure investments.

We also support the increase investment in public and active transport infrastructure. The Greens support increased investment of \$100 million over 4 years to improve cycling and walking paths, and further \$10 million for better active transport integration with major bus and train connections. We also propose a \$2 billion investment over four years towards upgrading Adelaide's public transport system, including rail extended to Mount Barker from Belair, with the ability to extend the service to Murray Bridge in the future.

This would aid in easing congestion on our roads and ensuring safer and more productive road infrastructure.

Energy infrastructure in the Southern and Hills region is also clearly inadequate, with the area poorly served by our electricity supply being run by private corporations to create huge profits. This model has seen underinvestment in maintenance and replacement of electricity distribution infrastructure. The Greens will push in the next term of Parliament for the establishment of a commission of inquiry to examine bringing back ETSA as a publicly owned electricity distributor.

Due to underinvestment over a number of years in South Australian water infrastructure, exacerbated by the worsening impacts of the climate crisis, our water security is increasingly at risk. We believe in a legislated basic level of service of water that recognises reliable access to clean, safe, accessible and affordable water as an essential human right.

A funded commitment to the South Coast Freight Corridor to improve safety, productivity and freight resilience

The Greens SA note that community consultation and improved road safety must be key considerations in the any proposal to introduce a major infrastructure project such as a freight corridor.

We do, however, support investments in the Hills and Southern region to ease congestion and enhance freight transport. In November 2025, the Greens passed a motion calling for an alternative freight by-pass route through the Adelaide Hills and to scrutinise the Labor Government's decision to divert heavy vehicles

along River Road and Strathalbyn Road. The motion was supported and the issue should be considered by the Environment, Resources and Development Committee in 2026.

Better public transport access across the region to support jobs, social inclusion and climate outcomes

We agree that public transport services across your region are underfunded, infrequent and poorly coordinated. As South Australia grows, so should its public transport network and successive Labor and Liberal Governments continue to plan, propose, or shelve public transport but fail to deliver.

At present, regional connectivity does not meet the needs of all residents, especially those who cannot drive or afford to own a car. In Sellicks Beach, for instance, it takes over 2 hours to catch a bus from Adelaide city to Sellicks Beach, with a changeover at Seaford. We support introducing a direct express bus line from Adelaide city to Port Willunga and Sellicks Beach. As a whole, we are pushing for a \$300 million investment into more frequent and reliable buses across South Australia. This is tied with our support for building 1000 new electric buses in South Australia to replacing the ageing and dirty diesel bus fleet.

The Greens strongly support the expansion of the rail network to high growth areas. We are primarily focused on funding the extension of the rail line from Belair to Mount Barker, with three new stops at Aldgate, Bridgewater and Balhannah. This will also set up the future prospect of extending the line further south to Strathalbyn, Goolwa and Victor Harbor over the next few years. In State Parliament, we also pushed the Government to deliver extensions of the rail network to Aldinga on the Seaford line.

Implementation of the recommendations of the Senate Inquiry into Algal Blooms to strengthen preparedness, response and recovery to ecological events.

The Greens support the implementation of all recommendations from both the federal Senate Inquiry and the state-based Joint Parliamentary Inquiry into harmful algal blooms. These inquiries only occurred due to pressure from the Greens pressure in Federal and State Parliament. As the Chair of the State Parliament's inquiry, I led the charge to secure a parliamentary inquiry into the bloom.

The committee's report makes clear that the criteria for local governments to unlock fundings needs to be broadened for ecological disasters in the future and the lead agency needs to be clearly identified from the outset to avoid confusion. The long-term future of funding for research and remediation must also be guaranteed and there needs to be an investment in long term monitoring of the environmental impacts of the bloom.

I am concerned, however, that there was not majority support for findings that are critical of the State Government's response. This is a serious oversight given the weight of evidence presented to the committee suggests that the State Government was too slow to respond to the algal bloom and there were significant gaps in data collection and communication with key stakeholders. It is telling that the Opposition and Green members of the committee reached similar conclusions about the Government's response, as reflected in the dissenting statements.

