



City of Busselton
Geographe Bay

Special Council Meeting Agenda

18 October 2021

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 18 OCTOBER 2021

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Special Council will be held in the Council Chambers, Administration Building, Southern Drive, Busselton on Monday, 18 October 2021, commencing at 4.00pm.

Your attendance is respectfully requested.

DISCLAIMER

Statements or decisions made at Council meetings or briefings should not be relied on (or acted upon) by an applicant or any other person or entity until subsequent written notification has been given by or received from the City of Busselton. Without derogating from the generality of the above, approval of planning applications and building permits and acceptance of tenders and quotations will only become effective once written notice to that effect has been given to relevant parties. The City of Busselton expressly disclaims any liability for any loss arising from any person or body relying on any statement or decision made during a Council meeting or briefing.



MIKE ARCHER

CHIEF EXECUTIVE OFFICER

18 October 2021

CITY OF BUSSELTON

AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 18 OCTOBER 2021

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1. ATTENDANCE, ACKNOWLEDGEMENT OF COUNTRY, APOLOGIES & LEAVE OF ABSENCE**Apologies****2. PURPOSE OF MEETING**

The meeting is for the purposes of:

- The swearing in of the newly elected members following the elections held on Saturday 16 October 2021.
- The election of the Mayor and Deputy Mayor of the City of Busselton.
- Determine the appointments of elected members to committees established in accordance with section 5.8 of the *Local Government Act 1995*.
- The appointment of delegates to external groups where City representation is required.

3. DECLARATION BY ELECTED MEMBERS OF COUNCIL

To be conducted by Mr Brian Moulton, Justice of the Peace.

4. ELECTION OF MAYOR

The Chief Executive Officer will conduct the election of the Mayor.

5. DECLARATION OF MAYOR

The Elected Member appointed to Mayor will swear a declaration before Mr Brian Moulton.

6. ELECTION OF DEPUTY MAYOR

The Mayor will conduct the election of the Deputy Mayor.

7. DECLARATION OF DEPUTY MAYOR

The Elected Member appointed to Deputy Mayor will swear a declaration before Mr Brian Moulton.

8. ALLOCATION OF SEATING IN THE COUNCIL CHAMBERS

9. PUBLIC QUESTION TIME

10. DISCLOSURE OF INTERESTS

Pursuant to regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*, Elected Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Agenda for a Council Meeting.

11. FINANCE AND CORPORATE SERVICES REPORT**11.1 APPOINTMENT OF ELECTED MEMBERS TO COMMITTEES**

| | |
|----------------------------|--|
| STRATEGIC THEME | LEADERSHIP - A Council that connects with the community and is accountable in its decision making. |
| STRATEGIC PRIORITY | 4.2 Deliver governance systems that facilitate open, ethical and transparent decision making. |
| SUBJECT INDEX | Council Committees |
| BUSINESS UNIT | Corporate Services |
| REPORTING OFFICER | Manager Governance and Corporate Services - Sarah Pierson |
| AUTHORISING OFFICER | Director Finance and Corporate Services - Tony Nottle |
| NATURE OF DECISION | Executive: Substantial direction setting, including adopting budgets, strategies, plans and policies (excluding local planning policies); funding, donations and sponsorships; reviewing committee recommendations |
| VOTING REQUIREMENT | Absolute Majority |
| ATTACHMENTS | Nil |

OFFICER RECOMMENDATION 1 – ABSOLUTE MAJORITY REQUIRED

That the Council, pursuant to section 5.8 of the *Local Government Act 1995 (WA)*:

1. Appoints Elected Members to the following Committees:

- (a) Audit and Risk Committee:**
 - i. 4 Members; and
 - ii. 2 Deputy Members
- (b) Finance Committee:**
 - i. 5 Members; and
 - ii. 4 Deputy Members
- (c) Policy and Legislation Committee;**
 - i. 5 Members; and
 - ii. 4 Deputy Members
- (d) Airport Advisory Committee;**
 - i. 4 Members; and
 - ii. 2 Deputy Members
- (e) Bush Fires Advisory Committee;**
 - i. 1 Member; and
 - ii. 1 Deputy Member
- (f) Local Emergency Management Committee;**
 - i. 2 Members (Mayor and Deputy Mayor); and
 - ii. 1 Deputy Member
- (g) Meelup Regional Park Committee.**
 - i. 2 Members; and
 - ii. 1 Deputy Member

