



City of Busselton

Geographe Bay

Special Council Agenda

21 October 2019

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city@busselton.wa.gov.au

CITY OF BUSSELTON

MEETING NOTICE AND AGENDA – 21 OCTOBER 2019

TO: THE MAYOR AND COUNCILLORS

NOTICE is given that a meeting of the Special Council will be held in the the Council Chambers, Administration Building, Southern Drive, Busselton on Monday, 21 October 2019, commencing at 5.30pm.

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

19 October 2019

CITY OF BUSSELTON

AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 21 OCTOBER 2019

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1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Mr Mike Archer (Convener of the Meeting)

Mr Brian Moulton, Justice of the Peace

Apologies

Nil

Approved Leave of Absence

Nil

2. PURPOSE OF MEETING

This meeting is for the purpose of swearing in the newly elected Councillors following the election on Saturday 19 October 2019; to elect a Mayor and Deputy Mayor; and to determine appointments to Committees established in accordance with section 5.8 of the *Local Government Act 1995*, and other Council working groups. The Council will also nominate delegates to external groups where City representation is required.

3. DECLARATION BY ELECTED MEMBERS OF COUNCIL

Mr Brian Moulton, Justice of the Peace, will conduct the swearing in of members elected to Council at the election held Saturday 19 October 2019.

4. ELECTION OF MAYOR

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

5. DECLARATION BY MAYOR

To be sworn in before Mr Brian Moulton.

6. ELECTION OF DEPUTY MAYOR

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

7. DECLARATION BY DEPUTY MAYOR

To be sworn in before Mr Brian Moulton.

8. PUBLIC QUESTION TIME**9. DISCLOSURE OF INTERESTS**

Conflicts of Interest are dealt with in the *Local Government Act, Rules of Conduct Regulations* and the *Administration Regulations*. Members must declare to the Chairperson any potential conflict of interest they have in a matter on the Council Agenda.

10. PRESENTATIONS BY PARTIES WITH AN INTEREST

11. FINANCE AND CORPORATE SERVICES REPORT

11.1 APPOINTMENT OF ELECTED MEMBERS TO COMMITTEES

STRATEGIC GOAL	6. LEADERSHIP Visionary, collaborative, accountable
STRATEGIC OBJECTIVE	6.1 Governance systems, process and practices are responsible, ethical and transparent.
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 strategies, plans and policies (excluding local planning policies), tenders, setting and amending budgets, funding, donations and sponsorships, reviewing committee recommendations
VOTING REQUIREMENT	Absolute Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

1. That the Council appoints members to its formal Council Committees, working groups and as delegates to external organisations listed in Tables 1 to 7 of this report, as follows:

A. Audit Committee:

i. Members (4):

ii. Deputies (2):

B. Finance Committee:

i. Members (5):

ii. Deputies (4):

C. Policy and Legislation Committee:

i. Members (5):

ii. Deputies (4):

D. Airport Advisory Committee:

i. Members (4):

ii. Deputies (2):

E. Bushfires Advisory Committee:

i. Member:

ii. Deputy:

F. CapeROC:

i. Members (3):

ii. Deputies (2):

G. Local Emergency Management Committee:

i. Members (Mayor and Deputy Mayor):

ii. Deputy:

- H. Meelup Regional Park Committee:**
 - i. Members (2):**
 - ii. Deputy:**
- I. Busselton Margaret River Airport Consultation Group:**
 - i. Members (4):**
 - ii. Deputies (2):**
- J. Busselton Entertainment, Arts and Creative Hub Working Group:**
 - i. Members (3):**
 - ii. Deputy:**
- K. Sustainability and Energy Working Group:**
 - i. Members (2):**
 - ii. Deputy:**
- L. Economic Development Taskforce:**
 - i. Members (Mayor plus 2):**
 - ii. Deputy:**
- M. Economic Development Working Group:**
 - i. Member:**
- N. Smart Cities Digital Strategies Working Group:**
 - i. Member:**
- O. Busselton Jetty Reference Group:**
 - i. Members (2):**
 - ii. Deputy:**
- P. Disability Access and Inclusion Plan Reference Group:**
 - i. Member:**
 - ii. Deputy:**
- Q. Marketing and Events Reference Group:**
 - i. Members (3):**
 - ii. Deputy:**
- R. Vasse Recreational Facilities Group:**
 - i. Member:**
 - ii. Deputy:**
- S. Peron-Naturaliste Partnership:**
 - i. Member:**
 - ii. Deputy:**
- T. Busselton and Sugito Sister Cities Partnership:**
 - i. Member:**
 - ii. Deputy:**

- U. Busselton Senior Citizen Centre Board:**
 - i. Member:**
 - V. Regional Roads Group:**
 - i. Member:**
 - ii. Deputy:**
 - W. Geographe Bay Regional Road Safety Working Group:**
 - i. Member:**
 - ii. Deputy:**
 - X. South West Zone WA Local Government Association**
 - i. Deputy**
- 2. That the Council nominates and subject to approval of the relevant Minister, appoints new Council representatives to the following:**
- A. Development Assessment Panel – 1 member**
 - B. Yallingup Land Conservation District Committee – 1 member**
 - C. GeoCatch – 1 member**
- 3. That the Council notes the appointment of the Mayor, by virtue of office, to the following external groups:**
- A. Regional Capitals Australia (subject to appointment by the RCA Australia Board)**
 - B. Regional Capitals Alliance WA**

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 where City representation is required. Where an Elected Member is formally appointed by the Council and is formally representing the Council, the costs associated with travelling to those meetings is recompensed to the Elected Member by the City.