The Greens will be closely monitoring the Government's response to the bloom in the next parliamentary term and doing everything we can to ensure the full suite of recommendations are implemented. Additionally, we will be specifically calling on the State Government to commit \$50 million yearly to protect our marine ecosystems.

Sensible, statewide regulation of short-stay accommodation to support housing supply, equity and community amenity.

Currently, short term rental properties are being treated as an income source, but without any usual regulations for businesses. This is of particular concern in high-tourism regions such as the Fleurieu Peninsula, Adelaide Hills and Kangaroo Island. It is clear that in particular in these communities, the system is putting pressure on the housing and rental market.

In September last year, the multi-party parliamentary committee inquiring into the short stay accommodation sector and chaired by me concluded its work, recommending the establishment of a registration scheme tied

with a registration fee to be charged as well. The Greens support implementing this as it would provide vital data that would allow for further policy settings, such as a cap on the number of short-term rental properties, increased rates or levies, and other regulations. NSW, WA, Victoria, Queensland all have some form of regulation, yet South Australia has continued to lag behind.

Stronger policies and funding for green, healthy communities that are resilient to heat and climate impacts.

The Greens strongly support the principles behind this ask.

About 17 per cent of metropolitan Adelaide is covered in tree canopy, well below the South Australian Government's own 30 per cent target. The Greens have a wide range of policies focused on shaping healthier, greener communities. We support implementing an ambitious green space strategy to increase the number of green spaces in local communities across the state.

The Greens also support better standards for energy efficiency in rentals. In the last term of State Parliament, proposed reforms I put forward that included mandating an efficient heater and cooler being installed in all rental properties were defeated by Labor and the Liberals. In the next term, I will seek to reintroduce this bill focused on minimum energy efficiency standards.

The Greens also will push to strengthen laws pertaining to tree canopy, which includes updating a significant tree register and amend the Native Vegetation Regulations (NVR) that allow for the removal of any tree within 10 metres of a dwelling – including sheds and carports. We will protect trees by requiring permission and approval before removing a tree close to a dwelling.

At this time of climate crisis, it is vitally important that we promote active transport. We support the appointment of an Active Transport Commissioner and the mandating of cycle and walking paths in all new major road projects, to incentivise cleaner, quieter and safer streets.

In terms of planning, we support climate trigger assessments for new major projects and code amendments. These would take shape as a legislated mechanism to ensure projects do not unnecessarily contribute to climate change through excess pollution, reduction in open space or reduction in trees or green spaces.

These policies, paired with the scrapping of all fossil fuel subsidies and legislating a target of net-zero by 2035, will secure a greener future for South Australia.

Kind regards,



The Hon. Robert Simms MLC
Greens Member of the Legislative Council

Parliament House, North Terrace, Adelaide SA 5000 (08) 8237 9111 simms.office@parliament.sa.gov.au

 Robert Simms MLC  @simmsrobert  robsimms84 robertsimms.org.au

Authorised by R. Simms Parliament House North Terrace, Adelaide, SA 5000.

Minutes of Committees

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MARCH 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 April 2026]

In Attendance

Presiding Member

Geoff Parsons

Members

Ross Bateup
Paul Mickan
Myles Somers
Leith Mudge

In Attendance

Jess Charlton	Director Community & Development
Deryn Atkinson	Assessment Manager
Blake O'Neil	Team Leader Statutory Planning
Doug Samardzija	Senior Statutory Planner
Sarah Kimber	Minute Secretary

1. Commencement

The meeting commenced at 6:30pm

2. Opening Statement

“Council acknowledges that we meet on the traditional Country of the Peramangk and Kaurna people. We pay our respects to Ancestors and Elders past and present as the Custodians of this ancient and beautiful land”.

3. Apologies/Leave of Absence

3.1 Apologies
Nil

3.2 Leave of Absence
Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MARCH 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 April 2026]

4. Previous Minutes

4.1 Meeting held 11 February 2026

The minutes were adopted by consensus of all members (8)

That the minutes of the meeting held on 11 February 2026 be confirmed as an accurate record of the proceedings of that meeting.