OFFICER RECOMMENDATION 2 – SIMPLE MAJORITY REQUIRED**2. Appoints Elected Members to the following Reference/Working Groups/Panels:**

- (a) Sustainability and Energy Working Group**
 - i. 2 Members; and
 - ii. 1 Deputy Member
- (b) Economic Development Taskforce**
 - i. The Mayor;
 - ii. 2 Members; and
 - iii. 1 Deputy Member
- (c) Economic Development Working Group**
 - i. 1 Member
- (d) Busselton Jetty Reference Group**
 - i. 1 Member; and
 - ii. 1 Deputy Member
- (e) Disability Access and Inclusion Plan Reference Group**
 - i. 1 Member; and
 - ii. 1 Deputy Member
- (f) Marketing and Events Reference Group**
 - i. 3 Members; and
 - ii. 1 Deputy Member
- (g) BPACC Councillor Working Group**
 - i. 3 Members; and
 - ii. 1 Deputy Member
- (h) Lower Vasse River Advisory Group**
 - i. 3 Members; and
 - ii. 2 Deputy Members
- (i) CEO Performance Review Panel**
 - i. The Mayor;
 - ii. 2 Members.
- (j) Community Assistance Advisory Panel**
 - i. The Mayor;
 - ii. 1 Member.

3. Endorses the delegation of elected members to the following external groups:

- (a) Peron-Naturaliste Partnership**
 - i. 1 Member; and
 - ii. 1 Deputy Member.

- (b) Busselton and Sugito Cities Association**
 - i. 1 Member; and**
 - ii. 1 Deputy Member.**
 - (c) Regional Roads Group and Convention**
 - i. 1 Member; and**
 - ii. 1 Deputy Member.**
- 4. Endorses the appointment of the Mayor to the following external groups:**
 - (a) Regional Capitals Australia Alliance (subject to appointment by the Regional Capitals Australia Alliance Board)**
 - (b) Regional Capitals Western Australia Alliance**
 - (c) South West Zone Local Government Association**
 - i. The Mayor; and**
 - ii. 1 Deputy Member.**
- 5. Endorses the appointment of elected members as required to the following Ministerial Committees subject to approval of the relevant Minister:**
 - (a) Yallingup Land Conservation District Committee**
 - i. 1 Member**
 - (b) Development Assessment Panel**
 - i. 4 Members**
 - (c) Vasse Ministerial Taskforce**
 - i. 1 Member**
 - ii. 1 Deputy Member**

EXECUTIVE SUMMARY

This report is presented to enable Council to appoint Elected Members to the City's formal Council committees, various working groups and as delegates to external groups requiring Elected Member representation.

BACKGROUND

The Council has five Council committees established under the *Local Government Act 1995* (the Act), one committee established under the *Emergency Management Act WA 1995*, and one committee established under the *Bush Fires Act 1954*. The Council has also established several working and advisory groups to assist with implementing various initiatives. The Council is also represented by Elected Members on various external groups and Ministerial appointments.

OFFICER COMMENT

The Council is required to appoint Elected Members to its Committees. A brief overview of the function and membership of each Committee is set out below in Table 1 and Table 2.

Table 1 - Formal Committees (Elected Members only)

| Committee / Group | Function | Membership |
|--------------------------------|--|---|
| Audit and Risk Committee | Established pursuant to statute to assist Council to fulfil its corporate governance, stewardship, leadership and control responsibilities relating to financial reporting, audit and risk. Meets as required. | <ul style="list-style-type: none"> • 4 elected members • 2 deputy members |
| Finance Committee | Assists the Council to oversee the allocation and use of the local government's finances and resources. Meets monthly. | <ul style="list-style-type: none"> • 5 elected members • 4 deputy members |
| Policy & Legislation Committee | Assists the Council to determine the local government's policies and to carry out its legislative functions. Meets monthly. | <ul style="list-style-type: none"> • 5 elected members • 4 deputy members |
| Airport Advisory Committee | Assist Council with the development of the Airport with a critical role under the Noise Management Plan. Meets as required. | <ul style="list-style-type: none"> • 4 elected members • 2 deputy members |

