

NOTICE OF MEETING

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

**Council Chamber – Glenelg Town Hall
Moseley Square, Glenelg**

Tuesday 12 July 2022 at 7.00pm



**Roberto Bria
CHIEF EXECUTIVE OFFICER**



Ordinary Council Meeting Agenda

1. OPENING

The Deputy Mayor will declare the meeting open at 7:00pm.

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. 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 – Mayor Wilson

5.2 Absent

6. ITEMS PRESENTED TO COUNCIL

7. DECLARATION OF INTEREST

If a Council 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 28 June 2022 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 - Nil**

11. MEMBER'S ACTIVITY REPORTS - Nil**12. MOTIONS ON NOTICE**

12.1 Speed Trailers – Councillor Clancy (Report No: 225/22)

12.2 25km/h Speed Limit near Schools and Childcare Centres – Councillor Clancy (Report No: 228/22)

12.3 Alwyndor as Community Land – Councillor Clancy (Report No: 226/22)

12.4 Holdfast Bay Community Centre as Community Land – Councillor Clancy (Report No: 227/22)

13. ADJOURNED MATTERS - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES**

14.1 Information Report – Southern Region Waste Resource Authority Board Meeting – 6 June 2022 (Report No: 237/22)

14.2 Draft Minutes – Alwyndor Management Committee – 26 May 2022 (Report No: 240/22)

14.3 Southern Region Waste Resource Authority Charter Review 2022 (Report No: 244/22)

15. REPORTS BY OFFICERS

15.1 Items in Brief (Report No: 224/22)

15.2 Anti-Racism and Inclusion Policies (Report No: 241/22)

15.3 New Policy – Coastal Vegetation Management (Report No: 239/22)

15.4 Significant/Regulated Tree Removal - Aboyne Avenue, Seacliff Park (Report No: 242/22)

15.5 Call for Nominations - Greater Adelaide Regional Organisation of Councils Members (Report No: 243/22)

15.6 Dissolution of Council Committee (Report No: 245/22)

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.

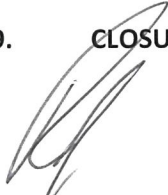
17. URGENT BUSINESS – Subject to the Leave of the Meeting**18. CONFIDENTIAL ITEMS**

18.1 Proposed Sale of Land (Report No: 238/22)

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 consider the

- b. Information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest.
- d. Commercial information of a confidential nature (not being a trade secret) the disclosure of which 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 would, on balance, be contrary to the public interest.

19. CLOSURE



ROBERTO BRIA
CHIEF EXECUTIVE OFFICER

Item No: 12.1

Subject: **MOTION ON NOTICE – SPEED TRAILERS – COUNCILLOR CLANCY**

Date: 12 July 2022

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That Council purchase two additional trailers with speed indicators to alert drivers to the speed at which they are travelling.

BACKGROUND

Residents have advised that they believe that the signage is a good reminder to drivers to adhere to the speed on our local roads. I have had many requests over the last years by residents asking for the speed indicator trailer be put in their street for a week. I understand that the cost is approximately \$28,000 and considering Council was considering expending considerable funds on investigating implementing 40kph this provides equal opportunity for residents in all areas not restricted to west of Brighton Road.

Item No: 12.2

Subject: **MOTION ON NOTICE – 25KM/H SPEED LIMIT NEAR SCHOOLS AND CHILD CARE CENTRES – COUNCILLOR CLANCY**

Date: 12 July 2022

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That Council investigate having 25km/h on local roads which abut schools, kindergartens and child care centres. It is envisaged that it would be 25km/h at all times for the whole of each road abutting the education facility.

BACKGROUND

I have received many complaints about the speed of drivers in approaching such facilities. This would also be an opportunity to use the speed signage trailers to alert drivers to the speed at which they are travelling prior to involving police involvement.

Item No: 12.3

Subject: **MOTION ON NOTICE – ALWYNDOR AS COMMUNITY LAND – COUNCILLOR CLANCY**

Date: 12 July 2022

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That Council include Alwyndor land as community land.

BACKGROUND

Alwyndor is very important to our residents and highly valued service. It is important that residents be consulted in the event that Council determines to sell the property. This provides some protection to Alwyndor into the future. Residents would certainly expect to be consulted on such a decision. In the past discussions about selling Alwyndor have been in confidence and this does not allow frank and open discussions with our community.

ADMINISTRATION COMMENT

Alwyndor Aged Care Facility site was excluded from the Community Land Register following a resolution of Council and subsequent Gazettal notice on 19 December 2002, along with a number of other sites in the City of Holdfast Bay. The decision at the time was informed by the outcomes of a public consultation process. However, there are also several matters which would require clarification prior to Council considering this motion.

These include the potential implications of the Trust Deed as it relates to Community Land (as yet unknown), the ability of the Trustees (i.e. the Elected Members of the City of Holdfast Bay) to make a decision to classify the land as Community Land, and if the Trust Deed allows such a classification. Also impacting this matter is the current status of Alwyndor land ownership i.e. it is a mix of City of Holdfast Bay owned and Trust owned parcels of land on separate titles and the implications of this when contemplating Community Land.

The final matter impacting this motion is that Alwyndor has recently sought advice regarding its Charitable Status following queries from the Australian Charities and Not-for-profits Commission (ACNC). We are awaiting response from the ACNC and do not have a timeline for this matter.

Item No: 12.4

Subject: **MOTION ON NOTICE – HOLDFAST BAY COMMUNITY CENTRE AS COMMUNITY LAND – COUNCILLOR CLANCY**

Date: 12 July 2022

PROPOSED MOTION

Councillor Clancy proposed the following motion:

That Council include Holdfast Bay Community Centre as community land.

BACKGROUND

This land was negotiated with Minister Wotton on the unwritten understanding that it would always be for the community. Residents have frequently asked about the status of this land and have been surprised when advised that it is not on the Community Land Register. It is important to recognise agreements even if not confirmed in writing. I can assure you as can previous council employees that this was the situation. Residents would be very angry if this land was sold in the future without community consultation.

ADMINISTRATION COMMENT

The Holdfast Bay Community Centre site was excluded from the Community Land Register following a resolution of Council and subsequent Gazettal notice on 19 December 2002, along with a number of other sites in the City of Holdfast Bay. The decision at the time was informed by the outcomes of a public consultation process, including consideration of feedback from representatives of the Holdfast Bay Community Centre.

Item No: 14.1

Subject: **INFORMATION REPORT – SOUTHERN REGION WASTE RESOURCE AUTHORITY BOARD MEETING – 6 JUNE 2022**

Date: 12 July 2022

Written By: Chief Executive Officer

Chief Executive Officer: Mr R Bria

SUMMARY

The information report of the Southern Region Waste Resource Authority (SRWRA) Board meeting held on 6 June 2022 is attached and provided for information.

RECOMMENDATION

That Council notes the Information Report of the Southern Region Waste Resource Authority Board meeting held on 6 June 2022.

STRATEGIC PLAN

A city, economy and community that is resilient and sustainable

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

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 functions of SRWRA include providing and operating waste management services on behalf of the constituent Councils.

In accordance with Section 2.5.2 of the SRWRA Charter - 2015, there shall be at least six (6) ordinary meetings of the Board held in each financial year. Furthermore, Section 2.5.22 states that 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.

In accordance with the above, identified agenda items from the Board Meeting held on 6 June 2022 is provided for Members' information.

Refer Attachment 1

BUDGET

Not applicable

LIFE CYCLE COSTS

Not applicable

Attachment 1



Constituent Council Information Report

- PUBLIC -

Board Meeting Date: 6 June 2022

Report By: Chief Executive Officer

Report

In accordance with Section 2.5.22 of the *Southern Region Waste Resource Authority Regional Subsidiary Charter - 2015*, the SRWRA Board identified the following Agenda Items to be the subject of a Public Information Report to the Constituent Councils:

Report Name	Report Summary
Finance Report	<p>Summary</p> <p>Budget Review 1 (BR1) and Budget Review 2 (BR2) were considered and adopted by the Board at its meeting on 7 March 2022. Budget Review 3 (BR3) was adopted by the Board at its meeting on 2 May 2022. BR3 was based on Actuals to February 2022, as such variations to budget primarily relate to March and April results. The YTD result shows a net Surplus of \$2.946m which is \$169k above the budgeted net Surplus of \$2.778m.</p>
Draft 2022 -23 Annual Business Plan and Budget Report	<p>Summary</p> <p>The Draft 2022-2023 Budget Annual Business Plan and Budget was considered by the Board 02 May 2022 and was distributed to Constituent Councils for feedback. No changes were proposed, and the Board adopted the 2022-2023 Annual Business Plan and Budget as presented noting an amendment will be required when the EPA Levy is announced. A final copy of the 2022-2023 Annual Business Plan and Budget will be forwarded to Constituent Councils consistent with requirement under the Act and SRWRA Charter.</p>
Policy Review Report	<p>Summary</p> <p>The reviewed Unsolicited Bids Policy and Draft Stakeholders Engagement Policy were presented for adoption as part of the annual cyclical review of Governance Policies. All changes to the policies were minor wording for format changes designed to improve the practical application of each Policy whilst maintaining appropriate checks and balances and to provide contemporary layout and wording.</p>
Main South Road Intersection Report	<p>Summary</p> <p>SRWRA is in negotiations with the Department of Infrastructure and Transport regarding the design of the Main South Road / Bakewell Drive intersection. The Board has agreed to contribute the proceeds (\$45,000) of the completed Main South Road compulsory land acquisition process and an additional amount of land</p>

(to a maximum of 600m² at an estimated value of \$2,100) to the project to support the design outcomes requested by SRWRA.

**Chairperson
Allowance
Report**

Summary

A review of the Chairpersons allowance is conducted at the first ordinary meeting of the Board after 31 May each year in line with the Chairperson Allowance Review Policy. The Chairperson requested no increase to their remuneration. Upon consideration by the Board, the remuneration was adjusted to reflect the increase in statutory superannuation rate only.

**Board and
Chairperson
Performance
Evaluation
Report**

Summary

As per the SRWRA Board Member Policy, the Board have completed a self-evaluation survey with the results presented at the June meeting for consideration and discussion. The Board determined to set an item on the SRWRA Strategic Workshop agenda that is scheduled to occur July 2022. The collation of results is attached for information.

**Chief
Executive
Officers
Information
Report**

Summary

Southern Materials Recovery Facility

The Glass sand plant has been installed and commissioned with glass sand now being produced. Negotiations are underway with potential off takers of the glass sand product.

Two picking robots are being installed on the plastics line to further improve product quality prior to baling.

Business development activities are continuing to attract new commercial customers.

Southern Recycling Centre

The Southern Recycling Centre is not receiving General Waste from the public due to damage to the roof structure that covers the receival area for the waste (the roof is an EPA Requirement). It is anticipated that General Waste will not be received for several months whilst the damage is assessed, and future options determined. Public notification has been placed on the SRWRA website. Gate fees are reviewed and set annually as part of the Southern Recycling Centre budget process, inclusive of the handling, processing and disposal costs.

IT Improvements

A final review of the procurement and scope of new weighbridge software is underway.

Website updates are continuing and increases the professional look of the site as well as supporting business development opportunities and information about the SRWRA site.

Strategic Workshop

The SRWRA Board Strategic Workshop is scheduled for 22 July 2022.

**Risk
Management
Report**

Summary

HSE

Incidents - SRWRA recorded 14 incidents from 01 December 2021 to 31 May 2022 and 98 days since last lost time injury.

Actions following the landfill fire continue to be addressed.

Hazards - 37 identified hazards were recorded in the period 01 December 2021 to 31 May 2022 with 27 addressed through a "Fixed in Field" protocol and 5 identified as Environmental in nature. The hazard remaining open relates to pedestrian movement and is currently being assessed by traffic engineers for an appropriate design solution.

People Management

Training – Task specific manual handling and ergonomic training has been provided to all staff.

Covid 19 – SA Health Guidelines are continually monitored and adhered to.

Workcover – no claims in progress.

Public Interest Disclosure – none to report.

Complaint Register

No new odour complaints have been registered since the May Board meeting .

Operations Report

Summary

The landfill is operating smoothly with reduced staffing level being bolstered with labour hire and some staff overtime.

Stockpiling and mass balancing reporting occurs monthly to the EPA. Compliance Plans required by the EPA are on track for review and completion before end of November 2022. Approved Operational Use tonnes are within allowances with daily cover averaging 4.1% which is below the EPA allowance of 10%.

Capital improvements include groundwater bores, capping, stormwater and leachate management and fencing.

