

Agenda

Council

NOTICE OF MEETING

Notice is hereby given that a meeting of the Council will be held in the

**Council Chamber - Glenelg Town Hall
Moseley Square Glenelg**

13 August 2024 at 7.00pm



Roberto Bria
Chief Executive Officer



1. Opening

The Mayor will declare the meeting open at 7.00pm.

2. Kurna Acknowledgement

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. Service to Country Acknowledgement

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. Prayer

Heavenly Father, we pray for your presence and guidance at our Council Meeting. Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

5. Apologies

5.1 Apologies received – Councillor Abley, Councillor Miller

5.2 Absent

6. Items Presented to Council

7. Declaration Of Interest

If a Member has an interest (within the terms of the Local Government Act 1999) in a matter before the Council they are asked to disclose the interest to the Council and provide full and accurate details of the relevant interest. Members are reminded to declare their interest before each item.

8. Confirmation Of Minutes

That the minutes of the Ordinary Meeting of Council held on 23 July 2024 be taken as read and confirmed.

9. Public Presentations

9.1 Petitions - Nil

9.2 Presentations – Nil

9.3 Deputations – Nil

10. Questions by Members



- 10.1 **Without Notice**
- 10.2 **On Notice**
 - 10.2.1 Traffic Light Coordination, Brighton Road – Councillor Lonie (Report No: 269/24)
 - 10.2.2 Tree Planting Brighton Road – Councillor Lonie (Report No: 270/24)

11. Member’s Activity Reports - Nil

12. Motions on Notice

- 12.1 Leave of Absence – Councillor Venning (Report No: 253/24)
- 12.2 Leave of Absence – Councillor Snewin (Report No: 259/24)
- 12.3 Leave of Absence – Councillor Abley (Report No: 271/24)

13. Adjourned Matters - Nil

14. Reports of Management Committees and Subsidiaries

- 14.1 Public Minutes – Executive Committee – 30 July 2024 (Report No: 263/24)

15. Reports by Officers

- 15.1 Items in Brief (Report No: 254/24)
- 15.2 Planets Sculpture (Report No: 272/24)
- 15.3 Glenelg Football Club Sub-Lease (Report No: 267/24)
- 15.4 Elected Member Appointment to the Executive Committee (Report No: 266/24)
- 15.5 Southern Region Waste Resource Authority – Appointment of Deputy Board Member (Report No: 265/24)
- 15.6 Call for Nominations - SA Flood Warning Consultative Committee (Report No: 258/24)

16. Resolutions Subject to Formal Motions

Presented for the information of Members is a listing of resolutions subject to formal resolutions, for Council and all Standing Committees, to adjourn or lay on the table items of Council business, for the current term of Council.

17. Urgent Business – Subject to the Leave of the Meeting

18. Items in Confidence

- 18.1 Alwyndor Management Committee Appointment (Report No: 255/24)

Pursuant to section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:



- a. information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person or persons (living or dead). ‘

18.2 Car Share Update (Report No: 268/24)

Pursuant to section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which –
 - i. could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - ii. would, on balance, be contrary to the public interest;

18.3 Partridge Street, Glenelg – Wombat Crossing (Report No: 273/24)

Pursuant to section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- g. matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- k. tenders for the supply of goods, the provision of services or the carrying out of works;

18.4 Confidential Minutes – Executive Committee– 30 July 2024 (Report No: 264/24)

Pursuant to section 83(5) of the *Local Government Act 1999* the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council considers the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:

- a. Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

19. Closure


Roberto Bria
Chief Executive Officer

QUESTIONS WITHOUT NOTICE

Item No: 10.2.1

Subject: QUESTION ON NOTICE – TRAFFIC LIGHT COORDINATION, BRIGHTON ROAD – COUNCILLOR LONIE

Question

Councillor Lonie asked the following question:

‘With the current installation of traffic lights on the corner of Edwards Street and Brighton Road, is Council aware of any plan for coordination of the sequencing of these lights with other, existing lights, such as the pedestrian lights near Brighton Post Office? In such a way as I believe Jetty Road lights coordinate with the nearby ‘School’ pedestrian lights on Brighton Road further north.

Answer – Manager, Engineering

DIT have advised that the retained Pedestrian Actuated Crossing (signalised push-button crossing) on Brighton Road, south of Gregory Street, will be sequenced with the new traffic lights at the Brighton Road and Edwards Street junction to manage traffic flow.

Item No: 10.2.2

Subject: QUESTION ON NOTICE –TREE PLANTING BRIGHTON ROAD –
COUNCILLOR LONIE

Question

Councillor Lonie asked the following question:

“With Council’s Tree policy, does Council have the approval from the Department of Transport to plant within the median strips and footpaths on Brighton Road where trees are missing? If so, does Administration have any future plans for tree planting along Brighton Road?”

Answer – Manager, Field Services

The City of Holdfast Bay, in collaboration with the Department of Transport (DIT), does have the ability to plant trees both in the central median strip and along the footpaths on either side of Brighton Road.

Council’s Senior Urban Forest Officer is currently mapping potential planting sites along Brighton Road, starting from the Seacliff end. Once the audit is complete, we will look to include these locations in our street tree planting program in the future.

There are several challenges that need to be considered with plantings along this corridor including:

Traffic Management and Infrastructure Upgrades

Planting trees along Brighton Road, especially in the median strip, entails significant costs due to the need for traffic management during planting and ongoing maintenance. Major infrastructure upgrades are required since the median strip was not originally designed to support mature trees. This has led to issues like the upheaval of concrete and artificial turf (artificial turf is scheduled to be removed as part of the upcoming DIT renewal project), compromising both tree stability and surrounding infrastructure.

Shared Responsibilities

Under the current agreement with the Department of Transport, the council is responsible for maintaining the trees. This arrangement poses significant cost implications, particularly considering the engineering challenges mentioned above.

Underground Infrastructure on the Eastern Side

The eastern side of Brighton Road presents complications due to extensive underground infrastructure beneath existing trees. While planting new trees is possible, it requires additional engineering solutions to accommodate the new trees, further increasing costs.

Powerlines on the Western Side

On the western side, the presence of high-voltage powerlines restricts our choice of tree species to those approved by SA Power Networks, which typically do not exceed six metres in height. This restriction makes it challenging to maintain the clearance envelopes recommended by the Department of Transport, resulting in a limited selection of tree species.

Item No: 12.1

Subject: MOTION ON NOTICE – LEAVE OF ABSENCE – COUNCILLOR VENNING

Proposed Motion

Councillor Venning proposed the following motion:

That Councillor Venning be granted a Leave of Absence for the period 6-13 October 2024 and for the Council meetings of 22 October 2024 and 12 November 2024.

Item No: 12.2

Subject: MOTION ON NOTICE – LEAVE OF ABSENCE – COUNCILLOR SNEWIN

Proposed Motion

Councillor Snewin proposed the following motion:

That Councillor Snewin be granted a Leave of Absence for the Council meeting of 10 September 2024.

Item No: 12.3

Subject: MOTION ON NOTICE – LEAVE OF ABSENCE – COUNCILLOR ABLEY

Proposed Motion

Councillor Abley proposed the following motion:

That Councillor Abely be granted a Leave of Absence for the period 15 September to 31 October 2024.

Item No: 14.1

Subject: PUBLIC MINUTES – EXECUTIVE COMMITTEE – 30 JULY 2024

Summary

The public minutes of the meeting of the Executive Committee held 30 July 2024 are presented to Council for information.

Recommendation

That Council notes the public minutes of the meeting of the Executive Committee of 30 July 2024.

Background

Council established an Executive Committee pursuant to section 41 of the *Local Government Act 1999* with responsibility for undertaking the annual performance appraisal of the Chief Executive Officer to:

- recommend to Council the form and process of the Chief Executive Officer's annual performance appraisal;
- undertake the annual performance appraisal; and
- provide a report and to make recommendations to Council on any matters arising from the annual performance appraisal.