Table 2 - Formal Committees (with elected and non-elected members)

| Committee / Group | Function | Membership |
|--------------------------------------|---|---|
| Bush Fires Advisory Committee | Established pursuant to the <i>Bushfires Act 1954</i> to provide advice to Council in regard to all matters relating to bush fire control, prevention and management. | <ul style="list-style-type: none"> • 1 elected member • 1 deputy member |
| Local Emergency Management Committee | Established pursuant to the <i>Local Emergency Management Act 2005</i> to assist Council and ensure local emergency management arrangements are established. Meets at least twice per year. | <ul style="list-style-type: none"> • 2 elected members (Mayor and Deputy Mayor) • 1 deputy member |
| Meelup Regional Park Committee | Assists the Council in managing and promoting Meelup Regional Park. Supported by a working group with the same membership. Meets at least twice per year. | <ul style="list-style-type: none"> • 2 elected members • 1 deputy member |

The City has a number of number of non-statutory working groups to which elected members, and other members, are appointed. A brief overview of the function and membership of each working group is set out below in Table 3.

Table 3 - City Formed Reference / Working Groups (elected and non-elected members)

| Committee / Group | Function | Membership |
|--|--|---|
| BPACC Councillor Working Group | Consults with key stakeholders, seeks specialist advice and enables community participation in the development of initiatives aimed to attract tourism, business and events to the region. | <ul style="list-style-type: none"> • 3 elected members • 1 deputy member |
| Sustainability and Energy Working Group | Considers the development and implementation of energy efficiency initiatives. | <ul style="list-style-type: none"> • 2 elected members • 1 deputy member |
| Economic Development Taskforce | Provides advice and recommendations as to the Economic Development Strategy. | <ul style="list-style-type: none"> • Mayor • 2 elected members • 1 deputy member |
| Economic Development Working Group | Is a subsidiary working group of the Economic Development Taskforce. | <ul style="list-style-type: none"> • 1 elected member |
| Busselton Jetty Reference Group | Provides a forum for discussion on Jetty-related matters with Busselton Jetty Inc. and Council. | <ul style="list-style-type: none"> • 1 elected member • 1 deputy member |
| Disability Access and Inclusion Plan Reference Group | Assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan. | <ul style="list-style-type: none"> • 1 elected member • 1 deputy member |
| Marketing and Events Reference Group | Makes recommendations to Council on the allocation of marketing and events funding. | <ul style="list-style-type: none"> • 3 elected members • 1 deputy member |
| Lower Vasse River Advisory Group | Assists and works with relevant stakeholders with respect to the health of the Lower Vasse River. | <ul style="list-style-type: none"> • 3 elected members • 2 deputy members |
| CEO Performance Review Panel | Authorised to undertake the CEO Performance Review, in accordance with the objectives of Council Policy: Chief Executive Officer Performance Review. | <ul style="list-style-type: none"> • Mayor • 2 elected members |
| Community Assistance Advisory Panel | Assesses and provides recommendation to Council on applications received through the Community Assistance Program (CAP). | <ul style="list-style-type: none"> • Mayor • 1 elected member |

The City has been invited to provide representation and to nominate a delegate for a number of external groups and committees. A brief overview of the function and membership of each working group is set out below in Table 4.

Table 4 - External Groups / Committees with elected member delegations

| Committee / Group | Function | Membership |
|--|--|--|
| Peron-Naturaliste Partnership | One of 9 local governments on the Board. Works with State government to lobby Federal government about environmental issues. | <ul style="list-style-type: none"> • 1 elected member • 1 deputy member |
| Busselton and Sugito Sister Cities Partnership | Manages the sister city relationship with Sugito, Japan, and arranges adult and youth exchanges. | <ul style="list-style-type: none"> • 1 elected member • 1 deputy member |
| Regional Roads Group and Convention | The group prioritises and resolves projects for the allocation of monies received from State and Federal government. | <ul style="list-style-type: none"> • 1 elected member • 1 deputy member |
| Australian Coastal Councils Association | The City is a member of this group which is a lobby group to develop resources relating to climate change. | No set membership: an Elected Member is selected to attend conference as a representative of the City at the time of the conference. |
| Meelup Regional Park Working Group | Same membership as the Meelup Regional Park Committee. | |

The Mayor is appointed to three committees by virtue of the office held. A brief overview of the function and membership of these committees is set out in Table 5 below.