Board Performance Evaluation – Results Attachment A – Ratings and Responses



SRWRA Board - Performance Assessment Ratings and Responses - 2022

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Unable to Assess
1	2	3	4	5	N/A

1.Purpose and Strategy	Number of Responses per rating					
1.1 The Board Members understand and can clearly articulate and communicate SRWRA's vision and Strategic Plan				2	3	1
1.2 The Board refers vision and Strategic Plan when making critical decisions			2	4		
1.3 The Board has a clear process to review strategy and vision and adheres to this process		1	2	3		
2. Roles and Responsibilities						
2.1 The Board Members have a full and sound understanding of their role and responsibilities and their legal obligation individually and collectively			1	1	4	
2.2 The Board understands the line between governance and management				2	4	
3. Composition						
3.1 The Board Members possess a range of complementary skills that allow the Board to effectively govern SRWRA				3	3	
3.2 The Board has an appropriate combination of industry knowledge and diversity of experiences and backgrounds			3	1	2	
3.3 The Board Members have a sufficient understanding of the organisation and sector			2	2	2	
3.4 The number of Board Members is appropriate and in line with an effective governance structure				4	2	
4. Effectiveness						
4.1 The Board implements and regularly evaluates its board structure and processes in order to increase its effectiveness		2		3		1
4.2 The information provided to the Board is adequate to perform their roles, to ensure effective Board governance and supports decision making				5	1	

5. Governance and Risk Management						
5.1 The Board effectively monitors compliance within corporate governance regulations and guidelines				4	2	
5.2 The Board takes responsibility for identifying risks and establishing a risk management framework for the organisation			1	4	1	
5.3 The Board oversees the development of sound policies and procedures				4	2	
5.4 The frequency and time allocation for meetings is appropriate and adequate		1		3	2	
6. Performance						
6.1 The Board has developed appropriate measures or indicators to track the organisations progress towards implementing its objectives and achieving its purpose				6		
6.2 The Board effectively directs, manages and develops the performance of the CEO			1	4	1	
6.3 Board Members read their papers and are well prepared for meetings			1	3	2	
6.4 The Board openly discusses Chair and Board Member succession		2	2	2		
7. Dynamics						
7.1 Board meetings are conducted in a manner which encourages open discussion, healthy debate and allows each Board Member to add value to discussion and decision making		1		1	4	
7.2 Board Members are respectful, remain objective and value each other's contributions				1	5	
7.3 All Board Member actively participate in meetings			1	1	4	
7.4 Board Members are appropriately inducted and undertake ongoing education to fulfil their responsibilities		1	2	3		

SRWRA Chairperson - Performance Assessment Ratings and Responses - 2022

1. Performance	Number of Responses per rating					
1.1 The Chair represents the organisation in an appropriate manner				1	4	1
1.2 The Chair maintains a healthy working relationship with the CEO				1	3	2
1.3 The Chair promotes constructive discussions and values the opinions of the Board Members		1			4	1
1.4 The Chair is an effective listener and addresses the concerns of the Board Members		1			4	1
1.5 Board meetings are chaired effectively and provide opportunity for all Board Members to contribute			1		4	1

Response Comments

Our greatest strengths as a Board are: - member responses

- A mixture of Council officers and EM's provides a great balance for decision making
- A Passion from Board members to implement the Strategic Plan
- Luck to have a strong and extremely capable independent Chair
- Board keeps itself at a Strategic Level most of the time
- An engaged Board with a good mix of skills, experience and perspectives
- Willingness to openly and constructively discuss issues
- Members from differing professional backgrounds provides broad views on which to evaluate a decision
- Broad range of skills across board members. Open discussion and willingness of board members to discuss matters to progress the Authority

Our greatest challenges as a Board are: member responses

- Independent Chair proposed departure and succession
- Maintaining knowledge and continuity on the Board when Council Elections occur
- Changing industry environment and compliance
- Increasing complexity of business
- Remaining current on issues in the waste industry environment
- The risk of loss of corporate knowledge due to forthcoming Council elections
- Increasing compliance obligations
- Increased complexity of SRWRA operations
- Formulating a Strategic Plan that has vision and is effective and contains measurable performance objectives that can be used to assess future Board and Chair Performance Evaluation
- Transitioning from a landfill to a diversion organisation and managing a number of joint ventures will require greater board input and understanding into the future which will require increased dedicated time.

Any opportunities you have identified to improve Board effectiveness? member responses

- Due to increasing complexities of business, maybe there is a need for specific independent skill on the Board. This could be for a fixed period while we are developing new areas such as the Eco Park etc.
- The major risk I see with the Board in the next two to three years will be if the Chair departs. There are a number of projects that SRWRA need to bed down and with Local government elections this year there could be a turnover of Board members, not just EM's but Council Officers. I believe the Board should re-consider its resolution that it made a few years in regard to the Chair position.

- The Board should consider whether there is a need for an additional independent Board member to provide for succession and additional skills given the changed operating environment
- The new Board software looks to be a positive improvement
- I believe there should be more information in reference to the Board on Health & Safety and incidents and injuries. The Board currently accepts responsibility for overseeing work safety at SRWRA but I feel we are not across it. Perhaps consideration that the minutes of Tool Box meetings etc. as attachments to the CEO Board report. I often note that few if any questions are asked at the Board meetings on this agenda item and this could be due to the lack of information provided to the board in the report.
- Higher level strategic discussions are required to set out the future direction and to openly discuss the board structure going forward.

Item No: 14.2

Subject: **DRAFT MINUTES - ALWYNDOR MANAGEMENT COMMITTEE – 26 MAY 2022**

Date: 12 July 2022

Written By: General Manager, Alwyndor

General Manager: Alwyndor, Ms B Davidson-Park

SUMMARY

The draft minutes of the Alwyndor Management Committee meeting held on 26 May 2022 are provided for information.

RECOMMENDATION

1. **That the draft minutes of the Alwyndor Management Committee meeting held on 26 May 2022 be noted.**

RETAIN IN CONFIDENCE - Section 91(7) Order

2. **That having considered Attachment 2 to Report No: 240/22 Draft Minutes - Alwyndor Management Committee – 26 May 2022 in confidence under section 90(2) and (3) (b) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of the Act orders that Attachment 2 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**
-

STRATEGIC PLAN

Enabling the people in our communities to live healthy, engaged and fulfilling lives.

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

This report is presented following the Alwyndor Management Committee Meeting.

The Alwyndor Management Committee was established to manage the affairs of Alwyndor Aged Care. The Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care.

REPORT

The draft minutes of the meeting are attached for Members' information.

Refer Attachments 1 and 2

BUDGET

Not applicable

LIFE CYCLE COSTS

Not applicable

Attachment 1



CITY OF HOLDFAST BAY

Minutes of the meeting of the Alwyndor Management Committee of the City of Holdfast Bay held in person at Alwyndor 52 Dunrobin Road Hove and via Audio-visual telecommunications on Thursday 26 May 2022 at 6.30pm.

PRESENT

Elected Members

Councillor Susan Lonie
Councillor Robert Snewin

Independent Members

Mr Kim Cheater- Chair
Ms Julie Bonnici
Prof Judy Searle
Prof Lorraine Sheppard
Ms Trudy Sutton (virtual attendance via Teams)
Mr Kevin Whitford

Staff

Chief Executive Officer - Mr Roberto Bria (virtual attendance via Teams)
General Manager Alwyndor - Ms Beth Davidson-Park
Manager, Community Connections - Ms Molly Salt
Manager, Residential Services - Ms Natasha Stone
Manager, Finance - Mr Damian Capurro
Manager, People and Culture - Ms Lisa Hall
Team Leader Information & Technology, City of Holdfast Bay - Mr Leigh Ray
Executive Assistant - Ms Bronwyn Taylor

1. OPENING

The Chairperson declared the meeting opened at 6.30pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting the Chair stated:

We acknowledge the 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 – Ms Julie Bonnici
- 3.2 Leave of Absence Nil

The Chair sought leave of the meeting to bring forward items 8.1.10 and 8.1.11 and to move 8.1.7 to the end of the meeting with the remainder of the meeting to progress as scheduled.

4. DECLARATION OF INTEREST

Committee members were reminded to declare any interest before each item. Nil declarations.

5. CONFIRMATION OF MINUTES**Motion**

That the Public and Confidential minutes of the Alwyndor Management Committee held on 28 April 2022 be taken as read and confirmed.

Moved by Cr Susan Lonie Seconded by Mr Kevin Whitford

Carried

6. REVIEW OF ACTION ITEMS

**6.1 Action Items
Noted**

**6.2 Annual Work Plan
Noted**

7. GENERAL MANAGER REPORT

**7.1 General Manager Report (Report No: 16/2022)
7.1.1 COVID-19 Update**

Noted

Motion:

That the Alwyndor Management Committee:

- 1. Note the update regarding COVID-19 impacts and responses.**

Moved by Cr Susan Lonie, Seconded by Prof Lorraine Sheppard

Carried

8. GENERAL MANAGER REPORT – CONFIDENTIAL**8.1 General Manager Report – Confidential (Report No: 17/22)****Exclusion of the Public – Section 90(3)(d) Order**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No: 17/2022 in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 17/22 on the following grounds:

- d. pursuant to section 90(3)(d) of the Act, 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 could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management 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 by Cr Susan Lonie, Seconded by Mr Kevin Whitford

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

12. That having considered Agenda Item 8.1 General Manager's Report (Report No: 17/22) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that

Act orders that the Attachments and Minutes be retained in confidence for a period of 3 years and that this order be reviewed every 12 months.

Moved by Cr Susan Lonie, Seconded by Cr Robert Shewin

Carried

8.2 Finance Report – Confidential (Report No: 18/22)

Exclusion of the Public – Section 90(3)(d) Order

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Alwyndor Management Committee hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager and Staff in attendance at the meeting in order to consider Reports and Attachments to Report No: 18/2022 in confidence.

2. That in accordance with Section 90(3) of the *Local Government Act 1999* Alwyndor Management Committee is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 18/22 on the following grounds:

- d. pursuant to section 90(3)(d) of the Act, 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 could reasonably be expected to confer a commercial advantage on a third party of Alwyndor, in addition Alwyndor's financial position is reported as part of Council's regular budget updates.**

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.

3. The Alwyndor Management 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 by Cr Susan Lonie, Seconded by Ms Jo Cottle

Carried

RETAIN IN CONFIDENCE - Section 91(7) Order

1. That having considered Agenda Item 8.2 Finance Report (Report No: 18/22) in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Alwyndor Management Committee, pursuant to section 91(7) of that Act orders

that the Attachments and Minutes be retained in confidence for a period of 3 years and that this order be reviewed every 12 months.

Moved by Mr Kevin Whitford, Seconded by Prof Judy Searle

Carried

9. OTHER BUSINESS – Subject to the leave of the meeting

Nil items.

10. DATE AND TIME OF NEXT MEETING

The next meeting of the Alwyndor Management Committee will be held on **Thursday 30 June 2022** in the Boardroom Alwyndor, 52 Dunrobin Road, Hove or via Audio-visual telecommunications (to be advised).

11. CLOSURE

The meeting closed at 8.49pm.

CONFIRMED 30 June 2022

CHAIRPERSON

Item No: 14.3

Subject: **SOUTHERN REGION WASTE RESOURCE AUTHORITY CHARTER REVIEW 2022**

Date: 12 July 2022

Written By: Chief Executive Officer

Chief Executive Officer: Mr R Bria

SUMMARY

The Southern Region Waste Resource Authority (SRWRA) Charter is overdue for review. The SRWRA Charter 2015 (Clause 5.7) requires Constituent Councils to review the Charter every four years. The timing of the Charter review was significantly disrupted with the onset of COVID-19 and impact to the business and operations of the Constituent Councils.

The SRWRA Board has reviewed the SRWRA Charter 2015 and is recommending approval of the revised Draft SRWRA Charter 2022 by the Constituent Councils.

Key changes proposed to the Charter include a new contemporary format, updates to financial thresholds and procedural matters, removal of the requirement to hold an Annual General Meeting, and a change to allow the Board to set its own meeting procedures.

The Board is conscious that the operations of SRWRA have changed in recent years and is conducting a strategic workshop on 22 July 2022 that may inform a further review of the Charter in 2023.

RECOMMENDATION

That Council approves the SRWRA Draft Charter 2022 (Attachment 1).

STRATEGIC PLAN

A city, economy and community that is resilient and sustainable

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Not applicable

BACKGROUND

SRWRA is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay, pursuant to Section 43 of the Local Government Act, 1999. Under its Charter, SRWRA is responsible for providing and operating waste management services on behalf of its Constituent Councils.

The SRWRA Charter 2015, Clause 5.7 requires the Charter to be reviewed every four years.

SRWRA Charter 2015 - Clause 5.7**5.7 Review of Charter**

- 5.7.1 *This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.*
- 5.7.2 *This Charter may be amended by unanimous agreement expressed by resolution of the Constituent Councils.*
- 5.7.3 *The Executive Officer must ensure that the amended Charter is published on a website (or websites) determined by the Chief Executive Officers of the Constituent Councils, that a notice of the fact of the amendment and a website address at which the Charter is available for inspection is published in the Gazette and a copy of the amended Charter provided to the Minister.*
- 5.7.4 *Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.*

REPORT

SRWRA commenced the Charter review in 2019 with a final version endorsed by the SRWRA Board at its meeting on 3 February 2020. Shortly thereafter, COVID-19 protocols we enacted across the State which significantly disrupted the business and operation of the Constituent Councils and SRWRA. This impact resulted in a pause of the SRWRA Charter review process. Michael Kelledy, of Kelledy Jones Lawyers was engaged to support the Charter Review process.

Following is a summary of the changes proposed by Michael Kelledy.