At its meeting on 23 July 2024, Council appointed the Executive Committee of Council as the Chief Executive Officer Selection Panel pursuant to section 98 (4) of the *Local Government Act 1999* for the CEO Recruitment process and provided the Executive Committee with additional scope to its Terms of Reference for the period of the CEO recruitment process.

Report

The public minutes of the meeting of the Executive Committee held 30 July 2024 are attached for Members' information.

Refer Attachment 1

Budget

Not applicable

Life Cycle Costs

Not applicable

Strategic Plan

Statutory compliance

Council Policy

Not applicable

Statutory Provisions

Local Government Act 1999, section 41

Written By: Executive Assistant to Chief Executive Officer

Chief Executive Officer: Mr R Bria

Attachment 1

Minutes of the meeting of the Executive Committee of the City of Holdfast Bay held in the Kingston Room, Brighton Civic Centre, 24 Jetty Road, Brighton on Tuesday 30 July 2024 at 5:00pm.

PRESENT

Members

Chair – Mayor A Wilson
Deputy Mayor – S Lonie
Councillor J Fleming
Councillor B Patton
Councillor C Lindop

Independent Member

Ms C Molitor

Staff

Chief Executive Officer – Mr R Bria

1. OPENING

The Mayor declared the meeting open at 5.04pm.

2. KAURNA ACKNOWLEDGEMENT

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

3. APOLOGIES

- 3.1 Apologies Received - Councillor M O'Donohue
- 3.2 Absent

4. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

5. CONFIRMATION OF MINUTES

Motion

That the minutes of the Executive Committee held 18 June 2024 be taken as read and confirmed.

Moved by Councillor Lonie, Seconded by Councillor Patton

Carried Unanimously

6. REPORTS BY OFFICERS

6.1 Nil

7. URGENT BUSINESS – SUBJECT TO LEAVE OF THE MEETING - Nil**8. CONFIDENTIAL ITEMS**

8.1 **Acting Chief Executive Officer Arrangements (Report No: 251/24)**

Motion – Exclusion of the Public Section 90(3)(a and e)

1. That pursuant to section 90(2) of the *Local Government Act 1999* Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff minute taker in attendance at the meeting in order to consider Report No: 251/24 – Acting Chief Executive Officer Arrangements in confidence.
2. That in accordance with section 90(3) of the *Local Government Act 1999* Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 251/24 – Acting Chief Executive Officer Arrangements on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 251/24 – Acting Chief Executive Officer Arrangements is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the Council.
3. The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Fleming **Carried Unanimously**

Motion - RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 8.1 – Acting Chief Executive Officer Arrangements in confidence under section 90(2) and (3)(a and e) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 12 months.

Moved Councillor Fleming, Seconded Councillor Lonie **Carried Unanimously**

8.2 Chief Executive Officer Recruitment Process (Report No: 252/24)**Motion – Exclusion of the Public Section 90(3)(a and e)**

1. That pursuant to section 90(2) of the *Local Government Act 1999* Executive Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff minute taker in attendance at the meeting in order to consider Report No: 252/24 Chief Executive Officer Recruitment Process in confidence.
2. That in accordance with section 90(3) of the *Local Government Act 1999* Executive Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 252/24 Chief Executive Officer Recruitment Process on the following grounds:
 - a. pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to Report No: 252/24 Chief Executive Officer Recruitment Process is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
 - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of employees of the Council.
3. The Executive Committee is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Lonie, Seconded Councillor Fleming **Carried Unanimously**

Motion - RETAIN IN CONFIDENCE - Section 91(7) Order

That having considered Agenda Item 8.2 - Chief Executive Officer Recruitment Process in confidence under section 90(2) and (3)(a and e) of the *Local Government Act 1999*, the Executive Committee, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 12 months and the Chief Executive Officer is authorised to release the documents and that this order be reviewed every 12 months.

Moved Councillor Fleming, Seconded Councillor Lonie **Carried Unanimously**

9. CLOSURE

The Meeting closed at 5.43pm.

CONFIRMED Day and date

MAYOR

Item No: 15.1

Subject: ITEMS IN BRIEF

Summary

These items are presented for the information of Members.

After noting the report any items of interest can be discussed and, if required, further motions proposed.

Recommendation

That the following items be noted and items of interest discussed:

- 1. Illumination Request – Paris Olympic Games Green and Gold Day – 2 August 2024**
 - 2. Correspondence from Minister for Planning regarding Cybersecurity Provider ‘CrowdStrike’**
 - 3. Too Quirky! Exhibition**
-

Report

- 1. Illumination Request – Paris Olympic Games Green and Gold Day – 2 August 2024**

As part of a nation-wide acknowledgement, the Department of the Premier and Cabinet invited organisations to light up iconic buildings and monuments in green and gold on the evening of 2 August 2024 in support of the Australian Olympic Team.

The Council participated in the nation-wide acknowledgement by illuminating the Michale Herbet Bridge and Chapel Plaza on 2 August 2024.

- 2. Correspondence from Minister for Planning regarding Cybersecurity Provider ‘CrowdStrike’**

On 27 July 2024 Mayor Wilson and Chief Executive Officer, Mr R Bria received correspondence from Minister for Planning, the Hon. Nick Champion MP regarding the recent wide-spread systems outage caused by a faulty update by cybersecurity provider ‘CrowdStrike’. The South Australian Government is encouraging councils to exercise their discretion when using compliance powers under the *Planning, Development and Infrastructure Act 2016*, while businesses work through supply chain issues resulting from the significant disruption to technology systems.

3. **Too Quirky! Exhibition**

Too Quirky! the City of Holdfast Bay's 2024 SALA Festival offering will be held in the Bay Discovery Centre Gallery between 3 August and 8 September 2024. *Too Quirky!* is local artist Jon Carl's first solo exhibition in two decades. Complemented by Adelaide based sculptors, Emma Young, Westley Tully, Verity Jasmin Burley, Ty Manning, and Susan Gerrie, the exhibition explores Jon's quintessentially Australian style, incorporating the unique, playful and humorous characters and landscapes he has encountered throughout his life.

Written By: Executive Officer and Assistant to the Mayor

Chief Executive Officer: Mr R Bria

Attachment 1

Hon Nick Champion MP

24MP156239

Mayor Amanda Wilson
City of Holdfast Bay

By email: awilson@holdfast.sa.gov.au

Mr Roberto Bria
Chief Executive Officer
City of Holdfast Bay

By email: rbria@holdfast.sa.gov.au

Dear Mayor Wilson and Mr Bria

On 19 July 2024, South Australians were impacted by wide-spread system outages caused by a faulty update by cybersecurity provider 'CrowdStrike'.

The incident, affected banks and payment systems, impacted retail outlets across Australia and forced many shopping centres and supermarkets to close. While the immediate impacts of the outage have been largely addressed, South Australian businesses are still in the process of recovering and responding to the outage.

The significant disruption to technology systems used in warehouse and distribution centres has resulted in supply chain issues and a considerable backlog of the processing of items to be delivered to wholesale and retail customers. As supermarkets and retail outlets work to return services to normal, it is imperative that supply chains are provided flexibility to recover.

Development approvals under the *Planning, Development and Infrastructure Act 2016* (the Act) for shopping centres and supermarkets are often granted subject to a condition that prevents deliveries from occurring outside specified times to limit impacts to surrounding homes and businesses. At this time, the South Australian Government is encouraging councils to exercise their discretion when using compliance powers under the Act where deliveries are occurring outside the specified times.

Whilst any breaches of conditions could be enforced by councils using enforcement tools under the Act, councils are being encouraged to limit the use of any enforcement action that may affect the efforts to respond to the outage over the next two weeks.



**Government
of South Australia**

**Minister for Housing and
Urban Development**

**Minister for Housing
Infrastructure**

Minister for Planning

GPO Box 11032
ADELAIDE SA 5001

T: (08) 8235 5580

E: ministerchampion@sa.gov.au



OFFICIAL

Regard should also be given to the temporary nature and impact of any breach balanced against the broader public interest when responding to any complaints that may be received about out of hours operations and noise.

