

CITY OF WEST TORRENS



Confidential Report Items 17.8 (Attachment Only), 21.1 and 21.2

of the

COUNCIL MEETING

of the

CITY OF WEST TORRENS

will be held in the Council Chambers, Civic Centre
165 Sir Donald Bradman Drive, Hilton

on

**TUESDAY, 3 AUGUST 2021
at 7.00pm**

Pursuant to Section 83 (5) of the *Local Government Act 1999* the Confidential Items for the Council meeting are delivered to the Council Members upon the basis of my recommendation that the matters to which the Agenda relates be received, considered and discussed by the Council in confidence under Part 3 of the Act.

A handwritten signature in black ink, appearing to read "Angelo Catinari".

**Angelo Catinari
Chief Executive Officer (Acting)**

City of West Torrens Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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21.2 Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board

Reason for Confidentiality

The Council is satisfied that, pursuant to Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

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

RECOMMENDATION

It is recommended to Council that:

1. Pursuant to Section 90(2) of the *Local Government Act 1999*, Council orders, that the public, with the exception of the Chief Executive Officer, members of the Executive and Management Teams in attendance at the meeting, and meeting secretariat staff, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential report Item 21.2 - Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board, attachments and any associated documentation submitted by the Chief Executive Officer, specifically on the basis of the provisions of Section 90(3)(a) because the premature disclosure of this information would be unreasonable given it contains personal information relating to the applicants which could inadvertently prejudice their future career aspirations and breach any duty of confidentiality owed to them by Council.
2. At the completion of the confidential session the meeting be re-opened to the public.

Brief

This report provides Elected Members with the recommendation from the Nominations Committee for the appointment of a member to the Brownhill and Keswick Creeks Stormwater Board.

RECOMMENDATION

It is recommended to Council that:

1. The report be received.
2. Council endorses the recommendation from the Nominations Committee to appoint Howard Lacy to the Brown Hill and Keswick Creeks Stormwater Board for a period of three years.

FURTHER

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999*, Council orders that the the Minutes arising, attachments and any associated documentation, having been considered by the Council in confidence under Section 90(3)(a), and contained in:
 - a) confidential report Item 21.2 - Appointment of Member to the Brown Hill and Keswick Creeks Stormwater Board and the Minutes arising

be kept confidential and not available for public inspection until such time as the appointment process for Board Members to the Brown Hill and Keswick Creeks Stormwater Board is finalised and applicants have been advised of the outcome of the process; and

b) attachments and any associated documentation

be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, or until the conclusion of the term of appointment for the relevant Board Member to the Brown Hill and Keswick Creeks Stormwater Board, on the basis that the premature disclosure of this information would be unreasonable given it contains personal information relating to the applicants which could inadvertently prejudice their future career aspirations and breach any duty of confidentiality owed to them by Council.

2. Council delegates the power of review, but not the extension, of the confidential order to the Chief Executive Officer on a monthly basis in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Introduction

Two positions on the Brown Hill and Keswick Creeks Stormwater Board are due to expire on 2 August 2021 and meetings of the Nominations Committee have been called to consider Board appointments.

The Nominations Committee, representing the Cities of Adelaide, Burnside, Mitcham, Unley and West Torrens, and having followed the agreed process, provides the following recommendation for appointment of members to the Brown Hill and Keswick Creeks Stormwater Board.

Report consultation has occurred between the five (5) Constituent Councils, and a mirrored report will be presented for adoption to each Council meeting.

Background

The Brown Hill Keswick Creek (BHKC) Stormwater Project is a collaborative effort by the Constituent Councils of Adelaide, Burnside, Mitcham, Unley and West Torrens, to mitigate significant flood risks and assist in safeguarding properties across the catchment of the Brown Hill and Keswick Creeks.

In order to manage the catchment, the Constituent Councils adopted the 2016 Stormwater Management Plan (the Plan) for the four major watercourses of Brown Hill, Keswick, Glen Osmond and Park Lands Creeks. The primary objective of the Plan is to mitigate the risk and reduce the impact of major flooding on properties within the BHKC catchment, up to and including a 100-year average recurrence interval (ARI) flood.

To co-ordinate the implementation of the Plan, the Constituent Councils endorsed a BHKC Regional Subsidiary Charter, subsequently submitted to the Honourable Geoff Brock, Minister for Local Government. The Subsidiary Charter was approved by the Minister and listed within the Government Gazette on February 27, 2018. The Regional Subsidiary came into existence as of that date, pursuant to s43 of the *Local Government Act 1999* (the Act).

The Board of Management of the Brown Hill and Keswick Creeks Stormwater Board was appointed on 3 August 2018. Pursuant to clause 8 of the Charter, the first appointments to the Board were differential to ensure that no more than two of the terms of office of Board Members expired at any one time. In accordance with clause 7 of the Charter, the Constituent Councils must appoint Board members from recommendations made by the Nominations Committee.