- deletion of provisions that simply re-state duties under the Local Government Act 1999 (the Act);
- details and obligations relating to the strategic plan, committees and CEO functions remaining but subject to refinements;

- the requirement to hold an AGM has been removed. It has never been a legal requirement for a regional subsidiary to be accountable in this manner, such a provision only having 'work to do' for a membership organisation;
- the Objects and Purpose include a new requirement to secure best value and value for money in the waste management services and activities and to keep the Constituent Councils informed about relevant emerging opportunities, trends or issues in waste management is referenced in accordance with the Act;
- the Powers and Functions include amendments in relation to real property interests ensuring that SRWRA may treat in relation to transactions of up to \$1M (previously \$500,000) without Budget provision or approval of two (2) of the three (3) Councils. Further, the power to participate in a joint venture, trust, partnership or similar for the purpose of engaging in a commercial activity or enterprise, is clarified;
- SRWRA's obligation to implement risk management policies, practices, procedures and strategies has been formalised;
- the provisions relating to the calling, holding and conduct of Board meetings have been removed, being replaced by the obligation to develop and adopt a separate policy document dealing with these matters. This prevents unnecessary repetition of provisions in the Act and allows for flexibility for the Board in making procedural changes to its meeting framework, including in respect of the conduct of its meetings (rather than being subjected to the prescriptive requirements of the 'Meeting Regulations' which, whilst being relevant to Council meetings, are inappropriately restrictive for meetings of the Board of a commercial regional subsidiary), by simple Board decision-making rather than a cumbersome, formal, Charter amendment process;
- Constituent Council commentary on the draft annual business plan and budget, must occur at least five (5) days before the Board meeting at which these documents will be considered for adoption (previously, being three (3) days); and
- the dispute resolution clause is refined from the previous approach that limited such to arbitration only. That is, mediation is now an option for dispute resolution.

The Draft Charter 2022 is presented in Attachment 1 for Council's consideration.

Refer Attachment 1

The current Charter of 2015 is presented in Attachment 2 for Council's information.

Refer Attachment 2

The SRWRA Board will be undertaking a Strategic Workshop on 22 July 2022. This workshop will be future focused and consider matters of governance, services, joint ventures and land use.

The name of the Authority, as well as the potential structure and composition of the Board will be considered as part of the workshop agenda. Any proposed changes resulting from the workshop will be consolidated into the next update of the Charter, currently proposed for 2023.

BUDGET

Nil

LIFE CYCLE COSTS

Nil

Attachment 1



LOCAL GOVERNMENT ACT 1999
SOUTHERN REGION WASTE RESOURCE AUTHORITY
REGIONAL SUBSIDIARY
Charter 2022

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 seven members appointed as follows:
 - 4.2.1.1 two persons appointed by each Constituent Council, one of whom must be an officer of the Constituent Council making the appointment;
 - 4.2.1.2 one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business. This person 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 person 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 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).
- 4.2.4 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:
- 4.2.4.1 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 Member appointed under subclause 4.2.1.2, can only be removed from office by a unanimous decision of the Constituent Councils; or
- 4.2.4.2 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
- 4.2.4.3 if the Board Member has been appointed pursuant to subclause 4.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 4.2.5 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 4.2.5) 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 the Board Member appointed under subclause 4.2.1.2 for:
- 4.2.5.1 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;
- 4.2.5.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
- 4.2.5.3 breach of fiduciary duty to the Authority;
- 4.2.5.4 breach of the duty of confidentiality to the Authority; or
- 4.2.5.5 any other behaviour which, in the opinion of the Board, may discredit the Authority.
- 4.2.6 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.

- 4.2.7 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 Independent Chair is 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 the 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 4.2.4 or, is otherwise no longer eligible to act as a Board Member.
- 4.4.2 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 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 the 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 All matters will be decided by a simple majority of votes of the Board Members present except where this Charter provides otherwise.
- 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 4.5.19.
- 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 1.5.7 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 and 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 becomes 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.

CHRIS ADAMS
Chief Executive Officer

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Attachment 2



LOCAL GOVERNMENT ACT 1999

SOUTHERN REGION WASTE RESOURCE AUTHORITY REGIONAL SUBSIDIARY

Charter— 2015

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 'Constituent Councils' means the Councils identified at Clause 1.3 of this Charter;

1.2.3 'Gazette' means the *South Australian Government Gazette*;

1.2.4 '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;

1.2.5 'simple majority' means a majority of those present and entitled to vote;

1.2.6 '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 5479, folio 871 and volume 5696, folio 771;

1.2.7 'waste' means any or all waste as approved under the Environment Protection Act licence held by the Authority or its contractor.

1.3 Establishment

The Authority is a regional subsidiary established pursuant to section 43 of the Local Government Act 1999 by the:

1.3.1 City of Holdfast Bay;

1.3.2 City of Marion; and

1.3.3 City of Onkaparinga.

1.4 Local Government Act 1999

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.

1.5 Objects and Purposes

1.5.1 The Authority is established to:

1.5.1.1 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;

1.5.1.2 undertake anything relevant (including educational programmes and processes) to the management of waste;

1.5.1.3 provide a forum for discussion and/or research for the ongoing improvement of management of waste;

1.5.1.4 undertake management of waste on behalf of the Constituent Councils on a competitive basis;

1.5.1.5 fulfil, on behalf of the Constituent Councils, any ongoing obligation in relation to rehabilitation and monitoring of waste management facilities under its control;

1.5.1.6 develop or facilitate activities or enterprises that result in a beneficial use of waste;

1.5.1.7 be financially self sufficient;

1.5.1.8 develop or facilitate activities or enterprises that result in a beneficial use of the landfill site or infrastructure; and

1.5.1.9 have regard in the performance of its functions to sustainable, environmentally efficient practices with regard to waste management

1.5.2 The Authority must in the performance of its role and functions and in all of its plans, policies, and activities operate in a sustainable manner by giving due weight to economic, social and environmental considerations.

1.6 Powers and Functions of the Authority

The powers and functions of the Authority are to be exercised in the performance of the Authority's Objects and Purposes. The Authority shall have those powers and functions delegated to it by the Constituent Councils from time to time which include but are not limited to:

1.6.1 accumulation of surplus funds for investment purposes;

1.6.2 investment of 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:

1.6.2.1 in exercising this power of investment 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

1.6.2.2 the Authority must avoid investments that are speculative or hazardous in nature;

- 1.6.3 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;
- 1.6.4 borrowing money and/or to incurring expenditure in accordance with Clause 1.7 of this Charter;
- 1.6.5 opening and operating bank accounts;
- 1.6.6 entering into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any personal property or interests therein;
- 1.6.7 purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any real property or interests therein, provided that it shall be a condition precedent, that in any such transaction where the Authority will incur a singular or a total liability of \$500 000 or more that the prior written approval of two-thirds of the Constituent Councils is obtained;
- 1.6.8 appointing, managing, suspending and dismissing the Executive Officer of the Authority;
- 1.6.9 engaging retaining, and dispensing with the services of professional advisers to the Authority;
- 1.6.10 charging whatever fees the Authority considers appropriate for services rendered to any person, body or Council;
- 1.6.11 determining the types of waste which shall be received and the method of collection treatment, recycling and disposal of that waste;
- 1.6.12 undertaking all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste;
- 1.6.13 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
- 1.6.14 cause all waste collected by the Authority to be treated, recycled and disposed of in a sanitary and environmentally acceptable way;
- 1.6.15 providing a forum for the discussion and consideration of topics related to the Constituent Councils' obligations and responsibilities in respect of waste;
- 1.6.16 adopting and using a trading name provided that the Authority shall first register the trading name with the Office of Consumer and Business Affairs in accordance with the requirements of the Business Names Act 1996;
- 1.6.17 to commence legal proceedings provided that any legal proceedings seeking urgent relief be the subject of an urgent report to the Constituent Councils by the Executive Officer;
- 1.6.18 without limiting the Authority's powers and functions, to make submissions to and negotiate 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
- 1.6.19 anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers and, functions.

1.7 Borrowings and Expenditure

- 1.7.1 The Authority has the power to incur expenditure and/or to borrow money:
 - (a) in accordance with the approved budget of the Authority; or
 - (b) for the purposes of unbudgeted expenditure in accordance with (c) and (d) below; or
 - (c) pursuant to the provisions of subclauses 1.6.7 and 1.7.4 of this Charter; or
 - (d) 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
 - (e) otherwise for genuine emergency or hardship as provided for in the Act.
- 1.7.2 For the purpose of exercising the powers at Clause 1.7.1 of this Charter the Authority may borrow money from the Local Government Finance Authority or from a registered bank or financial institution within Australia.
- 1.7.3 For the purposes of Clause 1.7.2 but subject to Clause 1.7.4 of this Charter borrowings of the Authority:
 - (a) must not be used for the purpose of funding operational costs;
 - and*
 - (b) where the borrowings are undertaken with the prior approval of the Constituent Councils, must be drawn down within a period of 24 months from the date of approval.
- 1.7.4 The Authority may operate an overdraft facility or facilities as required provided that the overdrawn balance must not exceed \$100 000 in total without the prior approval of two-thirds of the Constituent Councils.

1.8 Delegation by the Authority

The Authority may by resolution delegate to the Executive Officer of the Authority any of its powers or functions under this Charter but may not delegate:

- 1.8.1 the power to impose charges;
- 1.8.2 the power to enter into transactions in excess of \$100 000
- 1.8.3 the power to borrow money or obtain any other form of financial accommodation;
- 1.8.4 the power to approve expenditure of money on the works, services or operations of the Authority not set out in a budget approved by the Authority or where required by this Charter approved by the Constituent Councils;
- 1.8.5 the power to approve the reimbursement of expenses or payment of allowances to members of the Board of Management;
- 1.8.6 the power to adopt or revise a budget or any financial estimates and reports; and
- 1.8.7 the power to make any application or recommendation to the Minister.

A delegation is revocable at will and does not prevent the Board from acting in a matter.

1.9 National Competition Policy

1.9.1 The Authority may, from time to time, be involved in commercial activities which constitute a significant business activity of the Authority.

1.9.2 Where the Authority is engaged in any activity which is a significant business activity it will, in relation to that business activity, undertake a risk/benefit analysis and, if necessary, implement principles of competitive neutrality to the extent that the benefits to be realised from the implementation of the principles of competitive neutrality outweigh the costs associated with implementation.

2. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by a Board of Management (referred to as 'the Board' in this Charter) which shall have the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

2.1 Functions of the Board

- 2.1.1 The formulation of strategic plans and strategies aimed at improving the business of the Authority.
- 2.1.2 To provide professional input and policy direction to the Authority.
- 2.1.3 Monitoring, overseeing and measuring the performance of the Executive Officer of the Authority.
- 2.1.4 Ensuring that a code of ethical behaviour and integrity is established and implemented in all business dealing of the Authority.
- 2.1.5 Developing business plans.
- 2.1.6 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 2.1.7 Observe all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils.
- 2.1.8 Ensure that all information furnished to a Constituent Council is accurate.
- 2.1.9 Ensure 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.

2.2 Membership of the Board

- 2.2.1 The Board shall consist of seven members appointed as follows:
 - 2.2.1.1 two persons appointed by each Constituent Council;
 - 2.2.1.2 one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business.

This person 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.
- 2.2.2 With the exception of the person appointed pursuant to subclause 2.2.1.2, a Board Member shall, subject to this Charter, be appointed for a term not exceeding the term of 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.
- 2.2.3 The Constituent Councils may appoint either a specific Deputy for each Board Member appointed pursuant to subclause 2.2.1.1 or, as an alternative, may appoint 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).
- 2.2.4 The office of a Board Member will become vacant upon:
 - 2.2.4.1 the death of the Board Member; or
 - 2.2.4.2 the Council providing written notice of termination to the Board Member and the Board; or
 - 2.2.4.3 if the Board Member is an elected member of a Constituent Council upon ceasing to be an elected member; or
 - 2.2.4.4 if the Board Member is an officer of a Constituent Council, upon ceasing to be employed by the Council which appointed him/her; or
 - 2.2.4.5 upon the Board Member providing his/her resignation in writing to one or more of the Constituent Councils; or
 - 2.2.4.6 upon the happening of any other event through which the Board Member would be ineligible to remain as a member of the Board; or
 - 2.2.4.7 upon the Board Member becoming a bankrupt or applying for the benefit of a law for the relief of insolvent debtors; or
 - 2.2.4.8 if the Board Member has been appointed pursuant to subclause 2.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 2.2.5 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 2.2.5) 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 2.2.1.1 or to all of the Constituent Councils to terminate the appointment of the Board Member appointed under subclause 2.2.1.2 for:
 - 2.2.5.1 any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
 - 2.2.5.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
 - 2.2.5.3 breach of fiduciary duty to the Authority or the Constituent Council(s);
 - 2.2.5.4 breach of the duty of confidentiality to the Authority and/or the Constituent Council(s);
 - 2.2.5.5 breach of the conflict of interest provisions; or