There will be no impact on the hours supermarkets or shopping centres remain open to the public – this will continue to be regulated under the *Shop Trading Hours Act 1977*.

Should you have any queries, please do not hesitate to contact Planning and Land Use Services, Department for Housing and Urban Development, via the PlanSA Service Desk on 1800 752 664 or by email to PlanSA@sa.gov.au.

I wish to thank you for your cooperation and support at this time.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nick Champion', with a stylized flourish extending to the right.

Hon Nick Champion MP
Minister for Planning

24 / 07 / 2024

Item No: 15.2

Subject: PLANETS SCULPTURE

Summary

Council at its meeting of 9 July 2024 received a report that noted the deteriorated condition of the Planets Sculpture and recommended the removal of the artwork from the public realm, including the deaccession of the artwork from Council's Assets Register. Council endorsed the removal of the artwork (Resolution No: C090724/7813).

Former Brighton Ward Councillor and Donor, Mrs Rosemary Clancy has since contacted Council with an offer to pay for the restoration work on the Planets Sculpture, so it can be repaired and maintained as a permanent public art asset with the City of Holdfast Bay.

Recommendation

That Council:

- 1. notes the Donor's offer to repair the Planets Sculpture as a donation; and**
 - 2. approves the Planets Sculpture to be retained as a permanent public art installation in the City of Holdfast Bay.**
-

Background

The Planets Sculpture was purchased from the 2014 Brighton Jetty Sculptures Exhibition by a former Brighton Ward Councillor and Donor and gifted to Council for public installation. The sculpture, by artist Rob Manning, was installed along the Somerton Park Esplanade between Eton and Harrow Roads and became a permanent public artwork in the City.

The sculpture is close to reaching its end of life (10 years) and has noticeably deteriorated over the years due to the harsh coastal conditions. A condition assessment on the sculpture by Administration noted that there is considerable flaking over the entirety of the artwork and there is deterioration to the welds and plinth. Administration made the decision and recommended to Council that the Planets Sculpture be removed as a permanent Public Artwork, as the maintenance and repair obligations and costs have been increasing in relation to the value and age of the artwork.

Report

Following Council's endorsement to remove the artwork (Resolution No: C090724/7813), Administration has since been approached by the Donor to advise that she does not want to see the sculpture removed and that she would be happy to repair the sculpture as a donation, and to be retained as a permanent public art asset.

The Doner has since engaged the artist Rod Manning to undertake a condition appraisal of the sculpture and he has supplied a quote to repair the work, which includes a new replacement corten steel plinth and fixings and restoration of the corrosion and flaking. The entire cost of the repair will be paid for by the Donor, with the artist agreeing to waive 50% of the material costs and provide additional in-kind support surrounding the repair costs.

Approval from Council is required to proceed with accepting the donation to repair the sculpture and in turn support the sculpture being retained as a permanent public artwork. Administration will continue to review and undertake condition and risk assessments on all artworks.

Budget

Not applicable

Life Cycle Costs

Future maintenance costs will be absorbed in the Arts and Culture Maintenance Budget.

Strategic Plan

Our Holdfast 2050+ Strategic Plan - Arts and culture create vibrancy, celebrate creativity, and encourage people to connect with country, place, and each other.

Council Policy

Public Art and Monuments Policy

Statutory Provisions

Not applicable

Written By: Arts and Culture Coordinator

General Manager: Community and Business, Ms M Lock

Item No: 15.3

Subject: GLENELG FOOTBALL CLUB SUB-LEASE

Summary

This report seeks Council's approval for the Glenelg Football Club to commence negotiations with ACH Group for a sub-lease over a portion of the Club's building.

Recommendation

That:

- 1. Council approves the Glenelg Football Club enters negotiations for the sub-lease of portion of its building to ACH Group; and**
 - 2. a further report be brought back to Council for endorsement of the terms of the sub-lease between the Glenelg Football Club and ACH Group informed by an independent valuation in accordance with Council's Commercial Leasing and Licensing Policy.**
-

Background

At its meeting held 14 May 2024, Council resolved to grant a lease to the Glenelg Football Club (the Club) for exclusive use of the buildings at Glenelg Oval (Resolution C140524/7767). Part of the terms of the lease allow the Club to sub-lease a section of the buildings for commercial use. The Club has now written to Council formally seeking its approval to commence negotiations for an agreement with ACH Group to sub-lease a section of its building for its exclusive use.

Report

The Glenelg Football Club (the Club) and ACH Group have had a rent arrangement by where a section of the first floor of the Club building could be occupied by ACH Group to deliver services to its clients. Following endorsement of a new lease between Council and the Glenelg Football Club, which includes an allowance for sub-lease arrangements with commercial entities, the Club has now written to Council seeking its approval to formalise these arrangements by the commencement of negotiations for a sub-lease.

Under the terms of the *Sporting and Community Leasing Policy*, where a club wishes to enter into a sub-lease or licence arrangement for part or all of the premises to another club or commercial activity, approval must first be received from the Council prior to entering into the arrangement. The Club has now written to council Administration requesting permission to enter into a sub-lease agreement with ACH.

Refer Attachment 1

The current arrangement is longstanding and is an essential source of income for the Club, in addition to being a vital service for many who rely on ACH Group in the community.

This report solely seeks Council's approval for the Club to commence negotiations with ACH Group, with a further report to be brought back to Council for its endorsement of the terms of the sub-lease, which will be developed in accordance with the *Commercial Leasing and Licensing Policy*, including the provision of an independent valuation.

Budget

The cost of negotiating the terms of the sub-lease is factored in to the 2024-25 Annual Business Plan.

Life Cycle Costs

Under the terms of the new lease the City of Holdfast Bay will be responsible for the structural maintenance of this facility. The renewal of the major structural components of the building is provided within Council's asset management plans.

Strategic Plan

Holdfast 2050+ Vision: Protecting our heritage and beautiful coast.
Vision – creating a welcoming and healthy place for everyone.

Council Policy

Sporting and Community Leasing Policy
Commercial Leasing and Licensing Policy

Statutory Provisions

Local Government Act 1999
Retail and Commercial Lease Act 1995

Written By: Property Manager

General Manager: Strategy and Corporate, S Wachtel

Attachment 1



Glenelg Football Club Inc.

PO Box 72, Glenelg SA 5045

Ph: (08) 8294 5333

www.glenelgfc.com.au

15th July 2024

Anthony Marroncelli
Manager Development Services
City of Holdfast Bay Council

Dear Anthony,

Glenelg FC request for Sub Lease negotiation approval

The Glenelg Football Club hereby request approval from the City of Holdfast Bay Council to continue our leasing arrangements with ACH Group in our Glenelg Oval venue building.

The broad new sub lease arrangement is a continuation of the existing sub lease noting:

- ACH wish to continue sub leasing the existing area in place.
- Their hours of use remain as is, that being 7am – 4pm Monday to Friday.
- Their nature of use remains as is, that being used to provide allied health, fitness, wellness and training services for their clients, who are aged 50+ in our local Holdfast Bay community.

Please feel free to contact me if you require any further information.

Kind regards,

A handwritten signature in black ink, appearing to read 'Justin Scripps'.

Justin Scripps
Chief Executive Officer

Item No: 15.4

Subject: ELECTED MEMBER APPOINTMENT TO THE EXECUTIVE COMMITTEE

Summary

Council established an Executive Committee pursuant to section 41 of the *Local Government Act 1999* with responsibility for undertaking the annual performance appraisal of the Chief Executive Officer and recently increased the scope of the Committee to manage the recruitment process of the Chief Executive Officer.

Councillor O'Donohue has indicated her intention to resign from the Executive Committee.

Recommendation

That Council appoints Councillor _____ as the Somerton Ward representative on the Executive Committee for the remainder of the Council term.

Background

Council established an Executive Committee pursuant to section 41 of the *Local Government Act 1999* with responsibility for undertaking the annual performance appraisal of the Chief Executive Officer and recently increased the scope of the Committee to manage the recruitment process of the Chief Executive Officer.