Table 5 - Mayor / Board Appointments

| Board | Function | Membership |
|--|--|--|
| Regional Capitals Australia | Brings Australia's 51 regional capital cities together as one unified voice to provide an alliance that understands and presents to the Federal Government the needs of combined regional communities. | <ul style="list-style-type: none"> • Mayor By appointment of the RCA Board. |
| Regional Capitals WA Alliance | Provides a WA alliance of regional capitals. | <ul style="list-style-type: none"> • Mayor |
| South West Zone Local Government Association | An association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives. | <ul style="list-style-type: none"> • Mayor • 1 deputy member |

There are a further four Committees/groups which Council is represented on where Elected Member nominations require Ministerial appointment, as outlined in Table 6.

Table 6 - Ministerial Appointments

| Committee / Group | Function | Membership |
|--|--|---|
| Development Assessment Panel | The DAP reports to the Minister for Planning on planning decisions. | <ul style="list-style-type: none"> • 4 elected members Invite and appointment by relevant Minister. Cr Paul Carter, Cr Grant Henley and Cr Kelly Hick (alternate member) were appointed until 26 January 2022. Cr Carter and Cr Henley will continue the appointment until 26 January 2022, but Council will be required to appoint 4 elected members. |
| Yallingup Land Conservation District Committee | Statutory committee appointed by the Commissioner of Soil and Land Conservation in Western Australia, to administer land conservation districts to promote sustainable land management and undertake projects. | <ul style="list-style-type: none"> • 1 elected member • 0 deputy members Invite and appointment by relevant Minister. |
| Vasse Ministerial Taskforce | Invite and appointment by relevant Minister. | <ul style="list-style-type: none"> • 1 elected member • 1 deputy members Invite and appointment by relevant Minister. |
| GeoCatch | A multi-agency committee which provides direction and support to lead agencies responsible for activities to improve waterways health. | Mayor or delegate noting that they are also appointed by the Minister for a 3 year term. Current appointment is Cr Paine (appointed 2019, term will expire 2022) |

Statutory Environment

Section 5.11 of the *Local Government Act 1995* (the Act) prescribes that the tenure of a committee member ends on the Ordinary Council Election day (in this instance, 16 October 2021) and the Council must consider the future membership of these committees.

Section 5.10(4) of the Act provides that the Council must appoint the Mayor to each Committee if the Mayor informs the City of their wish to be a member of a particular Committee.

Section 5.10(2) of the Act provides that a member is entitled to be a member of at least one of the formal Committees.

The Committee, once appointed, must select a Chair at its first meeting.

Section 5.10(5) of the Act provides for the CEO or their delegate to be appointed to a Committee that has or will have an employee if the CEO so wishes.

Section 7.1A of the Act requires that each local government establish an audit committee consisting of at least three Elected Members.

Relevant Plans and Policies

The officer recommendation aligns to the following adopted policies:

- Council Policy : Swearing in of Elected Members
- Council Policy : Fees, Allowances and Expenses for Elected Members

Appointing members of the Council to Committees is subject to the requirements of Council Policy: 'Swearing in of Elected Members'.

In accordance with Council Policy: 'Fees, Allowances and Expenses for Elected Members', Elected Members are entitled to be paid a travelling allowance for attending meetings of community groups or other external organisations of which the Elected Member has been appointed as the Council's representative.

Financial Implications

There are no specific financial implications associated with the appointment of members to Committees/groups, as the costs associated with attendance at these Committees/groups have been allocated in the current budget.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation, the Council could determine that it requires more or less members on any of the Committees/groups, subject to any statutory requirements and noting that each formal Committee must have a minimum of three members.

CONCLUSION

Membership of all the Committees / working groups is normally made at the Special Council Meeting immediately following the Council election. All Committees / working groups are detailed in this report including basic information about their function, how often they meet and membership.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

Membership of Committees become effective upon being elected to a particular Committee (subject to the endorsement of the Minister where applicable).

12. CLOSURE