- 2.2.5.6 any other behaviour which may discredit the Authority.
- 2.2.6 A Board Member may be removed from office as a Board Member prior to the expiration of a term of appointment only in accordance with the following:
- 2.2.6.1 a Board Member appointed by a Constituent Council pursuant to subclause 2.2.1.1, by resolution of the Constituent Council which originally appointed the Board Member; and
- 2.2.6.2 the Board Member appointed jointly by the Constituent Councils pursuant to subclause 2.2.1.2 by a joint resolution being a resolution passed by each of the Constituent Councils.
- 2.2.7 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment. The person appointed to the Board to fill a casual vacancy will be appointed for the balance of the term of the original appointment.
- 2.2.8 The Board Member appointed pursuant to subclause 2.2.1.2 shall be eligible for such allowance from the funds of the Authority as the Board shall determine from time to time.
- 2.3 Propriety of Members of the Board**
- 2.3.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a Council.
(See Chapter 5, Part 4, Division 3 of the Act for conflict of interest provisions)
- 2.3.2 Subject to clause 2.3.3, the Board Members are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.3 The Independent Chair is required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.4 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.
- 2.4 Chair of the Board**
- 2.4.1 The Chair of the Board shall be the person appointed pursuant to subclause 2.2.1.2, who shall hold office for a term of three years, unless he/she resigns or is removed from office pursuant to subclause 2.2.5 or is otherwise no longer eligible to act as a Board Member.
- 2.4.2 The Chair is eligible for re-appointment at the expiration of the term of office.
- 2.4.3 In the event that the appointed Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of that person's term, the Board shall elect from amongst the other Board Members a new Chair who shall hold office until a further appointment is made pursuant to subclause 2.2.1.2 whereupon the person so appointed will hold office for the duration of the original appointment.
- 2.4.4 The Board may choose a person appointed pursuant to subclause 2.2.1.1 to be the Deputy Chair of the Board for a term determined by the Board.
- 2.4.5 The Chair shall preside at all meetings of the Board and, 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 them, who shall preside for that meeting or until the Chair or the Deputy Chair is present.
- 2.5 Meetings of the Board**
- 2.5.1 The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to the proceedings at and conduct of all meetings of the Board.
- 2.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the 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.
- 2.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.
- 2.5.4 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 2.5.5 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent (and setting out the terms of the resolution) to the Executive Officer. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened. The Executive Officer will include confirmation of any decision which is made in accordance with this clause in the next Board meeting agenda and will otherwise deal with the decision in the same manner as would occur if the decision had been made at a Board meeting.
- 2.5.6 Notice of ordinary meetings of the Board must be given by the Executive Officer to each Board Member not less than three clear days prior to the holding of the meeting.
- 2.5.7 Notice of any meeting of the Board must:

- (a) be in writing; and
- (b) set out the date, time and place of the meeting; and
- (c) be signed by the Executive Officer; and
- (d) contain, or be accompanied by, the agenda for the meeting; and
- (e) be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).

All documents or reports delivered to Board Members in accordance with this subclause are confidential unless indicated otherwise.

2.5.8 The Executive Officer must maintain a record of all notices of meetings given under subclause 2.5.7 to Board Members.

2.5.9 Notice under subclause 2.5.7 may be given to a Board Member:

- (a) personally; or
- (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
- (c) by leaving the notice for a Board Member appointed under subclause 2.2.1.1 at an appropriate place at the principal office of the Constituent Council which appointed the Board Member; or
- (d) by a means authorised in writing by the Board Member as being an available means of giving notice.
- (e) by electronic delivery to an email address that the Authority has established for the Board Member for the purposes of communications to and from the Authority and for the delivery of Authority documentation

2.5.10 A notice that is not given in accordance with subclause 2.5.9 will be taken to have been validly given if the Executive Officer considers it impracticable to give the notice in accordance with the subclause and takes action that the Executive Officer considers reasonably practicable in the circumstances to bring the notice to the Board Member's attention.

2.5.11 Any Constituent Council or Board Member may by delivering a written request to the 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 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 2.5.7 and 2.5.9 of this Charter.

2.5.12 The quorum for any meeting of the Board is a simple majority of the number of members in office.

2.5.13 Every Board Member, including the Chair, shall have a deliberative vote. The Chair shall not in the event of an equality of votes have a casting vote.

2.5.14 All matters will be decided by a simple majority of votes of the Board Members present except where this Charter provides otherwise. In the event of an equality of votes the matter will lapse.

2.5.15 Subject to subclause 2.3.1, all Board Members present at a meeting shall vote.

2.5.16 Any meeting of the Board may be adjourned from time to time and from place to place.

2.5.17 Subject to Clause 2.6 and to the absolute discretion of the Board to conduct any meeting or part of any meeting in public, meetings of the Board will not be conducted in a place open to the public.

2.5.18 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board.

2.5.19 If the Executive Officer is excluded from attendance at a meeting of the Board, the person presiding at the meeting shall cause the minutes to be kept.

2.5.20 Each Board Member must be supplied with a copy of all minutes of the proceedings of a meeting within five days of the meeting.

2.5.21 All documents presented to, received at or derived from a Board Meeting, including but not limited to:

- (a) minutes of a Board Meeting;
 - (b) reports to the Board received at a meeting of the Board; and
 - (c) recommendations presented to the Board in writing and adopted by resolution of the Board.
- will remain confidential and not available for public inspection unless the Board otherwise resolves.

2.5.22 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.

2.5.23 Subject to this Charter and to any direction of the Constituent Councils the Board may determine its own procedures.

2.6 **Annual General Meeting**

2.6.1 An Annual General Meeting of the Board shall be held prior to November in each year at a place and time determined by a resolution of the Board.

2.6.2 In addition to the requirements of subclause 2.5.6 of this Charter, notice of the Annual General Meeting will also be given by:

- (a) placing a copy of the notice and agenda on public display at the principal office of the Authority and of each Constituent Council;
- (b) by giving notice in newspapers which circulate in the areas of the Constituent Councils;
- (c) in such other manner as the Executive Officer considers appropriate taking into account:
 - (i) the characteristics of the community and area of the Constituent Councils; and
 - (ii) the best ways to bring notice of the Annual General Meeting to the attention of the public; and
 - (iii) such other matters as the Executive Officer thinks fit.

2.6.3 The notice and agenda must be placed on public display at least 14 clear days before the Annual General Meeting and must be available to the public:

- (a) at the offices of the Authority for inspection, without charge; and
- (b) by way of a copy being provided upon request and, upon payment of a fee fixed by the Authority, and

- (c) by being placed on the website of the Authority and must be kept on public display until the completion of the Annual General Meeting.
- 2.6.4 A reasonable number of copies of the notice and agenda and any document or report supplied to Board Members for the Annual General Meeting must be available for members of the public at the meeting.
- 2.6.5 The Annual General Meeting will be conducted in a place open to the public and will consider and deal with business of a general nature aimed at reviewing the progress and direction of the Authority over the immediately preceding financial year and shall include the following:
 - (a) Chair's report;
 - (b) Executive Officer's report;
 - (c) the annual budget for the ensuing financial year;
 - (d) the audited financial statements for the previous financial year;
 - (e) any other general business determined by the Board to be considered at the Annual General Meeting.
- 2.6.6 The minutes of the Annual General Meeting must, in addition to the requirements of subclause 2.5.20 be available to the public within five days of the Meeting for inspection or by provision of a copy upon payment of a fee fixed by the Board.

3. STAFFING ISSUES

- 3.1 The Board must appoint an Executive Officer of the Authority to manage the business of the Board on terms agreed between the Executive Officer and the Board. The Executive Officer may be a natural person or a body corporate.
- 3.2 The Executive Officer shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.
- 3.3 In the absence or likely absence of the Executive Officer for any period exceeding two weeks a suitable person to act in the position of Executive Officer of the Authority must be appointed by the Board.
- 3.4 The Board shall delegate responsibility for the day to day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 3.5 The functions of the Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:
 - 3.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 3.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
 - 3.5.3 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;
 - 3.5.4 appointing, managing, suspending and dismissing other employees of the Authority;
 - 3.5.5 determining the conditions of employment of employees of the Authority, within budgetary constraints set by the Board;
 - 3.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
 - 3.5.7 ensuring that the Authority is at all times complying with Schedule 2 to the Act and all other relevant statutory obligations;
 - 3.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
 - 3.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 3.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 3.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board;
 - 3.5.12 achieving financial outcomes in accordance with adopted plans and budgets of the Authority;
 - 3.5.13 inviting any person to attend at a meeting of the Board to act in an advisory capacity; and
 - 3.5.14 providing reports to the Constituent Councils in accordance with subclause 2.5.22.
- 3.6 The Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Executive Officer.
- 3.7 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 3.8 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.
- 3.9 The 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.

4. MANAGEMENT

- 4.1 **Financial Management**
 - 4.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
 - 4.1.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
 - 4.1.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
 - 4.1.4 All cheques must be signed by two persons authorised by resolution of the Board.

4.1.5 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Board.

The 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 and if requested, the Constituent Councils.

4.2 **Audit**

4.2.1 The Authority shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 2011, on terms and conditions set by the Board.

4.2.2 The Auditor will have the same powers and responsibilities as set out in the Local Government Act 1999, in relation to a council subsidiary.

4.2.3 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.

4.2.4 The books of account and financial statements shall be audited at least once per year.

4.2.5 The Authority is required to establish an audit committee.

4.3 **Strategic Plan**

The Authority shall:

4.3.1 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

4.3.2 review the Strategic Plan annually; and

4.3.3 consult with the Constituent Councils prior to adopting or amending the Strategic Plan.

4.4 **Annual Business Plan and Budget**

4.4.1 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 Local Government Act 1999.

4.4.2 The proposed annual business plan and budget must be referred to Constituent Councils at the same time as the Executive Officer submits it to the Board Members.

4.4.3 A Constituent Council may comment in writing to the Executive Officer on the business plan and budget at least three business days before the meeting at which it will be considered by the Board or, alternatively, may comment through its Board Member at the meeting of the Board.

4.4.4 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.

4.4.5 Reports summarising the financial position and performance of the Authority against the annual business plan and 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.

(See Clause 24, Part 2, Schedule 2 to the Act for the contents of the Business Plan)

(See Clause 25, Part 2, Schedule 2 to the Act and Regulations 7, 8 & 9 to the Local Government (Financial Management) Regulations 2011 for the contents of the budget)

4.5 **Reporting**

4.5.1 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 as required by the Constituent Councils.

4.5.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year.

4.5.3 The Board shall present audited financial statements to the Constituent Councils in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.

5. **MISCELLANEOUS**

5.1 **Equitable Interest**

5.1.1 Subject to subclause 5.1.2 the equitable interest of the Constituent Councils in the Authority is agreed as follows:

(a) City of Holdfast Bay: 15%.

(b) City of Marion: 30%.

(c) City of Onkaparinga: 55%.

5.1.2 The equitable interest of the Constituent Councils in the Authority as set out at subclause 5.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new Constituent Council or Councils is admitted pursuant to Clause 5.3.

5.2 **Withdrawal**

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

5.2.2 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 24 months notice expiring on 30 June of the relevant financial year.

5.2.3 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.

- 5.2.4 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.
- 5.2.5 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 common agreement of alternative payment arrangements by the Constituent Councils.
- 5.3 New Members**
Subject to the provisions of the Act, this Charter may be amended by the unanimous agreement of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership.
- 5.4 Insurance Requirements**
- 5.4.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.
- 5.4.2 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.
- 5.4.3 If the Authority employs any person it shall register with the Local Government Workers Compensation Scheme and comply with the Rules of that Scheme.
- 5.5 Winding Up and Statutory Guarantee**
- 5.5.1 The Authority may be wound up by unanimous resolution of the Constituent Councils and with the consent of the Minister.
- 5.5.2 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or becomes the responsibility of the Constituent Councils in the same proportion as their equitable interest in the Authority in accordance with Clause 5.1.
- 5.5.3 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), a call shall be made upon all of the Constituent Councils in proportion to their equity share for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.
- 5.6 Direction by Constituent Councils**
- 5.6.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 5.6.2 Provided that all of the Constituent Councils have first agreed as to the action to be taken, the Constituent Councils may direct and control the Authority.
- 5.6.3 For the purpose of this Clause, any decision of the Constituent Councils under subclause 5.6.1 and/or direction given or control exercised by the Constituent Councils must be given in writing to the Executive Officer of the Authority.
- 5.7 Review of Charter**
- 5.7.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.
- 5.7.2 This Charter may be amended by unanimous agreement expressed by resolution of the Constituent Councils.
- 5.7.3 The Executive Officer must ensure that the amended Charter is published on a website (or websites) determined by the Chief Executive Officers of the Constituent Councils, that a notice of the fact of the amendment and a website address at which the Charter is available for inspection is published in the *Gazette* and a copy of the amended Charter provided to the Minister.
- 5.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.
- 5.8 Disputes Between Constituent Councils**
- 5.8.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 5.8.2 Where the Constituent Councils are unable to resolve a matter within 28 days of the matter being presented to them, the matter will be referred for arbitration by the President (or his/her nominee) of the Institute of Arbitration.
- 5.8.3 Notwithstanding subclause 5.8.2 the Constituent Councils agree to be bound by the decision of the Arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.
- 5.8.4 The costs of arbitration shall be borne equally by the Constituent Councils.
- 5.9 Committees**
- 5.9.1 The Board may establish a committee comprised of any persons for the purpose of enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the committee.
- 5.9.2 The Board may establish a committee comprised only of Board Members for the purpose of exercising, performing or discharging delegated powers, functions or duties.
- 5.9.3 A member of a committee established under this Clause holds office at the pleasure of the Board.