The Terms of Reference for the Executive Committee (adopted by Council on 14 February 2023) provide for the membership of the Committee to comprise of:

- a. The Mayor;
- b. The Deputy Mayor;
- c. Four other Elected Members being one from each Council ward, appointed by Council; and
- d. an Independent qualified person.

Refer Attachment 1

Further, at its meeting on 23 July 2024, Council appointed the Executive Committee as the Chief Executive Officer Selection Panel pursuant to section 98 (4) of the *Local Government Act 1999* for the CEO Recruitment process and provided the Executive Committee with additional scope to its Terms of Reference for the period of the CEO recruitment process. The additional scope is provided in Attachment 2 to this report.

Refer Attachment 2

Report

Councillor O'Donohue has notified Administration of her resignation from the Executive Committee due to her other commitments that now clash with the meetings and leaving a vacancy for a Somerton Ward member.

Under the Terms of Reference of the Committee a Ward Councillor from Somerton is eligible to be fill the vacancy. Therefore, Councillors Smedley and Miller are eligible to be nominated by Council.

It is recommended that the appointment is made for the rest of the Council term.

Budget

There are no budget implications associated with this report.

Life Cycle Costs

There are no life cycle costs associated with this report.

Strategic Plan

Statutory compliance

Council Policy

Executive Committee Terms of Reference

Statutory Provisions

Local Government Act 1999

Written By: Executive Assistant to Chief Executive Officer

Chief Executive Officer: Mr R Bria

Attachment 1



C140223/7343

EXECUTIVE COMMITTEE TERMS OF REFERENCE

1. The Executive Committee is a committee established under section 41 of the Local Government Act 1999.
2. The objective of the Executive Committee is to undertake the annual performance appraisal of the Chief Executive Officer.
3. The functions of the Executive Committee are:
 - a. To recommend to Council the form and process of the Chief Executive Officer's annual performance appraisal;
 - b. To undertake the annual performance appraisal;
 - c. To provide a report and to make recommendations to Council on any matters arising from the annual performance appraisal.
4. The Executive Committee's authority extends to making recommendations to Council and does not have any authority to make decisions in relation to the Chief Executive Officer's employment arrangements.
5. Membership of the Executive Committee comprises:
 - a. The Mayor;
 - b. The Deputy Mayor; and
 - c. Four other Elected Members being one from each Council ward, appointed by Council.
6. The Executive Committee must appoint a Qualified Independent Person to provide independent advice regarding the Chief Executive Officer's performance review. The Qualified Independent Person must have recent and relevant human resource management, business, industrial relations, psychology, or law qualifications and must not be an employment of the City of Holdfast Bay as required under section 102A of the Local Government Act 1999. The Qualified Independent Person is appointed for a term not exceeding the term of Council. On expiry of their term, the Qualified Independent Person may be re-appointed by Council.
7. Members of the Executive Committee are appointed by Council. Elected Members are appointed for the term of Council or as otherwise determined by Council.
8. The Mayor, or in his/her absence, the Deputy Mayor is the Chairperson of the Executive Committee.
9. Meetings are conducted in accordance with Part 3 of *the Local Government (Procedures at Meetings) Regulations 2000*.



C140223/7343

10. Minutes of the Executive Committee meetings will be presented to Council as soon as practicable.
11. Meetings will be open to the public unless sec 90(3) of the *Local Government Act 1999* applies.
12. A quorum comprises 4 members and no business can be transacted unless a quorum is present.
13. Members shall be provided not less than 3 clear days' notice in writing of the time and place of an ordinary meeting of the Executive Committee and 4 hours' notice of the time and place of a special meeting.

Attachment 2

Additional Terms of Reference – Executive Committee (Chief Executive Officer Selection Panel)

The purpose of the Chief Executive Officer (CEO) Selection Panel – (Executive Committee) is to be responsible for the recruitment and selection process for the Chief Executive Officer, to make recommendations to the whole Council (Elected members) on the most meritorious candidate for the position and to ensure that the recruitment and selection process is fair and robust.

The Selection Panel will conduct an assessment process which ensures that applicants' suitability based on merit selection principles, taking into account knowledge, skills, qualifications and experience and potential for future development, is considered against the specific requirements of the vacancy as set out in the selection criteria.

The Executive Committee is delegated the following additional functions for the period until the CEO recruitment is finalised:

- Appointment of a suitably qualified person to assist Council in the recruitment process
- Review and update of CEO Position Description
- Determine the selection criteria for interviewing candidates
- Selection of short listed candidates
- Appoint an interview panel to determine short listed candidates
- Recommend the shortlisted candidates to Council for interview.

Item No: 15.5

Subject: **SOUTHERN REGION WASTE RESOURCE AUTHORITY –
APPOINTMENT OF DEPUTY BOARD MEMBER**

Summary

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the “Constituent Councils”), pursuant to Section 43 of the *Local Government Act 1999*.

The SRWRA Charter 2024 provides for Council to appoint two members to its Board (one of which must be an officer of Council) along with one specific deputy for each Board member or one non-specific deputy for both such Board members.

SRWRA has recommended that two Deputy Members (one Elected Member and one Council Officer) be appointed to ensure business continuity across Board meetings.

Councillor O’Donohue has requested to vacate the position of Deputy Member, and this report seeks for Council to appoint another Councillor to the Deputy Member position.

Recommendation

That Council appoints Councillor _____ as Deputy Member to the Board of SRWRA for the remaining term of Council.

Background

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established in December 1998 by the Cities of Onkaparinga, Marion and Holdfast Bay, pursuant to section 43 of the *Local Government Act 1999*.

SRWRA is responsible for providing and operating waste management services on behalf of the Constituent Councils and ensuring that a long-term waste management strategy exists in the southern region of Adelaide.

SRWRA is overseen by an eight-member Board comprising two appointees from each of the Constituent Councils and an independent expert in business/waste management as Chairperson.

The SRWRA Charter provides for Council to appoint two members to its Board (one of which must be an officer of Council) along with one specific deputy for each Board member or one non-specific deputy for both such Board members.

Refer Attachment 1

Board Members are appointed for a term determined by Council.

Report

At the commencement of the current Council term, Councillor Smedley and Mr Roberto Bria were appointed to the Board of the Southern Region Waste Resource Authority for the term of Council. Councillor O'Donohue was appointed as the Deputy Board member representing Council. Ms Pamela Jackson is the current Deputy Board member representing council Administration.

Councillor O'Donohue has requested to vacate the position of Deputy Member due to her other commitments that now clash with the scheduled meetings. This report seeks for Council to appoint another Councillor to the Deputy Member position.

With the retirement of the Chief Executive Officer, the City of Holdfast Administration members will also need to be reviewed. This will be the subject of a further report, in the meantime Pamela Jackson will continue as a Deputy Member.

Budget

There are no budget implications associated with this report.

Life Cycle Costs

There are no life cycle costs associated with this report.

Strategic Plan

Sustainability – A city, economy and community that is resilient and sustainable.

Council Policy

Not applicable

Statutory Provisions

Local Government Act 1999

Written By: Executive Assistant to the Chief Executive Officer

Chief Executive Officer: Mr R Bria

Attachment 1

SOUTHERN REGION WASTE RESOURCE AUTHORITY
REGIONAL SUBSIDIARY
LOCAL GOVERNMENT ACT 1999
Charter 2024

PART I: GENERAL

1. INTRODUCTION

1.1 *Name*

The name of the subsidiary is Southern Region Waste Resource Authority (referred to as '*the Authority*' in this Charter).