5. Presiding Member's Report

Nil

6. Declaration of Interest by Members of Panel

Nil

7. Matters Lying on the Table/Matters Deferred

7.1 Matters Lying on the Table

Nil

7.2 Matters Deferred

Nil

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MARCH 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 April 2026]

8. Development Assessment Applications – Planning, Development and Infrastructure Act

8.1 Development Application Number 25018635 by Fuhui Capital Pty Ltd ATF Fuhui Family Trust for 4 storey detached dwelling, retaining walls, fence, swimming pool & associated safety features at 12 Highlands Court, Woodforde.

8.1.1 Representations

Name of Representor	Nominated Speaker
Hugh Marquis	Hugh Marquis

The applicant's representative, Damien Ellis (Intro) addressed the Panel and answered questions from the Panel.

8.1.2 Order for Exclusion of the Public from the Meeting to debate Confidential Matters

The following was adopted by consensus of all members (9)

That pursuant to Regulation 13(2)(a)(viii) of the *Planning, Development and Infrastructure (General) Regulations 2017*, the Council Assessment Panel orders that all members of the public, except:

- Presiding Member, Geoff Parsons
- Independent Member, Ross Bateup
- Independent Member, Paul Mickan
- Independent Member, Myles Somers
- Council Member, Leith Mudge
- Director Community & Development, Jess Charlton
- Assessment Manager, Deryn Atkinson
- Team Leader Statutory Planning, Blake O'Neil
- Senior Statutory Planner, Doug Samardzija
- Minute Secretary, Sarah Kimber

be excluded from attendance at the meeting to consider legal advice for Agenda Item 8.1 in confidence.

Accordingly, on this basis the principle that meetings of the Council Assessment Panel should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MARCH 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 April 2026]

6:59pm The Panel went into 'closed' session in order to allow for discussion of legal advice in confidence
--

The following was adopted by consensus of all members (10)

That the meeting be resumed in 'open' session.

7:16pm The Panel resumed 'open' session

8.1.3 Decision of Panel

Moved	Myles Somers	(11)
S/-	Ross Bateup	

The Council Assessment Panel resolved that:

- 1) Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and**

- 2) Development Application Number 25018635 by Fuhui Capital Pty Ltd ATF Fuhui Family Trust for 4 storey detached dwelling, retaining walls, fence, swimming pool & associated safety features at 12 Highlands Court, Woodforde is GRANTED Planning Consent subject to the following conditions:**

CONDITIONS

Planning Consent

- 1) The development granted shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.**

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MARCH 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 April 2026]

- 2) The dwelling approved herein may only be used as a detached dwelling and, in keeping with this requirement, the levels within the approved dwelling may not be divided or physically separated or partitioned off from each other without a further approval.
- 3) Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
- 4) All external materials and finishes shall be of subdued colours and of a low-light reflective nature which blend with the natural features of the landscape.

NOTE: browns, greys, greens and beige are suitable and galvanised iron and zincalume are not suitable.

- 5) Stormwater management shall be undertaken in accordance with the Civil and Stormwater Plan Level 3 prepared by Intrax Land and dated 17.02.2026, drawing number C103. All roof runoff generated by the development hereby approved shall be directed to the Council drainage easement within one month of roof cladding being stalled to the satisfaction of Council.
- 6) Prior to commencement of work, straw bales (or other soil erosion control methods as approved by Council) shall be placed and secured below areas of excavation and fill to prevent soil moving off the site during construction.
- 7) Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
- 8) The east and west facing balconies of the dwelling on levels 1, 2 and 3 shall be fitted with fixed screening to a minimum height of 1.7 metres above the balcony floor level. The screening shall be installed prior to occupation and be maintained in good condition at all times.
- 9) The west facing windows of the dwelling on levels 1, 2 and 3 shall be glazed with fixed obscure glass to a minimum height of 1.7 metres above finished floor level. The glazing of these windows shall be installed prior to occupation and be maintained in good condition at all times.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MARCH 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 April 2026]

- 10) Landscaping, detailed in the landscaping plan and schedule shall be planted in the planting season following occupation and maintained in good health and condition at all times. Any such vegetation shall be replaced in the next planting season if and when it dies or becomes seriously diseased.