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

5.10 Common Seal

5.10.1 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 Executive Officer.

5.10.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.

5.10.3 The 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.

5.10.4 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority.

5.11 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.

MARK HINDMARSH Executive Officer

Item No: 15.1
Subject: **ITEMS IN BRIEF**
Date: 12 July 2022
Written By: Executive Support Officer
Chief Executive Officer: Mr R Bria

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. **History SA Grant**
 2. **What's On Update**
 3. **Libraries Board of SA and the Local Government Association 2022-2026 Collaboration Agreement**
 4. **Sister Cities Agreement**
 5. **Local Government Association - Dog and Cat Management Board Nomination Update**
 6. **State Government Review of the Planning, Development and Infrastructure Act 2016**
-

REPORT

1. History SA Grant

The History Centre has recently been awarded the amount of \$16,000 via the History Trust of South Australia Museums and Collections (MaC) Program for the conservation of a Victorian era, 1880s two-piece women's dress. In collaboration with Artlab Australia the dress, which was designed and manufactured in Paris, will be stabilised and formally exhibited in the Bay Discovery Centre. This item was donated to Council in 2019 by the family of Helena 'Ellena' Dinsdale (formerly Crimp, née Morley). The dress, which belonged to Ellena, was passed through generations of the family before being donated to the Centre by descendants of the Morley family line. Helena was born in 1856 in Stoke Climsland Cornwall, England. She arrived in Australia in 1874 at the age of 18, with her occupation being listed as a domestic servant. She married John Crimp, a well-known South Australian

coachbuilder and the couple lived on Dunrobin Road, Brighton. After her husband's death, she remarried. Her second husband was Edward Dinsdale, the nephew in law of John Crimp and they continued to live in the Brighton property. Helena died in 1935 and is buried with her mother in St. Jude's Cemetery, next to both of her husbands.

As part of the Creative Holdfast Arts and Culture Strategy, the History Centre and Bay Discovery Centre are committed to telling the diverse stories of our communities when exhibiting items from the collection. This dress, once on display, will be used to tell the story of Ellena, her rise from a domestic servant to the upper classes via marriage and the gender bias that befell her and many other women during this period.

2. What's On Update

The City of Holdfast Bay is pleased to be supporting two initiatives that encourage communities to be more active.

Move It is predominantly funded by the Office for Recreation, Sport and Racing (ORSR) and is a partnership between the Cities of Marion, Holdfast Bay and Mitcham that features a range of activities to promote physical activity in local parks, reserves, bikeways and spaces. In 2021/22 the ORSR granted the City of Marion \$101,470 (excluding GST) to engage a dedicated Move It Program Coordinator for 2022. The City of Holdfast Bay's contribution is \$2,000 (excluding GST), in-kind promotion and in-kind staff support. Council is currently working with the existing partners in addition to the City of Onkaparinga to identify future ORSR funding opportunities to extend the program.

The City of Holdfast Bay also welcomes back Live Life Get Active who are hosting daily weekday sessions at Wigley Reserve featuring both cross training and boxing.

Council is promoting all opportunities at www.holdfast.sa.gov.au/whatson.

3. Libraries Board of SA and the Local Government Association 2022-2026 Collaboration Agreement

Council received a letter of response from the Hon Andrea Michaels MP on behalf of the Hon Peter Malinauskas MP, in regard to public library funding.

Refer Attachment 1

4. Sister Cities Agreement

Council received a letter of response from Yamanashi Takahito, Mayor of Hayama regarding the Sister City Agreement with City of Holdfast Bay.

Refer Attachment 2

5. Local Government Association - Dog and Cat Management Board Nomination Update

Council received an update from the Local Government Association for its nomination of Councillor Fleming for the Dog and Cat Management Board.

Refer Attachment 3

6. State Government Review of the Planning, Development and Infrastructure Act 2016

Council received a letter of response from the Hon Peter Malinauskas MP regarding the state government's upcoming review of the *Planning, Development and Infrastructure Act 2016*.

Refer Attachment 4

Attachment 1





**Government
of South Australia**

**Minister for Small and
Family Business**

**Minister for Consumer and
Business Affairs**

Minister for Arts

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 7322 7060

The Hon Andrea Michaels MP

B289639

Mayor Angela Wilson
PO Box 19
BRIGHTON SA 5048

Email: krowntree@holdfast.sa.gov.au

Dear Mayor ^{Angela} Wilson

**Collaboration Agreement between the Libraries Board and the Local
Government Association 2022-2026**

I write in response to your letter dated 23 May 2022 to the Premier of South Australia, the Hon Peter Malinauskas MP, about public library funding. The Premier has asked me to respond on his behalf as the matter raised falls within my portfolio responsibilities.

The recent State Budget has confirmed that the funding for Public Library Services for 2022-23 is \$20.710 million, which has been maintained at the same funding level as 2021-22. Funding over the forward estimates will be subject to future State Budgets.

I understand that the Libraries Board of South Australia has recently entered into a new Collaboration Agreement with the Local Government Association. I am advised that this is the first agreement where the Libraries Board and employees of the State Library and Public Library Services were responsible for developing the terms and conditions of the agreement with the Local Government Association.

I acknowledge the important role that public libraries in South Australian play in connecting communities, increasing literacy, including digital literacy and connecting our communities to local and state government services.

Yours sincerely

Hon Andrea Michaels MP
Minister for Small and Family Business
Minister for Consumer and Business Affairs
Minister for Arts

28/6 / 2022

Attachment 2



Jun. 24 2022

Dear Mayor Amanda Wilson

Thank you for your response dated 13 May 2022, also appreciate your message in Japanese.

Regarding the procedures, I would like to ask you whether you already have any particular ideas to terminate this agreement.

As for us, we have an idea of exchanging a signed terminal agreement, stating our continued/ long-lasting goodwill and friendship so that we can officially inform this determination to our citizen with it.

Lastly, our council and I will be pleased to have any requests of yours. We'll do our best as much as possible.

Best wishes,

Yamanashi Takahito
Mayor of Hayama

Attachment 3



In reply please quote our reference: ECM 778749 TN/AL

30 June 2022

Mr Roberto Bria
Chief Executive Officer
City of Holdfast Bay

Emailed: rbria@holdfast.sa.gov.au mail@holdfast.sa.gov.au

Dear Roberto

Dog and Cat Management Board

Further to our letter of 10 February 2022, I write to advise that the Minister for Climate, Environment and Water has appointed Ms Karen Rokicinski (City of Victor Harbor) to the Dog and Cat Management Board for a three-year term commencing 4 June 2022 – 31 January 2025. This appointment is to replace the position previously held by Mayor Moira Jenkins.

Please advise Cr Fleming of the outcome.

If you have any queries in relation to this matter, please contact me on 8224 2037 or email nominationscoordinator@lga.sa.gov.au.

We would like to again thank your council for putting forward a nomination for this Board.

Yours sincerely



Tami Norman
Program Leader Governance

Telephone: (08) 8224 2037
Email: tami.norman@lga.sa.gov.au

Attachment 4



Received

29 JUN 2022

CITY OF HOLDFAST BAY



THE HON PETER MALINAUSKAS MP

PREMIER OF SOUTH AUSTRALIA

Mayor Amanda Wilson
City of Holdfast Bay
PO BOX 19
BRIGHTON SA 5048

FB287168

Dear Mayor Wilson

I refer to your correspondence on behalf of the City of Holdfast Bay (Council) regarding the state government's upcoming review of the *Planning, Development and Infrastructure Act 2016* (the Act).

I acknowledge the views of the Council with regard to the state's planning system, and its recent resolution that 'Council advocate in support of a comprehensive review' of the Act.

The state government's planning policy platform document, released prior to the March 2022 State Election, provides for the commissioning of an implementation review of the Act and the Planning and Design Code (the Code).

The Minister for Planning, the Hon Nick Champion MP, has advised me that he will soon finalise the formation of an Expert Panel that will be responsible for undertaking the Implementation Review Project. The scope of the project will soon be announced, but is expected to include a review of the Act, the Code and the e-planning system.

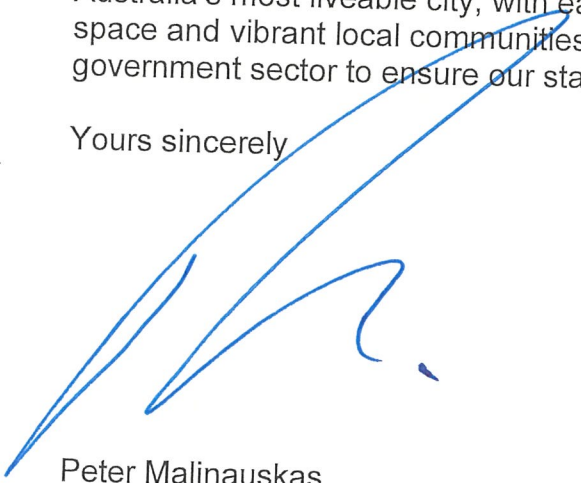
Council may be interested to note the Panel's review of the Code will include consideration of how the planning policy setting is currently addressing the protection of local heritage and character within our local neighbourhoods. The scope of the review of the Act will be further determined by the Panel, but may include those matters you have raised, such as third-party appeal rights and elected member representation on Council Assessment Panels.

As part of its delivery of the Implementation Review, the Expert Panel will engage with local councils, advocacy groups, the development industry and the community more broadly. I therefore encourage the Council to participate in discussions around the work of the Expert Panel throughout this engagement process.

State Administration Centre 200 Victoria Square Adelaide SA 5000
GPO Box 2343 Adelaide South Australia 5001
+61 8 8429 3232 | premier@sa.gov.au
premier.sa.gov.au

Thank you for taking the time to write to me regarding this important matter. The State Labor government is committed to ensuring that Adelaide remains Australia's most liveable city, with ease of access to public transport, green open space and vibrant local communities. I look forward to working with the local government sector to ensure our state's ongoing success.

Yours sincerely



Peter Malinauskas
PREMIER

28/6/2022

Item No: 15.2

Subject: **ANTI-RACISM AND INCLUSION POLICIES**

Date: 12 July 2022

Written By: Manager, Strategy and Governance

General Manager: Strategy and Corporate, Ms P Jackson

SUMMARY

At the Council meeting of 25 August 2020, Councillor Abley moved a Motion on Notice for Administration to draft an Anti-Discrimination and Social Inclusion Policy, and to develop a framework for measuring diversity outcomes. This motion was carried unanimously (C250820/2013). Upon support for this motion, additional conversations occurred regarding initiatives combatting racism. In consultation with Councillor Abley, Administration has drafted an Inclusion Policy and an Anti-Racism Policy for Council's consideration.

Council's strategic plan, *Our Holdfast 2050+*, and the *Disability Action and Inclusion Plan* set out Council's intent for, and commitments to, inclusion. These policies articulate Council's ethical position, demonstrate Council's leadership and give practical effect to the strategic intentions and commitments set out in its plans.

RECOMMENDATION

That Council:

- 1. endorse the Anti-Racism Policy; and**
 - 2. endorse the Inclusion Policy.**
-

STRATEGIC PLAN

Council's vision for 2050+ is, in part, to create "a welcoming and healthy place for all in South Australia's most sustainable city".

'All' must by definition and strongly by intent, include first nations peoples.

Furthermore, Council's Strategic Plan includes the following aspirations:

- Holdfast Bay is internationally recognised as a leader in inclusion and participation
- The Kurna people's cultural and spiritual relationship to the area is honoured in meaningful, collaboratively agreed ways.

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

The Equal Opportunity Act 1984

The Disability Inclusion Act 2018

Local Government Act 1999

Universal Declaration of Human Rights

Convention on the Rights of Persons with Disabilities

Convention on the Elimination of all Forms of Discrimination Against Women

Conventions on the Rights of the Child

Convention on the Elimination of All Forms of Racial Discrimination

BACKGROUND

On 25 July 2020, Councillor Rebecca Abley tabled the following Motion on Notice:

That Administration:

1. *bring back to Council a draft Anti-Discrimination and Social Inclusion Policy;*
and
2. *develop a framework for measuring diversity outcomes including, but not limited to, things such as diversity in our print media, education, and training.*

The motion was carried unanimously (C250820/2013).

Upon the support for this motion, further discussions took place with several Elected Members regarding initiatives to combat racism. At the time it was decided any initiatives would be difficult to implement due to Council not having a policy position on racism. As a result of these discussions, and in consultation with Councillor Abley, an Anti-Racism Policy has been drafted.

Since that time, a new Strategic Plan and a Disability Action and Inclusion Plan have been adopted, which set Council's strategic intent for, and commitments to, inclusion.

REPORT

In accordance with Council's vision in the Strategic Plan to create a welcoming and healthy place for all, it is considered necessary to articulate Council's ethical position on racism and inclusion.

These topics can be controversial in some people's views, however, the paradox of tolerance is that unlimited tolerance leads to the disappearance of tolerance. It is therefore necessary to take a strong stand against intolerance, and a strong stand for inclusion.

An Anti-Racism Policy has been drafted and is provided to members as Attachment 1. This policy outlines Council's stand regarding racism in the organisation and our city. It articulates Council's

commitment to acknowledging our past, moving forward constructively with Kurna people and, more generally, taking a strong, ethical stand against racism of all kinds.