1.2 *Definitions*

- 1.2.1 **absolute majority** means a majority of the whole number of the Board members or of the Constituent Councils as the case may be;
- 1.2.2 **Act** means the *Local Government Act 1999*;
- 1.2.3 **Board** means the board of management of the Authority;
- 1.2.4 **Budget** means a budget consistent with Clause 6.5 and last adopted by the Board
- 1.2.5 **Constituent Councils** means the Councils identified at Clause 2.1 of this Charter;
- 1.2.6 **Gazette** means the *South Australian Government Gazette*;
- 1.2.7 **net assets** means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority together with the net present value of the projected future cash inflows net of cash outflows of the remaining useable airspace over the SRWRA Landfill Operation as licensed by the Environment Protection Authority;
- 1.2.8 **simple majority** means a majority of those present and entitled to vote;
- 1.2.9 **SRWRA Landfill Operation** means that land which is held by the Authority under certificates of title volume 5822, folio 967; volume 5822, folio 966; volume 5822, folio 965; volume 5299, folio 719; volume 5299, folio 720; volume 6199, folio 621 and volume 6217, folio 132;
- 1.2.10 **waste** means any or all waste as approved under the Environment Protection Act licence held by the Authority or its contractor.

PART II: GOVERNANCE

2. THE AUTHORITY

2.1 *Establishment and Charter*

- 2.1.1 The Authority is a regional subsidiary established pursuant to Section 43 of and Schedule 2 to the Act by the:
- 2.1.1.1 City of Holdfast Bay;
- 2.1.1.2 City of Marion; and
- 2.1.1.3 City of Onkaparinga.
- 2.1.2 This Charter may be amended at any time by unanimous decision (expressed by resolution) of the Constituent Councils.
- 2.1.3 Before the Constituent Councils vote on a proposal to alter this Charter, they must take into account any recommendations of the Board.
- 2.1.4 For the purposes of Clause 19(5)(b) of Schedule 2 to the Act, the Chief Executive Officers of the Constituent Councils have determined that a copy of the Charter, must be published on the website of the Authority.
- 2.1.5 This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

2.2 *Objects and Purposes*

- 2.2.1 The Authority is established to:
- 2.2.1.1 provide and operate services at a place or places for the management of waste by or on behalf of the Constituent Councils and/or any other approved councils;
- 2.2.1.2 undertake anything relevant (including educational programmes and processes) to the management of waste;
- 2.2.1.3 provide a forum for discussion and/or research for the ongoing improvement of management of waste;
- 2.2.1.4 undertake management of waste on behalf of the Constituent Councils on a competitive basis;
- 2.2.1.5 fulfil, on behalf of the Constituent Councils, any ongoing obligation in relation to rehabilitation and monitoring of waste management facilities under its control;
- 2.2.1.6 secure best value and value for money in waste management activities and services;
- 2.2.1.7 develop or facilitate activities or enterprises that result in a beneficial use of waste;
- 2.2.1.8 be financially self-sufficient;
- 2.2.1.9 develop or facilitate activities or enterprises that result in a beneficial use of the landfill site or infrastructure;
- 2.2.1.10 keep the Constituent Councils informed about relevant emerging opportunities, trends or issues in waste management; and
- 2.2.1.11 have regard in the performance of its functions to sustainable, environmentally efficient practices with regard to waste management
- 2.2.2 The Authority must in the performance of its role and functions and in all of its plans, policies and activities:
- 2.2.2.1 operate in a sustainable manner by giving due weight to economic, social and environmental considerations; and
- 2.2.2.2 conduct its activities in compliance with all regulatory requirements and in a manner that minimises risk to the Constituent Councils.

2.3 *Powers and Functions of the Authority*

Subject to this Charter, the Authority may exercise the following powers in the performance or discharge of its objects and purposes:

- 2.3.1 the accumulation of surplus funds including for investment purposes;
- 2.3.2 investing any of the funds of the Authority in any investment authorised by the *Trustee Act 1936*, or with the Local Government Finance Authority provided that:
 - 2.3.2.1 in exercising this power to invest the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 2.3.2.2 the Authority must avoid investments that are speculative or hazardous in nature;
- 2.3.3 setting aside a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
- 2.3.4 borrowing money and/or to incurring expenditure in accordance with Clause 6.2 of this Charter;
- 2.3.5 opening and operating bank accounts;
- 2.3.6 entering into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any personal property or interests therein;
- 2.3.7 purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any real property or interests therein, provided that it is a condition precedent, that in any such transaction where the Authority will incur a singular or a total liability of \$1,000,000 or more that unless the liability is included in the Budget; the prior written approval of two-thirds of the Constituent Councils is obtained;
- 2.3.8 participating in a joint venture, trust, partnership or similar for the purpose of engaging in a commercial activity or enterprise;
- 2.3.9 appointing, managing, suspending and dismissing the Chief Executive Officer of the Authority;
- 2.3.10 engaging retaining, and dispensing with the services of professional advisers to the Authority;
- 2.3.11 charging whatever fees, the Authority considers appropriate for services rendered to any person, body or Council;
- 2.3.12 making any election for the purpose of any tax or statutory charge;
- 2.3.13 determining the types of waste which shall be received and the method of collection, treatment, recycling and disposal of that waste;
- 2.3.14 undertaking all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste;
- 2.3.15 pursuing the concept of co-operative regionalism in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible
- 2.3.16 causing all waste collected by the Authority to be treated, recycled and disposed of in a sanitary and environmentally acceptable way;
- 2.3.17 providing a forum for the discussion and consideration of topics related to the Constituent Councils' obligations and responsibilities in respect of waste;
- 2.3.18 adopting and using a trading name provided that the Authority shall first register the trading name with the Australian Securities and Investment Commission;
- 2.3.19 commencing legal proceedings provided that any legal proceedings seeking urgent relief be the subject of an urgent report to the Constituent Councils by the Chief Executive Officer;
- 2.3.20 without limiting the Authority's powers and functions, making submissions to and negotiating with the Federal Government, State Government and other sources of grant funding in relation to the provision and receipt of funding for the Authority; and
- 2.3.21 anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers and, functions or the attainment of its objects and purposes.

2.4 *National Competition Policy*

If the Authority engages in any commercial activity or enterprise which constitutes a significant business activity of the Authority, it will, where necessary and having regard to a cost/benefit analysis, apply relevant principles of competitive neutrality to that activity.

2.5 *Acting Outside Areas of Constituent Councils*

The Authority may undertake its activities outside the areas of the Constituent Councils in accordance with the Act but only where such activities have been approved by the Constituent Councils as being necessary or expedient to the performance by the Authority of its functions and the activity is included in the annual business plan of the Authority.

2.6 *Delegation by the Authority*

The Authority may delegate any of its powers except those to:

- 2.6.1 impose charges;
- 2.6.2 enter into transactions in excess of \$250,000
- 2.6.3 subject to this Charter, borrow money or obtain any other form of financial accommodation;
- 2.6.4 approve expenditure of money on the works, services or operations of the Authority not set out in the Budget or where required by this Charter, approved by the Constituent Councils;
- 2.6.5 approve the payment of allowances to members of the Board;
- 2.6.6 adopt or revise an annual business plan or Budget or any financial estimates and reports; and
- 2.6.7 make any application or recommendation to the Minister.

2.7 *Committees*

- 2.7.1 The Board may establish a committee comprised of any persons to deal with any matter within the Authority's functions and as detailed in the terms of reference adopted by the Board for the committee.
- 2.7.2 The Board may delegate powers and functions to a committee.

2.7.3 A member of a committee established under this Clause holds office at the pleasure of the Board.

2.7.4 The Chair of the Board is an ex-officio a member of any committee established by the Board.

3. CONSTITUENT COUNCILS

3.1 *Withdrawal*

3.1.1 A Constituent Council may not withdraw from the Authority except with the approval of the Minister and subject to the Act and this Charter.

3.1.2 A Constituent Council which intends to withdraw from the Authority shall give to the Board and the other Constituent Councils written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of twenty-four months' notice expiring on 30 June of the relevant financial year.

3.1.3 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of the financial year in which such withdrawal occurs.

3.1.4 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after such withdrawal in respect of any act or omission by the Authority prior to such withdrawal. For the avoidance of doubt, any and all costs associated with closure processes (including but not limited to capping and post-closure monitoring and necessary actions) of a waste cell or the landfill site generally is a liability incurred before the withdrawal of a Constituent Council and is, therefore, a continuing liability for the purposes of this Clause.