ADVISORY NOTES

General Notes

- 1) No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
- 2) Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
- 3) This Planning Consent is valid for a period of twenty-four (24) months commencing from the date of the decision, subject to the below or subject to an extension having been granted by the relevant authority. If applicable, Building Consent must be obtained prior to expiration of the Planning Consent.
- 4) Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
- 5) New pools or spas may only be filled under the authority of a permit from SA Water. The applicant is advised to obtain a permit to fill the pool with water from SA Water before proceeding with the installation of the swimming pool.

SA Water advises that a permit will not be granted unless proof is provided that a cover has been purchased to prevent water loss through evaporation.
- 6) No spillage of waste shall occur from the storage or use of pool chemicals. Disposal of any chemicals shall only occur at the EPA Household Hazardous Waste Depot (Ph 8204 1947) or through a licensed waste contractor.

**ADELAIDE HILLS COUNCIL
MINUTES OF COUNCIL ASSESSMENT PANEL MEETING
WEDNESDAY 11 MARCH 2026
63 MOUNT BARKER ROAD, STIRLING
AND
ZOOM VIRTUAL MEETING ROOM**

[Please Note: These minutes are unconfirmed until 8 April 2026]

- 9. Development Assessment Applications – Development Act**
Nil
- 10. Development Assessment Applications – Review of Decisions of Assessment Manager**
Nil
- 11. ERD Court Appeals**
The Assessment Manager provided a verbal update on the appeal of a CAP decision for 160 Longwood Road, Heathfield and 12 Highlands Court, Woodforde.
- 12. Policy Issues for Advice to Council**
Nil
- 13. Other Business**
The Assessment Manager reminded the Panel that there is currently an expression of interest for Independent CAP Members that closes on 22 March 2026. All Independent Members are welcome to seek reappointment.
- 14. Order for Exclusion of the Public from the Meeting to debate Confidential Matters**
Nil
- 15. Confidential Item**
Nil
- 16. Next Meeting**
The next ordinary Council Assessment Panel meeting will be held on Wednesday 8 April 2026.
- 17. Close meeting**
The meeting closed at 7:42pm on 11 March 2026.

Confidential Items

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 February 2026
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Responsible Officer: Jess Charlton
Director Community and Development
Community and Development

Subject: Aged Care Services

For: Decision

1. Aged Care Services – Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, Jade Ballantine
- Director Corporate Services, Gary Lewis
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Georgie McKeon
- Manager Community Wellbeing, Rebecca Shepherd

be excluded from attendance at the meeting for Agenda Item 19.1: (Aged Care Services) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

2. Aged Care Services – Confidential Item

3. Aged Care Services – Duration of Confidentiality

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council’s decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	Until Further Order

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.



**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday 24 March 2025
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.2

Responsible Officer: Zoë Gill
Executive Governance Officer
Office of the CEO

Subject: Adelaide Hills Region Waste Management Authority
(AHRWMA) Charter Review

For: Decision

1. Adelaide Hills Region Waste Management Authority (AHRWMA) Charter Review – Exclusion of the Public

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Greg Georgopoulos
- Director Environment & Infrastructure, Jade Ballantine
- Director Corporate Services, Gary Lewis
- Director Community & Development, Jess Charlton
- Executive Governance Officer, Zoë Gill
- Minute Secretary, Georgie McKeon

be excluded from attendance at the meeting for Agenda Item 19.2: (Adelaide Hills Region Waste Management Authority (AHRWMA) Charter Review) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(d) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is:

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

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest;

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

2. Adelaide Hills Region Waste Management Authority (AHRWMA) Charter Review – Confidential Item

3. **Adelaide Hills Region Waste Management Authority (AHRWMA) Charter Review – Duration of Confidentiality**

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council’s decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 19.2 in confidence under sections 90(2) and 90(3)(d) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until Further Order
Related Attachments	Until Further Order
Minutes	Until Further Order
Other (presentation, documents, or similar)	Until Further Order

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.