BACKGROUND

The Council currently has six Council committees established under the *Local Government Act 1995* (the Act), one established under the *Emergency Management Act WA 1995* and one established under the *Bush Fires Act 1954*. The Council has also over the years formed many working groups to assist with progressing various initiatives and is additionally represented on a number of local community committees and working groups.

Section 5.11 of the Act prescribes that the tenure of a Committee member ends on the Ordinary Council Election day (19 October 2019) and the Council must now consider the future committee membership of these Committees.

OFFICER COMMENT

The Council is required to appoint Elected Members to its Committees. A brief overview of the function and membership of each Committee (as per the relevant Terms of Reference) is detailed in Tables 1 and 2 below.

Table 1: Formal Committees (elected members only)

Committee / Group	Function	Membership
Audit 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.	3 elected members (incl. Mayor) 2 deputy members
Finance Committee	Assists the Council to oversee the allocation and use of the local government's finances and resources. Meets monthly.	5 elected members (incl. Mayor) 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.	5 elected members (incl. Mayor) 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.	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. Meets as required.	1 elected member 1 deputy member
CapeROC	Exists to enhance the capacity of both local governments (City of Busselton and Shire of Augusta Margaret River) to deliver social, economic and environmental benefits to their communities and the region. Meets at least quarterly.	3 elected members (incl. Mayor) 2 deputy members
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 bi-annually.	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 bi-annually.	2 elected members 1 deputy member

In addition the City has a number of non-statutory working groups to which Elected Members are appointed. Table 3 below provide a brief overview of the function and membership of each group:

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

Committee / Group	Function	Membership
Busselton Margaret River Airport Consultation Group	Consults with community, aviation, tourism, business and government organisations about the BMRRRA project, operations and potential impacts. Meets as required.	As per the Airport Advisory Committee members
Busselton Entertainment, Arts and Creative Hub (BEACH) Working Group	Provides advice and recommendations in relation to progression of the BEACH. Meets as required.	3 elected members 1 deputy member
Sustainability and Energy Working Group	Considers the development and implementation of energy efficiency initiatives. Meets quarterly.	2 elected members 1 deputy member
Economic Development Taskforce	Provides advice and recommendations as to the implementation of the Economic Development Strategy. Meets quarterly.	Mayor + 2 elected members 1 deputy members
Economic Development Working Group	Is a subsidiary working group of the Economic Development Taskforce. Meets bi-monthly.	1 elected member
Smart Cities Digital Strategies Working Group	Is a subsidiary working group of the Economic Development Taskforce. Meets bi-monthly.	1 elected member
Busselton Jetty Reference Group	Provides a forum for discussion on Jetty-related matters with Busselton Jetty Inc. and Council. Meets bi-monthly.	2 elected members 1 deputy member
Disability Access and Inclusion Plan Reference Group	Assists with the implementation of initiatives identified in the Disability Access and Inclusion Plan. Meets as required.	1 elected member 1 deputy member
Marketing and Events Reference Group	Makes recommendations to Council on the allocation of marketing and events funding. Meets as required.	3 elected members 1 deputy member
Vasse Recreational Facilities Group	Assist with the development of recreational facilities at Vasse. Meets as required.	1 elected member 1 deputy member

There are also a number of external groups / committees that the City has either been invited to join or are part of and a City delegate is required to be appointed. Table 4 below provides details of each of these.

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.	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.	1 elected member 1 deputy member
Busselton Senior Citizens Centre Board	A Councillor participates on the Board of Management in accordance with the Board's constitution.	1 elected member
Regional Roads Group	The group prioritises and resolves projects for the allocation of monies received from State and Federal government.	1 elected member 1 deputy member
Geographe Bay Regional Roadwise Road Safety Working Group	Reviews road safety issues	1 elected member 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 5, and three to which the Mayor is appointed courtesy of their office held (Table 6).

Table 5: Ministerial Appointments

Committee / Group	Function	Membership
Development Assessment Panel	Current appointment is Cr Henley, Cr Carter, with former Cr McCallum as deputy member.	2 elected members 1 deputy members
Yallingup Land Conservation District Committee	Important conduit between Yallingup and works / engineering departments. Current appointment is former Cr McCallum.	1 elected member
Vasse Ministerial Taskforce	Current appointment is Cr Carter.	1 elected member 1 deputy member
GeoCatch	Works with community and government to coordinate management of the catchment of Geographe Bay and its marine environment. Current appointment is former Cr Tarbotton.	Mayor or delegate

Table 6: Mayor / Board Appointments

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.	Mayor (by appointment of the Board)
Regional Capitals WA Alliance	Provides a WA alliance of regional capitals	Mayor
South West Zone Local Government Association	An association of 12 South West Local Governments that meets to consider WA Local Government Association initiatives.	Mayor 1 deputy member

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 (19 October 2019) and the Council must now consider the future committee membership of these Committees.

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.

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. 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

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 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 recognised 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, noting that each 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