3.1.5 Payment by or to the withdrawing Constituent Council must be fully paid by 30 June of the financial year following 30 June of the year in which the withdrawal occurs unless there is agreement of alternative payment arrangements made by the Constituent Councils.

3.2 *New Members*

Subject to the provisions of the Act, the Constituent Councils may unanimously agree to admit a new Constituent Council or Councils, to membership of the Authority, with or without conditions.

3.3 *Direction by Constituent Councils*

To be effective, a direction of the Constituent Councils for the purposes of Clause 26 of Schedule 2 to the Act must be evidenced by a minute signed by the Chief Executive Officer of each of the Constituent Councils and provided to the Chief Executive Officer of the Authority, as a true and accurate record of the decision made by the delegate or at the relevant Council meeting.

4. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by the Board, which has the responsibility to manage the business and other affairs of the Authority in accordance with this Charter and any delegations made to it by the Constituent Councils.

4.1 *Functions of the Board*

4.1.1 The formulation of strategic plans and strategies aimed at improving the business of the Authority.

4.1.2 To provide professional input and policy direction to the Authority.

4.1.3 Monitoring, overseeing and measuring the performance of the Chief Executive Officer of the Authority.

4.1.4 Implementing effective risk management policies, practices, procedures and strategies, including by ensuring the protection of assets under the care and control of the Authority.

4.1.5 Ensuring that a code of ethical behaviour and integrity is established and implemented in all business dealing of the Authority.

4.1.6 Developing business plans.

4.1.7 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

4.1.8 Observing all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils.

4.1.9 Ensuring that all information furnished to a Constituent Council is accurate.

4.1.10 Ensuring that the Constituent Councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due.

4.2 *Membership of the Board*

4.2.1 The Board shall consist of eight members appointed as follows:

4.2.1.1 two persons appointed by each Constituent Council, one of whom must be a senior officer of the Constituent Council making the appointment;

4.2.1.2 two persons appointed jointly by the Constituent Councils who are not members or officers of a Constituent Council but who, in the opinion of the Constituent Councils, have expertise in waste management and/or business. These persons will be chosen from a list of persons circulated to the Constituent Councils and appointed by a panel comprising the Chief Executive Officer (or nominee) and one other person from each Constituent Council nominated by the Chief Executive Officer.

4.2.2 With the exception of the persons appointed pursuant to subclause 4.2.1.2, a Board Member shall, subject to this Charter, be appointed for a term not exceeding the term determined by the Constituent Council and specified in the instrument of appointment and at the expiration of the term of office will be eligible for re-appointment.

4.2.3 The maximum term of service for Board Members appointed pursuant to subclause 4.2.1.2 should not exceed 10 years.

4.2.4 The Constituent Councils may appoint either a specific Deputy for each Board Member appointed pursuant to subclause 4.2.1.1 or one non-specific Deputy for both such Board Members and a second Deputy to that Deputy. In the absence of a Board Member, the specific Deputy or the non-specific Deputy will be deemed to be the Board Member for that time or, where a non-specific Deputy and second Deputy have been appointed and both Board Members are absent then both Deputies will be deemed to be the Board Members for that time, exercising all of the rights and privileges and being subject to all of the obligations and liabilities of the Board Member(s) during the absence of the Board Member(s).

- 4.2.5 The Constituent Councils should give consideration to the skills that may be required for the Board to operate effectively when making Board appointments.
- 4.2.6 In addition to the circumstances provided for under Clause 20(3) of Schedule 2 to the Act, the office of a Board Member will become vacant upon:
- 4.2.6.1 the Constituent Council (or Constituent Councils as the case may be) responsible for appointing the Board Member providing written notice to the Board Member and the Board of the Constituent Council's (or Constituent Councils') decision to remove the Board Member from office. The Board Members appointed under subclause 4.2.1.2, can only be removed from office by a unanimous decision of the Constituent Councils; or
- 4.2.6.2 if the Board Member is an elected member or officer of a Constituent Council, upon ceasing to be either an elected member of or an employee of the Constituent Council as the case may be; or
- 4.2.6.3 if the Board Member has been appointed pursuant to subclause 4.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 4.2.7 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 4.2.7) make a recommendation to the relevant Constituent Council requesting the Constituent Council to terminate the appointment of a Board Member that it has appointed under subclause 4.2.1.1 or, to all of the Constituent Councils to terminate the appointment of a Board Member appointed under subclause 4.2.1.2 for:
- 4.2.7.1 any behaviour of the Board Member which, in the opinion of the Board, amounts to impropriety and includes, but is not limited to, a breach of the Member's obligations under the Act;
- 4.2.7.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
- 4.2.7.3 breach of fiduciary duty to the Authority;
- 4.2.7.4 breach of the duty of confidentiality to the Authority; or
- 4.2.7.5 any other behaviour which, in the opinion of the Board, may discredit the Authority.
- 4.2.8 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment for the balance of the term of the original appointment.
- 4.2.9 The Board Member appointed pursuant to subclause 4.2.1.2 shall be eligible for an allowance from the funds of the Authority as the Board shall determine from time to time.
- 4.3 *Propriety of Members of the Board*
- 4.3.1 Whilst all Board Members must comply with their statutory obligations under the Act, only the Board Members appointed pursuant to subclause 4.2.1.2 are required to comply with Division 2, Part 4 (Register of Interests) of Chapter 5 of the Act.
- 4.4 *Chair of the Board*
- 4.4.1 The Chair of the Board shall be a person appointed pursuant to subclause 4.2.1.2 and shall hold office for a term of three years, unless he/she resigns, is removed from office pursuant to subclause 4.2.6 or, is otherwise no longer eligible to act as a Board Member.
- 4.4.2 Subject to Clause 4.2.3, the Chair is eligible for re-appointment at the expiration of the term of office. The decision regarding re-appointment is made by the panel formed pursuant to subclause 4.2.1.2.
- 4.4.3 The Board will choose a person appointed pursuant to subclause 4.2.1.1 or 4.2.1.2 to be the Deputy Chair of the Board for a term determined by the Board.
- 4.4.4 In the event of the Chair being absent from a meeting, the Deputy Chair shall preside and in the event of both the Chair and the Deputy Chair being absent from a meeting, the Board Members present shall appoint a person from amongst themselves to chair the meeting.
- 4.4.5 In the event that the Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of their term, the Deputy Chair shall hold office until a further appointment is made pursuant to subclause 4.2.1.2 whereupon the person so appointed will hold office for the duration of the original appointment. The Deputy Chair is not entitled to any allowance that is paid to the Chair whilst acting in the office of the Chair.
- 4.5 *Meetings of the Board*
- 4.5.1 Subject to the requirements of Schedule 2 to the Act, this Charter and any direction of the Constituent Councils, the Board must determine its own meeting procedures for the proceedings and conduct of all Board meetings and set them out in a Code of Practice for Meetings which shall be reviewed every two years.
- 4.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Chief Executive Officer of the Authority from time to time. There shall be at least six ordinary meeting of the Board held in each financial year. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all of the Board Members present at the meeting which determines the issue.
- 4.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority.
- 4.5.4 Notice of ordinary meetings of the Board must be given by the Chief Executive Officer to each Board Member in the same manner as notice is given by a Chief Executive Officer of a council for an ordinary meeting of a council and for these purposes Section 83 of the Act extends to the Authority as if it were a council.
- 4.5.5 Any Constituent Council or Board Member may by delivering a written request to the Chief Executive Officer of the Authority require a special meeting of the Board to be held. The request will only be valid if it is accompanied by the agenda for the special meeting. On receipt of the request the Chief Executive Officer shall send a notice of the special meeting to all Board Members at least 24 hours prior to the commencement of the special meeting. Such notice shall comply with subclauses 4.5.7 and 4.5.9 of this Charter.
- 4.5.6 The quorum for a meeting of the Board is one-half of the members in office, ignoring any fraction plus one.
- 4.5.7 Each Board Member present at a Board Meeting, excluding the Chairperson, is entitled to vote on a matter. All matters for decision at a meeting of the Board will be decided by a simple majority of votes of the Board Members present and entitled to vote on the matter except where this Charter provides otherwise. In the event that the votes are equal the Chairperson may exercise a casting vote.