Refer Attachment 1

An Inclusion Policy has been drafted and is provided to members as Attachment 2. This policy outlines Council's commitment to ensuring its decisions and actions meet the needs of the community, which is diverse in its needs and aspirations. It articulates Council's commitment to creating a welcoming place for all, regardless of background, age, religion, sexuality or abilities.

Refer Attachment 2

These policies demonstrate Council's leadership on these matters and take a clear moral stand. Council expressed its intention for inclusion in its plans, and by adopting these policies, will give effect to these intentions by making its positions clear.

Racism and exclusion can have serious consequences for the people who experience it. As community leaders and governors of the area, it behoves Council to set the bar high and be clear about what is and what is not acceptable.

These policies do not require community consultation pursuant to legislation. Indeed, they are most appropriate, and effective, as a statement of Council's leadership.

Following approval of the policies, Administration will commence work on developing a framework to measure diversity outcomes.

BUDGET

Not applicable

LIFE CYCLE COSTS

Not applicable

Attachment 1



ECM DSID Number:	
First Issued / Approved:	Xx July 2022
Last Reviewed:	
Next Review:	Xx July 2025
Responsible Officer:	Manager Strategy and Governance

1. PREAMBLE

This policy outlines Council’s stand regarding racism in the organisation and our city. Inclusion is critical and Council has a separate Inclusion Policy. This policy relates specifically to “prejudice, discrimination or antagonism directed against someone of a different race, based on the belief that one’s own race is superior”. (Oxford Dictionaries)

1.1 Background

The City of Holdfast Bay is Kurna land. The area includes a number of spiritually and culturally significant locations, which continue to be important to the Kurna people today. These areas include burial grounds, historic gathering areas and dreaming places.

The city is also important to the European history of the State, as it includes the site of the first settlers’ arrival to the Province of South Australia, which was established under the “*Letters Patent under the Great Seal of the United Kingdom erecting and establishing the Province of South Australia and fixing the boundaries thereof*”, as presented to King William IV.

The Letters Patent stated “that nothing in these our letters patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives.”

South Australia’s first Vice-Regal Proclamation, which was read on 28 December 1836 echoed these sentiments. Under the English ensign of St George, the proclamation advised gathered settlers that the government of the province had been created, asked them to behave “with order and quietness”, respect laws and with sound morality and observance of religion, to prove worthy of being the “Founders of a great and free Colony”. The proclamation committed to “take every lawful means for extending the same protection to the Native Population as to the rest of His Majesty’s Subjects and...to punish with exemplary severity, all acts of violence or injustice which may in any manner be practiced or attempted against the Natives who are to be considered as much under the Safeguard of the law as the Colonists themselves, and equally entitled to the privileges of British Subjects.”

Despite the generally positive intentions of the Letters Patent and the Proclamation, since colonisation, Kurna people have been displaced, disenfranchised, marginalised and decimated. Kurna culture has been suppressed and much damage has been inflicted on the nation and individuals by successive governments and various organisations charged with the care of Kurna people.

ANTI-RACISM POLICY

Social and physical structures brought in and created by settlers, coupled with policies and actions taken in relation to “Aboriginal Affairs”, and initially keeping Australia white more generally, have created a legacy of systemic racism and many forms of unwitting discrimination.

This policy does not judge past actions but in the spirit of *Tiati Wangkanthi Kumangka* (truth-telling together), respectfully acknowledges those actions and seeks to begin to redress their consequences.

1.2 Purpose

This policy articulates Council’s commitment to acknowledging our past, moving forward constructively with Kurna people and, more generally, taking a strong, ethical stand against racism of all kinds. Racism is best understood when acknowledging the context of power, oppression and privilege and Council does not shy away from acknowledging the power and privilege both Elected Members and staff often hold.

1.3 Scope

This policy applies to the whole of council.

1.4 Definitions

Discrimination – refers to a person or group being treated less favourably or not being given the same opportunities as others in a similar situation because of their race, skin colour, cultural background, ethnic origin or citizenship status. Discrimination is unlawful (refer to the *Equal Opportunity Act 1984*).

Indirect Discrimination – is when requirements, policies or practices which are the same for everyone appear to be neutral and fair but actually disadvantage people who share a particular attribute.

Racism - refers to "prejudice, discrimination or antagonism directed against someone of a different race, based on the belief that one's own race is superior" (Oxford Dictionaries).

1.5 Strategic Reference

Council’s vision for 2050+ is, in part, to create “a welcoming and healthy place for all in South Australia’s most sustainable city”.

‘All’ must by definition and strongly by intent, include first peoples.

Furthermore, Council’s Strategic Plan includes the following aspirations:

- Holdfast Bay is internationally recognised as a leader in inclusion and participation
- The Kurna people’s cultural and spiritual relationship to the area is honoured in meaningful, collaboratively agreed ways.

ANTI-RACISM POLICY

Council's strategic plan is aligned to the United Nations Sustainable Development Goals, which were developed as an urgent call for action by all countries. The goals recognise that ending injustice and inequality must go hand-in-hand with strategies that improve health and education and spur economic growth, while tackling climate change and working to preserve the natural environment.

Goals relevant to this policy include:

Goal 10 – Reduce inequality within...countries

Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

2. PRINCIPLES

- 2.1 Leadership matters - both for what it does and does not do. On this basis, Council supports the original intent of the Letters Patent and the Uluru Statement from the Heart and seeks to engage fully in truth-telling, and treaty-making to the extent of its powers.
- 2.2 Council acknowledges the existence of systemic and behavioural racism exists in our society and is unwavering in the view that it is unacceptable.
- 2.3 Council rejects all forms of racism and is committed to the elimination of racial discrimination in all aspects of its operations and spheres of influence, whether directed at Aboriginal and Torres Strait Islander people or people of any religious or cultural minority.
- 2.4 Council acknowledges that Aboriginal and Torres Strait Islander people, and in our city in particular, Kurna people, have been particularly adversely affected by European settlement and continue to suffer from racist policies and actions.
- 2.5 Council acknowledges the power and privilege that both Elected Members and staff often hold and commit to acknowledging this power and proactively opening circles of privilege where they exist.
- 2.6 Council acknowledges that a reconciliation of the past and a future free from racism must be a joint and collaborative endeavour, undertaken in a spirit of *Tiati Wangkanthi Kumangka* (truth-telling together).
- 2.7 Council commits to and implores all Elected Members, staff and community members to commit to standing up against racism and racial discrimination in all its forms, including indirect discrimination. It is the shared responsibility of the City of Holdfast Bay community to combat racism and challenge racist expressions whenever it is safe to do so, irrespective of how they manifest or are intended. Racism stops with each of us.
- 2.8 Council supports Elected Members, staff and the community making complains about racism. Anyone who experiences racism in any form is encouraged to report the

ANTI-RACISM POLICY

incident(s), and to seek support. Suggestions for how Council can improve or support the community in standing up against racism and welcoming diversity are also welcome.

- 2.9 Council commits to eliminating systemic racism from its policies and services, by developing these collaboratively and openly.
- 2.10 Council commits to seeking opportunities to support and invest in anti-racism activities and those that increase diversity in the city. Council considers it a responsibility to use resources to help people find commonalities, build bridges and support activities that focus on the similarities of our shared humanity.

3. REFERENCES

3.1 Legislation

The Equal Opportunity Act 1984

Local Government Act 1999

International Convention on the Elimination of All Forms of Racial Discrimination

3.2 Other References

Strategic Plan – Our Holdfast 2050+

Customer Feedback and Complaints Policy

Employee Code of Conduct

Code of Conduct for Council Members

United National Sustainable Development Goals

Attachment 2



ECM DSID Number:	
First Issued / Approved:	Xx July 2022
Last Reviewed:	
Next Review:	Xx July 2025
Responsible Officer:	Manager Strategy and Governance

1. PREAMBLE

Council has a responsibility to ensure its decisions and actions meet the needs of the community, which is diverse in its needs and aspirations.

1.1 Background

The City of Holdfast Bay is Kurna land. The area includes a number of spiritually and culturally significant locations, which continue to be important to the Kurna people today. These areas include burial grounds, historic gathering areas and dreaming places.

The city is also important to the European history of the State, as it includes the site of the first settlers’ arrival and South Australia’s first Vice-Regal Proclamation, which was read on 28 December 1836.

The term ‘multiculturalism’ was introduced in the early 1970s, when the final vestiges of the ‘White Australia’ policy were removed and an understanding of the value of diversity, rather than assimilation, grew throughout the community.

1.2 Purpose

This policy articulates Council’s commitment to creating a welcoming place for all, regardless of background, age, religion, sexuality or abilities.

1.3 Scope

This policy applies to the whole of council.

1.4 Definitions

Access – refers to equitable access to Council’s services, information, programs, facilities, built environments and employment opportunities.

Equity – refers to fairness in a social justice context. Principles of equity recognise that policies or practices which are the same for everyone can appear to be neutral and fair but actually disadvantage people who share a particular attribute. Equity aims to prevent discrimination based on gender, cultural background, disability, age, beliefs or various other grounds, and to facilitate people’s participation in life and the community.

Inclusion – refers to a state where differences are respected and people feel they belong and are valued, and can live in dignity and participate as they choose in line

with their rights as an equal member of society, free from discrimination and disadvantage.

Human Centred Design – refers to a problem-solving technique that puts people at the centre of the development process. It is an iterative practice that makes feedback from the intended users of the solution a critical part of how a solution evolves.

Multiculturalism – refers to the idea that cultural, linguistic and religious differences within society should be accepted and celebrated.

Universal Design - refers to the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. (*National Disability Authority, Centre for Excellence in Universal Design*)

1.5 Strategic Reference

Council’s vision for 2050+ is, in part, to create “a welcoming and healthy place for all in South Australia’s most sustainable city”.

Furthermore, Council’s Strategic Plan includes the following aspirations:

- Holdfast Bay is internationally recognised as a leader in inclusion and participation
- The Kurna people’s cultural and spiritual relationship to the area is honoured in meaningful, collaboratively agreed ways.

Council’s strategic plan is aligned to the United Nations Sustainable Development Goals, which were developed as an urgent call for action by all countries. The goals recognise that ending injustice and inequality must go hand-in-hand with strategies that improve health and education and spur economic growth, while tackling climate change and working to preserve the natural environment.

Goals relevant to this policy include:

Goal 5 – Achieve gender equality and empower all women and girls

Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

2. PRINCIPLES

- 2.1 Council recognises “the inherent dignity and worth and the equal and inalienable rights of all members of the human family” and acknowledges its responsibilities to the principles of human rights, as articulated in a number of International Conventions and related legislation.

INCLUSION POLICY

- 2.2 Council recognises that we all benefit from the cultural, linguistics and religious diversity of our society and that all people have a right to contribute to the social, environmental, political, economic and cultural fabric of our city.
- 2.3 Council is committed to planning, decision-making and service delivery that:
- supports the rights of all people to have dignity and autonomy
 - is non-discriminatory
 - is inclusive for all
 - is collaboratively developed, using participatory methods
 - encourages all possible opportunities for participating in and contributing to life in this city and community
 - encourages a sense of belonging
 - respects, celebrates and proactively welcomes diversity
 - values contributions made by everyone
 - focusses on equity of opportunity and participation.
- 2.4 Council acknowledges its leadership role in inclusion and commits to model behaviours and actions that enable equity, access and inclusion.
- 2.5 Council will apply principles of universal design and human centred design at every opportunity in planning and delivery of projects and services.
- 2.6 Council acknowledges that the status quo inadvertently disadvantages and excludes some members of our community and commits to innovating in order to increase participation and inclusion.
- 2.7 Council commits to ensuring its facilities and services are inclusive, as well as accessible.
- 2.8 Council acknowledges that inclusion must be a joint and collaborative endeavour, undertaken in a spirit of *Tiati Wangkanthi Kumangka* (truth-telling together) and openness to new perspectives and ideas.
- 2.9 Council commits to and requires all Elected Members and staff to commit to applying an explorer's mindset to difference, with the intention of building empathy and understanding. Council invites community members to do the same.
- 2.10 Council supports Elected Members, staff and the community in proactively suggesting ways that our city and our organisation can be more inclusive.
- 2.11 Council commits to seeking opportunities to support and invest in activities that increase diversity and inclusion in the city.

3. REFERENCES

3.1 Legislation

The Equal Opportunity Act 1984

The Disability Inclusion Act 2018

Local Government Act 1999

Universal Declaration of Human Rights

INCLUSION POLICY

Convention on the Rights of Persons with Disabilities
Convention on the Elimination of all Forms of Discrimination Against Women
Conventions on the Rights of the Child

3.2 Other References

Strategic Plan – Our Holdfast 2050+
Disability Action and Inclusion Plan
Customer Feedback and Complaints Policy
Employee Code of Conduct
Code of Conduct for Council Members
United Nations Sustainable Development Goals

Item No: 15.3

Subject: **NEW POLICY – COASTAL VEGETATION MANAGEMENT**

Date: 12 July 2022

Written By: Team Leader, Environment and Coast

General Manager: Assets and Delivery, Mr M de Heus

SUMMARY

Council values its coastal vegetation and the many benefits it brings to our community. These include aesthetics, sand stabilisation, storm buffer, climate adaptation, and habitat for biodiversity purposes. Occasionally, there are conflicting values in this space such as access to coastal views, particularly from memorial seats, and space around sculptures and other amenities. Rate payers have paid for plants, seats and sculptures and therefore all of these are valued in different ways by our community. This policy has been developed to provide clarity on Council's position on coastal vegetation management, and to provide consistency in the application of that management.