Clause 33 of the Charter defines 'Nominations Committee' as the Chief Executive Officers (or their nominees) and the Mayor (or elected member authorised by the Mayor) of each of the Constituent Councils. A meeting of the Nominations Committee for any purpose provided in this Charter may only occur if at least three (3) of the Constituent Councils are represented by either of the CEO (or nominee) or Mayor (or elected member).

Clauses 7.3.1 and 7.3.2 of the Charter specify that Board membership is comprised as follows:

- 7.3.1 Five (5) natural persons appointed jointly by the Constituent Councils being persons who are not members or officers of any of the Constituent Councils. These persons will be appointed by the Constituent Councils from recommendations made by the Nominations Committee.
- 7.3.2 The persons recommended for appointment under clause 7.3.1 will be determined through a process approved by the Nominations Committee and will comprise persons with demonstrable skills relevant to the purpose of the Regional Subsidiary which may include (but is not limited to) skills in:
- a) corporate financial management;
 - b) corporate governance;
 - c) project management;
 - d) general management;
 - e) engineering;
 - f) economics; or
 - g) environmental management.

Discussion

The current Board Members and their terms of office are as follows:

- Judith Choate Chairperson 3-year term expiring 2 August 2021
- Paul Gelston Board Member 3-year term expiring 2 August 2021
- Geoff Vogt Board Member 3-year term expiring 2 August 2022
- Rachel Barratt Board Member 3-year term expiring 2 August 2023
- Rob Gregory, Board Member 3-year term expiring 2 August 2023

Judith Choate and Paul Gelston's terms on the Board are due to expire on 2 August 2021. Judith Choate has nominated for reappointment and Paul Gelston has chosen not to nominate for reappointment. It is therefore necessary for new board members to be appointed, or alternatively, for Judith to be reappointed and one new board member to be appointed.

The Nominations Committee (the Committee) consisting of representatives from the five constituent Councils and the Board's Project Director met on 10 May 2021 to discuss the appointment of Board members.

Committee members were provided with the Terms of Reference, details of the current Board members, their experience, their performance appraisal summaries and expiration dates of the current terms.

The committee members resolved to:

- Recommend the reappointment of Judith Choate to her position on the Board.
- Advertise the vacancy left by Paul Gelston.
- The remuneration paid to Board members to remain at current levels being \$15,000 per annum for each Board member and \$20,000 per annum for the Chairperson.

Following the meeting, an advertisement was placed on Seek and the Australian Institute of Company Directors site. Nineteen (19) applications were received, assessed and shortlisted with the shortlist of applicants provided to the Interview Panel Members (nominated by each of the Constituent Councils). From the shortlist, the Panel Members selected two (2) candidates to proceed to interview.

Interviews took place on 30 June 2021 followed by a Nominations Committee meeting. At the meeting, the Committee resolved that:

- "1. Subject to acceptable reference checks being completed, the Nominations Committee recommends the appointment of Howard Lacy as a Board member on the Brown Hill and Keswick Creeks Stormwater Board for a term of 3 years, commencing 3 August 2021 and expiring 2 August 2024.*
- 2. That the Executive Assistant prepare a draft Council report to be used by each Constituent Council to endorse the recommendation."*

A reference check was conducted by the Board's Project Director and supported the Nomination Committee's recommendation.

The Nomination Form and Application for Howard Lacy are contained in **Attachment 1**.

At its meeting of 1 June 2021, Council endorsed the Nominations Committee recommendation to reappoint Judith Choate to the Brown Hill and Keswick Creeks Stormwater Board for a period of three years.

Policy Implications

Financial/Budget

- Council's contribution to the Board and the BHKC Stormwater Project has been budgeted, with half of the total capital costs to be provided by the five (5) Constituent Councils. The whole of the operational costs are provided by the Constituent Councils.

Legislative/Risk Management

- If the appointment is not endorsed, the role may need to be re-advertised to seek further suitably qualified nominations, which could cause delays on decisions for the project.

Environmental/Social/Economic

- Endorsement of the recommendation will ensure continued functionality of the governing body assigned to implement the BHKC Stormwater Project. This will enable continuation of the coordinated process to reduce the impact of major flooding from the four major watercourses within the BHKC catchment.

Stakeholder Engagement

- The Nominations Committee was representative of the Councils located in the catchment area.

Climate Impact Considerations

(Assessment of likely positive or negative implications of this decision will assist Council and the West Torrens Community to build resilience and adapt to the challenges created by a changing climate.)

There is no direct environmental impact in relation to this report.

Conclusion

This report provides Elected Members with the recommendation from the Nominations Committee for the appointment of member to the Brownhill and Keswick Creeks Stormwater Board.

Attachments

1. Nomination Form and Application of Howard Lacy