- 4.5.8 Subject to complying with their statutory obligations, all Board Members present at a meeting shall vote.
- 4.5.9 Chapter 6, Part 3 of the Act does not apply to the Authority. Meetings of the Board will not be open to the public unless the Board otherwise resolves.
- 4.5.10 Each Board Member must be supplied with a copy of all minutes of the proceedings of a meeting within five days of the meeting.
- 4.5.11 Prior to the conclusion of each meeting of the Board, the Board must identify which agenda items considered by the Board at that meeting will be the subject of an information report to the Constituent Councils.

PART III: BUSINESS & FINANCIAL REQUIREMENTS

5. STAFF

- 5.1 The Board must appoint a Chief Executive Officer of the Authority to manage the business of the Authority on terms determined by the Board, acting reasonably. The Chief Executive Officer may be a natural person or a body corporate.
- 5.2 The Chief Executive Officer shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter.
- 5.3 In the absence or likely absence of the Chief Executive Officer for any period exceeding two weeks, a suitable person to act in the position of Chief Executive Officer of the Authority must be appointed by the Chief Executive Officer after consultation with the Chair or, in default, by the Chair.
- 5.4 The Chief Executive Officer is responsible for the day to day management of the Authority and will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 5.5 The functions of the Chief Executive Officer shall be specified in the terms and conditions of appointment and shall include but not be limited to:
 - 5.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 5.5.2 ensuring that lawful decisions of the Board are implemented in a timely and efficient manner;
 - 5.5.3 providing information to assist the Board to assess the Authority's performance against its Strategic and business plans;
 - 5.5.4 appointing, managing, suspending and dismissing other employees of the Authority;
 - 5.5.5 determining the conditions of employment of employees of the Authority, within budgetary constraints set by the Board;
 - 5.5.6 providing advice and reports to the Board on the exercise and performance of the powers and functions under this Charter or any Act;
 - 5.5.7 ensuring that the Authority is at all times complying with all relevant statutory obligations;
 - 5.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
 - 5.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 5.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 5.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Chief Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board;
 - 5.5.12 achieving financial outcomes in accordance with adopted plans and the Budget of the Authority;
 - 5.5.13 inviting any person to attend at a meeting of the Board to act in an advisory capacity; and
 - 5.5.14 providing reports to the Constituent Councils in accordance with subclause 4.5.11.
- 5.6 The Chief Executive Officer may delegate or sub-delegate to an employee of the Authority any power or function vested in the Chief Executive Officer or, in the case of a sub-delegation, any power delegated to the office by the Board. A delegation or sub-delegation by Chief Executive Officer may be subject to any conditions or limitations as determined by the Chief Executive Officer.
- 5.7 A written record of all delegations and sub-delegations must be kept by the Chief Executive Officer.
- 5.8 The Chief Executive Officer and any other officer declared by the Board to be subject to this provision is required to comply with Division 2 of Part 4 of Chapter 7 (Register of Interests) of the Act. Section 118 (Inspection of Register) of the Act and Section 119 (Restrictions on disclosure) of the Act will apply in respect of the returns furnished by officers of the Authority.

6. MANAGEMENT

- 6.1 *Financial Management*
 - 6.1.1 The Authority must ensure that appropriate policies, practices and procedures of internal control are implemented and maintained in order to assist it to carry out its activities in an efficient and orderly manner to achieve its objectives, to ensure adherence to management policies, to safeguard its assets and to secure (as far as possible) the accuracy and reliability of its records.
 - 6.1.2 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
 - 6.1.3 Any cheques must be signed by two persons authorised by resolution of the Board. Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Board.
 - 6.1.4 The Chief Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board.
 - 6.1.5 The Authority's books of account are available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
- 6.2 *Borrowings and Expenditure*
 - 6.2.1 The Authority has the power to incur expenditure and/or to borrow money:
 - 6.2.1.1 in accordance with the Budget of the Authority; or
 - 6.2.1.2 pursuant to the provisions of subclauses 2.3.4 and 6.2.4 of this Charter; or

- 6.2.1.3 with the prior approval of two-thirds of the Constituent Councils for amounts which do not exceed 25% of the value of the net assets of the Authority and with the prior approval of all the Constituent Councils for other amounts, which approval must be evidenced by formal resolution of the Councils, or
- 6.2.1.4 otherwise for genuine emergency or hardship.
- 6.2.2 For the purpose of exercising the powers at Clause 6.2.1 of this Charter the Authority may borrow money from the Local Government Finance Authority or from a registered bank or financial institution within Australia.
- 6.2.3 For the purposes of Clause 6.2.2 but subject to this Charter borrowings of the Authority:
- 6.2.3.1 must not be used for the purpose of funding operational costs; and
- 6.2.3.2 where the borrowings are undertaken with the prior approval of the Constituent Councils, must be drawn down within a period of twenty-four months from the date of approval.
- 6.2.4 The Authority may operate an overdraft facility or facilities as required provided that the overdrawn balance must not exceed \$100,000 or the amount set out in the annual business plan, whichever is the greater, without the prior approval of two-thirds of the Constituent Councils.
- 6.3 *Audit*
- 6.3.1 The Authority shall appoint an auditor in accordance with the *Local Government (Financial Management) Regulations 2011*, on terms and conditions set by the Board.
- 6.4 *Strategic Plan*
- The Authority shall:
- 6.4.1 prepare a five-year Strategic Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; and
- 6.4.2 review the Strategic Plan annually; and
- 6.4.3 consult with the Constituent Councils prior to adopting or amending the Strategic Plan.
- 6.5 *Annual Business Plan and Budget*
- 6.5.1 The Authority shall, after 31 May but before the end of June in each financial year, prepare and adopt an annual business plan and Budget for the ensuing financial year in accordance with the Act.
- 6.5.2 The draft annual business plan and the draft Budget must be referred to the Constituent Councils with sufficient time to receive any comments from the Councils for consideration by the Board at the time it is considered by the Board for adoption.
- 6.5.3 For the purposes of subclause 6.5.2, a Constituent Council may comment in writing to the Chief Executive Officer on the draft annual business plan and draft Budget but may only do so at least five business days before the Board meeting at which it will be considered
- 6.5.4 The Authority must provide a copy of its annual business plan and Budget to the Constituent Councils within five business days after adoption by the Board.
- 6.5.5 Reports summarising the financial position and performance of the Authority against the annual business plan and the Budget shall be prepared and presented to the Board every three calendar months and copies provided to the Constituent Councils within five days of the Board meeting to which they have been presented.
- 6.6 *Reporting*
- 6.6.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding financial year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports required by the Constituent Councils.
- 6.6.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year.
- 7. MISCELLANEOUS**
- 7.1 *Equitable Interest*
- 7.1.1 Subject to subclause 7.1.2 the equitable interest of the Constituent Councils in the Authority is agreed as follows:
- 7.1.1.1 City of Holdfast Bay: 15%.
- 7.1.1.2 City of Marion: 30%.
- 7.1.1.3 City of Onkaparinga: 55%.
- 7.1.2 The equitable interests of the Constituent Councils in the Authority as set out at subclause 7.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new Constituent Council or Councils is admitted to or an existing Constituent Council withdraws from the Authority pursuant to Clause 3.1.
- 7.2 *Insurance Requirements*
- 7.2.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.
- 7.2.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 7.2.3 The Authority must register with the Local Government Workers Compensation Scheme and comply with the Rules of that Scheme.
- 7.3 *Winding Up and Statutory Guarantee*
- 7.3.1 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or become the responsibility of the Constituent Councils in the same proportion as their equitable interest in the Authority in accordance with subclause 7.1.
- 7.3.2 If there are insufficient funds to pay all expenses due by the Authority on winding up (or at any other time there are unfunded liabilities which the Authority cannot meet), the Constituent Councils must financially contribute in proportion to their equity share for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.