RECOMMENDATION

That Council approve the new Council Policy: Coastal Vegetation Management.

STRATEGIC PLAN

Strategic vision: Protection our heritage and beautiful coast
Sustainability: We preserve resources and minimise our individual and collective environmental footprint.

COUNCIL POLICY

Draft Council Policy: Coastal Vegetation Management

STATUTORY PROVISIONS

Not applicable

BACKGROUND

On 23 July 2013 a Coastal Vegetation Master Plan, including a draft Coastal Vegetation Policy, was brought to Council for endorsement (motion C230713/968). Even though this motion was carried, the Master Plan was never carried out and the policy was not finalised.

In 2019, a Holdfast Bay Dune Biodiversity Plan (2019-2024) was presented at a Council workshop, which superseded the previous Coastal Vegetation Master Plan. The document is on Council's website.

A new Coastal Vegetation Management policy has been prepared for Council's review and approval. The policy has been reviewed by the Governance and Strategy team and approved by the Senior Leadership Team.

Refer Attachment 1

REPORT

This new draft Coastal Vegetation Management policy provides clarity and consistency internally, for our external stakeholders and for our community. It carefully balances a variety of competing objectives and interests, such as biodiversity, aesthetics, events, sand management, safety and potential impacts on pedestrians, traffic, infrastructure and visitors.

The draft policy covers all coastal vegetation on the beach side of the Coast Path along the entire length of the Holdfast Bay coastline, excluding the Minda Dunes, which has a separate management plan.

The policy aligns with the objectives and actions in the Dune Biodiversity Action Plan, the Environment Strategy 2020 – 2025 and the Strategic Plan, Holdfast 2050+.

BUDGET

Not applicable

LIFE CYCLE COSTS

Not applicable

Attachment 1



ECM DSID Number:	
First Issued / Approved:	Date of first issue/approval
Last Reviewed:	Date of last review
	Resolution Number
Next Review:	Review Date
Responsible Officer:	Team Leader Environment & Coast
Date Placed on Webpage/ Intranet:	

1. PREAMBLE

1.1 Background

Council values its coastal vegetation and the many benefits it brings to our community. These include aesthetics, sand stabilisation, storm buffer, health, climate adaptation, and habitat for biodiversity purposes. Occasionally, there are conflicting values in this space such as access to coastal views, particularly from memorial seats, and space around sculptures and other amenities. Rate payers have paid for plants, seats and sculptures and therefore all of these are valued in different ways by our community.

This policy has been developed to provide clarity on Council’s position on coastal vegetation management, and to provide consistency in the application of that management.

1.2 Purpose

The purpose of this policy is to manage and protect Council’s coastal vegetation with consistency and clarity.

1.3 Scope

This policy covers all coastal vegetation on the beach side of the Coast Path along the entire length of the Holdfast Bay coastline, excluding the Minda Dunes, which have a separate management plan.

1.4 Definitions

There are no specific definitions associated with this policy.

1.5 Strategic Reference

Sustainability – the Council Policy: Coastal Vegetation Management, contributes to carefully managing our resources for the benefit of future generations and minimises our individual and collective footprint as we live and travel around our city.

COUNCIL POLICY: DUNE VEGETATION MANAGEMENT

2. PRINCIPLES

Council values its coastal vegetation and the many benefits it brings to our community. These include aesthetics, sand stabilisation, storm buffer, health, climate adaptation, and habitat for biodiversity purposes.

New infrastructure including sculptures, artwork, seats, showers, etc. installed along the coast will be located to minimise impact on existing coastal vegetation. Future coastal plant species selection will be selected in order to reduce blocking views at seats, and to reduce the need for pruning vegetation around sculptures. Relocation of infrastructure will be considered to protect valuable coastal vegetation.

Sculptures are acquired by Council for the community to enjoy, therefore dune vegetation will be pruned back around sculptures if and when necessary.

Seats are provided for the community to relax and enjoy our coast and coastal vegetation. Dune vegetation will be pruned back around seats. Vegetation blocking sea views from seats will be assessed and minimal maintenance undertaken if and when necessary.

Dune vegetation that prevents the use of showers, bicycle racks and any other amenity will be pruned when necessary.

Dune vegetation that obstructs or prevents safe passage through the dune paths will be pruned back for safe access. If native seedlings germinate on the dune paths, these may be removed if it is a species that will block access.

Large dead trees or shrubs immediately adjacent to the Coast Path will be cut down to improve aesthetic value. Dead vegetation further into the dunes will not be removed or cut down as it still provides habitat value.

Vegetation on the beach-facing slope of the foredune will be managed for both dune stability and shorebird habitat. Shorebirds using this habitat include hooded plovers (listed as 'Vulnerable' under the *National Parks and Wildlife Act 1972*) and red-capped plovers. This will aim to provide a gently sloping dune face that is vegetated mainly by spinifex with some open areas of sand in between the spinifex runners. Other foredune plant species (i.e. *Atriplex cinerea*, *Leucophyta brownii* and *Ficinia nodosa*) may also be present but sparse.

If plant removal and replacement is required (e.g. coastal tea trees are being removed as they are a high priority weed) then coastal vegetation will be pruned back in stages to ensure that sand is held in place by the larger, older plants and to provide space for new replacement plants to grow. Only when the new plants are established and able to hold sand in place will the older, larger plants be removed.

Live dune vegetation that blocks views from residents' houses and is not obstructing or damaging any amenity or other infrastructure will not be cut or pruned to improve residents' views.

COUNCIL POLICY: DUNE VEGETATION MANAGEMENT

Future dune revegetation will be conducted in accordance with the City of Holdfast Bay Dune Biodiversity Action Plan 2019 – 2024.

3. REFERENCES

3.1 Legislation

Landscape South Australia Act 2019
National Parks and Wildlife Act 1972

3.2 Other References

- Holdfast 2050+
- Environment Strategy 2020-2025
- Dune Biodiversity Action Plan 2019 – 2024
- Tree Management Policy

Item No: 15.4

Subject: **SIGNIFICANT/REGULATED TREE REMOVAL - ABOYNE AVENUE,
SEACLIFF PARK**

Date: 12 July 2022

Written By: Team Leader, Environment and Coast

General Manager: Assets and Delivery, Mr M de Heus

SUMMARY

A tree classified as regulated under the *Planning, Development and Infrastructure Act 2016* requires removal. The tree is a coral gum (*Eucalyptus torquata*) located on Aboyne Avenue near the corner with Lamington Avenue, Seacliff Park. The tree requires removal because it is diseased and structurally unsound. The *Planning, Development and Infrastructure Act 2016* requires a development application for the removal and Council's Tree Management Policy requires Council to provide landowner's consent for the application.

RECOMMENDATION

That Council provide landowner's consent for a development application for the removal of a coral gum (*Eucalyptus torquata*) located on Aboyne Avenue near the corner with Lamington Avenue, Seacliff Park.

STRATEGIC PLAN

Support the creation of safer places by improving the public realm.

COUNCIL POLICY

Tree Management Policy

STATUTORY PROVISIONS

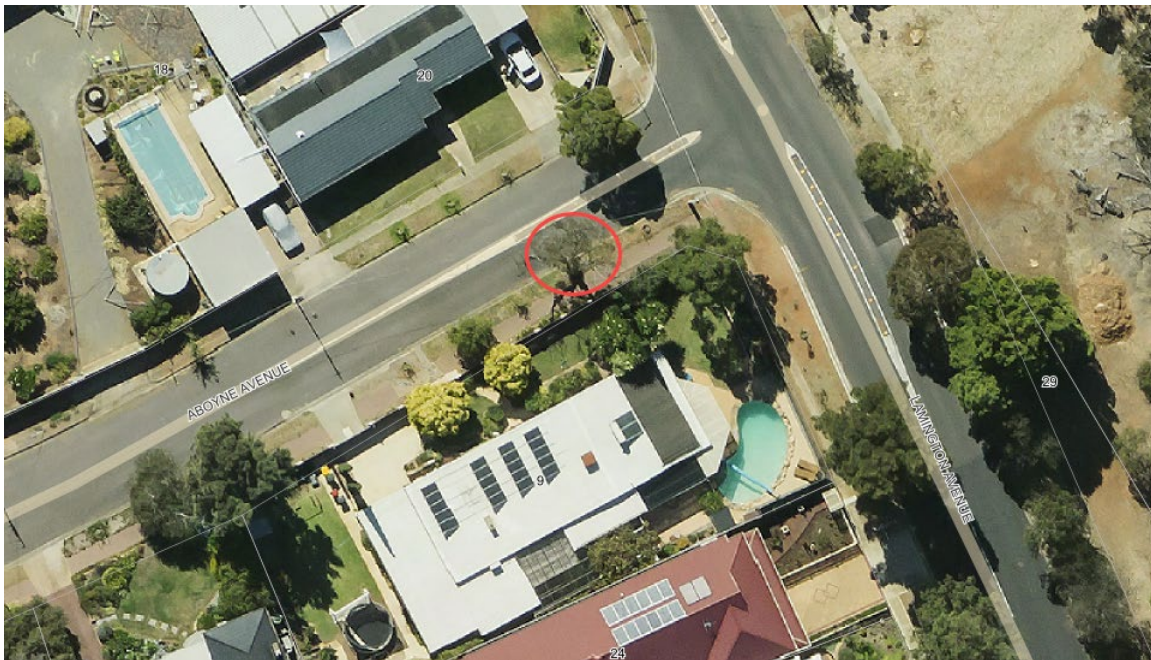
Planning, Development and Infrastructure Act 2016

BACKGROUND

This tree was previously inspected in May 2017 when a resident notified Council with their concern that the tree was dying. Council's response at that time was to remove a dead limb. At the time the rest of the tree looked healthy.

Recently, the street tree audit and another resident notified Council that the tree was in poor health. Upon inspection by the Senior Urban Forest Officer, it was observed that the tree is suffering as a result of natural causes with excessive scarring and deadwood, and supports a poor form. More than two-thirds of the canopy has died and the tree has borers. There is nothing that can be done to save the tree as it shows no signs of recovery or regrowth. Therefore, it must be removed.

The location is shown here:



Some of the damage and canopy dieback in the tree is shown here:



REPORT

Administration recommends the removal of this tree because it is dying and cannot be saved.

The tree can be removed by the end of September, subject to DA approval. The resident who contacted us has been notified and nearby residents will also be notified prior to the removal including the tree replacement strategy.

Three trees will be planted to replace it. One will replace the tree in question at the same site and two trees will be planted in the Susan Grace Benny Reserve.

BUDGET

Operational budget

LIFE CYCLE COSTS

Not applicable

Item No: 15.5

Subject: **CALL FOR NOMINATIONS – GREATER ADELAIDE REGIONAL ORGANISATION OF COUNCILS**

Date: 12 July 2022

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

SUMMARY

The Local Government Association (LGA) are calling for nominations to fill eight (8) positions on the Greater Adelaide Regional Organisation of Councils (GAROC) to commence office from the conclusion of the 2022 LGA Annual General Meeting (AGM) and to remain in office until the conclusion of the 2024 AGM.

RECOMMENDATION

That Council:

1. notes the report;

OR

2. nominates _____ for consideration by the Local Government Association of South Australia to be nominated for Greater Adelaide Regional Organisation of Councils.

STRATEGIC PLAN

Statutory compliance

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Clause 19 of the Local Government Association of South Australia Constitution and Rules

BACKGROUND

In accordance with Clause 19 of the LGA Constitution and Rules, the LGA have established regional organisations of members including GAROC. Greater Adelaide Regional Organisation of Councils is responsible for regional advocacy, policy initiation and review, leadership, engagement and capacity building in the GAROC Region. The GAROC Committee was formally established in October 2018 and is responsible to the Board of Directors for the discharge of its functions.

At the 2019 LGA AGM, members endorsed the establishment of four (4) GAROC Regional Groupings which took effect from the 2020 GAROC elections. Membership of GAROC comprises of two (2) eligible members elected by a majority vote of the councils within each Regional Grouping.

Refer Attachment 1

Pursuant to clause 4.2.1 of the GAROC Terms of Reference (ToR) the number of positions available are for eight (8) GAROC members to represent the Greater Adelaide region. If the number of nominations exceed the number of vacancies, representatives will be elected from those persons who are nominated. An extract from the GAROC ToR is provided for further information including membership, nomination and election.

Refer Attachment 2

REPORT

On 4 July 2022, the Chief Executive Officer received formal correspondence from Clinton Jury, Chief Executive Officer and LGA Returning Officer seeking nominations for members to fill positions on the Greater Adelaide Regional Organisation of Councils.

Refer Attachment 3

A nomination may only be made by resolution of Council. Nominations are to be received by the LGA Returning Officer by 5pm Friday 19 August 2022. Each nominee will be required to complete a 2022 Nomination Form and a Candidate Information sheet. Late nominations will not be accepted.

Refer Attachments 4 and 5

BUDGET

There are no budget implications for Council.

LIFE CYCLE COSTS

There are no life cycle costs associated with this report.

Attachment 1



Greater Adelaide Regional Organisation of Councils (GAROC)

Regional Groupings

GAROC Regional Grouping	Members
Adelaide	Adelaide City
North	Gawler Playford Salisbury Tea Tree Gully
West	Charles Sturt Holdfast Bay Port Adelaide Enfield West Torrens
South	Marion Mitcham Onkaparinga
East	Adelaide Hills Burnside Campbelltown Norwood Payneham & St Peters Prospect Unley Walkerville

Attachment 2



Extract – GAROC Terms of Reference

Clause 4 – GAROC

4.1. Role

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the GAROC Region.

4.2. Membership

4.2.1. Each Regional Grouping of Members listed in the schedule to these Terms of Reference will elect in accordance with clause 4.3 and 4.4 from the Members of the Regional Grouping of Members, 2 Council Members of Members in the Regional Grouping of Members as members of GAROC provided that each person elected is from a different Member.

4.2.2. In addition to the members of GAROC elected in accordance with clause 4.2.1, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.

4.3. Nominations for election to GAROC

4.3.1. The members of GAROC will be elected biennially.

4.3.2. In the year in which GAROC members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of the GAROC Regional Grouping as listed in the schedule calling for nominations for the membership of GAROC.

4.3.3. Each Member of the GAROC Regional Grouping may nominate a candidate for membership of GAROC, provided that:

- (a) a person nominated as a member of GAROC must be a representative of a member on the relevant Regional Grouping of Members; and
- (b) only a Council Member can be nominated to GAROC.

4.3.4. A nomination of a person as a member of GAROC must be by resolution of the Member received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations (Close of Nominations). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

4.4. Election to GAROC

4.4.1. The Chief Executive shall be the returning officer for any election of members to GAROC.

4.4.2. After the Close of Nominations, the Chief Executive will notify Members of each Regional Grouping of Members of the candidates for membership of GAROC nominated by the Regional Grouping of Members.

4.4.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described in clause 4.2.1, then the Chief Executive will declare those persons duly elected to those membership positions.

4.4.4. If the number of persons nominated by the Close of Nominations by a Regional Grouping of Members exceeds the number of membership positions described in

clause 4.2.1, then an election for the purpose of clause 4.2.1 must be held in accordance with this clause.

- 4.4.5. In the event of an election being required, the Chief Executive shall conduct the election as follows:
- (a) at least six weeks before the Annual General Meeting, the Chief Executive shall deliver ballot papers to each Member of the Regional Grouping of Members;
 - (b) the ballot papers shall:
 - (i) list the candidates for election;
 - (ii) specify the day of closure of the election;
 - (iii) be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer";
 - (c) each Member shall determine by resolution the candidate or candidates (as relevant) it wishes to elect;
 - (d) the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate or candidates (as relevant) that the Member wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the chair must indicate the Member's name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer;
 - (e) on receipt of the envelopes the Chief Executive must:
 - (i) open the outer envelope addressed to the "Returning Officer" and record the name of the Member which appears on the inside flap of the envelope on the roll of Member's eligible to vote; and
 - (ii) place the envelope marked "Ballot Paper" unopened into the ballot box;
 - (f) the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;
 - (g) at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
 - (h) in respect of an election for the purposes of clause 4.2.1, the 2 candidates from a Regional Grouping of Members with the most votes shall be deemed elected in respect of that Regional Grouping of Members and the Chief Executive shall declare the candidates elected at the Annual General Meeting; and
 - (i) in the case of candidates for membership positions described in clause 4.2.1 from a Regional Grouping of Members receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes to determine which candidate is elected.
- 4.4.6. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.
- 4.4.7. The Chief Executive may, in his or her discretion, delegate any of his or her powers, functions or duties to an Executive Officer of a Regional Grouping of Members who shall act accordingly for the conduct of elections for the purpose of clause 4.2.1 in respect of the Regional Grouping of Members relevant to that Executive Officer.

Attachment 3



In reply please quote our reference: ECM 778272 TN/SR

4 July 2022

Roberto Bria
Chief Executive Officer
City of Holdfast Bay
24 Jetty Road
BRIGHTON SA 5048

Emailed: mail@holdfast.sa.gov.au

Dear Roberto

Call for Nominations for GAROC Members

The terms of the current members of the Greater Adelaide Regional Organisation of Councils (GAROC) expire at the 2022 LGA Annual General Meeting (AGM). The LGA hereby calls for nominations to fill the two (2) positions allocated to each Regional Grouping of Councils on GAROC (eight positions in total) to commence office from the conclusion of the 2022 LGA Annual General Meeting and to remain in office until the conclusion of the 2024 AGM. A nomination form for the position of member of GAROC is attached and must be received by me, no later than **5pm Friday 19 August 2022**. Late nominations will not be accepted.

At the 2019 LGA AGM, members endorsed the establishment of four (4) GAROC Regional Groupings which took effect from the 2020 GAROC elections, with membership of GAROC to comprise two eligible members elected by a majority vote of the councils within each Regional Grouping, provided that each person elected for that Regional Grouping is from a different member. Additionally, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.

I write to you in your capacity as the Chief Executive Officer of a Member Council in the Metro West to invite one (1) nomination from your council for a position on the Metro West Regional Grouping of GAROC. A list of the GAROC Regional Groupings is attached to this letter.

A nomination may only be made by resolution of the council and using the attached nomination form. The form must be signed by both the candidate nominated by the council to indicate his/her willingness to stand for election, and by you as the Chief Executive Officer of the nominating council. The nomination form must be accompanied by the attached candidate information sheet.

Voting

The GAROC Terms of Reference (TOR) (extract attached) outlines the process as to how an election will occur. As the Returning Officer I am required to conduct a ballot if the number of nominations for each GAROC Regional Grouping exceeds the number of positions. If a ballot is required, the distribution of ballot papers to councils will include any information provided on the candidate information sheet.

Timetable

Key (indicative) timings and GAROC TOR provisions are outlined in the following table:

Indicative Timing	Headline	GAROC TOR Provision
	Returning Officer	Returning Officer for all LGA electoral matters is the Chief Executive Officer (Clause 4.4.1)
18 July 2022	Nominations Called	CEO to write to members of GAROC Regional Groupings calling for nomination for position of members of GAROC at least 3 months before AGM (Clause 4.3.2)
19 August 2022	Nominations Close	Nominations must be received by the CEO no later than 5pm on the day specified for the close of nomination, being 24 August 2020 (Clause 4.3.4).
	Nominations equal to vacancies	If the number of nominations received equals the number of vacant positions for the Regional Grouping each candidate is elected and takes office at the conclusion of the AGM (Clause 4.4.3)
5 September 2022	Ballot papers prepared and posted	In the event of an election being required the CEO shall deliver ballot papers to each member of the relevant Regional Grouping at least 6 weeks before AGM GAROC (Clause 4.4.5(a))
17 October 2022	Voting closes	The CEO shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present (Clause 4.4.5(f))
18 October 2022	Counting of votes	The CEO shall nominate the date, time and place for the counting of votes (Clause 4.4.5(f))
28 October 2022	Final declaration of result	CEO shall declare the candidate with the most votes elected at the AGM (Clause 4.4.5(h))
28 October 2022	Takes office	GAROC members take office at the conclusion of the AGM (Clause 4.5)
28 October 2022	Voting for Board Members	GAROC should meet at the conclusion of the AGM to elect 3 of its members (plus its Chair) to the Board of Directors (Clause 6.4.1 and 6.4.2) who's term of office commences after the AGM.

Timing of LGA Election

The LGA Constitution provides for the election of LGA President, SAROC and GAROC members, and the LGA Board to take effect from the LGA's AGM, every other year. This enables the outgoing President to deliver their annual report and finance statements for the preceding year, before handing over to the incoming President.

It is acknowledged that because of the timing of the AGM, the election of LGA Board and President, and the four yearly cycle of local government general elections; that there is the potential for the President and/or a Board member(s) to not be re-elected in their respective council and thus causing a casual vacancy. It is also noted that if the election of LGA office holders was held, say three to six months after the local government elections to coincide with the LGA's OGM there is still the possibility that a current member of the Board may not be re-elected at the November local government elections, resulting in a casual vacancy to be filled prior to the OGM.

Thus, there is no ideal time to hold elections for office bearers for the LGA when the end of term coincides with the general council elections. However, the general view is that it is preferable for a new Board and President to take office at the AGM and as soon as possible around a general council election to ensure the Board and President can maximise their contribution during the two-year term, rather than be put in a holding pattern until a new Board is elected following council elections.

LGA Board Appointments

Under the LGA Constitution and the GAROC TOR, once members are elected to GAROC, these members will then elect a Chair and three GAROC members to form the LGA Board of Directors. These GAROC LGA Board Directors will be accompanied by their equivalent from SAROC, as well as the President and Immediate Past President, to form the ten (10) member LGA Board of Directors.

If you have any questions in relation to the election process, please contact me or LGA Program Leader Governance Tami Norman on 8224 2037 or tami.norman@lga.sa.gov.au.

Yours sincerely



Clinton Jury

Chief Executive Officer / LGA Returning Officer

Telephone: (08) 8224 2039

Email: clinton.jury@lga.sa.gov.au

Attachments:

- 1 List of GAROC Regional Groupings
- 2 Extract from LGA GAROC TOR – Section 4
- 3 2022 Nomination Form – GAROC
- 4 Candidate Information Sheet

Attachment 4



Greater Adelaide Regional Organisation of Councils (GAROC) 2022 Nomination Form

Nominee's Council	<i>(insert name of council)</i>
Nominee's Name (full name)	<i>(insert title, first name and surname)</i>
Regional Grouping	<i>(Select one)</i> <input type="checkbox"/> North <input type="checkbox"/> West <input type="checkbox"/> South <input type="checkbox"/> East
Declaration and signature of nominee	I hereby accept such nomination. Signature:
Signature and name of Nominating Council's CEO	Signature: (insert name)
Dated	<i>(insert date)</i>

**This form is to be sent to the LGA Returning Officer
Close of nominations 5:00pm Friday 19 August 2022**

Attachment 5



Greater Adelaide Regional Organisation of Councils (GAROC) 2022 Candidate Information Sheet

(word limit is strictly 1,000 words)

Name:	<i>(insert title, first name and surname)</i>
Council:	<i>(insert council name)</i>
Local Government Experience & Knowledge	<ul style="list-style-type: none"> • <i>(insert)</i>
Local Government Policy Views & Interests	<ul style="list-style-type: none"> • <i>(insert)</i>
Other information	<ul style="list-style-type: none"> • <i>(insert details of leadership, board, corporate governance experience etc)</i>

This form must accompany the Nomination Form

Item No: 15.6

Subject: **DISSOLUTION OF COUNCIL'S STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE**

Date: 12 July 2022

Written By: Executive Support Officer

Chief Executive Officer: Mr R Bria

SUMMARY

The Strategic Planning and Development Policy Committee (the Committee) was established under section 41 of the *Local Government Act 1999* for the purpose of providing advice to Council in relation to Council's strategic planning and development policies.

Under the *Planning, Development and Infrastructure Act 2016*, councils are no longer required to establish a policy advisory committee.

RECOMMENDATION

That Council dissolve the Strategic Planning and Development Policy Committee pursuant to section 41(5) of the *Local Government Act 1999*.

STRATEGIC PLAN

Not applicable

COUNCIL POLICY

Not applicable

STATUTORY PROVISIONS

Planning, Development and Infrastructure Act 2016

Local Government Act 1999

BACKGROUND

Section 41 of the *Local Government Act 1999* provides for the establishment of Committees to assist Council with the performance of its functions and duties; to provide advice to Council; and to exercise, perform or discharge delegated powers and function. Section 101A of the repealed *Development Act 1993* required Council to establish a Strategic Planning and Development Policy Committee.

The Strategic Planning and Development Policy Committee was established for the purposes of:

- providing advice to the Council in relation to the extent to which the Council’s strategic planning and development policies are in accord with the Planning Strategy (as formulated under the former *Development Act 1993*);
- assisting the Council in undertaking strategic planning and monitoring directed at achieving:
 - a. orderly and efficient development within the area of the Council;
 - b. high levels of integration of transport and land-use planning;
 - c. relevant targets set out in the Planning Strategy within the area of the Council;
 - d. the implementation of affordable housing policies set out in the Planning Strategy within the area of the Council; and
 - e. other outcomes of a prescribed kind (if any)
- providing advice to the Council in relation to strategic planning and development policy issues when the Council is preparing:
 - a. a Strategic Directions Report; and
 - b. a Development Plan Amendment Proposal.

REPORT

The City of Holdfast Bay continued the function of the Committee to facilitate the Seacliff Development Plan Amendments and to develop the Strategic Plan 2020-2023. Council has no outstanding policy amendments under the repealed *Development Act 1993* and the Committee is no longer required. As a result, the Committee should be dissolved pursuant to section 41(5) of the *Local Government Act 1999*.

BUDGET

Not applicable

LIFE CYCLE COSTS

Not applicable