7.4 *Common Seal*

- 7.4.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by two Board Members or where authority has been conferred by instrument executed under the common seal of the Authority, by the Chair of the Board and the Chief Executive Officer.
- 7.4.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.
- 7.4.3 The Chief Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.

8. DISPUTE RESOLUTION

8.1 About this Clause:

- 8.1.1 The procedure in this Clause must be applied to any dispute that arises between the Authority and a Constituent Council concerning the affairs of the Authority, or between Constituent Councils concerning the affairs of the Authority, including as to the meaning or effect of this Charter.
- 8.1.2 The Authority and a Constituent Council must continue to observe and perform this Charter despite the dispute.
- 8.1.3 This Clause does not prejudice the right of a party:
 - 8.1.3.1 to require the continuing observance and performance of this Charter by all parties; or
 - 8.1.3.2 to institute proceedings to enforce payment due under this Charter or to seek injunctive relief to prevent immediate and irreparable harm.
- 8.1.4 Subject to this Clause, a dispute must not be the subject of legal proceedings between any of the parties in dispute. If legal proceedings are initiated or continued in breach of this provision, a party to the dispute is entitled to apply for and be granted an order of the court adjourning those proceedings pending completion of the procedure set out in this Clause.

8.2 **Dispute Resolution Process**

- 8.2.1 The Constituent Councils and the Authority agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 8.2.2 A party to the dispute must promptly notify each other party to the dispute:
 - 8.2.2.1 of the nature of the dispute, giving reasonable details; and
 - 8.2.2.2 what action (if any) the party giving notice thinks will resolve the dispute; but a failure to give such notice does not entitle any other party to damages.
- 8.2.3 Upon receipt of a notice under subclause 8.2.2, the parties to a dispute may agree to refer the dispute for mediation by a mediator agreed by the parties or, if no agreement can be reached, a mediator nominated by the then President of the of the South Australian Bar Association (or equivalent officer of any successor organisation). The cost of any mediation are to be borne by the parties to the dispute in equal shares.
- 8.2.4 Where the parties are unable to resolve a matter (including by way of any mediation process) within ninety (90) days of the matter being presented to them, the matter will be referred for arbitration in accordance with this Clause 8.2.
- 8.2.5 There must be only one arbitrator who must be a natural person agreed by the parties or, if they cannot agree within fourteen business days, an arbitrator nominated by the then Chairperson of the Resolution Institute.
- 8.2.6 The role of the arbitrator is to resolve the dispute and make decisions binding on the parties; The arbitration must take place in a location in Adelaide determined by the arbitrator.
- 8.2.7 A party must cooperate in arranging and expediting arbitration.
- 8.2.8 A party must send to the arbitration a senior manager with authority to resolve the dispute.
- 8.2.9 The parties may provide evidence and given written and verbal submissions to the arbitrator within the time set by the arbitrator.
- 8.2.10 The arbitrator must:
 - 8.2.10.1 consider the evidence and submissions, decide the dispute; and
 - 8.2.10.2 give written reasons to each party.
- 8.2.11 Subject to this Clause, the arbitration must take place in accordance with the provisions of the *Commercial Arbitration Act 2011* or subject to this Clause, the arbitrator must fix the rules of arbitration.
- 8.2.12 The costs and expenses of the arbitrator and of each party must be borne as the arbitrator decides.

9. CIRCUMSTANCES NOT PROVIDED FOR

If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

Dated: 6 June 2024

CHRIS ADAMS
Chief Executive Officer

Item No: 15.6

Subject: **CALL FOR NOMINATIONS - SA FLOOD WARNING CONSULTATIVE COMMITTEE**

Summary

The Local Government Association (LGA) is seeking nominations for one local government representative on the SA Flood Warning Consultative Committee for a two-year term until October 2026. The representative must be a currently serving council member or employee of a council or other local government entity (unless otherwise determined by the LGA Board of Directors). can either be an officer of a council or an elected member.

Nominees need to have their nomination endorsed by Council prior to submission to the LGA. If Council does not have a nominee, it may just note the report. Nominees should consider the selection criteria of the position as outlined on the Call for Nominations Information Sheet.

Recommendation

That Council:

1. notes the report

OR

2. nominates _____ for consideration by the Local Government Association to be nominated for the SA Flood Warning Consultative Committee.

Background

The SA Flood Warning Consultative Committee (Committee) is a non-statutory committee with the primary purpose of providing oversight of the flood warning services the Bureau of Meteorology provides in South Australia.

The role of the South Australian Flood Warning Consultative Committee is to coordinate the development and operation of flood forecasting and warning services in South Australia. It acts as an advisory body to the Bureau and participating state and local government agencies.

The issue of flood and stormwater management is an important issue to the local government sector. The local government sector has been involved with the Committee since its establishment in the early 1990s, most recently with an LGA staff member sitting on the Committee.

Report

The Local Government Association (LGA) is seeking nominations to fill one position for the SA Flood Warning Consultative Committee.

To be eligible to nominate, you must have local government knowledge and experience, skills in project management, community engagement and experience in asset management, particularly flood and water management for local government.

There are generally two meetings per year, which are usually held in March and October at the SA Bureau Office, 431 King William Street, Adelaide or online. This is a non-remunerated committee position.

The Call for Nominations Information Sheet provides further information about the role and selection criterion to be addressed by the nominee. A current curriculum vitae must also be supplied by the nominee.

Refer Attachment 1

Pursuant to the LGA Appointments and Nominations to Outside Bodies Policy, only nominations submitted by a council, following a resolution of Council, will be considered.

Council is required to complete the nomination form and forward to the Nominations Coordinator by 5.00pm **Friday 6 September 2024**.

Refer Attachment 2

Budget

Not applicable

Life Cycle Costs

Not applicable

Strategic Plan

Not applicable

Council Policy

Not applicable

Statutory Provisions

Not applicable

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

Attachment 1

SA Flood Warning Consultative Committee — Call for Nominations

Governing Statute (as applicable)	Non statutory
Purpose/Objective	The primary functions of the SA Flood Warning Consultative Committee is to have oversight of the flood warning services the Bureau of Meteorology provides in South Australia.
Administrative Details	Nominees serve a 2-year term Generally 2 meetings per year Non-remunerated position
Selection Criteria (to be addressed by applicant)	<ul style="list-style-type: none"> • Practical knowledge of and experience in local government • experience in asset management, particularly flood and water management for local government • skills in project management and community engagement.
Liability and indemnity cover	<i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i>

For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2000

Attachment 2

SA Flood Warning Consultative Committee — Nomination Form

Instructions

This form:

- Must be submitted by a council
- Must be emailed in PDF format to nominationscoordinator@lga.sa.gov.au
- Receipt of nomination will be acknowledged by return email
- CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially

This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).

SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.

Please refer to the *Call for Nominations* information sheet (PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

SECTION 1: COUNCIL to complete

SA Flood Warning Consultative Committee		
Council Details		
Name of Council submitting the nomination		
Contact details of council officer submitting this form	Name:	
	Position:	
	Email:	
	Phone:	
Council meeting date and minute reference		
Nominee Full Name		
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>		
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>		

SECTION 2: NOMINEE to complete

SA Flood Warning Consultative Committee

Nominee Details

* Denotes a Mandatory Field. The information in this form is provided by the LGA to the relevant Minister/State Government Authority for the purposes of actioning an appointment to an outside body. Successful Nominees may be contacted directly by the relevant body using the information provided in this form.

First Name:*		Gender	
Middle Name:*			
Surname:*			
Home / Personal Postal Address:*			
Phone:		Mobile:	
Personal Email:			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable) <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/> If Yes, please list any fields of interest or Outside Bodies of interest: • • •			
Undertaking: <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input type="checkbox"/> No <input type="checkbox"/> Signature of Nominee: _____			